

Financial Audit Division Report

**Minnesota Department of Transportation
Investigation of the Former Director of
Homeland Security and Emergency Management**

July 1, 2005, through September 11, 2007



Financial Audit Division

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- Promote Accountability,
- Strengthen Legislative Oversight, and
- Support Good Financial Management.

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FINANCIAL AUDIT DIVISION

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**Minnesota Department of Transportation
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Table of Contents

	Page
Report Summary	1
Investigation of the Former Director of Homeland Security and Emergency Management	2
Department of Transportation's Response	10

Audit Participation

The following members of the Office of the Legislative Auditor prepared this report:

James Nobles	Legislative Auditor
Cecile Ferkul, CPA, CISA	Deputy Legislative Auditor
Jamie Majerus	Auditor-in-Charge
Timothy Rekow, CPA	Senior Auditor
Kathy Rootham	Staff Auditor

Exit Conference

We discussed the results of the investigation with the following Department of Transportation representatives at an exit conference on November 21, 2007:

Carol Molnau	Commissioner
Lisa Freese	Deputy Commissioner
Dan Kahnke	Director, Office of Audit
Suzanne Thayer	Auditor, Office of Audit
Mark Wikelius	Acting Director, Office of Human Resources and Administration
Richard Peterson	Labor Relations Manager
Karin van Dyck	Senior Labor Relations Representative

Minnesota Department of Transportation Investigation of the Former Director of Homeland Security and Emergency Management

Report Summary

Findings

Sonia Morphew Pitt, the Minnesota Department of Transportation's former director of the Office of Homeland Security and Emergency Management, caused the state to incur over \$11,500 of unauthorized, unreasonable, or inappropriate expenses and charged the state for over \$14,500 of work time that should have been recorded as personal leave. ([Finding 1](#))

The Minnesota Department of Transportation did not adequately supervise Ms. Pitt and did not have adequate internal controls over her state-paid expenses. ([Finding 2](#))

Investigation Scope

Audit Period:
July 1, 2005, through September 11, 2007

Areas Audited:
Travel and other state-paid expenses

Investigation Background

Pursuant to the Legislative Auditor's statutory authority and responsibility, we conducted this investigation into the financial activities of the Minnesota Department of Transportation's former director of the Office of Homeland Security and Emergency Management.



November 28, 2007

Representative Rick Hansen, Chair
Legislative Audit Commission

Members of the Legislative Audit Commission

The Honorable Carol Molnau, Lieutenant Governor and
Commissioner, Minnesota Department of Transportation

Pursuant to the Legislative Auditor's statutory authority and responsibility,¹ we investigated allegations concerning Sonia Morphew Pitt, the former director of the Office of Homeland Security and Emergency Management at the Minnesota Department of Transportation (MnDOT). This report conveys the results of our investigation.

As required by *Minnesota Statutes* 2007, 3.975, we are referring the report to the Attorney General and the Ramsey County Attorney. The Attorney General has the responsibility to recover state funds that were used inappropriately, and the county attorney will be asked to determine whether criminal proceedings are warranted against MnDOT's former director of the Office of Homeland Security and Emergency Management.

Background

On September 15, 2007, the *StarTribune* reported that MnDOT had placed Ms. Pitt on a leave of absence and was investigating her for suspected improprieties related to her work schedule and state-paid travel expenses. We contacted MnDOT officials and obtained a report prepared by the department's Office of Audit concerning the allegations against Ms. Pitt. The MnDOT audit report substantiated that Ms. Pitt had been reimbursed for unauthorized personal travel, misused state resources, and committed other acts of misconduct. In addition to its internal audit review, MnDOT hired a private investigator to review Ms. Pitt's actions. On November 5, 2007, MnDOT provided us with the report that resulted from that review. MnDOT terminated Ms. Pitt's employment with the state on November 9, 2007.

