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March 28, 2016

Mr. Michael J. Foxman
Interim Chief Audit Officer
Office of Internal Audit and Compliance
270 Washington Street, S.W.
Atlanta, Georgia 30334

Re: UGA -- Deborah Dietzler

Dear Mr. Foxman:

I am writing in reply to your November 30, 2015, letter and in regard to your November 24, 2015, investigative findings in the matter of Deborah Dietzler at the University of Georgia ("UGA"), a copy of which is attached hereto. It is my understanding, based on your letter, that the scope of your investigation was limited largely to the procedures followed by the University in its investigation and subsequent recommendations regarding Ms. Dietzler's employment, rather than an independent investigation of the underlying allegations of misconduct and potential criminal behavior.

In your letter you requested that we review your investigative findings and "make a determination of whether Ms. Dietzler's alleged conduct was criminal in nature and, if so, whether prosecution should be undertaken." Having reviewed your investigative findings and materials, my opinion is that some of Ms. Dietzler's alleged conduct was likely criminal in nature, but I do not believe a criminal prosecution is feasible.

I. Potential Criminal Conduct

For purposes of this letter, I have selected two instances in which I believe Ms. Dietzler's conduct could have been criminal in nature. While there are other areas of concern, the following instances are the most egregious. Both instances are discussed in the draft report entitled "Investigation Findings -- Ms. Deborah Dietzler" prepared by the UGA Internal Auditing Division ("IAD"), a copy of which is attached hereto.

A. April 2013 Big Sur Marathon

According to the IAD findings and the materials you provided, Ms. Dietzler booked a trip to California in order to participate in the April 2013 Big Sur Marathon. After signing up for the marathon and booking her trip to California, Ms. Dietzler directed her staff to find UGA alumni for her to meet with in Monterey. Despite her staff's efforts, no alumni were able to be scheduled in Monterey, the location of the marathon; her staff was only able to schedule two meetings in Sacramento, three hours away, the day after the marathon. Nonetheless, Ms. Dietzler traveled to California, ran in the marathon and, according to the IAD findings, "falsely claimed in her travel expense statement that the one night of hotel expense in Monterey" was for "Alumni Association Business."

Ms. Dietzler may have committed two crimes related to the Big Sur Marathon trip. First, she appears to have made false statements in violation of Georgia law. O.C.G.A. § 16-10-20 provides, in part, that a person who knowingly and willfully "makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government" shall be guilty of a felony. In this instance, Ms. Dietzler's written statement that she was in Monterey for alumni-related business was false.

Second, Ms. Dietzler appears to have committed theft by taking. O.C.G.A. § 16-8-2 provides that a person commits theft by taking when he or she unlawfully takes "any property of another with the intention of depriving him of the property, *regardless of the manner in which the property is taken*" (emphasis added). In this instance, Ms. Dietzler billed UGA and received reimbursement for expenses which were wholly and undeniably personal.

B. August 2013 Philadelphia Conference

According to the IAD findings and materials that you provided, Ms. Dietzler was scheduled to attend an August 2013 conference in Philadelphia and was booked for the conference at the Four Seasons Hotel at a conference rate of \$159 per night. Ms. Dietzler instructed her staff to cancel her reservation and book her at the Hilton Garden Inn at a higher rate of \$269 per night. The evidence indicates Ms. Dietzler did this in order to get personal Hilton HHonors reward program points. To justify billing UGA at a rate higher than the federal per diem rate, Ms. Dietzler wrote, "The hotel was chosen as it is located in a safe part of town, it is convenient to the Bank of America meeting location, and because the less expensive Hampton Inn, Philadelphia was not available on this date." The IAD concluded that Ms. Dietzler's statement was "clearly a misrepresentation of facts." Each of the statements may in fact have been true, but clearly they are misleading since she had a cheaper room already reserved in the conference hotel. Ms. Dietzler's hotel stay could also constitute theft by taking, as Ms. Dietzler caused UGA to spend more money on her hotel so she could personally profit.

II. Factors Weighing Against Prosecution

It is easy to dismiss the less serious of the allegations against Ms. Dietzler as simple personnel matters that warranted no more than appropriate disciplinary action or termination of employment. Mixing personal business with official travel, for example, is a relatively common occurrence, but the personal time and expenses related thereto should not be paid for by taxpayers. Nor should official business be scheduled for the sole purpose of facilitating personal travel.

