

# OKLAHOMA DEPARTMENT OF PUBLIC SAFETY

## HIGHWAY PATROL TROOP O

OCTOBER 1, 2008 THRU  
AUGUST 1, 2009

# SPECIAL AUDIT



Oklahoma State Auditor  
& Inspector

**OKLAHOMA DEPARTMENT OF PUBLIC SAFETY**

**HIGHWAY PATROL TROOP O**

**SPECIAL AUDIT REPORT**

**OCTOBER 1, 2008 THRU AUGUST 1, 2009**

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# STATE AUDITOR AND INSPECTOR

STEVE BURRAGE, CPA  
State Auditor

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Chief Deputy



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July 19, 2010

Honorable Drew Edmondson  
Attorney General – State of Oklahoma  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105-4894

Transmitted herewith is the Special Audit Report of the Oklahoma Department of Public Safety, Highway Patrol Troop O, Oklahoma. We performed our special audit in accordance with the requirements of **74 O.S. § 18f**.

A report of this type tends to be critical in nature; however, failure to report commendable features in the present accounting and operating procedures of the entity should not be interpreted to mean they do not exist.

The Office of the State Auditor and Inspector is committed to serve the public interest by providing independent oversight and by issuing reports that serve as a management tool to the State. Our goal is to ensure a government, which is accountable to the people of the State of Oklahoma.

We wish to take this opportunity to express our appreciation for the assistance and cooperation extended to our Office during the course of our special audit.

Sincerely,

A handwritten signature in blue ink, reading 'Steve Burrage', is positioned above the printed name.

STEVE BURRAGE, CPA  
STATE AUDITOR & INSPECTOR

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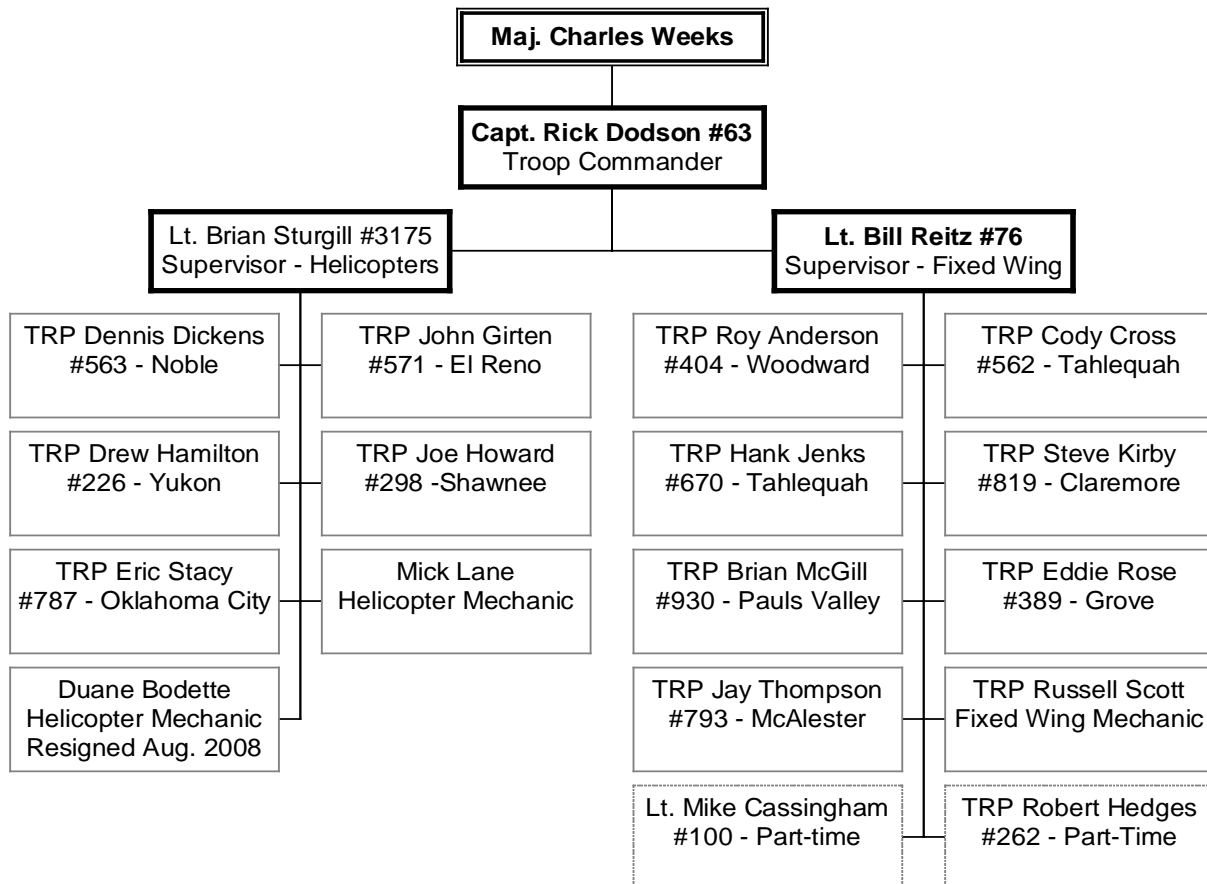
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**OKLAHOMA DEPARTMENT OF PUBLIC SAFETY**

