

Association of Inspectors General
Certified Inspector General Investigator
Legal Issues
Case Study

You are a civilian investigator who works for the OIG for the Department of Transportation, a state government agency. The OIG has the mission, by state statute, to investigate allegations of misconduct, waste, and inefficiency by employees of the Department of Transportation. There is nothing in the OIG enabling legislation which forbids the OIG from conducting criminal investigations. The enabling statute mandates that all employees are under a duty to cooperate with investigations conducted by the OIG. The OIG has civilian investigators and auditors. The OIG also has several sworn investigators detailed from the State Police and assigned to the OIG, who have full law enforcement powers. You are a civilian investigator and have no law enforcement powers. Your favorite person to work with is Frank Friendly, a State Police sworn investigator assigned to the OIG.

On January 7, 2008, the OIG receives a telephone call from Mary Marshall. The person who receives the call is a sworn investigator. Mary Marshall states that she is an employee of the Department of Transportation and is a member of the Government Labor Union for Employees ("GLUE"), as are all employees of the Department of Transportation except site managers. Mary Marshall states that she has observed Jerry Johnson, who is the site manager of a Department of Transportation customer service office, doing private work while on government time. Mary Marshall states that Jerry Johnson is an ordained minister at a church in town and is an active participating member of the local political organization. Mary Marshall states that Jerry Johnson does much of the paper work for his church in his government office and has, on occasion, counseled church members on personal problems in his government office. Mary Marshall states that Jerry Johnson does political campaign activities from his government office and has utilized his assistant, Rhonda Richards, to do political work - such as typing documents, making telephone calls, and delivering documents - while she is on government time. Mary Marshall leaves her address and telephone number with the person taking the complaint. The investigation is assigned to you on January 9, 2008.

On January 14, 2008, you decide to interview Mary Marshall. When you call her she tells you that she does not want to get directly involved but will speak to you. Mary Marshall states that first thing tomorrow she is leaving for a four month vacation in Europe. She agrees to meet with you in the afternoon of January 15, 2008.

On January 15, 2008, you, accompanied by Investigator Frank Friendly, interview Mary Marshall at a local restaurant. During the course of the interview and in addition to the information that she previously provided to the OIG, Mary Marshall states that the last time that she observed Jerry Johnson doing any church work or political work in his office was October 29, 2007. Mary Marshall states that

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she is no longer assigned to the building at which Jerry Johnson is assigned. Mary Marshall states that she used to participate in doing political work for Jerry Johnson but stopped and was transferred. Mary Marshall stated that she and Jerry Johnson had a romantic relationship which ended badly. Mary Marshall states that she assumes that everyone assigned to that office knows what is going on since it is so open and notorious. Mary Marshall states that Rhonda Richards, a friend of Mary Marshall, is assigned as Jerry Johnson's assistant. Mary Marshall states that Rhonda Richards has also told her that Rhonda believes that Jerry Johnson has a handgun in his government office since he has to travel to dangerous neighborhoods when he does his political work. Mary Marshall states that Rhonda Richards will not come forward out of friendship to Jerry Johnson. Mary Marshall states that she believes that Rhonda Richards only does the political work for Jerry Johnson because she is afraid of losing her job if she refuses. Mary Marshall states that Bernie Brown, a contractor for the Department of Transportation who is assigned to the same work site as Jerry Johnson, knows of Jerry Johnson's activities. Mary Marshall states that she has heard that Bernie Brown contributes money to candidates supported by Jerry Johnson in order to maintain his contract with the Department of Transportation. Mary Marshall states that she will not do anything to try and convince any other employees to come forward. Mary Marshall states that she does not want to get any further involved but feels that it is wrong for Jerry Johnson to be doing non-Department of Transportation work while on government time.

On January 16, 2008, you and Frank Friendly go to and enter the building where Jerry Johnson is the site manager. The building is a two-story building. The office suite that the Department of Transportation occupies is one of two first floor government suites. There are large windows on the street level. These windows allow the public to see into the suite occupied by the Department of Transportation. The site has ten employees. Five of the employees work at a counter collecting money from the public and dealing with issues presented by the public. Three assistants, including Rhonda Richards, sit in a common area of the office behind the counter area. Jerry Johnson and the office manager have private offices at the back of the suite. There is a lunch area next to Jerry Johnson's office. People who walk on the sidewalk by the front window are able to see into the suite but cannot see inside Jerry Johnson's or the office manager's office.

