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FACT FINDING REPORT

**Related to
Investigation Involving Alleged Workplace Misconduct**

Subject: Sonia Morphey Pitt

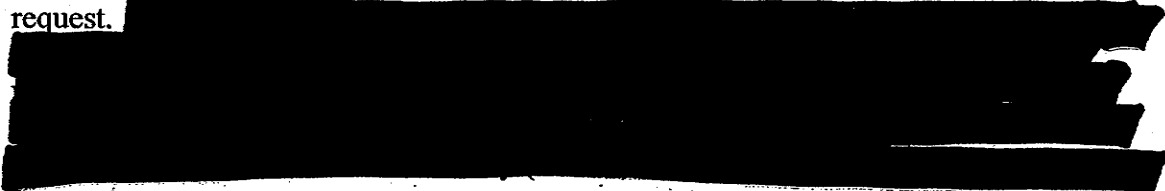
Dated: November 5, 2007

SCOPE OF INVESTIGATION

This investigative report addresses allegations of workplace misconduct directed at Sonia Morphey Pitt ("Pitt"), Homeland Security and Emergency Management Director with the Minnesota Department of Transportation ("Mn/DOT" and/or "the agency"). The allegations fall into the following general categories: unauthorized out of state travel; unauthorized compensation; misuse of state resources; and unprofessional conduct unbecoming to the agency. This investigation examines the facts relevant to the allegations for the purpose of allowing the agency to determine whether Pitt's actions constitute a violation of the Minnesota Code of Ethics, Minn. Stat. §43A.38, and/or any of the agency's workplace policies.

INVESTIGATIVE PROCESS

During the course of this investigation, I reviewed a September 11, 2007 preliminary report submitted by Daniel E. Kahnke ("Kahnke"), Audit Director for Mn/DOT, to Deputy Commissioner Lisa Freese ("Freese"), together with 13 files of documents gathered by the Mn/DOT Office of Audit in support of the written report and labeled as follows: File 1 – Index and Report; File 2 – General Information/Notes; File 3 – Initial Information; File 4 – Interview Notes; File 5 – June Trip Analysis; File 6 – July Trip Analysis; File 7 – Contract Selection Process Review; File 8 – Pitt's E-Mails; File 9 – Policies and Procedures; File 10 – Timesheet and GroupWise Calendar; File 11 – Expense Reports; File 12 – Air Travel Documentation; File 13 – Cell Phone Usage; File 14 – Office Credit Card Logs. I also reviewed Pitt's personnel file as well as a three-ring binder of information compiled in response to a request made to the agency by the Star Tribune pursuant to the Minnesota Data Practices Act, Minn. Stat. Chpt. 13, as well as another set of copied emails produced by agency staff in response to a second such request.



[REDACTED]

As part of my investigation, I conducted in-person interviews with the following individuals: Pitt; [REDACTED]

[REDACTED], Lund, Maintenance and Security Director; Richard L. Arnebeck ("Arnebeck"), Engineering Services Director; and Marthand Nookala ("Nookala"), former Mn/DOT Division Director. I conducted telephone interviews of the following additional individuals: Philip Ditzler ("Ditzler"), Division Director for the Oregon Division of the Federal Highway Administration ("FHWA"); Regina Jungbluth ("Jungbluth"), Program Manager for Harvard University's National Preparedness Leadership Institute; Chris Lawson ("Lawson"), Special Assistant to the FHWA Administrator; Kevin Hanretta ("Hanretta"), DAS for Emergency Management, Office of Operation, Safety and Preparedness, U.S. Department of Veterans Affairs ("VA"); Daniel Ferezan ("Ferezan"), FHWA Transportation Security Program Manager; and Susan Heurung ("Heurung"), Manager of the Mn/DOT Business Services Section.

Each state employee was provided with a Tennessee Warning before their interview commenced. I began each interview session by directing the witness's attention to the agency's policies requiring cooperation with necessary investigations, providing appropriate confidentiality about matters discussed in the interview(s) and prohibiting retaliation for cooperation with a necessary investigation. I explained my role as a neutral fact-gatherer and not as one hired to make recommendations or provide legal counsel to the agency or any person interviewed. [REDACTED]

BACKGROUND

Personal

Professional

Pitt is employed as the Director of Mn/DOT's Homeland Security and Emergency Management ("HSEM") efforts. She has worked for the state for 15 years, having started with the Minnesota Department of Jobs and Training, later renamed the Department of Economic Security. After a brief layoff in late 1999, Pitt was rehired by the Department of Trade and Economic Development ("DTED") in 2000. Pitt worked in the communications office of DTED until January 2001 when she was hired into a communications position at Mn/DOT.