Kevin L. Ward ..... Commissioner

Col. Van M. Guillotte ..... OHP Chief

TROOP O ORGANIZATION CHART  
EFFECTIVE 09/03/08



# STATE AUDITOR AND INSPECTOR

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Commissioner Kevin Ward  
Department of Public Safety  
3600 Martin Luther King Avenue  
Oklahoma City, Oklahoma 73111

Dear Commissioner Ward:

Pursuant to the Attorney General's request and in accordance with the requirements of **74 O.S. § 18f**, we performed a special audit with respect to the Oklahoma Department of Public Safety, Highway Patrol Troop O, Oklahoma, for the period October 1, 2008 through August 1, 2009.

The objectives of our special audit primarily included, but were not limited to, the objectives expressed by the Attorney General. Our findings related to these procedures are presented in the accompanying report.

Because the above procedures do not constitute an audit in accordance with generally accepted auditing standards, we do not express an opinion on the account balances or financial statements of the Oklahoma Department of Public Safety, Highway Patrol Troop O, Oklahoma, for the period October 1, 2008 through August 1, 2009. Further, due to the test nature and other inherent limitations of a special audit report, together with the inherent limitations of any internal control structure, there is an unavoidable risk that some material misstatements may remain undiscovered. This report relates only to the accounts and items specified above and does not extend to any financial statements of the Patrol.

This report is intended solely for the information and use of the Attorney General, the Oklahoma Department of Public Safety, Highway Patrol Troop O, and its administration and should not be used for any other purpose. This report is also a public document pursuant to the **Oklahoma Open Records Act (51 O.S. § 24A.1 et seq.)** and shall be open to any person for inspection and copying.

Sincerely,

A handwritten signature in blue ink, reading "Steve Burrage", is located below the "Sincerely," text.

STEVE BURRAGE, CPA  
STATE AUDITOR & INSPECTOR

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**INTRODUCTION**

The Oklahoma Highway Patrol, Troop O, is the Department of Public Safety's aircraft division. Troop O consists of a fleet of helicopters and fixed-wing aircraft. The helicopter portion of the division was created in 1999 with the intent of obtaining helicopters through military surplus and grant programs. Troop O obtained its first helicopter, Bell OH-58, from the Sheriff's Office of Midland County Texas. It had been obtained by the Sheriff's Office through the Law Enforcement Supply Office (LESO) which makes federal property available to state and local law enforcement organizations through two programs. In 2000, a second helicopter was obtained from the Missouri Highway Patrol. A third and fourth helicopter were obtained through the LESO program from Fort Rucker, Louisiana. A fifth helicopter was also purchased through the LESO program and delivered to Troop O on October 16, 2008, by military transport from Fort Campbell, Kentucky. At the current time, Troop O has a fleet of five helicopters of which three are operational.

The Oklahoma Highway Patrol, Troop O, also received spare engines and parts from the United States Military. Troop O was trading some of the donated helicopter parts to private companies in order to obtain additional parts and services from these companies. According to Troop O, this practice had been an ongoing process for several years. Allegedly, due to the price of helicopter parts, the trades were made to keep the fleet airworthy and mission ready. No records were maintained by OHP listing the parts traded or services obtained.

**BUSINESS  
RELATIONSHIPS**

Marcus Dunn is the sole owner of Specialty Aviation Services (SAS) located in Seminole, Oklahoma. SAS is a Bell helicopter service center. Dunn's business relationship with Troop O started in the late 1990's with the onset of OHP's helicopter program.