Notwithstanding my opinion that some of Ms. Dietzler's conduct could be characterized as criminal, I believe a number of factors militate against a successful prosecution.

A. The UGA Police Department Did Not View the Complaint as a Criminal Matter

In October 2013 the matters referenced above, as well as many other allegations of misconduct involving Ms. Dietzler, were brought to the attention of the UGA Police Department by Sallyanne Barrow. The majority of Ms. Barrow's complaints involved non-criminal matters related to employment, ethics, and general conduct unbecoming of a state employee. The OIAC investigative findings indicate that, after meeting with Ms. Barrow, the police department concluded that the allegations were personnel-related rather than criminal.

The police department, while declining to pursue a criminal investigation, concluded that further inquiry was warranted and referred Ms. Barrow's complaints to the UGA Fraud Committee.

B. The UGA Fraud Committee Did Not Determine There was Criminal Conduct

The UGA Fraud Committee similarly concluded that Ms. Dietzler's behavior did not constitute criminal behavior. Your investigative findings address some deficiencies with the Fraud Committee's actions and I fully concur with your conclusions and recommendations. I am particularly concerned that, according to your own investigative findings, the committee chair concluded that the conduct described by the UGA auditor as involving false statements and misrepresentations did not "constitute[] actionable criminal fraud." As indicated above, intentionally making false and misleading statements in government documents constitutes a crime in Georgia, and Ms. Dietzler was intentional in what she submitted to UGA. The UGA internal auditor's report specifically quoted the University Travel Policy, which provides that "Employees are required to sign their travel expense statement, attesting that the information presented on the form is accurate Employees who provide false information are subject to criminal penalty of a felony for false statements" It is likely, however, that the committee's conclusion that no crimes were committed would present reasonable doubt to a jury.

As you indicate in your investigative findings, the committee would have preferred to recommend Ms. Dietzler's termination from UGA, but opted to recommend nonrenewal of her contract in order to avoid the long process of terminating a contract employee. It is likely that it would be difficult to convince a jury that Ms. Dietzler committed crimes when UGA was unwilling to initiate termination proceedings against her.

C. UGA Failed to Report Malfeasance to the State

Had UGA followed the protocols of the University System of Georgia and reported Ms. Dietzler's conduct to the Office of Internal Audit and Compliance ("OIAC"), the State would have been able to timely assess and investigate this matter. Given that the OIAC has routinely forwarded instances of malfeasance reported by UGA, ranging from relatively minor incidents to serious crimes, it is surprising that UGA failed to report Ms. Dietzler's conduct to the OIAC. Because of that failure, a timely criminal investigation was prevented and, because of *Garrity*, statements given by Ms. Dietzler to UGA during the IAD investigation cannot be used in a prosecution of Ms. Dietzler. I am hopeful that conduct such as Ms. Dietzler's will not go unreported to the OIAC in the future.

D. Ms. Dietzler Continued to be Employed at UGA

As indicated in your investigative findings, Mr. Tom Landrum was responsible for implementing the recommendations of the fraud committee, which included nonrenewal of Ms. Dietzler's contract and removal of Ms. Dietzler as the Executive Director of the Alumni Association. While the facts show that UGA had ample grounds to terminate Ms. Dietzler immediately, the failure to do so is inconsistent with prosecution efforts and has historically been a reason that the State has declined to prosecute similar cases.

Mr. Landrum did remove Ms. Dietzler from her position and notified her that her contract would not be renewed. However, Mr. Landrum's subsequent lenient treatment of Ms. Dietzler was inconsistent with the Fraud Committee's recommendations. While he did reassign Ms. Dietzler to a non-supervisory position, she continued to receive the same salary she received as Executive Director. Moreover, Mr. Landrum allowed Ms. Dietzler to continue her employment at UGA past the expiration of her contract and was apparently prepared to continue Ms. Dietzler's employment until the end of 2014 had she not been hired by the University of Louisville. These actions are wholly inconsistent with the notion that Ms. Dietzler had engaged in criminal conduct and thus would render a conviction of Ms. Dietzler extremely unlikely.

E. UGA was Involved in Ms. Dietzler's Hiring by the University of Louisville

In addition to failing to follow the steps outlined by the Fraud Committee, Mr. Landrum was instrumental in Ms. Dietzler getting hired by the University of Louisville. University of Louisville officials stated that the decision to hire Ms. Dietzler was based in large part upon Mr.