On January 17, 2008, a surveillance is conducted. A copy of the surveillance report is attached.

On January 18, 2008, a surveillance is conducted. A copy of the surveillance report is attached.

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On January 21, 2008, an interview of Rhonda Richards is conducted. A copy of the interview report is attached.

On January 21, 2008, an interview of Bernie Brown is conducted. A copy of the interview report is attached.

The Department of Transportation's computers are attached by a network to all other computers operated by the Department of Transportation. The network is contained on a main server located at the central office of the Department of Transportation which is located at a government office building, three miles from the office occupied by Jerry Johnson. The employees of the Department of Transportation, including Jerry Johnson, must comply with the Department's computer use policy. The employees are required to sign the policy affirming that they understand it and will abide by it. The signed computer use policy documents are maintained in the Department of Transportation's central office. A copy of the computer use policy is attached.

GLUE has entered into a collective bargaining agreement ("CBA") with your jurisdiction. A copy of the CBA is attached.

Department of Transportation employees must abide by Department of Transportation Personnel Rules. A copy of the rules is attached.

On January 22, 2008, a search of Jerry Johnson's office is conducted. A copy of the report regarding the search is attached.

On January 22, 2008, an interview of Jerry Johnson is conducted. A copy of the interview report is attached.

Your jurisdiction has a very aggressive county prosecutor. The county prosecutor is very receptive to any type of public integrity or official misconduct case, especially stealing time cases. You have never presented such a case to her office.

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G.L.U.E. Employee Bill of Rights

Supplementing all rights and processes due employees covered by this Agreement who may be subject of a disciplinary investigation by the Office of the Inspector General, any disciplinary interview conducted by the Office of the Inspector General will be conducted in the following manner:

1. The interview of the employee shall be scheduled at a reasonable time, preferably while the employee is on duty, or if feasible, during the day shift hours.
2. The length of interview session will be reasonable, with reasonable interruptions permitted for personal necessities.
3. The employee under investigation is entitled to be advised of his *Miranda* rights concerning self-incrimination or his Administrative rights including the right to have a union representative present during the interview. The OIG shall make the determination of which rights to advise the employee.
4. Rules 1, 2, and 3 do not apply to employee witnesses.
5. If disciplinary action is taken and the employee alleges a violation of this agreement by the OIG, a hearing shall be conducted regarding the alleged violation. If the hearing officer finds that the OIG violated this agreement, then the statements, and the fruits thereof, shall not be admissible during the disciplinary hearing against the employee.

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Office of the Inspector General
Investigative Report

Date of Report: January 21, 2008
Date of Activity: January 17, 2008
Case Number: 04-0055
Reporting Investigator: You
Subject Matter of Report: Surveillance

On January 17, 2008, the reporting investigator, accompanied by Investigator Frank Friendly and Investigator Thomas Tunney, conducted a surveillance. During the course of this surveillance, the following observations were made:

- 7:00 a.m. The surveillance was initiated at the State Office Building located at 234 North Elm Street. No vehicles were parked in the parking lot of the facility.
- 7:26 a.m. A red Ford, bearing license plate number D980 456, arrived and parked in the parking lot. Jerry Johnson exited the vehicle and walked to the front door of the Department of Transportation office facility. Jerry Johnson unlocked the front door and entered the facility.
- 7:27 a.m. The lights of the facility went on. The reporting investigator observed Jerry Johnson walking to various places within the facility.
- 7:30 a.m. Jerry Johnson entered an office near the rear of the facility and was lost from view.
- 7:42 a.m. Rhonda Richards, driving a blue Chevrolet, bearing license plate number R55 4345, arrived in the parking lot of the facility. Rhonda Richards parked the vehicle, exited the vehicle and walked towards the facility. Rhonda Richards entered the facility.
- 7:45 a.m. Rhonda Richards entered the office that Jerry Johnson had entered earlier.
- 7:46 a.m. Rhonda Richards exited the office and sat at a desk located just outside that office.
- 7:50 a.m. Bernie Brown arrived at the parking lot of the facility, driving a black Lexus, bearing license plate number ABCCO, and parked in the

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parking lot. Bernie Brown exited the Lexus and walked towards the facility.