Trooper Joe Howard has been employed as a State Trooper for nine years and assigned to Troop O as a pilot for the last two years. Trooper Howard and Marcus Dunn entered into a business relationship in January 2004, at which time they started Nanokas Aviation, LLC (Nanokas). Trooper Howard is the majority owner in the company, owning 51%. Nanokas conducts business from the SAS hangar in Seminole, Oklahoma and an office in Apache Junction, Arizona.

The company was originally started to lease helicopters to private companies and the federal government. Currently, Nanokas engineers and manufactures door hinges and dampers for McDonald Douglas helicopters.

Duane Bodette was hired as a full time helicopter mechanic for Troop O in 2004 after previously working in a part-time capacity in this position. In August 2008, Mr. Bodette resigned his position at Troop O and, acting as Logic Aviation

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Services, LLC, purchased the Bell Helicopter service operation from Marcus Dunn and SAS. Oklahoma Secretary of State records reflect Mr. Dunn established Logic Aviation Services, LLC on December 6, 2006.

**BACKGROUND**

In approximately August 2008, allegations of converting public property to personal use were brought to the attention of OHP Maj. Charles Weeks. The allegations included trading helicopter parts for personal profit. The appearance of impropriety resulting from the private business relationships between OHP Troop O personnel and an agency vendor called various transactions into question. After becoming aware of the allegations, Maj. Weeks states he reported the matter to higher command and expressed the need for an internal investigation.

The Department of Public Safety's Investigative Division was assigned to investigate possible misconduct at Troop O. On December 26, 2008, Trooper Howard was placed on administrative leave from the Oklahoma Highway Patrol. OHP's investigative report was turned over to the Oklahoma County District Attorney for review. Subsequently, the District Attorney forwarded the report to the Oklahoma Attorney General. The Attorney General then requested the Oklahoma State Auditor and Inspector to perform an investigative audit of Troop O.

The objective of our investigation was to determine that all helicopter parts received at Troop O were in its possession or documentation was available to support their disposition. The primary focus of our investigation pertained to parts donated and delivered by the United States Armed Forces in conjunction with the purchase of an OH-6 helicopter in October 2008.

**OBJECTIVE**

*Determine if Troop O is maintaining adequate inventory records for helicopter parts to assure State assets are not being sold or traded for personal gain.*

In late 2007, Capt. Rick Dodson, Troop O Commander, was informed that the Special Operation Aviation Regiment (SOAR) at Fort Campbell, Kentucky was going to surplus their fleet of OH-6 helicopters. Capt. Dodson stated that he was made aware of this situation from Marcus Dunn, owner of Specialty Aviation Service located in Seminole, Oklahoma. Originally, the purchase of the surplus helicopter was denied by Commissioner Kevin Ward, but it was later approved. The surplus helicopters were distributed through LESO. The military would also include spare parts and one engine with the purchase of the helicopter. Capt.

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Dodson stated that he was told it would be possible for them to receive five additional engines in the future.

On October 10, 2008, purchase order #5859010829 for the amount of \$5,000.00 was issued by the Department of Public Safety to the Department of Central Services for the payment of a Bell OH-6 helicopter. The purchase was made through the LESO 1033 Program. In the first part of October 2008, OHP Capt. Dodson was contacted by SFC Tony Cozzitorto informing him that the military would be delivering the helicopter to Troop O on October 16, 2008. At this time, SFC Cozzitorto informed Capt. Dodson that he would not be able to bring the one helicopter engine because it could not be transported without an engine crate or can. Capt. Dodson also stated that SFC Cozzitorto said the military had parts for Marcus Dunn, therefore they would deliver Troop O's helicopter at that time.

On October 16, 2008, OHP Lt. Bill Reitz was at Troop O headquarters and received a telephone call from Marcus Dunn who was trying to contact OHP Capt. Dotson. Mr. Dunn stated the military personnel were unloading parts at SAS in Seminole, OK and would then proceed to Troop O to deliver the helicopter. Lt. Reitz relayed this information to Capt. Dodson, who met and guided SFC Cozzitorto to the Troop O hangar. When they arrived at the hangar, the semi-tractor and trailer were parked in the hangar with it to be unloaded the following morning. Later that evening, Capt. Dodson met SFC Cozzitorto, SCF Cozzitorto's co-driver, Marcus Dunn, and Duane Bodette for dinner at Toby Keith's Restaurant.

During our interview, Capt. Dodson stated that the only thing in the trailer was an engine can and the OH-6 helicopter. He stated that he did not know OHP's spare parts had been unloaded at SAS until the next morning when the trailer was opened to unload the helicopter. Capt. Dodson stated that he did not give the order for the parts to be unloaded at SAS and guessed it was SFC Cozzitorto's decision to leave the parts at SAS.