After reviewing MnDOT's audit report, we decided to conduct our own investigation. We wanted to make sure the state sought repayment from Ms. Pitt. Even though MnDOT's audit

¹ *Minnesota Statutes* 2007, 3.971, subd. 6, says in part: "The legislative auditor shall see that all provisions of law respecting the appropriate and economic use of public funds are complied with and may, as part of a financial audit or separately, investigate allegations of noncompliance by employees of departments and agencies of the state government...."

Minnesota Department of Transportation Investigation of the Former Director of Homeland Security and Emergency Management

report recommended repayment from Ms. Pitt, state agencies often do not address financial restitution when they resolve personnel issues. The Legislative Auditor, however, is required by law to work with the Attorney General to recover money and other resources when we find financial impropriety and to work with the appropriate county attorney when criminal prosecution may be warranted. We also wanted to examine the adequacy of MnDOT's supervision of Ms. Pitt's work schedule and the adequacy of the department's internal controls over Ms. Pitt's travel and other state-paid expenses.

Objective

The objective of our investigation was to answer the following questions:

- How much money should the state of Minnesota recover from Ms. Pitt?
- Did MnDOT adequately supervise Ms. Pitt and apply adequate internal controls over her expenses?

Our investigation covered the time period July 1, 2005, through September 11, 2007, the date that MnDOT put Ms. Pitt on investigatory leave. It is possible that misconduct by Ms. Pitt occurred in previous time periods. She became a state employee in 1992 and worked in various positions at the Department of Employment and Economic Development and MnDOT. We will work with both departments to ensure that they review Ms. Pitt's earlier expenses for possible impropriety.

Methods

We began our investigation by reviewing MnDOT's internal audit report on Ms. Pitt and the supporting documentation the department's auditors had gathered. Having worked closely with MnDOT's Office of Audit for many years, we were confident in the professionalism of the office and used evidence gathered by the office in our investigation. To a lesser extent, we also used the report of the private investigator MnDOT hired to investigate Ms. Pitt. Nevertheless, we independently examined original documents related to Ms. Pitt's travel, training, cell phone use, purchases, and other activities. We also conducted our own interviews of Ms. Pitt's direct supervisors at MnDOT and of other MnDOT officials and staff.

We chose not to compel Ms. Pitt by subpoena to meet with us because we concluded that we had adequate documentary evidence to substantiate our findings. However, we offered Ms. Pitt an opportunity to meet with us and discuss the findings in this report; she declined. We provided MnDOT with the final draft of this report and asked that they provide a written response, which they did. Their response is included with this report.

**Minnesota Department of Transportation
Investigation of the Former Director of
Homeland Security and Emergency Management**

Findings and Recommendations

- 1. Sonia Morphew Pitt, the Minnesota Department of Transportation’s former director of the Office of Homeland Security and Emergency Management, caused the state to incur over \$11,500 of unauthorized, unreasonable, or inappropriate expenses and charged the state for over \$14,500 of work time that should have been recorded as personal leave.**

Sonia Morphew Pitt had personal cell phone use and incurred various travel or training related expenses that resulted in additional expense to the state, were beyond authorized amounts, and lacked sufficient supporting documentation. In addition, she attended a training event that did not correspond to her responsibilities and did not use vacation hours when absent from work. These costs were primarily funded by federal grants and are not allowable under the grant agreements.

Table 1-1 summarizes these inappropriate payments.

**Table 1-1
Unauthorized, Unreasonable, and Inappropriate Payments
July 1, 2005, through September 11, 2007**

	<u>Amount</u>
Cell Phone	\$ 3,048
Unsupported Reimbursements	1,791
Airfare	1,617
Meals	1,284
Hotel	1,005
Mileage	972
Unnecessary Business Trip	893
Parking, Taxi, Baggage	672
Ineligible Training Expenses	<u>259</u>
Total	<u>\$11,541</u>

	<u>Hours</u>	<u>Amount</u>
Personal Hours Reported as Worked	361	\$14,682

Source: Auditor prepared based on employee expense forms, flight itineraries, out of state requests, cell phone statements, timesheets, and other relevant travel documentation.