Following the September 11, 2001 ("9/11") tragedy and the 2002 creation of the U.S. Department of Homeland Security ("DHS"), state governments began focusing more resources on emergency preparedness and homeland security issues. In 2003, the state of Minnesota created the Division of Homeland Security and Emergency Management in Minnesota's DPS and, pursuant to Executive Order 04-04, in March 2004 entrusted that agency with primary responsibilities for coordinating the development and maintenance of emergency preparedness efforts in the state. Mn/DOT then created a homeland security and emergency management group to serve the training, planning and operational needs of the agency and to represent the agency on statewide efforts led by DPS.

Mn/DOT created and posted the Homeland Security Planning Director position in November 2003. Pitt applied, was hired and successfully completed her required probationary period in the position. The position was put through a Hay process and reallocated to a State Program Administrator Senior (Homeland Security), effective July 5, 2005.

When she first joined the agency's communications office, Pitt reported to Megan Lewis, then to Dawn Hagen. As the first Director of Mn/DOT's HSEM Office, Pitt reported directly to Nookala. When Nookala left the agency in January 2006, Pitt was assigned to report to Arnebeck until March 2007, when an agency reorganization placed the HSEM function under Lund as part of the Maintenance and Security Office. Lund supervised Pitt for approximately six months prior to the commencement of this investigation.

COMPLAINT ALLEGATIONS

Allegations of workplace misconduct involving Pitt were first reported by [REDACTED] to Michael A. Garza ("Garza") former Director of Mn/DOT's Office of Business and Support Services, in July 2007. When Garza left the agency soon thereafter, he reported the complaint to Kahnke, Director of the Mn/DOT Office of Audit, who immediately commenced an internal investigation. In the September 11, 2007 preliminary report of that internal inquiry directed to Mn/DOT's Deputy Commissioner Freese, the Mn/DOT Office of Audit reported evidence of potential workplace misconduct with respect to nine¹ specific allegations. All of these are summarized below under the following four categories of alleged misconduct: unauthorized out of state travel; unauthorized compensation; misuse of state resources; and unprofessional conduct unbecoming to the agency.

Unauthorized Travel

The Office of Audit examined four out of state trips Pitt took in 2007: (1) a June trip to Las Vegas from Palm Springs; (2) a June trip from Las Vegas to Washington, DC ("DC"); (3) a July trip from Minneapolis to DC; and (4) an August trip from Boston to

¹ The Office of Audit's preliminary report found no evidence to substantiate a tenth allegation. As such, that allegation was not included in the scope of the current investigation.

DC. The Office of Audit's preliminary findings were that Pitt had violated agency policy by failing to obtain prior written approval for all four trips.

Unauthorized Compensation

According to the preliminary investigation conducted by the Office of Audit, Pitt violated agency policy by requesting and receiving compensation to which she was not entitled. Specifically, the preliminary findings of the audit included the following violations: requesting and obtaining reimbursement for business expenses during unauthorized travel; submitting credit card purchases for reimbursement without supervisory approval; and recording vacation hours as work time on submitted timesheets.

Misuse of State Resources

In addition, the Office of Audit made initial determinations that Pitt misused state resources in a manner that resulted in inappropriate state payments having been made to other entities. This category of findings includes Pitt's use of her state cell phone for excessive personal calls and inappropriately charging the costs of seat selection upgrades to the state.

Unprofessional Conduct Unbecoming to the Agency

While relatively unspecific in these findings, the Audit Office's preliminary report indicates that Pitt may have violated the statutory Code of Ethics that applies to executive branch employees. The audit report references Pitt's unauthorized alteration of required out of state travel approval forms and her alleged involvement in a personal relationship with Ferezan, a non-Mn/DOT employee, which relationship allegedly interfered with Pitt's fulfillment of her professional duties and damaged the agency's reputation. Specifically, the report suggests that Pitt inappropriately prioritized her personal relationship over her work responsibilities at the time of the I35W Bridge collapse and concludes that Pitt's choosing to remain in Washington, DC rather than return to Minnesota compromised Pitt's ability to fulfill her job duties relating to the agency's emergency response efforts.

SUBJECT'S RESPONSE

[REDACTED]

[REDACTED]

[REDACTED]

CHRIS LAWSON

Lawson is the Special Assistant to the Administrator of the FHWA. He confirmed that he saw Pitt "a couple of times" in the FHWA's DC offices during the week after the I35W Bridge collapsed. To the best of his knowledge, the FHWA Administrator had little or no contact with her. Lawson had no knowledge about Pitt being assigned a workspace during the week at issue, but acknowledged that he would only have known about such if the space had been in close proximity to the Administrator's office. Lawson could not state whether Pitt had been working or not, or whether her work was necessary or productive or not. All he could say was that he had seen her in the building on a couple occasions during that week.