The Oklahoma Highway Patrol (OHP) Investigative Division's interview with Marcus Dunn reflects he stated that he routinely traded aircraft parts with the United States Military. Dunn provided OHP a copy of one of the contracts he had with the military that was dated December 12, 2006, #H92241-07-P-0026. However, there was no contract provided for the parts received October 16, 2008. Dunn stated that prior to the delivery of the parts, Capt. Dodson told him it would be okay for the military to leave all parts belonging to OHP at SAS.

OHP's helicopter parts that were unloaded at SAS remained there from October 16 until November 7, 2008, at which time Michael Lane and Russell Scott, OHP

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mechanics, went to SAS's hangar to retrieve the parts. Upon arriving at SAS, they were shown the parts belonging to OHP which were in several cardboard boxes and crates. The parts were loaded onto a trailer and taken to OHP's hangar.

Capt. Dodson stated during his interview that he thought it was the beginning of December 2008 when the parts were picked up at SAS and brought to the OHP hangar. Capt. Dodson stated that no inventory of the surplus parts was conducted between the time OHP took possession of them and December 26, 2008, the date he was placed on administrative leave. He stated further that from the time he was placed on administrative leave and his return on June 15, 2009, an inventory of the parts had still not been conducted. Capt. Dodson also stated he told the mechanics if they removed parts from the crates that did not belong to OHP aircraft, to make sure the parts were returned to SAS.

OHP Investigative Division's interview with Joe Howard documents that Trooper Howard stated; he and Marcus Dunn were partners in a business called Nanokas Aviation, LLC, of which he owned 51%. Trooper Howard stated that Dunn had contacted Mechanic Michael Lane and himself looking for lower air stabilizers and seat frames for OH-58 helicopters and that he asked him to check Troop O's inventory to see if they had the parts. Also, Howard stated the tail rotor drive shafts received with the OH-6 helicopter were worth about \$30,000.00 and that he had asked Lt. Reitz if he could purchase them from Troop O.

The surveillance video located at Troop O's hangar for December 9, 2008, documents Trooper Joe Howard and Mechanic Michael Lane searching through aircraft parts in the parts loft. Trooper Howard stated, they were looking for the lower stabilizers and seat frames for OH-58 helicopters that Dunn had asked about. The surveillance video recorded on December 15, 2008, reflects Trooper Howard and Mechanic Lane putting aircraft parts into a trash bag. During OHP Investigative Division's interview, Trooper Howard stated that Mechanic Lane later took the bag of parts and placed them in the bed of the DPS Ford F-250 truck. Trooper Howard stated he then retrieved the bag of parts and placed them in his patrol car.

Mechanic Lane stated that the parts placed in the garbage bag included two air seat frames, one new and one used, and two lower air stabilizers, one new and one used. Later, Trooper Howard transported the parts to Shawnee and gave them to Marcus Dunn. He stated the parts were taken to Marcus Dunn for evaluation. During OHP Investigate Division's interview, Mechanic Lane

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maintained he was taking the parts on December 15<sup>th</sup> at the direction of Trooper Howard.

Surveillance video recorded December 10, 2008, shows Mechanic Lane loading three tail rotor drive shafts onto the DPS truck. During Mechanic Lane's interview with the OHP Investigative Division, he stated he was taking the drive shafts to SAS. Lane further stated that after leaving the Troop O hangar, he called Capt. Dodson and obtained verbal permission to take the drive shafts to SAS for the sole purpose of evaluation and appraisal. It appears the tail rotor drive shafts taken to SAS were the same ones that Trooper Howard had previously inquired about purchasing.

Maj. Charles Weeks stated that a meeting held September 16, 2008, attended by Commissioner Kevin Ward, Chief Van Guillotte, Capt. Dodson, and others, included a discussion pertaining to the trading of aircraft parts. Maj. Weeks stated that Commissioner Ward ordered the trading of parts to be stopped until a legal opinion could be rendered. The directive to stop the practice of trading parts was communicated to all Troop O supervisors and personnel.

We requested an invoice or shipping manifest for the OHP parts delivered to SAS on October 16, 2008. Capt. Dodson told us that no invoice or manifest accompanied the parts received. Maj. Weeks stated that he had twice ordered Capt. Dodson to conduct an inventory of the surplus helicopter parts, although several months elapsed before Troop O actually conducted a parts inventory.