- 7:56 a.m. Bernie Brown entered a convenience store located at 224 North Elm Street and was lost from view.
- 8:00 a.m. Bernie Brown exited from the convenience store carrying a cup of coffee and a brown bag. Bernie Brown walked to the facility and entered the facility. Bernie Brown sat at a desk located near the rear of the facility.
- 8:05 a.m. Rhonda Richards entered the office that Jerry Johnson had entered earlier.
- 8:06 a.m. Rhonda Richards exited the office and sat at a desk located just outside that office.
- 8:10 a.m. Rhonda Richards entered the office that Jerry Johnson had entered earlier.
- 8:12 a.m. Rhonda Richards exited the office and sat at a desk located just outside that office.
- 8:30 a.m. An unknown female placed an Open for Business sign on the front door of the facility.
- 8:47 a.m. Rhonda Richards exited from the facility and walked to the convenience store located at 224 North Elm Street.
- 8:49 a.m. Rhonda Richards exited from the convenience store carrying a brown bag containing a six pack of beer. Rhonda Richards walked towards the parking lot.
- 8:50 a.m. Rhonda Richards stopped outside the red Ford, bearing license plate number D980 567, and waited by the passenger side of the vehicle.
- 8:55 a.m. Jerry Johnson exited from his office and exited the facility. Jerry Johnson walked to the red Ford and unlocked the doors. Jerry Johnson and Rhonda Richards entered the red Ford and drove from the area. A moving surveillance was initiated by the reporting investigator and Investigator Friendly.

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- 9:00 a.m. The red Ford arrived at 449 North Elm Street. Jerry Johnson and Rhonda Richards exited from the vehicle. Jerry Johnson and Rhonda Richards entered the Carlson for Governor campaign office located at 449 North Elm Street.
- 9:45 a.m. Jerry Johnson exited 449 North Elm Street and entered the red Ford. Jerry Johnson drove from the area.
- 10:00 a.m. Rhonda Richards exited from 449 North Elm Street carrying rolled up campaign posters. Rhonda Richards walked north on Elm Street.
- 10:05 a.m. Rhonda Richards arrived at 734 North Elm Street and entered the Carlson for Governor campaign office. Rhonda Richards was lost from view.
- 10:07 a.m. Jerry Johnson arrived at 4321 West Monroe Street. Jerry Johnson parked the red Ford in a parking lot behind the building and entered the building, which was a church.
- 1:15 p.m. Jerry Johnson exited from the church. Jerry Johnson entered the red Ford and drove from the area.
- 1:37 p.m. Jerry Johnson arrived at 734 North Elm Street and parked in front of the building. Jerry Johnson beeped the horn of the vehicle. Rhonda Richards exited from the front door of the building carrying a large box. Rhonda Richards placed the box in the trunk of the red Ford.
- 1:38 p.m. Rhonda Richards entered the red Ford and Jerry Johnson drove from the area.
- 1:45 p.m. The red Ford arrived at the McDonald's Restaurant located at 627 North Elm Street. Jerry Johnson and Rhonda Richards exited the red Ford and entered the McDonald's Restaurant.
- 2:50 p.m. Jerry Johnson and Rhonda Richards exited the McDonald's Restaurant and entered the red Ford. Bernie Brown exited the McDonald's Restaurant and walked up to the driver's side of the red Ford. Bernie Brown and Jerry Johnson engaged in a conversation.