Our concern about these payments is as follows:

- Cell Phone:** Ms. Pitt used her official state business cell phone for personal use. MnDOT’s cell phone policy prohibits personal use of state cell phones except for essential personal calls. The policy requires each employee to review their cell phone statement at the end of the month and reimburse the state for any personal calls. Ms. Pitt did not

Minnesota Department of Transportation Investigation of the Former Director of Homeland Security and Emergency Management

reimburse the state for any personal calls. During the February 2007 through August 2007 period, over 65 percent of Ms. Pitt's cell phone use was personal.

- **Unsupported Reimbursements:** Ms. Pitt claimed reimbursement for nearly \$1,800 of expenses that were not authorized or did not have the required supporting documentation. State and MnDOT policies require original receipts for all travel expenses except meals, personal phone calls, baggage handling, taxis, and parking meters. In the absence of the original receipts, an employee must file an affidavit as a basis for reimbursement. Ms. Pitt did not always provide affidavits when she did not submit receipts.
- **Airfare:** Ms. Pitt made unauthorized flight upgrades and changes for personal reasons, resulting in additional costs to the state. Ms. Pitt should not have charged the state for personal upgrades she made without MnDOT authorization, such as for more leg room or an exit aisle seat. She also should not have charged the state for additional costs resulting from unauthorized changes to the flight schedules or the combination of personal and business travel. For example, when Ms. Pitt traveled to Washington, D.C. in January 2006, she changed her flight departure time from 2:30 p.m. to 5:57 p.m. This change resulted in an additional cost to the state of \$697. Also, in June 2007, Ms. Pitt decided to insert a personal trip to Nevada between two business trips - a trip to California followed by a trip five days later to Washington, D.C. This resulted in an additional \$594 cost to the state and the use of only one half of purchased round trip tickets. State and MnDOT policies require advance approval of travel costs and allows only for expenses that are directly related to the business portion of a trip.
- **Meals:** Ms. Pitt claimed reimbursement for meals that were not eligible according to state and MnDOT policies and Ms. Pitt's bargaining agreement. On several occasions, Ms. Pitt claimed reimbursement for meals even though meals were already provided as part of the meeting, conference, seminar, or training she was attending. For example, during June and July 2007, Ms. Pitt claimed reimbursement for over \$900 for meals related either to the personal portion of her travel or already provided as part of a conference. Ms. Pitt also sometimes claimed reimbursement in excess of the limits set in the state's collective bargaining agreements.
- **Hotel:** Ms. Pitt charged the state for some personal hotel costs and sometimes exceeded her authorized lodging amount when traveling. For example, Ms. Pitt charged the state for \$336 for lodging related to the personal portion of a September 2006 trip to Florida for a business-related meeting. Ms. Pitt exceeded her authorized lodging amount by over \$200 on two other occasions. State and MnDOT policies require advance authorization of travel expenses, allows only for expenses that are directly related to the business portion of a trip, and requires employees to stay in reasonably priced facilities.
- **Mileage:** Ms. Pitt claimed reimbursement for \$972 of ineligible mileage. Ms. Pitt consistently inflated mileage reimbursement claims. For example, Ms. Pitt claimed

Minnesota Department of Transportation Investigation of the Former Director of Homeland Security and Emergency Management

reimbursement for 185 miles for a trip from her home to Brainerd; it should have been 135 miles. State and MnDOT policies define allowable reimbursement amounts; MnDOT's policy allows for reimbursement for miles consistent with those listed in its official state mileage book.

- **Unnecessary Business Trip:** In December 2006, Ms. Pitt incurred \$893 for a trip to New Jersey for training targeted to the Northeast states. In October 2006, she had attended the same workshop in Illinois designed for the Midwest states.
- **Parking, Taxi, Baggage:** Ms. Pitt claimed reimbursement for \$672 related to parking, taxi fees, and baggage fees on personal travel, weekends, and holidays. State and MnDOT policies only allow employees to be reimbursed for parking, taxi, and baggage when in state travel status.
- **Ineligible Training Expenses:** Ms. Pitt claimed reimbursement for training that did not occur. The training was scheduled to be held in May 2007, in Saint Cloud, but was cancelled. However, Ms. Pitt claimed reimbursement for mileage, hotel, and meals.
- **Personal Hours Reported as Worked:** On 13 trips, Ms. Pitt claimed regular working hours for personal travel days. In addition, Ms. Pitt coded one day as regular hours that should have been sick pay.