We contacted an individual at the Technology Applications Program Office (TAPO) Logistics at Ft. Eustis, Virginia to determine if there was documentation to support the parts sent to OHP from Ft. Campbell along with the OH-6 helicopter purchased through LESO. We received an e-mail from TAPO, which stated:

In 2008 I contacted Steve Bryant with LESO (Law Enforcement Support Office) for the purpose of disposing of 5 obsolete "C" model Little Birds from the 160<sup>th</sup> fleet. I contacted LESO because these were operational aircraft not individual parts. The Regiment agreed to deliver the aircraft to 5 police departments designated by LESO. The reason was because of the difficulty with civilian access to the compound. SFC Tony Cozzitorto coordinated the deliveries.

He delivered the aircraft and some miscellaneous parts to the OK State Patrol. He did not have a listing of the parts since they were deemed obsolete and would have been scrapped. These parts were not part of the OK State Patrol's "purchase" from LESO. They were extra parts

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the Regiment was giving to the police departments on the off chance they could use them.

We requested confirmation of whether the parts included in contract H92241-07-P-0026 as provided to OHP Internal Affairs were the parts left at SAS on October 16, 2008, some of which allegedly belonged to Marcus Dunn. The e-mail from TAPO Logistics confirms that this contract has nothing to do with the delivery of the helicopter and parts, and no documentation could be furnished to SAI that would indicate that SAS should have received any parts from this shipment.

We received OHP property and evidence report dated September 9, 2009, listing the helicopter parts returned that had been previously taken to SAS/Marcus Dunn by Trooper Howard and Mechanic Lane. The property and evidence report reflects the following items were returned.

<b>Item</b>	<b>Part number</b>	<b>Value</b>
Tail rotor drive shaft	369A5518-601	\$12,854.28
Tail rotor drive shaft	369A5518-601	\$12,854.28
Tail rotor drive shaft	369A5518-601	\$12,854.28
Main rotor blade	369A1100-511	\$17,490.91
Seat bottom	369H6525-503	\$2,766.93
Seat bottom	369H6525-503	\$2,766.93
Seat bottom	369H6525-503	\$2,766.93
Seat bottom	369H6525-503	\$2,766.93
Seat cover	1H2002	\$407.13
Seat cover	1H2002	\$407.13
Vertical stabilizer	600N3800-5	\$3,023.70
Vertical stabilizer	600N3800-5	\$3,023.70
Fuel cell	369A8465-5	Unavailable
Fuel cell	369A8465-5	Unavailable
Fuel cell	369A8465-5	Unavailable
<b>Total</b>		<b>\$73,983.13</b>

To document the value of the helicopter parts listed above, we submitted the list of parts with their corresponding parts number to MD Helicopters of Mesa, Arizona to obtain a price quote. We received an e-mail from a customer service representative with MD Helicopters listing a quoted price for the parts. The prices quoted were based on the parts being in "new condition," although they were unable to give a quote for the fuels cells due to no past sales or purchasing history. Based on available information provided, it appears the parts listed above represent a small portion of the total parts donated by the U.S. Department of Defense.

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We noted that donated parts were accepted directly by DPS Troop O. However, SAI was not provided any information to confirm that parts donated to Troop O were ever accepted by the Governor as required by State Statutes.

Title **60 O.S. § 383** states that:

Except to the extent that such authority is otherwise specifically vested in some other state officer, board, commission, or agency, the Governor of the State of Oklahoma is hereby authorized to accept, upon behalf of this state, any gift, testamentary or otherwise, of any property presented to this state or to any state institution, department, or agency. Except as otherwise provided in Sections 391 through 396 of this title, and except for gifts of cash or the equivalent of cash, delivery of such property, possession thereof, and any muniments of title thereto shall be made to and receipted for by the Director of Public Affairs. Gifts of cash or the equivalent of cash shall be made to and receipted for by the Director of State Finance.

In summary of the events surrounding the receipt and possible trading or selling of helicopter parts as previously stated, we noted the following: The Department of Public Safety, Troop O, received an OH-6 helicopter through the LESO program. Along with the helicopter, the military regiment donated parts that were obsolete to them but intended for use by police departments. Due to the restriction of civilian access to the military compound, the helicopter and parts were delivered by the military. On October 16, 2008, Troop O was informed by Marcus Dunn that the military transport was unloading parts at SAS and would be coming to Troop O to deliver the helicopter.