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- 2:52 p.m. Bernie Brown handed Jerry Johnson a white envelope containing money. Bernie Brown walked to the McDonald's Restaurant and entered. Jerry Johnson drove from the area.
- 3:00 p.m. The red Ford arrived at the parking lot of the facility located at 234 North Elm Street. Jerry Johnson parked the vehicle. Jerry Johnson and Rhonda Richards exited the vehicle and entered the facility.
- 3:01 p.m. Jerry Johnson entered his office near the rear of the facility. Rhonda Richards sat at her desk.
- 3:04 p.m. Rhonda Richards entered the office that Jerry Johnson had entered earlier.
- 3:05 p.m. Rhonda Richards exited the office and sat at a desk located just outside that office.
- 3:15 p.m. Rhonda Richards exited from the facility and walked to the blue Chevrolet, bearing license plate number R55 4345. Rhonda Richards entered the vehicle and drove from the area. The surveillance of the facility was maintained.
- 4:00 p.m. Jerry Johnson exited the facility. Jerry Johnson locked the door and walked towards the parking lot. Jerry Johnson entered the red Ford and drove from the area.
- 4:02 p.m. The surveillance was terminated.

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**Office of the Inspector General
Investigative Report**

Date of Report: January 23, 2008
Date of Activity: January 18, 2008
Case Number: 04-0055
Reporting Investigator: You
Subject Matter of Report: Surveillance

On January 18, 2008, the reporting investigator, accompanied by Investigator Frank Friendly, Investigator Carl Crawford and Investigator Thomas Tunney, conducted a surveillance. During the course of this surveillance, the following observations were made:

- 7:00 a.m. The surveillance was initiated at the State Office Building located at 234 North Elm Street. No vehicles were parked in the parking lot of the facility.
- 7:23 a.m. A red Ford, bearing license plate number D980 456, arrived and parked in the parking lot. Jerry Johnson exited the vehicle and walked to the front door of the Department of Transportation office facility. Jerry Johnson unlocked the front door and entered the facility.
- 7:25 a.m. The lights of the facility went on. The reporting investigator observed Jerry Johnson walking to various places within the facility.
- 7:26 a.m. Jerry Johnson entered an office near the rear of the facility and was lost from view.
- 7:27 a.m. Bernie Brown arrived at the parking lot of the facility, driving a black Lexus, bearing license plate number ABCCO, and parked in the parking lot. Bernie Brown exited the Lexus and walked towards the facility.
- 7:28 a.m. Bernie Brown entered the facility. Bernie Brown sat at a desk located near the rear of the facility.
- 7:39 a.m. Rhonda Richards, driving a dark blue Chevrolet, bearing license plate number R55 4345, arrived in the parking lot of the facility. Rhonda Richards parked the vehicle, exited the vehicle and walked towards the facility. Rhonda Richards entered the facility.

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- 12:17 a.m. Bernie Brown exited from the facility and walked to the black Lexus, bearing license plate number ABCCO. Bernie Brown entered the Lexus and drove from the area.
- 12:38 p.m. Rhonda Richards arrived at 735 North Elm Street and entered the Carlson for Governor campaign office. Rhonda Richards was lost from view.
- 1:15 p.m. Jerry Johnson exited from the church. Jerry Johnson entered the red Ford and drove from the area.
- 1:37 p.m. Jerry Johnson arrived at 449 North Elm Street and parked in front of the building. Jerry Johnson exited the vehicle and entered the Carlson for Governor campaign office located at 449 North Elm Street. Jerry Johnson was lost from view.
- 1:42 p.m. Bernie Brown arrived at the Carlson for Governor campaign office located at 449 North Elm Street in a black Lexus. Bernie Brown exited from the Lexus and entered the building located at 449 North Elm Street carrying a manila folder.
- 2:10 p.m. Rhonda Richards exited the building located at 734 North Elm Street. Rhonda Richards walked south on Elm Street.
- 2:24 p.m. Rhonda Richards entered the blue Chevrolet which was parked at 449 North Elm Street. Rhonda Richards drove from the area.
- 2:37 p.m. Rhonda Richards arrived at the parking lot for the Department of Transportation facility located at 234 North Elm Street. Rhonda Richards exited from the blue Chevrolet and walked towards the office facility.
- 2:38 p.m. Rhonda Richards entered the office facility and went directly to her desk.
- 2:42 p.m. Bernie Brown exited from the Carlson for Governor campaign office located at 449 North Elm Street. Bernie Brown entered the black Lexus and drove from the area.
- 2:50 p.m. Jerry Johnson exited from the building located at 449 North Elm Street. Jerry Johnson entered the red Ford and drove from the area.