PHILIP DITZLER

Ditzler is currently the FHWA Division Director in the Oregon Division. Immediately prior to this appointment, Ditzler worked as a Special Assistant to the FHWA Executive Director, Frederick G. Wright, in FHWA's DC office.

Ditzler verified that Pitt was in the FHWA's DC offices during some portions of the week after the I35W Bridge collapse. He said that he made arrangements for Pitt to use a vacant office with a telephone line; the office was located next to his. He believed that the FHWA did so as a means of providing assistance to the state of Minnesota and not because the federal agency had any direct need of Pitt's services. Ditzler saw Pitt working in the office on more than one occasion. He had no direct knowledge of what exact work Pitt was doing, but had the impression that she was working and assumed it related to the bridge collapse. Ditzler noted that the FHWA was "very much involved with the events following the collapse."

Pitt did not have direct security clearance to the building and so would have had to come and go with other FHWA employees. Ditzler thought that Pitt may have been coordinating her office time with that of Ferezan. He did not recall seeking any information from Pitt on behalf of the Executive Director, but suggested that Ferezan may have made some requests.

KEVIN HANRETTA

Hanretta was a member of the NPLI cohort group that worked with Pitt on the group project titled *National Command and Coordination Roadmap*. He first met her at the NPLI course meeting in March 2007. After that meeting, they did some work on their group project by email and/or conference call, but they did not meet again in person until

June 2007 when some members of the larger NPLI group gathered in DC. During that week, Pitt met with him once in his offices and they held a discussion with their other group member, John Farnham, and one of the Harvard instructors participating via a telephone conference call to further define the group project and make necessary task assignments.

The Hanretta/Pitt/Farnham group was scheduled to present their paper on August 1st during the NPLI meeting in Boston. Prior to that time, they exchanged information electronically and held several telephone conferences. Pitt provided valuable input in some materials she prepared and sent electronically to the other members. Hanretta noted that Minnesota is viewed as a leader in this area and as "very proactive in emergency management." He said he did not understand the extent to which these perceptions were justified until he worked with Pitt, who was the state level lead on their project.

Hanretta recalled that their group had scheduled a conference call for July 27th for a final discussion prior to their presentation. Hanretta reported that Pitt had plans to be in DC at that time, for reasons unknown to him, and so Pitt made arrangements to meet at Hanretta's office and then the two planned to include Farnham by conference call and discuss the specifics of their upcoming presentation. As it happened, however, schedules changed and so Pitt and Hanretta did not meet in person but instead all three participated in the discussion by conference call.

The group presented their material in Boston on August 1st. After their presentation, they asked the NPLI staff whether they should reformat the material into a more formal paper for final submission. Hanretta said that they never really got any direction from staff on this topic, but the group decided after their presentation that they would like to continue to refine the paper so that it could more easily be made available on the NPLI website and/or to others. According to Hanretta, the group never scheduled any meetings or conference calls in which to discuss the further refinement, but they did discuss the possibility of doing that at some point in the future.

That evening, the I35W Bridge collapsed in Minneapolis. After that, Hanretta noted that Pitt was "in and out" of the NPLI proceedings as she also focused on responding electronically to the efforts in Minnesota. Hanretta knew that Lisa Dressler was going to leave and return to Minnesota, and said that Pitt was "torn" because the "action was back there." She eventually decided to stay because her staff "was doing a great job" and "she was comfortable directing efforts from [Boston]." Hanretta recalled Pitt telling him that "everything is being implemented exactly as we had trained for it."

Hanretta said that Pitt was "very conscientious" about staying in touch by Blackberry. He did not witness any behavior from her that he would have described as anything other than professional. He said he has not spoken with Pitt since the NPLI course in Boston; he did not see her in DC after the bridge collapse and did not speak with her by phone.

REGINA JUNGBLUTH

Jungbluth is the Program Manager for the NPLI sponsored by the Harvard School of Public Health. Jungbluth defined NPLI as an "executive education" program. She explained that executives are "asked to commit to a week and a half" in order to complete the program. There is an initial five-day opening seminar and a three-day closing seminar. In addition, participants are asked to work in groups and submit a presentation to the group during the closing seminar.

Jungbluth verified that Pitt had participated in both the opening seminar in March and the closing seminar in late July/early August of 2007. She noted that Pitt and her cohort group made their presentation to the other participants on the afternoon of August 1, 2007.

According to Jungbluth, NPLI participants are requested to submit a copy of their presentation materials approximately one week before the concluding seminar so that the materials can be published in the notebooks provided to participants. She believed that Pitt and her group had met that deadline. When asked whether group participants are then required, or even requested, to further define their presentations for subsequent submission to the NPLI program, Jungbluth said they were not. She noted that no further submissions are expected after the presentations are concluded, and added, "When we conclude on Friday it is the final conclusion of the executive program." No further paperwork or other group work is expected after the presentations.