Mr. Michael J. Foxman

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Landrum's endorsement of Ms. Dietzler; there was no mention to the University of Louisville of the IAD investigative findings or the Fraud Committee's recommendations.

III. Concluding Thoughts

In my opinion at least some of Ms. Dietzler's activities likely constituted criminal conduct that warranted further investigation and possible prosecution. The fact that Ms. Dietzler was not terminated makes a successful prosecution extremely challenging; moving forward with a prosecution would thus be an unwise use of taxpayer resources. I expect that the University shares my disappointment in how this case was handled. State employees who engage in deceptive and potentially criminal conduct should be reported to the OIAC so that appropriate action can be taken to best protect the interests of the university system and Georgia taxpayers.

Sincerely,



David S. McLaughlin
Senior Assistant Attorney General

DSM/dsm

Enclosures

cc: Chancellor Henry M. Huckaby
President Jere Morehead
Mr. Matthew Whitley



**BOARD OF REGENTS OF
THE UNIVERSITY SYSTEM OF GEORGIA**

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November 30, 2015

David S. McLaughlin
Senior Assistant Attorney General
Georgia Department of Law
40 Capitol Square, SW
Atlanta, GA 30334

Re: UGA – Deborah Dietzler

Dear Mr. McLaughlin:

At your request, the Office of Internal Audit and Compliance has reviewed the materials you provided regarding allegations of misconduct by Deborah Dietzler at the University of Georgia. Additionally, Assistant Vice Chancellor for Legal Affairs Christopher McGraw and I visited the University of Georgia on November 18 and 19 and interviewed individuals who had knowledge of the University's internal investigation of the Dietzler allegations.

Attached are our Investigative Findings and underlying documents. We request that your office now review these materials and make a determination of whether Ms. Dietzler's alleged conduct was criminal in nature and, if so, whether prosecution should be undertaken.

Please let me know if you have additional questions or need further information.

Sincerely,

Michael J. Foxman
Interim Chief Audit Officer

enclosures

cc (w/ Investigative Findings only enclosed):

Chancellor Henry M. Huckaby
President Jere Morehead
Matthew Whitley, UGA Director of Internal Auditing



270 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334

**BOARD OF REGENTS OF
THE UNIVERSITY SYSTEM OF GEORGIA**

INVESTIGATIVE FINDINGS

Date: November 24, 2015

To: Chancellor Henry M. Huckaby

From: Michael J. Foxman *MJF*
Interim Chief Audit Officer

Christopher A. McGraw *CM*
Assistant Vice Chancellor for Legal Affairs

Re: Investigation regarding allegations against Deborah Dietzler at the University of Georgia

In correspondence dated November 2, 2015, Senior Assistant Attorney General David McLaughlin indicated that he learned of allegations of “a variety of criminal, ethical, and employment violations involving Deborah Dietzler[,] ... the former Executive Director of the UGA Alumni Association” and “refer[ed] this matter to the University System of Georgia Office of Internal Audit and Compliance (‘OIA’) for consideration and action.” Mr. McLaughlin expressed his belief that the allegations, which were originally raised by Ms. Dietzler’s subordinate Sallyanne Barrow and were investigated by the University of Georgia, “warrant[ed] further inquiry” as well as his concern “that the OIA and [the Attorney General’s Office] never received the report.” We were asked to look into this matter with a primary emphasis of determining why a report of the University of Georgia’s findings was not submitted to the University System of Georgia or the Attorney General’s Office. Between November 18 and 20, 2015, we interviewed fourteen witnesses¹ and reviewed numerous documents regarding these issues. This memorandum represents our findings.

I. GENERAL CONCLUSIONS

A. The University of Georgia conducted a thorough investigation of the allegations raised by Sallyanne Barrow regarding Deborah Dietzler. The investigation found evidence of substantial misconduct and policy violations by Ms. Dietzler. The University’s subsequent decision, based on the recommendation of its Fraud Committee, to immediately remove Ms. Dietzler from her supervisory position and not to renew her employment contract appears to have been appropriate.

¹ Elizabeth Bailey, Sige Burden, John Fuchko, Meredith Gurley Johnson, Tom Landrum, Margaret McAllister, Bob McGee, Chris Miller, Jere Morehead, Kathy Pharr, Michael Raeber, Holley Schramski, Matthew Whitley, and Jimmy Williamson.