The following morning the trailer was opened, at which time Capt. Dodson said he became aware that the parts were not on the trailer, only the helicopter and engine can. Further, Capt. Dodson stated that he did not give the order for their parts to be unloaded at SAS and he assumed the military personnel made the decision to unload all parts at SAS. As previously stated, no documentation could be furnished to SAI that would indicate that SAS should have received any parts from this shipment.

On November 7, 2008, the approval was given for DPS personnel to retrieve parts from SAS at which time they were collected and transported to Troop O's hangar. When the parts arrived at Troop O, Capt. Dodson failed to conduct an inventory of the parts as previously ordered by Maj. Weeks. Troop O would eventually inventory the parts received, but this occurred several months after actually taking possession. Capt. Dodson stated that Troop O and SAS parts were mixed together in the boxes and crates and he told the mechanics if they

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identified parts that did not belong to OHP aircraft, to make sure they were returned to SAS. However, according to confirmations received by SAI, all the parts shipped were donated to Troop O and no documentation provided indicated that any of these parts belonged to SAS.

We were unable to obtain a listing of the actual parts that were included in this shipment; therefore, an actual total value could not be placed on the parts received. The value of the individual parts could possibly range from a few cents to several thousand dollars each.

Trooper Joe Howard and Mechanic Michael Lane admitted taking the lower air stabilizers and seat frames for OH-58 helicopters from the OHP hangar and delivering them to Marcus Dunn. Also, Mechanic Lane took three tail rotor drive shafts to Marcus Dunn. During the OHP Investigative Division's interview with Marcus Dunn, Dunn stated he was going to sell the tail rotor shafts on the open market and the funds from the sale were going to be placed in an escrow account at a company chosen by Troop O for engine repairs. The removal of these items occurred after the directive was given to cease the practice of trading parts.

Trooper Howard and Mechanic Lane only acknowledged removing the parts from the Troop O hangar after surveillance video was reviewed showing the parts being taken from the Troop O hangar. Capt. Dodson failed to follow the orders from Maj. Weeks to prepare an inventory of the helicopter parts. The lack of internal controls and failure to maintain a continuous inventory allowed for assets to be removed, sold, traded, or used without documentation or authorization, and resulted in their removal not being detected in a timely manner.

Because OHP failed to maintain an inventory of the assets received and because the military also failed to document the parts being sent to OHP, we cannot track the total loss of assets belonging to the OHP.

Donations should be managed in compliance with **60 O.S. § 383** unless there is specific statutory authority for the agency to accept donations. Once items have been donated to an agency, they are then the property of the State of Oklahoma and must be disposed of pursuant to the provisions of the Oklahoma Surplus Property Act, **74 O.S. §§ 62.1-62.9**. Giving parts to SAS or any other private vendor would be a violation of the **Oklahoma Constitution Article X, Section 15**. [See **A.G. Opinion 2007-39**]

**RECOMMENDATION** We recommend the Department of Public Safety establish policies and procedures for the control of aircraft parts received through purchases or donations. We also recommend that DPS periodically monitor these controls to

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ensure they are working properly. We further recommend the Attorney General review this finding to determine the necessary action to be taken.

**OBJECTIVE**

*Determine if travel use logs are being maintained in accordance with 74 O.S. § 500.6A.*

**Travel Use Logs**

**Oklahoma Statutes 74 § 500.6A** requires a travel use log be maintained by a state entity providing the aircraft when a person travels on any aircraft owned, leased, chartered, or operated by the State. The information provided on the travel use log shall include:

1. Date and time of flight;
2. Registration number of the aircraft flown;
3. Trip itinerary, including date and time and each location from which the aircraft takes or lands during a trip;
4. Purpose of each landing, including: a) giving a speech or other presentation, b) attending a meeting, event, or other gathering, or c) performance of a service;
5. Name of the group sponsoring the speech, presentation, meeting, event, or gathering, or receiving the service;
6. Printed name of each person, including crew members or passengers, traveling on the aircraft and the location at which such person, crew member, or passenger boarded and disembarked;
7. The state entity on whose behalf the passenger or crew member was traveling;
8. Total flight time;
9. Trip charges, including fuel costs, landing or hanger fees, pilot waiting time and total trip mileage;
10. Beginning and ending tachometer or Hobbs reading;
11. Flight conditions and number of day and night landings;
12. Each passenger must sign the travel use log to declare the travel is for the purpose of the duty of their office and the meeting and events attended comply with **74 O.S. 600A(A)**; and
13. Each crew member must sign the travel use log attesting all information recorded is true and correct.