Ms. Pitt also accrued various travel-related benefits, such as frequent flyer miles and hotel reward points. Statutes require that such benefits should accrue to the state and not provide a personal benefit to the employee. Vendor invoices identified over 13,000 hotel reward points and nearly 600 frequent flyer miles credited to her accounts.

The consistency of the over-claimed reimbursements, the lack of documentation, and incorrect recording of hours on timesheets exceeded reasonable human error. They showed intent to obtain personal benefit at the public's expense.

Recommendations

- *The Office of the Attorney General should seek recovery from Sonia Morphew Pitt for the inappropriate costs.*
- *The Department of Transportation should repay inappropriate costs to the federal government to the extent they were initially funded through federal grant programs.*

Minnesota Department of Transportation Investigation of the Former Director of Homeland Security and Emergency Management

2. MnDOT did not adequately supervise Ms. Pitt and did not have adequate internal controls over her state-paid expenses.

State agencies have a responsibility to supervise their employees to ensure they are working productively, meeting acceptable performance standards, and appropriately using public resources (money, time, and equipment). Agencies also have a responsibility to establish internal controls that prevent employees from misusing state money and other resources or quickly detecting misuse if it occurs. In the case of Sonia Morphew Pitt, MnDOT did not adequately fulfill these responsibilities.

The department's inadequate supervision of Ms. Pitt was evident during the days following the I-35W bridge collapse. On August 1, 2007 – the day the bridge collapsed – Ms. Pitt was in Boston attending a seminar. Rather than immediately returning to the Twin Cities, Ms. Pitt stayed in Boston and, on August 3, traveled to Washington, D.C. According to MnDOT's internal audit report, Ms. Pitt's trip to Washington, D.C. was unauthorized and had no business purpose. She did not return to the Twin Cities until August 11 and, according to the internal auditor's report, "...none of the supervisors could tell us what she was doing [in Washington, D.C.]." MnDOT officials accepted Ms. Pitt's assertion that she would coordinate her staff from a work site in Washington, D.C.; they did not require or ask Ms. Pitt to return.

Several MnDOT officials told us that there was no negative consequence to Ms. Pitt's absence. They contended that Ms. Pitt had no "command and control" responsibilities related to the bridge collapse. In their opinion, Ms. Pitt's job was limited to creating emergency response plans and ensuring that MnDOT officials and staff were appropriately and adequately trained in how to respond to emergencies.

Although Ms. Pitt's position description did cite planning and training as key responsibilities, it also stated: "In the case of transportation related threats or incidences, this position directs the planning, execution, control and evaluation of the appropriate response in order to safeguard Minnesota's transportation infrastructure." In addition, the mission statement of Ms. Pitt's office, MnDOT's Homeland Security and Emergency Management Office, said the office was to "coordinate and direct responses in emergencies and large-scale incidents."

When the bridge collapsed, staff from Ms. Pitt's office followed the pre-established plan for emergency responses – they immediately reported to MnDOT emergency centers to perform various coordination functions. One staff person said she worked a straight 48-hour shift, and another indicated that Pitt's presence would have been useful at the bridge site because there was confusion about who was in charge as MnDOT's lead emergency management person. In contrast, Ms. Pitt limited her involvement to communicating with MnDOT officials and staff through intermittent e-mails and cell phone conversations.