B. The further decision, apparently outside the recommendation of the Fraud Committee, to offer Ms. Dietzler continued employment after the expiration of her contract while she looked for another job, however, appears to have been an error of judgment. It became largely moot, though, as Ms. Dietzler began employment elsewhere shortly after the expiration of her contract.

C. The University of Georgia did not submit its post-investigation findings regarding Ms. Dietzler's conduct to the University System of Georgia or the Georgia Attorney General's Office, but we found no evidence to suggest that the failure to do so was an intentional attempt to hide the matter from external scrutiny. The Chair of the Fraud Committee reported that he did not submit a malfeasance report based on a conclusion that Ms. Dietzler's conduct did not constitute actionable criminal fraud. The Director of Internal Auditing reported that he did not submit his findings because he thought the Fraud Committee Chair would. One of the responsible officials at the University of Georgia should have submitted a report of its findings to the University System and/or the Attorney General's Office for a determination of whether Ms. Dietzler's alleged behavior was potentially criminal in nature. To the extent that there was doubt as to whether disclosure was required, they should have erred on the side of disclosure.

D. We did not find evidence that would substantiate the allegation that the University of Georgia retaliated against Ms. Barrow for exposing Ms. Dietzler's conduct. To the contrary, the evidence suggests that the University had legitimate, non-retaliatory business reasons for its decision to terminate Ms. Barrow's employment.

II. SPECIFIC FINDINGS

Based on our inquiry, the following is our understanding of what transpired in regard to the University of Georgia's response to Sallyanne Barrow's allegations about Deborah Dietzler.

In October 2013, Ms. Barrow raised allegations of misconduct by Ms. Dietzler with the University of Georgia's Chief of Police Jimmy Williamson in a meeting also attended by her husband. Chief Williamson concluded that her allegations were not an appropriate matter for police investigation because they were not of a criminal nature but rather pertained to potential violations of personnel policies. The next day, he verbally apprised the Fraud Committee of the allegations so that that body could investigate the alleged improprieties.

The University's Fraud Policy provides that the Committee will "consist of representation from the Office of Academic Fiscal Affairs, the Controller's Office, the Office of Legal Affairs, UGA Human Resources, and can include other representation as determined by the Office of the President." At the time in question and currently the Committee also has included the Director of Internal Auditing, Matthew Whitley. After hearing Chief Williamson's presentation, the Committee asked Mr. Whitley to investigate the allegations.

Over the course of the next few months, Mr. Whitley and his staff conducted an investigation "focused on concerns that were related to conflicts of interest in business related travel, misrepresentation of facts related to excessive lodging charges, the failure to record annual or sick leave, and undue burdens placed on subordinates asked to routinely courier documents to

Ms. Dietzler's residence on their own time and expense." He reported that the "investigation included interviews with current and former employees who had firsthand knowledge of Alumni Relations operations, as well as a review of leave records, travel expense statements, and e-mail communications." It included interviews with both Ms. Barrow and Ms. Dietzler.

In January 2014, Mr. Whitley verbally presented his findings to the rest of the Fraud Committee. Interviewees reported that it is the customary practice for the person who has conducted an investigation to make such an oral presentation afterwards rather than presenting written findings. The members of the Committee unanimously agreed that Ms. Dietzler had engaged in abusive behavior towards her subordinate employees and violated University policies, including the University Conflict of Interest Policy, the University Travel Policy, and the University Leave and Conduct While Employed Policies. Her alleged actions included such things as scheduling out-of-state business meetings/events based on her personal travel plans, incurring lodging charges in excess of allowable per diem rates and misrepresentations thereof on her travel expense statements, failing to record sick leave when absent from work during business hours, and asking subordinates to deliver work documents to her home on their own time and expense.