We obtained the travel use logs for all aircraft maintained at Troop O from October 1, 2008 through August 1, 2009, to determine all required information was recorded. A total of 29 travel use logs, excluding the Governor's airplane logs, were obtained from Troop O. In reviewing the travel logs it appears the responsible authority did not adequately maintain the logs as required by statute.

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There were 13 attributes required by statute, as listed above, to be recorded or completed on the log. We noted the following number of discrepancies for each attribute:

Attribute	1	2	3	4	5	6	7	8	9	10	11	12	13
Exceptions	7	4	19	11	17	4	4	5	20	3	22	2	10

We also reviewed the travel use logs for the Governor's airplane noting that most required information had been properly recorded with the exception of documentation pertaining to the purpose of the flight and the sponsor of the event. The event attended and the sponsor of the event was not clearly documented.

During an interview with Capt. Dodson, Troop O Commander, he stated that it was the responsibility of the pilot of the trip to complete the travel use log.

Further, we noted the passengers on two fixed-wing aircraft flights were civilians that included the brother of the pilot and a reporter from France. The Department of Public Safety or Troop O does not have specific written policies and procedures on civilians being allowed to ride in their aircraft. Without the proper policies and procedures in place, there is potentially a serious liability issue for the Department of Public Safety and the State of Oklahoma if a private citizen was injured or killed while a passenger in a State owned vehicle.

### **Annual Summary**

The Department of Public Safety (DPS) is required by Statute to file an annual summary of the travel use log with the Governor, Office of State Finance, Speaker of the House of Representatives, and the President Pro Tempore of the State Senate. The summary report shall contain the following information:

- Chronological listing of the date and time of flights;
- A listing of each location from which the aircraft takes off or at which the aircraft lands during each trip;
- A listing of the names of each passenger;
- Total flight time; and
- Total cost of each trip based on the number of hours of flight time at a standard hourly rate which shall be approximately the cost of chartering a comparable aircraft.

We contacted the Office of State Finance to verify the annual summary of the travel use logs were filed by the Department. We were told by the Office of

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State Finance that a current report was not filed, and it had been several years since DPS had filed this report. DPS has failed to comply with the Oklahoma Statute which requires them to file an annual summary of travel use logs.

**RECOMMENDATION** We recommend the Department of Public Safety comply with **74 O.S. § 500.6A** by completing all information required on the travel use logs and filing the annual summary of travel use logs with the Governor, Office of State Finance, Speaker of the House of Representatives, and the President Pro Tempore of the State Senate.

**OBJECTIVE**

*To determine if any helicopter parts were purchased or refurbished using the employees' p-card and verify the items had been installed on the aircraft or their disposition.*

During our examination of p-card expenditures, it was brought to our attention that on October 23, 2007, an expenditure of \$2,400.00 for a starter/generator, serial number 4512, was made to Jet Service Enterprises, Inc. The payment was made by Trooper Joe Howard. Trooper Howard's p-card transaction log reflects the starter/generator was for helicopter N390HP.

We reviewed the maintenance log for helicopter N390HP to verify the starter/generator had been installed. The log book reflects four entries of service performed on the helicopter, each entry was for the removal of parts. The entries were made by Duane Bodette on April 4, 2007, two on December 28, 2007, and one on April 28, 2008. We found no entry to confirm starter/generator, s/n 4512, was installed on the helicopter. Further, we reviewed the inventory list provided by DPS noting the item was not listed.

When we asked about this starter/generator, we received a fax from Troop O that stated there was no log book entry for the installation of starter/generator, s/n 4512, and the item was not at their hangar.

During a telephone conversation with Trooper Howard, he stated that he remembered going to Jet Service Enterprises with Duane Bodette to pick up the starter generator. He used his p-card to make the purchase because Mr. Bodette's card was maxed out. He did not know if the part was installed and suggested we contact Mr. Bodette.

During a telephone conversation with Mr. Bodette, he stated that he did not remember the purchase of the starter/generator from Jett Services Enterprises,

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nor did he know what happened to the part. He further stated that sometimes parts are installed and no records are made in the log book.