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- 3:05 p.m. The red Ford arrived at the parking lot for the Department of Transportation facility located at 234 North Elm Street. Jerry Johnson exited from the red Ford and walked towards the office facility.
- 3:06 p.m. Jerry Johnson entered the convenience store located at 224 North Elm Street. Jerry Johnson was lost from view. Jerry Johnson exited from the convenience store carrying a newspaper and walked north.
- 3:07 p.m. Jerry Johnson arrived at the front door of the Department of Transportation facility located at 234 North Elm Street and entered the facility.
- 3:08 p.m. Jerry Johnson entered an office near the rear of the facility.
- 3:10 p.m. The surveillance was terminated.

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**Office of the Inspector General
Investigative Report**

Date of Report: January 28, 2008
Date of Activity: January 21, 2008
Case Number: 04-0055
Reporting Investigator: You
Subject Matter of Report: Interview of Rhonda Richards

On January 21, 2008, the reporting investigator, accompanied by Investigator Frank Friendly, conducted an interview of Rhonda Richards. This interview was conducted at the Office of the Inspector General located at 2325 South Hampshire Road at approximately 2:30 p.m.

Prior to the interview Rhonda Richards was advised of her Administrative Rights which she indicated that she understood. Rhonda Richards stated that she wished to make a statement. Rhonda Richards stated that she is currently an employee of the Department of Transportation and has been so employed for approximately ten years. Rhonda Richards stated that she is employed as an Administrative Assistant and is assigned to work at the facility located at 234 North Elm. Rhonda Richards stated that her current supervisor is Jerry Johnson. Rhonda Richards stated that she is a member of the Government Labor Union for Employees. Rhonda Richards stated that she has seen Jerry Johnson conduct personal business while on government time at the facility located at 234 North Elm. Rhonda Richards stated that she has seen numerous parishioners of Jerry Johnson's church enter the facility located at 234 North Elm and enter the office of Jerry Johnson. Rhonda Richards stated that these parishioners of the First Town Church would meet Jerry Johnson to discuss personal problems. Rhonda Richards stated that she has witnessed this type of activity going on the last seven months but has never reported this activity to anyone even though she knew that what Jerry Johnson was doing violated the Personnel Rules. Rhonda Richards stated that she was also aware that Jerry Johnson uses his government computer for personal business. Rhonda Richards stated that Jerry Johnson has on numerous occasions asked her to type documents while on duty regarding a local political organization. Rhonda Richards stated that this typing had nothing to do with the work that either she or Jerry Johnson was supposed to be doing for the government. Rhonda Richards stated that she was aware that what she was doing was wrong and that it violated the Personnel Rules. Rhonda Richards stated that she did this typing because she was afraid of losing her job if she refused. Rhonda Richards stated that she sometimes did this typing on the personal lap top computer of Jerry Johnson but she mostly did this typing on the government computer of Jerry Johnson which was located in his private office.

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**Office of the Inspector General
Investigative Report**

Date of Report: January 28, 2008
Date of Activity: January 21, 2008
Case Number: 04-0055
Reporting Investigator: You
Subject Matter of Report: Interview of Rhonda Richards

On January 21, 2008, the reporting investigator, accompanied by Investigator Frank Friendly, conducted an interview of Rhonda Richards. This interview was conducted at the Office of the Inspector General located at 2325 South Hampshire Road at approximately 2:30 p.m.