Interviewees reported that it is the Fraud Committee's customary practice for its Chair to submit malfeasance reports to the University System's OIAC when appropriate. Different members of the Committee, however, seemed to have different understandings of when that is appropriate. Interviewees agreed that the other members of the Committee generally do not see the reports that the Chair submits. At the time of the events in question, the "Malfeasance Reporting" provision of the University System of Georgia Business Procedures Manual provided, at 16.4.5, that "[i]ncidents involving suspected criminal employee malfeasance must be reported to the USG Chief Audit Officer once an initial determination has been made that employee malfeasance was likely."² Bob McGee, who was the Fraud Committee Chair at the time but has since retired, told us that he did not submit a malfeasance report to the OIAC in this instance because he did not believe that the facts supported a case of criminal fraud. He said that the Committee concluded that Ms. Dietzler's actions justified the termination of her employment but not criminal fraud.³

As a result, the Committee recommended that Ms. Dietzler be immediately removed from her supervisory position as Executive Director of the Alumni Association and that her annual contract not be renewed for another year. (Her contract was set to expire on June 30, 2014. Although the Committee could have recommended that she be immediately terminated from employment entirely, it decided not to do so because the process required to terminate her contract early likely would have taken longer than the duration of her contract term.)

² That provision is now titled "Reporting Wrongdoing" and provides, in pertinent part, "Incidents involving criminal malfeasance by an employee must be reported to the USG Chief Audit Officer once an initial determination has been made that employee malfeasance may have occurred."

³ The Committee's conclusion that Ms Dietzler's actions did not constitute criminal activity was presumably reinforced by the Chief of Police's decision not to pursue a police investigation but to forward the allegations to the Fraud Committee instead.

At the end of January 2014, Mr. Whitley and Elizabeth Bailey, who was then Interim Executive Director of Legal Affairs and a member of the Fraud Committee, communicated the Committee's recommendation verbally to Ms. Dietzler's supervisor Tom Landrum, who was at that time Vice President for Development and Alumni Relations but has since retired. Witnesses also reported that it was the Committee's customary practice to make recommendations verbally rather than in writing.

Mr. Whitley did, however, present to Mr. Landrum a detailed document titled "Investigation Findings – Ms. Deborah Dietzler," dated January 31, 2014, and with a distribution list including only Mr. Landrum.⁴ Mr. Whitley indicated that he prepared that document at Mr. Landrum's request in order to help with the latter's decision-making process in regard to Ms. Dietzler's employment. Mr. Landrum recalled that the document was characterized as a draft report. Mr. Landrum apparently mistakenly believed that because the document was a "draft" it would be discarded.

Mr. Whitley's written findings were not presented to the Fraud Committee, and Mr. McGee did not see them.⁵ Mr. Whitley said that he assumed that Mr. McGee would submit a malfeasance report to the OIAC. Mr. Whitley said that he did not consider sending his own written findings to the OIAC because it was just a briefing document for Mr. Landrum. He also indicated, though, that he had talked to John Fuchko, Chief Audit Officer for the University System, on the telephone about the Dietzler investigation at some point in December 2013 or January 2014. Mr. Fuchko recalls speaking to him about a number of different issues at the University of Georgia but does not specifically recall discussing the Dietzler matter among them. He said, though, that he has no reason to doubt Mr. Whitley's memory of their having discussed it. Mr. Whitley indicated that he first realized that no malfeasance report had been submitted to the OIAC around February or March of 2015 when he contacted the OIAC to ask for a copy of the report that had been sent and was told there was none.

After reviewing Mr. Whitley's written findings, Mr. Landrum followed the Fraud Committee's recommendation that Ms. Dietzler be removed from her supervisory position and that her annual contract not be renewed. He met with her (along with his assistant Margaret McAllister) and informed her of the decision in February 2014. Ms. Dietzler was then allowed to resign from her position as Executive Director of the Alumni Association and was moved to another position under the Associate Vice President for Development in which she would have no supervisory authority for the remainder of her contract term. Mr. Landrum also offered to allow her to continue working at the University beyond the end of her contract for a limited amount of time if

⁴ A similar but different version of the document also exists. It is titled "Investigation of Allegations Made Against Ms. Deborah Dietzler" and has the incomplete date "January XX, 2014" and a distribution list that includes President Jere Morehead, Dr. Libby Morris, Mr. Ryan Nesbit, Dr. Kathy Pharr, Mr. John Fuchko (Board of Regents), and Ms. Darlene McConnell (State Department of Accounts). Mr. Whitley indicated that the distribution list on this document's cover page was in error and theorized that the longer distribution list had been transferred from a previous document used as the template for this document. Nevertheless, President Morehead and his Chief of Staff Dr. Pharr apparently did receive one of the versions of the document around early February 2014. Mr. Fuchko never received the document.