**RECOMMENDATION** We recommend the Attorney General review this finding to determine if further action is necessary.

<b>OBJECTIVE</b>	<i>To determine employees have been approved to engage in outside employment prior to starting such employment as required by the Department of Public Safety's policies and procedures.</i>
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The Department of Public Safety's Operations Manual pertaining to outside employment states, in part:

A. It is the policy of the Department that members of the patrol may engage in off-duty employment outside of the Department, subject to the following limitations:

9. Any member who desires to engage in, or to continue in, off-duty employment or enterprise outside of the Department shall submit a written declaration, on the prescribed "outside employment declaration" form, to his commanding officer. No member shall engage in, or continue, such outside activity until his outside employment declaration is processed by the Zone Commander, except a commanding officer may, at his discretion, give temporary approval, pending consideration by the Zone Commander. A commanding officer who receives an outside employment declaration shall indicate his objection/no comment and forward it through channels, to the Zone Commander for approval. The Zone Commander will send a copy of the declaration showing objection/no objection back through channels to the appropriate commanding officer for the involved member's information and troop 201 file. If an objection is made by the Zone Commander, member may request an interview directly to the Chief's Office for reconsideration to explain why there should be no objection to the outside employment. The member shall not engage in outside employment if there is an objection by the Chief. A member shall apprise his commanding officer, in writing, if and when any of the information in his declaration changes. In such cases, the commanding officer shall decide if it is necessary for a new declaration to be submitted.

10. It shall be the responsibility of each respective commanding officer to enforce the above standards and annually review all declarations. Any member of the Patrol who engages in, or continues, outside

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employment contrary to the standards set forth in this section will be subject to disciplinary action.

11. If there is no objection to the outside employment by the Zone Commander, the Patrol member may engage in such outside employment as described in the declaration, subject to the standards and limitations outlined above and any applicable law.

In January 2004, Trooper Joe Howard and Marcus Dunn entered into a business relationship in forming a limited liability corporation, Nanokas Aviation, LLC. We obtained Trooper Howard's outside employment request/declaration submitted on September 29, 2008. Troop O supervisor and commander signed off on the request October 30, 2008 with "no" objection. On December 10, 2008, Troop O Maj. signed off, objecting to the request.

We also noted that Mechanic Duane Bodette purchased from Marcus Dunn the Bell service portion of SAS, naming the business Logic Aviation Services, LLC. The Oklahoma Secretary of State's records reflect that on December 6, 2006, Bodette filed documentation creating Logic Aviation Services, LLC. Bodette had submitted an outside employment request/declaration form for "self employment" on October 25, 2004 which was approved. This is the only outside employment form that DPS had on file for Bodette. No request was submitted prior to Bodette purchasing and forming Logic Aviation Services, LLC. Bodette's last day of work for the DPS was August 15, 2008.

Based on the information provided, Trooper Howard and Mechanic Bodette violated DPS policy when engaging in outside employment prior to submitting and being approved to participate in such employment. Further, the outside employment they were involved in appears to be a conflict of interest due to the nature of their employment apparently authorizing them to make purchases and request service contracts or activities in the same industry they were engaging in outside employment and would stand to benefit personally. Moreover, when Trooper Howard did submit his request for outside employment, the Commander objected to the request, yet Trooper Howard continued with his outside employment activities.

**RECOMMENDATION**

We recommend DPS implement controls to ensure its policies and procedures are being followed and ensure personnel are properly trained with regards to conflicts of interest in outside employment including the provisions of the Rules of the Oklahoma State Ethics Commission, specifically **257:20-1-3** and **257:20-1-9** and **51 O.S. § 302**. Outside employment forms should contain details of the nature of the business of the outside employment and a declaration by the employee that any outside employment would not be a conflict of interest with

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the duties they are employed to perform. We also recommend the Attorney General review this finding to determine if further action is necessary.

**DISCLAIMER**

Throughout this report there are numerous references to state statutes and legal authorities, which appear to be relevant to issues raised by the Attorney General and reviewed by this Office. The State Auditor and Inspector has no jurisdiction, authority, purpose, or intent by the issuance of this report to determine the guilt, innocence, culpability or liability, if any, of any person or entity for any act, omission, or transaction reviewed and such determinations are within the exclusive jurisdiction of regulatory, law enforcement, and judicial authorities designated by law.

The inclusion of cites to specific statutes or other authorities within this report does not, and is not intended to, constitute a determination or finding by the State Auditor and Inspector that the Department of Public Safety or any of the individuals named in this report or acting on behalf of the Department of Public Safety have violated any statutory requirements or prohibitions imposed by law. All cites and/or references to specific legal provisions are included within this report for the sole purpose of enabling interested parties to review and consider the cited provisions, independently ascertain whether or not the Department of Public Safety's policies, procedures, or practices should be modified or discontinued, and to independently evaluate, whether or not the recommendations made by this Office should be implemented.



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