Minnesota Department of Transportation Investigation of the Former Director of Homeland Security and Emergency Management

One senior MnDOT official, who previously supervised Ms. Pitt and was closely involved with her in the development of MnDOT's emergency management plans, told us Ms. Pitt had responsibilities to perform in any MnDOT emergency. He said that the department provided her with a cell phone so she could be in 24-hour communication with MnDOT, and that she was on the list of people who were to be immediately and automatically contacted when a MnDOT-related emergency occurred. He said Ms. Pitt's failure to return to the Twin Cities reflected "poor judgment" on her part.

However, MnDOT officials shared in that poor judgment by not adequately fulfilling their supervisory responsibilities. They should have been more diligent in finding out what Ms. Pitt was doing in Washington, D.C. and assessing the effectiveness of her work away from the scene of the emergency. An inquiry would have shown what was later found by MnDOT's internal auditors – Ms. Pitt was doing little work related to the bridge collapse while in Washington, D.C., and it was of marginal significance. MnDOT's audit report recommended that all of the time Ms. Pitt spent in Washington, D.C. after the bridge collapsed be charged as "vacation time." We agree with that conclusion.

In addition to a lack of appropriate supervision over Ms. Pitt at the time of the bridge collapse, Ms. Pitt's supervisors and the department's internal controls were not effective in preventing her from incurring and claiming reimbursement for the inappropriate payments detailed in Table 1-1. Following are examples of weaknesses in Ms. Pitt's direct supervision or department oversight:

- Neither Ms. Pitt's direct supervisor nor the department's business office adequately reviewed her expense reimbursement claims. If they had, they would have identified that she consistently inflated mileage, claimed excess meals, and often lacked authorization and supporting documentation.
- Neither her supervisor nor the business office compared actual costs to amounts authorized nor questioned the validity of changes to the authorizations or reimbursement claims that exceeded the authorized amounts.
- The business office did not examine Ms. Pitt's cell phone plan to determine whether it was limited to her business-related needs. Her supervisors did not provide any oversight of her use of the cell phone and whether she needed to repay the state for inappropriate personal use.
- Her supervisor was not aware that she had been issued a department purchase card and consequently did not authorize or review costs she incurred on the card. In addition, the department's business office processed payment for these costs without her supervisor's authorization.

**Minnesota Department of Transportation
Investigation of the Former Director of
Homeland Security and Emergency Management**

- Her supervisor did not oversee her training plans to ensure that she was developing expertise in needed areas that pertained to her responsibilities. He did not verify her attendance at training sessions, question her repeated attendance at the same training sessions, nor give more than a cursory review to some out-of-state training he approved.

In assessing how Ms. Pitt was able to circumvent the department’s controls, MnDOT officials and staff frequently referred to her “aggressive” and “belligerent” behavior. However, MnDOT management had a responsibility to maintain internal controls that could not be subverted or manipulated by an employee who used intimidation to achieve inappropriate benefits. Rather than acquiescing to Ms. Pitt’s behavior by processing unauthorized payments, providing her with a monthly purchase card limit of \$5,000, accommodating expensive changes to her travel plans, and increasing the available minutes on her cell phone plan, MnDOT managers should have more closely monitored and reviewed her activity and better protected the state’s resources.

Recommendation

- *The Department of Transportation should establish methods of employee supervision and a system of internal controls that ensure public resources are protected from misuse.*

Expanded auditing of MnDOT by our office is necessary. As soon as staff is available, we will begin an audit to more fully examine MnDOT’s administrative processes and controls related to travel, cell phones, and purchase cards.

MnDOT officials and staff cooperated fully with our investigation. We particularly want to thank staff at MnDOT’s Office of Audit for their excellent work and assistance.

/s/ James R. Nobles

James R. Nobles
Legislative Auditor

/s/ Cecile M. Ferkul

Cecile M. Ferkul, CPA
Deputy Legislative Auditor



Minnesota Department of Transportation

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November 26, 2007

Jim Nobles
Legislative Auditor
Office of the Legislative Auditor
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658 Cedar Street
St. Paul, Minnesota 55155-1603

Dear Mr. Nobles:

We thank you for allowing us to respond to the findings of this report. We appreciate the guidance you were able to give us regarding improvements to our processes and have started their implementation.