SUSAN HEURUNG

Heurung is the Manager of Mn/DOT's Business Services Section. She supervises the staff with responsibilities for processing employee expense reports and cellular telephone invoices, among other duties.

Misuse of State Resources

Cell Phone Use

Heurung explained that the agency's workplace policy prohibits any personal use of agency cell phones except for "essential personal calls." Employees are required to reimburse the agency for all personal calls that do not meet the definition contained in the policy. All Office Directors and others with agency cell phones were provided a copy of the agency's policy regarding cell phone use and were asked to provide the Business Services staff with a written acknowledgement of their receipt and review of the policy. Heurung explained that due to a staff shortage related to leave issues, not all signed acknowledgement forms have been received. According to Heurung, her office has no record of having received a signed acknowledgement from Pitt.

Heurung stated that cell phone bills are received by the agency and first routed to the Business Services Section for payment. She acknowledged that the agency is required to

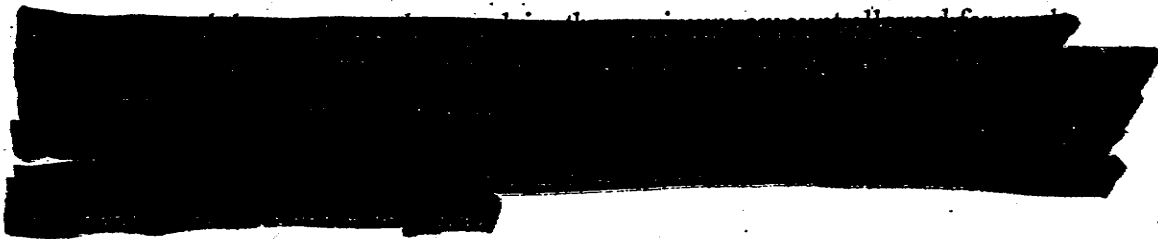
pay its invoices within 30 days of its receipt thereof. Once the bills are paid, they are then routed back to each Office Director and/or his/her designee for the review required by the policy. Heurung noted that the Business Services staff cannot and do not serve as the "cell phone police" because they have no way to identify which calls are work-related and which are of a personal nature. Instead, and in accordance with the policy as Heurung understands it, Office Directors and/or designees are required to review the invoices, identify any calls that are not work-related and remit payment for same to the agency. Heurung said that the Business Services Section has received reimbursement payments from agency employees in the past, but described that occurrence as "very rare."

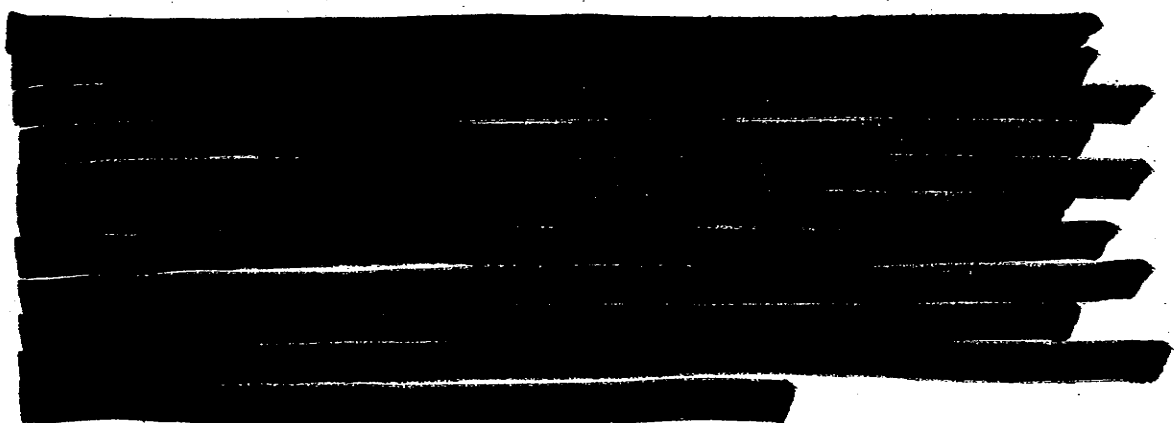
Heurung was aware that when HSEM was a designated Office within the agency, cell phone invoices went to Pitt for her review. Because HSEM was recently moved into Lund's Office as a result of the recent reorganization, invoices for Pitt and the other HSEM staff with cell phones are now routed to Lund for review and/or dispersal as he deems appropriate.