⁵ At page i, the document reads in part, "In January 2014 we presented the above findings to the Fraud Committee," implying that the document was created subsequent to the Fraud Committee process.

needed while she looked for another job. Ultimately, though, Ms. Dietzler began employment elsewhere shortly after the expiration of her contract.

Meredith Gurley Johnson was promoted to succeed Ms. Dietzler as Executive Director and thereby became Ms. Barrow's supervisor. Ms. Johnson reported numerous problems with Ms. Barrow's job performance over the course of the next approximately ten months. Ms. Johnson went through a progressive discipline process that included at least two written warnings prior to Ms. Barrow's termination in December 2014 (which was more than a year after Ms. Barrow had raised her allegations against Ms. Dietzler). The progressive discipline process including the termination was reviewed and approved by the University's Human Resources and Legal Affairs offices. Ms. Barrow did not have an employment contract. The problems Ms. Johnson reported included such performance issues as missing deadlines, pushing assigned work off onto others, blaming others inappropriately, starting an inappropriate fundraising project related to a non-University private entity, initiating a sponsorship program without proper approval, denying responsibility for assigned areas, incorrectly insisting that a simple requested project would take an inordinate amount of time to complete, and allowing solicitation letters to go out to alumni and parents over Ms. Johnson's signature without authorization.

III. RECOMMENDATIONS

A. The University of Georgia's investigation materials, as well as this office's, should be forwarded to the Attorney General's Office for a review and determination of whether Deborah Dietzler's alleged conduct was criminal in nature and, if so, whether prosecution should be undertaken.

B. Members of the University of Georgia Fraud Committee reported that they do not receive training prior to or during their service on the Committee. Different members had different understandings of the Committee processes. If the University continues with its current organizational structure to include a fraud committee, training should be provided going forward for all current and future members, to include, though not necessarily limited to, explanation of the Committee's mission and jurisdiction, the roles of individual members, the standard by which allegations are to be evaluated, and the standard by which the Committee will determine which cases' findings should be submitted to the University System of Georgia and/or the Georgia Attorney General's Office.

Similarly, the policies and practices of the University of Georgia Fraud Committee should be clarified and more formalized. Members reported that Committee members often hear allegations and investigative findings only via verbal presentations without supporting documentation. Going forward, the Committee should, where possible, review written documentation so that individual members can review evidence and make determinations without solely relying on the statements of the presenter. Members also reported that the Committee routinely makes its recommendations solely by verbal communications. The Committee should also consider making its recommendations in written form so that there is a clear record of its actions. Members further reported that members of the Committee other than

the Chair routinely do not know when or whether the Chair sends malfeasance reports to the University System or Attorney General's Office and do not see such reports. Going forward, Committee members should be made aware of whether such a report is made in each case so that there is no confusion or incorrect assumptions about whether a report has been submitted.

C. The University System of Georgia should reinforce to USG institutions the requirement to report possible employee malfeasance.



Internal Auditing Division

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Investigation Findings - Ms. Deborah Dietzler

Auditors:

Anjali Dougherty, Auditor

Matthew A. Whitley, Director

DISTRIBUTION:

Tom Landrum

January 31, 2014

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Executive Summary

The Internal Auditing Division has completed an investigation of alleged irregularities within the office of Alumni Relations (the Office) and specifically Ms. Deborah Dietzler, the Executive Director of the Office. Our review focused on concerns that were related to conflicts of interest in business related travel, misrepresentation of facts related to excessive lodging charges, the failure to record annual or sick leave, and undue burdens placed on subordinates asked to routinely courier documents to Ms. Dietzler's residence on their own time and expense. Our investigation included interviews with current and former employees who had firsthand knowledge of Alumni Relations operations, as well as a review of leave records, travel expense statements, and e-mail communications.

Our review determined that in the following instances, Ms. Dietzler's actions were in violation of University policy.

- Ms. Dietzler schedules out of state business meetings or events around personal travel plans, which is a violation of the University Conflict of Interest Policy.
- We noted two instances where the facts related to Ms. Dietzler incurring lodging charges in excess of the allowable federal per diem rate was misrepresented on her travel expense statement, which is a violation of the University Travel Policy.
- Ms. Dietzler routinely fails to record sick leave when she is absent from the Office, during business hours, to attend to personal matters or for health-related reasons, which is a violation of University Leave and Conduct While Employed Policies.