Prior to the interview Rhonda Richards was advised of her Administrative Rights which she indicated that she understood. Rhonda Richards stated that she wished to make a statement. Rhonda Richards stated that she is currently an employee of the Department of Transportation and has been so employed for approximately ten years. Rhonda Richards stated that she is employed as an Administrative Assistant and is assigned to work at the facility located at 234 North Elm. Rhonda Richards stated that her current supervisor is Jerry Johnson. Rhonda Richards stated that she is a member of the Government Labor Union for Employees. Rhonda Richards stated that she has seen Jerry Johnson conduct personal business while on government time at the facility located at 234 North Elm. Rhonda Richards stated that she has seen numerous parishioners of Jerry Johnson's church enter the facility located at 234 North Elm and enter the office of Jerry Johnson. Rhonda Richards stated that these parishioners of the First Town Church would meet Jerry Johnson to discuss personal problems. Rhonda Richards stated that she has witnessed this type of activity going on the last seven months but has never reported this activity to anyone even though she knew that what Jerry Johnson was doing violated the Personnel Rules. Rhonda Richards stated that she was also aware that Jerry Johnson uses his government computer for personal business. Rhonda Richards stated that Jerry Johnson has on numerous occasions asked her to type documents while on duty regarding a local political organization. Rhonda Richards stated that this typing had nothing to do with the work that either she or Jerry Johnson was supposed to be doing for the government. Rhonda Richards stated that she was aware that what she was doing was wrong and that it violated the Personnel Rules. Rhonda Richards stated that she did this typing because she was afraid of losing her job if she refused. Rhonda Richards stated that she sometimes did this typing on the personal lap top computer of Jerry Johnson but she mostly did this typing on the government computer of Jerry Johnson which was located in his private office.

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Rhonda Richards stated that she also made numerous telephone calls to conduct business for the political organization that Jerry Johnson is involved in and has also delivered documents for this political organization. Rhonda Richards stated that this activity always occurred while on government time and knew this also violated the Personnel Rules. Rhonda Richards stated that Jerry Johnson's office has a desk and two file cabinets which are all government property. Rhonda Richards stated that Jerry Johnson keeps government paperwork inside both file cabinets. Rhonda Richards stated that Jerry Johnson also keeps church documents in some of the drawers in these file cabinets. Rhonda Richards stated that Jerry Johnson also keeps political campaign documents in some of the drawers of the file cabinets. Rhonda Richards stated that employees at the facility joke about Jerry Johnson being a creature of habit because the ritual that he goes through with his briefcase and lap top computer every day. Rhonda Richards stated that Jerry Johnson orders Rhonda Richards to remove all of the items from his briefcase on a daily basis. Rhonda Richards stated that all the materials in the briefcase of Jerry Johnson are either personal items such as membership materials received in the mail or are church documents or political documents, all of which she files in the file cabinets located in the office of Jerry Johnson. Rhonda Richards stated that she does typing for Jerry Johnson every morning on his lap top computer. Rhonda Richards stated that this typing is always related to church business and she has only seen church related materials on this computer. Rhonda Richards stated that the last time she has had access to this computer was one week ago.

Rhonda Richards stated that on January 17, 2008 she was not in her office working the entire day. Rhonda Richards stated that on January 17, 2008 she never went into the office of Jerry Johnson and never did any non-governmental work for him. Rhonda Richards denied ever being in Jerry Johnson's office or typing in Jerry Johnson's office on January 17, 2008. Rhonda Richards denied that she is having or ever did have a personal romantic relationship with Jerry Johnson. Rhonda Richards stated that she did go to the convenience store on Elm Street on January 17, 2008, but denied that she ever purchased alcohol. Rhonda Richards stated that she went to the convenience store to purchase some soda for the office. Rhonda Richards denied ever going to the Carlson for Governor campaign office at 735 North Elm Street on January 17, 2008. Rhonda Richards did admit that she went to the McDonalds at 627 North Elm Street on January 17, 2008 during her lunch break. Rhonda Richards stated that she never saw Bernie Brown at the McDonalds when she was there and denied ever seeing Bernie Brown pass any money to Jerry Johnson.

Rhonda Richards stated that on January 18, 2008 she did go to the Carlson for Governor campaign office located at 449 North Elm Street. Rhonda Richards stated that she went to that location to conduct official business for the

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Department of Transportation. Rhonda Richards stated that she also went to the Carlson for Governor campaign office located at 735 North Elm Street on January 17, 2008. Rhonda Richards stated that she went to that location to pick up some tickets for a fundraiser that was being held by the candidate.