Expense Reimbursements

According to Heurung, employees are required to submit their Employee Expense Reports to their supervisor for review and approval prior to having them routed to Business Services for payment. She views it as the supervisor's responsibility to review the submissions for appropriateness. The Business Services staff does review submitted reports to ensure that required receipts are attached and that the calculations are correct. They also review the reports to determine whether the claimed amounts comply with the applicable collective bargaining agreements and other workplace policies. They do not make an analysis of the business purpose for the claimed expenses.

With respect to travel-related expenses, Heurung stated that her Business Services staff require that a travel authorization form be attached to the reports in order to process claimed expenses. She agreed that staff do not question travel expenses noted for dates beyond those specifically approved in the travel authorization given the various appropriate reasons for employees to travel both before and after scheduled trips. As an example, she noted that employees may arrange their travel to include a Saturday night stay in order to reduce the airline cost associated with the trip. Because the Business Services staff is not in a position to judge whether the actual dates of a specific trip serve a business purpose, the staff rely on the supervisor's signature on the report as evidence that the claimed expenses are appropriate for payment.





FINDINGS OF FACT

Employment of Sonia Morpew Pitt

1. The Minnesota Department of Transportation is an executive branch agency responsible for planning, operating, maintaining, preserving, improving and investing in coordinated transportation systems serving the transportation needs of the citizens throughout the state. Agency employees are subject to the statutory requirements of the Minnesota Code of Ethics, published at Minnesota Statutes Section 43A.38, and to the requirements of published workplace policies.

Basis of Finding: Review of agency's strategic planning documents posted on agency website; review of Minn. Stat. § 43A.38 and workplace policies.

2. Sonia Morpew Pitt has been an employee of the Minnesota Department of Transportation since July 2001. She currently holds the position of State Program Administrative Manager Senior (Homeland Security), which position utilizes a working title of Director, Homeland Security and Emergency Management. She supervises the staff and operations of the agency's Homeland Security & Emergency Management efforts. As an incumbent in an managerial position, Pitt is subject to the Managerial Plan.

Basis of Finding: Interview of Sonia Morpew Pitt; review of personnel file of Sonia Morpew Pitt.

3. From approximately November 2003 through January 2006, Pitt was supervised by Marthand Nookala, a Division Director. From approximately February 2006 through February 2007, Division Director Richard Arnebeck supervised Pitt. Since approximately March 1, 2007, Pitt has been supervised by Steven Lund, Director of the Office of Maintenance and Security.

Basis of Finding: Interviews of Sonia Morphew Pitt, [REDACTED]
[REDACTED] Steven Lund and Richard Arnebeck.

4. Pitt's job responsibilities include participation in various federal and state associations and organizations related to homeland security and emergency preparedness issues. She is expected to obtain specified homeland security and emergency preparedness training. In her work as the Director of the Homeland Security and Emergency Management function within the agency, Pitt has been authorized and encouraged by her supervisors to attend local, state, regional and national conferences, trainings and/or organizational work sessions related to her work duties and sponsored by the following governmental and/or affiliated entities: U.S. Department of Homeland Security, through the Federal Emergency Management Agency, the U.S. Department of Transportation, the Transportation Research Board, the American Association of Highway Transportation Officials, the Special Committee on Transportation Security, ITS America and other federal and state affiliated groups.

Basis of Finding: Interviews of Sonia Morphew Pitt, [REDACTED]
[REDACTED] Steven Lund, Richard Arnebeck, and Marthand Nookala; review of Sonia Morphew Pitt's personnel file and records of prior travel.

5.

[REDACTED]

6. The Minnesota Department of Transportation distributed a memorandum to all office employees on or about March 15, 2005 wherein the agency reminded its employees of the "key policies and behavioral expectations" and reiterated the requirement that all employees review and become familiar with the terms of the Code of Ethics and the policies pertaining to the use of E-mail and the Internet, among others. New and transferring employees, including Sonia Morphew Pitt, were provided copies of the Code of Ethics and the agency's Telecommunication Policy, among other policies, during their employment orientation. Mn/DOT employees, including Sonia Morphew Pitt, were also provided a copy of the agency's 2007 policy related to cellular telephone use.

Basis of Finding: Interview of Susan Heurung; review of Minnesota Department of Transportation Memorandum dated March 15, 2005 addressed to "All Office Employees;" review of *The Welcome Mat* New Employee Orientation Session acknowledgement form signed by Sonia Pitt, dated July 25, 2001.

Out of State Travel Mid-2006 to Early 2007

7. The Minnesota Department of Transportation requires its employees to comply with published policies pertaining to out of state travel, as defined in the policy titled *Travel Out State for Capitol Complex* as follows:

The third ranked criteria for approving an out of state trip is: Maintaining active involvement with national transportation organizations where membership consists primarily of state DOTs (e.g., AASHTO and TRB) or organizations in which states are a significant partner (e.g., ITS America, APTA).