Additionally, we confirmed that Ms. Dietzler places an undue burden on certain subordinates by routinely asking them to deliver work related documents to Ms. Dietzler's residence during non-business hours on their own time and expense. Her actions violate the UGA policy "Standard Work Week and Payment of Overtime/Compensatory Time".

These allegations were first brought to our attention in October 2013 by the University Fraud Committee. In January 2014 we presented the above findings to the Fraud Committee.

★ ★ The allegations made against Ms. Dietzler also include the harassment of subordinates and the creation of a hostile work environment, which we did not address in our review as they are outside our purview. These allegations have been referred to the University Human Resources Division for review and we strongly encourage a more in depth review.

Background

The UGA Office of Alumni Relations (Office), a unit of the UGA Division of Development and Alumni Relations, supports programming for alumni and current students. These programs include special events produced by UGA schools and colleges, signature events of the UGA Alumni Association, student engagement through the Student Alumni Association, and support for a strong network of Association chapters and clubs. Signature events of the UGA Alumni Association include 40 Under 40, Bulldog 100, Bulldog Breakfast Club, Founders Day, Dawg Trot 5K, and Bulldogs after Business Hours.

The Office of Alumni Relations is currently staffed by an executive director, two associate directors and several assistant directors, program and administrative staff, graduate assistants, and student workers. Ms. Deborah Dietzler first joined the Office in 1997 as the associate executive director and was named the executive director in 2005. Prior to her arrival at UGA, she was the Director of Alumni Services at Teachers College, Columbia University and Director of Alumni Affairs at Stony Brook University.

Scope and Approach

The purpose of our investigation was to determine the validity of certain reporting and management irregularities associated with Ms. Dietzler and to identify whether any actions related to these irregularities were in violation of Federal, State, Board of Regents, or University policies. The irregularities that we reviewed were related to conflicts of interest in business related travel, misrepresentation of facts related to excessive lodging charges, the failure to record annual or sick leave, and undue burdens placed on subordinates asked to routinely courier documents to Ms. Dietzler's residence on their own time and expense. Our investigation included interviews with current and former employees who worked directly with Ms. Dietzler, as well as a review of Ms. Dietzler's leave records, travel expense statements, and e-mail communications with Office employees, and culminated with an interview of Ms. Dietzler in which she was given an opportunity to address each irregularity.

Conclusion

Our review determined that in the following instances, Ms. Dietzler's actions were in violation of University policy.

- Ms. Dietzler schedules out of state business meetings or events around personal travel plans, which is a violation of the University Conflict of Interest Policy.
- We noted instances where the facts related to Ms. Dietzler incurring lodging charges in excess of the allowable federal per diem rate was misrepresented on her travel expense statement, which is a violation of the University Travel Policy.
- Ms. Dietzler routinely fails to record sick leave when she is absent from the Office, during business hours, to attend to personal matters or for health-related reasons, which is a violation of University Leave and Conduct While Employed Policies.

Additionally, we confirmed that Ms. Dietzler places an undue burden on certain subordinates by routinely asking them to deliver work related documents to Ms. Dietzler's residence during non-business hours on their own time and expense.

Findings

Personal and Business Travel

Our review of Ms. Dietzler's travel expense statements between August 2011- September 2013 as well as interviews with Ms. Dietzler and several of her subordinates positively identified multiple instances in which Ms. Dietzler scheduled out-of-state business meetings and events to coordinate with already planned personal events. As an example, we confirmed three instances where Ms. Dietzler first planned to participate in an out-of-state marathon (Chicago, IL in October 2011, Washington DC in 2012 and Monterey, CA in 2013), before requesting her staff to set up UGA related meetings or events in the same location before and/or after the date of the personal events. In these instances we noted that Ms. Dietzler requested reimbursement of the full amount of the airfare as well as other expenses related to the trip. We also noted a recent occasion in which Ms. Dietzler planned a personal vacation to Baltimore. She requested annual leave for the vacation related to this trip. Nearly a month later, she requested approval for a Travel Authority to the same location (Baltimore) as her vacation. The dates on the Travel Authority were for the weekend of her scheduled vacation. In our interview with Ms. Dietzler, she confirmed that on occasion she has subsequently scheduled business related events at locations near her already planned personal events. Ms. Dietzler does occasionally exclude hotel cost on the specific night of her personal events, but routinely expenses the rest of the cost associated with the trip.