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**Office of the Inspector General
Investigative Report**

Date of Report: January 29, 2008
Date of Activity: January 21, 2008
Case Number: 04-0055
Reporting Investigator: You
Subject Matter of Report: Interview of Bernie Brown

On January 21, 2008, the reporting investigator, accompanied by Investigator Frank Friendly, conducted an interview of Bernie Brown. This interview was conducted at the Office of the Inspector General located at 2325 South Hampshire Road at approximately 4:30 p.m.

Bernie Brown stated that he is employed by the ABC Company as a computer consultant. Bernie Brown stated that he has been so employed for the last three years. Bernie Brown stated that the ABC Company currently has a government contract and has had one for the last five years. Bernie Brown stated that the ABC Company receives two million dollars annually from the government pursuant to the contract. Bernie Brown stated he has known Jerry Johnson personally for the last twenty-five years as a friend. Bernie Brown stated that he believes that his friendship with Jerry Johnson may have been a factor in the ABC Company getting a government contract but he is not sure.

Bernie Brown asked the reporting investigator whether the reporting investigator felt that Bernie Brown should get an attorney. The reporting investigator informed Bernie Brown that the decision to obtain an attorney was solely the decision of Bernie Brown. The reporting investigator then continued with the interview.

Bernie Brown stated that he has contributed to various political-candidates supported by Jerry Johnson, but denied that he did this based on any pressure from Jerry Johnson. Bernie Brown stated that he has also bought fundraising tickets from Jerry Johnson and Rhonda Rhodes in the past and admitted that these were purchased as a result of pressure to keep his government contract. Bernie Brown admitted that he handed over a sealed envelope containing \$800.00 to Jerry Johnson for some fundraising tickets. Bernie Brown stated that this envelope was passed to Jerry Johnson at the McDonalds on Elm Street on January 17, 2008. Bernie Brown stated that Rhonda Rhodes was present when this envelope was passed to Jerry Johnson.

Bernie Brown stated, "Will this in any way affect my contract with the government?" The reporting investigator stated that the reporting investigator had absolutely no input on the contract that Bernie Brown has with the

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government. Bernie Brown stated, "Can I have that lawyer that I asked for before now?" The reporting investigator then concluded the interview.

**Office of the Inspector General
Investigative Report**

Date of Report: January 28, 2008
Date of Activity: January 22, 2008
Case Number: 04-0055
Reporting Investigator: You
Subject Matter of Report: Search of Jerry Johnson's Office

On January 22, 2008, at 10:00 a.m., the reporting investigator, accompanied by Investigator Frank Friendly, Investigator Thomas Tunney and Investigator Carl Crawford, arrived at the Department of Transportation office facility located at 234 North Elm Street and entered the office suite. Upon arrival in the office suite, Jerry Johnson exited from the office near the rear of the suite. The reporting investigator approached Jerry Johnson and identified himself as being an investigator from the Office of the Inspector General. The reporting investigator explained that the reporting investigator and the other investigators were there to conduct a search of Jerry Johnson's office.

At 10:24 a.m., a search of Jerry Johnson's office was initiated. The search was conducted by the reporting investigator and Investigator Friendly. A survey of Jerry Johnson's office revealed a desk and two four-drawer file cabinets, all marked with government property number stickers. The file cabinets had locks but the locks were not engaged. On the desk was a computer, bearing a government property sticker. A photograph of Jerry Johnson and members of his family was also on the desk, and various other personal items were on top of desk and on the file cabinets in the office. A briefcase was on the floor next to the desk.

The reporting investigator opened the drawers to the file cabinets in the office. The reporting investigator found that there was government work-related paperwork inside both file cabinets; in six of the eight drawers. In one of the drawers was church-related paperwork, including notes from counseling sessions with church-goers, and in another drawer were political campaign documents.

The reporting investigator also examined the computer on top of the desk. The reporting investigator observed numerous icons on the opening screen of the computer. The reporting investigator observed an icon titled "Political Documents" and an icon titled "Church Documents." The reporting investigator clicked on the "Political Documents" icon and found political campaign documents in the file. The reporting investigator also clicked on an icon named

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“Church Documents” and found notes from counseling sessions and church financial spreadsheets in this file.