* * *

Questions to Ask Prior to Trip Approval

1. Is trip essential now or can it be postponed?
2. How many Mn/DOT representatives are necessary?
3. Can the information be transferred in another manner (e.g., conference call or e-mail) and not dilute its usefulness?
4. Can expenses be defrayed by federal or other sources?

* * *

Air Transportation – Call Office of Aeronautics, Air Transportation at 651 296-6666 to receive estimate for transportation costs for inclusion in the Mn/DOT RAOSTF. After receiving approved Mn/DOT RAOSTF call Air Transportation to make final reservations. . . .”

* * *

Miscellaneous – Cab fares . . . and baggage handling are miscellaneous expenses. NO RECEIPTS are necessary.”

Basis of Finding: Review of policy titled *Travel Out State for Capitol Complex*, published at [http://ihub.employee/purchasing/travel out state.html](http://ihub.employee/purchasing/travel%20out%20state.html).

8. The Minnesota Department of Transportation publishes a Business Manual and requires its employees to comply with its provisions as specified below:

Supervisors should evaluate all requests for travel to ensure that the alternatives to travel have been considered and that travel is the most efficient means of accomplishing the required task. ... Supervisors will authorize reimbursement for travel expenses by verifying all entries and by signing and dating the "Employee Expense Report."

* * *

...Employees are to claim only actual expenses...

* * *

Advance approval is required for all out of state travel.

* * *

Use of Commercial Aircraft. When an employee needs to schedule a commercial flight they should notify Air Transportation who will obtain and relay information regarding flight times, costs, and restrictions on the particular fares. The passenger should complete the Request and Authorization for Travel and have it signed by the Office Director/District Engineer or designee. The signed form needs to be faxed to Air Transportation who will then make the flight reservations.

* * *

Fares for state travel are not to exceed the cost of coach fare. ...

* * *

Each division/office has been assigned a credit card number to be used for purchasing all commercial tickets.

* * *

[Trip miles] must be consistent with those listed in the official state mileage book or ... mileage chart.

* * *

Employees are reimbursed for the actual cost of a meal up to the maximum established in the applicable collective bargaining agreement or plan. ...

* * *

Personal calls are reimbursed up to the amount in the applicable collective bargaining agreement or plan. ...

Basis of Finding: Review of Mn/DOT Business Manual April 2005, at pp. 11, 12, 22, 34, 39, 40. (Emphasis in original.)

9. In June 2006, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested and obtained approval from Arnebeck, on June 27, 2006, to attend and make a presentation to the "Joint TRB Critical Infrastructure Security Committee and AASHTO" meeting on September 16-20, 2006 in Orlando, Florida. She booked her flights through Aeronautics and charged them to her state credit card.

Basis of Finding: Review of specified travel request form and related travel documents.

10. In the course of her attendance at the Orlando conference, Pitt was introduced to Daniel Ferezan, an employee of the Federal Highway Administration ("FHWA") with some responsibilities for emergency coordination related to transportation security. They began a professional relationship focused on information sharing related to transportation security and emergency preparedness efforts.

Basis of Finding: Interviews of Sonia Morphew Pitt and Daniel Ferezan.

11. In August 2006, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested and obtained approval from Arnebeck, on August 22, 2006, to attend the September 13-14, 2006 FEMA Region V quarterly meeting in Chicago. Arnebeck noted on the approval: "This will be important to determine our obligations over the next 3 yrs and to identify opportunities for grant applications that can help support our 08-09 Budget." Pitt booked her flights through Aeronautics and charged the costs to her state credit card.

Basis of Finding: Interviews of Sonia Morphew Pitt and Richard Arnebeck; review of specified travel request form and related travel documents.

12. Also in August 2006, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested and obtained approval from Arnebeck, dated August 24, 2006, to attend the October 13-14, 2006 "Midwest

State Transportation Infrastructure Protection Workshop” sponsored by AASHTO and TSA and held in Springfield, Illinois. Pitt booked her flights through Aeronautics and charged them to her state credit card.

Basis of Finding: Review of specified travel request form and related travel documents.

13. Prior to November 8, 2006, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested and obtained approval from Arnebeck, on November 8, 2006, to attend the December 6-7, 2006 FEMA/RISC quarterly meeting in Chicago. Pitt booked her flights through Aeronautics and charged them to her state credit card.

Basis of Finding: Review of specified travel request form and related travel documents.

14. On December 7, 2006 while she was in Chicago at the FEMA/RISC meeting, Pitt emailed Arnebeck and requested approval to attend a December 14-15, 2006 “Infrastructure Protection & Emergency Preparedness Workshop” in Newark, New Jersey. Arnebeck immediately returned his approval by email. An unsigned travel request form, together with a copy of Arnebeck’s email, was submitted to Aeronautics, which then booked the necessary flights and charged them to Pitt’s state credit card.