The mixing of University obligations with personal plans is a violation of the University Conflict of Interest Policy. According to the University Conflict of Interest Policy; "An employee of the University System of Georgia shall make every reasonable effort to avoid even the appearance of a conflict of interest. This includes avoiding actual or apparent conflict of interests between his or her college or university obligations and his or her outside activities."

Lodging Expenditures in Excess of Federal Per Diems

During our review of Ms. Dietzler's expense reimbursement statements we observed that she routinely exceeds the state mandated federal guidelines for hotel per diem rates. We noted two instances where the facts related to Ms. Dietzler incurring lodging charges in excess of the allowable federal per diem rate was misrepresented on her travel expense statement.

Ms. Dietzler attended a Bank of America Advisory Council Meeting in Philadelphia, PA in August 2013 where the organizer had arranged a special rate of \$159 per night at the Four Seasons Hotel for attendees. As Ms. Dietzler is a member of the Hilton HHonors program which credits hotel points for stays at several hotels including the Hilton Garden Inn, the original reservation made at the Four Seasons hotel for Ms. Dietzler was canceled and Ms. Dietzler stayed at the Hilton Garden Inn at a higher rate of 269.99 plus taxes (total cost of \$312). The letter accompanying the travel expense statement to explain why the lodging costs exceeded the federal per diem rate of \$137 by more than 25%, stated that: "The hotel was chosen as it is located in a safe part of town, it is convenient to the Bank of America meeting location, and because the less expensive Hampton Inn, Philadelphia was not available on this date...". This statement is clearly a misrepresentation of facts as Ms. Dietzler had been able to make a reservation at the Four Season hotel at a much lower negotiated rate.

Ms. Dietzler traveled to Monterey, CA to participate in the Big Sur marathon in April 2013. According to Ms. Dietzler's Office calendar and several Office employees that we interviewed,

Ms. Dietzler did not have any business-related activities in Monterey during this trip. We noted that she only had two business-related meetings on this trip on the day after the marathon in Sacramento, CA. However, Ms. Dietzler falsely claimed in her travel expense statement that the one night of hotel expense in Monterey she claimed reimbursement for was "while in Monterey, California, on Alumni Association Business." Additionally, Ms. Dietzler's travel expense statement also incorrectly stated that "there was no suggested per diem rate available for Monterey" where she paid \$219 plus taxes for one night. However, we noted that there is a federal per diem rate of \$134 listed as allowable for Monterey, CA during April 2013.

According to the University Travel Policy: "Employees are required to sign their travel expense statement, attesting that the information presented on the form is accurate... Employees who provide false information are subject to criminal penalty of a felony for false statements, which is subject to punishment by fine of not more than \$1,000 or by imprisonment for not less than one nor more than five years." Additionally, "Employees traveling overnight are responsible for ensuring the most reasonable lodging rates are obtained."

During the course of our interview with Ms. Dietzler she confirmed that she routinely selects or directs her staff to select hotel locations based on participation in rewards programs.

Leave

We noted that Ms. Dietzler routinely fails to record sick leave when she is absent from the Office, during business hours, to attend to personal matters or for health-related reasons. Our review of e-mails between Ms. Dietzler and her subordinates noted numerous instances where Ms. Dietzler stated that she would be absent from the Office during business hours; to attend to personal projects/errands, attend physical therapy or doctor's appointments, rest at home, stay home as she was feeling sick, wanted to get organized at home prior to a business trip, or to be present at home while she had people performing work on her home. Our review of Ms. Dietzler's leave records noted that she had not taken any annual or sick leave on any of the noted days.

According to the University's Annual Leave policy; "Each full or partial benefits-eligible employee is responsible for acquiring the appropriate approval for annual leave from a supervisor. Also, the employee is responsible for recording any annual leave by a time system (Kronos) or through a paper form submitted to a supervisor." Additionally, one of the unacceptable employee actions listed under the Conduct While Employed University policy is the "failure to report an absence or reason for an absence." Per Ms. Dietzler, she does not believe that she has to record leave for the instances noted above due to the exceptional number of hours that she works for the University.

Employee Job Responsibilities

During the course of our review it came to our attention that as Ms. Dietzler regularly prefers to work from home, and while doing so she places an undue burden on certain subordinates by routinely requiring them to deliver work related documents to her residence during non-business hours, on their own time, and at personal expense.

We note that this practice reflects an abuse of authority by Ms. Dietzler.