The reporting investigator also searched the desk. In one of the desk drawers was a lap top computer. The lap top computer did not have a government property sticker on it. The reporting investigator turned on the lap top computer. When the opening screen appeared, one of the icons was named “My Porn.” The reporting investigator showed the screen to Investigator Friendly, who accessed that folder. The folder consisted of numerous files. Each file was identified by a male’s name. Investigator Friendly accessed three of the files and found images of what appeared to be nude school-aged boys. Investigator Friendly copied all of the photographs in this file onto a DVD.

The reporting investigator opened the briefcase. The reporting investigator found much campaign-related paper work as well as a checkbook in the name of the church in the briefcase.

Following the search, the reporting investigator seized the following items:

1. Jerry Johnson’s briefcase
2. The computer on Jerry Johnson’s desk
3. The two file cabinets, as well as all of the documents that each file cabinet contained.

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**Office of the Inspector General
Investigative Report**

Date of Report: January 28, 2008
Date of Activity: January 22, 2008
Case Number: 04-0055
Reporting Investigator: You
Subject Matter of Report: Interview of Jerry Johnson

On January 22, 2008, the reporting investigator, accompanied by Investigator Frank Friendly, conducted an interview of Jerry Johnson. The interview was conducted in Jerry Johnson's office located at 234 North Elm Street at 11:00 a.m.

During the course of the interview, Jerry Johnson stated that he has been an employee of the Department of Transportation for seventeen years. Jerry Johnson stated that he has been the site manager at the office located at 234 North Elm Street for five years. Jerry Johnson stated that before he became a site manager, he was a cashier. Jerry Johnson stated that he was a cashier for approximately twelve years.

Jerry Johnson stated that he drives to work almost every day. Jerry Johnson stated that he drives a red Ford, bearing license plate number D980456. Jerry Johnson stated that he is the sole owner of that vehicle.

Jerry Johnson stated that he is also an ordained minister with the First Town Church located at 4321 West Monroe Street. Jerry Johnson stated that he handles all financial operations of the church. Jerry Johnson stated that he also counsels church-goers regarding relationships and financial issues.

Jerry Johnson stated that he is also an officer of the local political organization. Jerry Johnson stated that as an officer of the organization he is responsible for organizing a number of activities including distributing campaign signs and soliciting donations for certain candidates running in the local election scheduled for November. Jerry Johnson denied that he ever does any political work while on government time. Jerry Johnson stated that he does do some political work while on his lunch hour and he does keep political documents in his brief case. Jerry Johnson stated that he did not know how the political documents got in his office file cabinet.

Jerry Johnson stated that he never forced any employee of the Department of Transportation to do political work on behalf of the organization. Jerry Johnson stated that some employees have asked him how they could get involved in the organization and he has instructed them how to join the

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organization. Jerry Johnson stated that Rhonda Richards is a volunteer for the organization. Jerry Johnson stated that he is not aware of Rhonda Richards ever doing political work while on government time. Jerry Johnson stated that Mary Marshall used to be a volunteer for the organization. Jerry Johnson stated that Mary Marshall did political work on government time. Jerry Johnson stated that Mary Marshall was transferred to a different office when he confronted her about doing political work on government time.

The reporting investigator asked Jerry Johnson about the pictures that were found on his lap top computer. Jerry Johnson stated that he did not wish to talk about the photographs. Jerry Johnson stated that he has additional similar photographs on his computer at home.

The reporting investigator asked Jerry Johnson what he did on January 17, 2008. Jerry Johnson stated that he went to work in the morning. Jerry Johnson stated that at lunchtime he went to his church for a meeting. Jerry Johnson stated that he was asked by Rhonda Richards to drive her to her friend's business on Elm Street. Jerry Johnson stated that he also picked-up Rhonda Richards from her friend's business. Jerry Johnson stated that he and Rhonda stopped at McDonald's for lunch. Jerry Johnson stated that he and Rhonda Richards may have exceeded their lunch hour by a few minutes.

When the reporting investigator asked Jerry Johnson what he did on January 18, 2008, Jerry Johnson stated that he did not wish to make any additional statements until he contacted his attorney. The interview was immediately concluded. The interview was concluded at 11:45 a.m.

Reporting Investigator