Basis of Finding: Review of December 7, 2006 email from Sonia Morphew Pitt to Richard Arnebeck; review of specified travel request form and related travel documents.

15. In late December 2006 or early January 2007, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested and obtained approval from Arnebeck, on January 2, 2007, to attend the June 4-6, 2007 “ITS America Annual Meeting & Exposition” in Palm Springs, California. On January 4, 2007, Pitt booked through Aeronautics her flights for June 2-7, 2007 and charged the \$507.61 cost to her state credit card. On February 28, 2007, Northwest Airlines cancelled her June 7th return flight and so Aeronautics rebooked Pitt to return on June 8th. The airline altered the time, not the date, of her return flight again on April 19, 2007.

Basis of Finding: Review of specified travel request form and related travel documents.

16. In January 2007, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested and obtained approval from Arnebeck, dated January 16, 2007, to attend a “Freight Security Workshop” on February 13, 2007 in Newark, New Jersey. The training was sponsored by the U.S. Department of Transportation’s FHWA and was designed to educate

“transportation agencies and organizations” about “the need to integrate freight security initiatives into local and regional planning efforts” following 9/11. Pitt booked her flight through Mn/DOT’s Office of Aeronautics and charged it to her state credit card.

Basis of Finding: Review of specified travel request form and related travel documents.

17. Also in January 2007, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested and obtained approval from Division Director Robert Winter, on January 29, 2007 [misdated January 29, 2005], to attend the March 22-23, 2007 FEMA/RISC quarterly meeting in Chicago. Pitt booked her flights through Aeronautics and charged them to her state credit card.

Basis of Finding: Review of specified travel request form and related travel documents.

18. All of the out of state travel detailed in Findings 9 through 17 above appears to have served a legitimate business purpose. The travel is sponsored by “national transportation organizations where membership consists primarily of state DOTs,” a preferred criteria specified in the agency policy. Pitt booked all flights through the Office of Aeronautics.

Basis of Finding: Review of Sonia Morphey Pitt’s travel requests and related documents, Minnesota Department of Transportation’s workplace policy titled Travel Out State for Capitol Complex, published at [http://ihub.employee/purchasing/travel out state.html](http://ihub.employee/purchasing/travel%20out%20state.html), and the agency’s Business Manual, April 2005.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2007 Out of State Travel and Related Compensation Issues

23. On or about February 15, 2007, Pitt first learned of the existence of the National Preparedness Leadership Initiative ("NPLI"), a leadership training program sponsored by Harvard University's School of Public Health and the Center for Public Leadership and held at Harvard in Cambridge, Massachusetts. The NPLI was seeking applications from government representatives responsible for strategic planning or operational leadership related to emergency planning, response and recovery efforts, and was offering applicants \$4500 in financial support from available fellowship funds. Pitt submitted a brief on-line application, was accepted into the program and awarded the typical \$4,500 stipend for half of the required tuition.

Basis of Finding: Interview of Sonia Morphew Pitt; review of emails dated February 15-20, 2007 between Sonia Morphew Pitt and Annette Wilsong, NPLI staff.

24. On February 20, 2007, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form requesting approval to attend two NPLI sessions: the first scheduled for March 4-9, 2007 and the other for July 31 - August 3, 2007. The destination for the trips was listed as "MSP to WA National" and "WA National to MSP" and the proposed dates of travel were listed as "3/2/07" to "3/9/07." Pitt typed only the first trip's dates on the travel request form in the space titled "Date of Event," but did include the dates for both trips in the form section used to detail the benefits to the state from the travel. After printing out the form, she then hand-wrote the date of the second trip, "July 31-August 3" on the line for "Date of Event." Pitt submitted the travel request form in the described form with the described information to Arnebeck for approval.

Basis of Finding: Interview of Sonia Morphew Pitt; review of travel request form as contained in Audit Office File No. 3 - Initial Information.

25. On February 22, 2007, Arnebeck approved Pitt's request as submitted and thereby authorized her to attend the NPLI course on March 4-9, 2007 and July 31 - August 3, 2007 in DC.

Basis of Finding: Interview of Richard Arnebeck; review of travel request form as contained in Audit Office File No. 3 - Initial Information.

March 2007 Travel

26. On February 20, 2007, Pitt requested and received from Aeronautics the price for and a list of available flights from Minneapolis to Boston on March 4-9, 2007 and the additional cost of flying from Minneapolis to DC's National Airport on March 2nd, then from DC to Boston on March 4th, and from Boston back to Minneapolis. Pitt was informed in a fax from Aeronautics that the specified roundtrip between Minneapolis and Boston would cost the state \$490.41 while the cost of including the DC stops would increase the price to \$640.82.