The following is a summary of our response to the Findings and Recommendations.

Finding

- 1. Sonia Morphew Pitt, the Minnesota Department of Transportation's former director of the Office of Homeland Security and Emergency Management, caused the state to incur over \$11,500 of unauthorized, unreasonable, or inappropriate expenses and charged the state for over \$14,500 of work time that should have been recorded as personal leave.**

Recommendations

- *The Office of the Attorney General should seek recovery from Sonia Morphew Pitt for the inappropriate costs.*
- *The Department of Transportation should repay inappropriate costs to the federal government to the extent they were initially funded through federal grant programs.*

Mn/DOT Response

The Minnesota Department of Transportation concurs with the findings of the Legislative Auditor. As a follow-up, the department will conduct an audit to determine the amount of federal funds which need to be reimbursed to the federal grant program as a result of the inappropriate expenses related to Sonia Morphew Pitt.

Finding

- 2. The Minnesota Department of Transportation did not adequately supervise Ms. Pitt and did not have adequate internal controls over her state-paid expenses.**

Recommendations

- *The Department of Transportation should establish methods of employee supervision and a system of internal controls that ensure public resources are protected from misuse.*

Mn/DOT Response

The Minnesota Department of Transportation has strengthened the following internal controls which will eliminate this inappropriate activity from occurring in the future.

Out-state Travel Authorizations Forms

- Original out-state travel authorization forms after being approved by the supervisor will be sent to the Business Services Section where they will be filed together for all employees traveling out state. These forms will become the official document for determining whether travel costs are within in the parameters of the authorization. This will eliminate employees from changing the authorization to get inappropriate costs reimbursed such as flights, lodging, meals, etc.
- Handwritten changes to the out state travel authorization form will not be accepted unless initialed and dated by the supervisor.

Monthly Cell Phone Invoices

- Business Services will send copies of monthly cell phone invoices to the originating office for review.
- The individual employees of that office will be required to sign a statement indicating that all calls are in compliance with the Mn/DOT cell phone policy. This will require the employee to review the calls made and identify any calls which may be in conflict with the policy so reimbursement to the department can be made.

Business Services Section

- Employees of the Business Services Unit have been instructed not to reimburse any costs undocumented.
- Employees of Business Services Unit have been instructed to question any costs and contact the individuals' supervisor with discrepancies.

- Employees of Business Services Unit have been instructed to contact the Office of Audit with any unresolved questions.
- Business expenses will be audited on a regular basis. Those expenses not properly documented or questionable will be rejected and not paid.

Supervisors Responsibilities

- A training program with supervisory responsibilities will be required for all new and current supervisors. This training will clearly define what is being approved when a supervisor signs off on a business expense form, travel authorization form, purchasing card log, etc.

Communications Department-Wide

- Communications will be sent to all employees and supervisors reminding them of Mn/DOT's code of ethics, Business Policies and their individual responsibilities with regards to travel and business expenses, including timesheet approval. Additionally, managers and supervisors will be required to discuss these matters at a staff meeting prior to the end of this year and annually thereafter.
- Supervisors and Managers will be reminded what their responsibilities are when approving expenses and travel authorizations.
- Reporting of allegations and the process to follow, such as contact information, will be spelled out in a memo to supervisors and managers so further discussions within their groups can occur.

In summary, Ms. Pitt clearly violated the trust we place in Mn/DOT employees. We are disappointed in this unfortunate set of circumstances, but we feel that these misuses are not widespread in the department. Ms. Pitt's intent was to abuse the system for personal use. She was caught and terminated from employment from the department. We regret that these abuses were not uncovered sooner. In response, Mn/DOT will put into place immediately revisions to our system so this type of abuse can be caught earlier. We intend to restore public trust in the ethics and conduct of 4,700 hard working Mn/DOT employees.

We look forward to working with your office on other matters in the future.

Sincerely,



Carol Molnau
Lt. Governor/Commissioner