Basis of Finding: Review of specified travel request form and travel related documents.

27. Pitt instructed Aeronautics to book her flights from Minneapolis to DC, then from DC to Boston, and then back to DC and finally from DC to Minneapolis, and to charge it to her personal credit card. Pitt explained to the Aeronautics staff that the DC portion of the trip was personal and not work-related and would be paid for personally and not by the state.

Basis of Finding: Review of Aeronautics documents related to specified travel request form.

28. Pitt flew to DC on Friday, March 2, 2007, from DC to Boston on Sunday, March 4, 2007, and from Boston to Minneapolis on Friday, March 9, 2007.

Basis of Finding: Interview of Sonia Morphew Pitt; review of specified travel documents.

29. On her Employee Expense Report, Pitt properly claimed reimbursement in the amount of \$510 for the work-related portion of her airfare: \$490 of the flight cost, that being the total that the agency would have been charged had she flown round trip from Minneapolis to Boston, together with the \$20 service fee that the Mn/DOT travel agency charges on every booked ticket.

Basis of Finding: Review of Employee Expense Report dated and signed on March 19, 2007.

30. Pitt did not incur any lodging expense during the work-related portion of this trip, and did not claim reimbursement for any.

Basis of Finding: Interview of Sonia Morphew Pitt; review of Employee Expense Report dated and signed on March 19, 2007.

31. Pitt claimed a \$50 reimbursement for taxi service, baggage handling and tip on both March 3, 2007⁹ and on March 9, 2007. Pitt was not in work-related travel status on March 3, 2007 but was instead on the personal portion of her trip to DC. Had she flown direct from Minneapolis to Boston on March 4, 2007 instead of on March 3, 2007, Pitt would have been in work-related travel status on March 4, 2007 and would have been entitled to claim expense reimbursements attributable to that date.

Basis of Finding: Review of Employee Expense Report signed on March 19, 2007; review of policy titled Travel Out State for Capitol Complex, published at <http://ihub.employee/purchasing/traveloutstate.html>; review of Business Manual, April 2005.

32. The agency's workplace policies and the Managerial Plan allow an employee to claim meal reimbursements when in authorized travel status. Pitt claimed meal reimbursements for the work-related portion of her trip and also claimed a \$23 meal expense on March 3, 2007, a date on which she was not in work-related travel status.

Basis of Finding: Review of Employee Expense Report signed on March 19, 2007; review of policy titled Travel Out State for Capitol Complex, published at <http://ihub.employee/purchasing/traveloutstate.html>; review of Business Manual, April 2005 and Managerial Plan, July 1, 2005 through June 30, 2007.

33. Pitt recorded no work time during the personal portion of this trip and also did not cause the state to incur any costs for personal calls made with her state cell phone during this portion of the trip.

Basis of Finding: Review of time sheets and cell phone records for specified timeframe.

June 2007 Travel

34. In April 2007, the NPLI program announced to all past and current participants that it was hosting an "inaugural NPLI Alumni Meeting" on June 12-15, 2007 in DC. The purpose of the meeting was to provide NPLI participants an opportunity to meet with well-recognized Administration, Congressional and private industry speakers and NPLI graduates.

⁹ It appears that the time and expense recording systems may have been misnumbered in that Pitt's timesheet dates the Friday of that week as March 3, 2007, rather than the correct date of March 2, 2007.

Basis of Finding: Interview of Sonia Morphew Pitt; review of emails dated May 31, 2007 from NPLI staff to Sonia Morphew Pitt and other NPLI participants.

35. Pitt was already scheduled to be in Palm Springs, California for the ITS America Annual Meeting, authorized earlier in January 2007 [See Finding 15 above], for the week immediately preceding the June NPLI gathering.

Basis of Finding: Interview of Sonia Morphew Pitt; review of specified travel request forms.

36. In mid-March 2007, Pitt completed a Mn/DOT Request and Authorization for Out of State Travel form and thereby requested approval to travel on June 11-17, 2007 in order to attend the NPLI event from June 12-15, 2007. Pitt noted on the travel request form that "Flight may be from West Coast as ITSA concludes at this time. May be more time and cost efficient to fly from coast to coast."

Basis of Finding: Review of specified travel request forms.

37. On March 19, 2007, Pitt asked Aeronautics to price for her the cost of a roundtrip flight from Minneapolis to DC. Aeronautics staff faxed back to Pitt a list of flight options, the cheapest of which cost \$280.41.

Basis of Finding: Review of March 19, 2007 memorandum from Aeronautics staff to Sonia Morphew Pitt.

38. On May 1st and 2nd, respectively, Pitt's new supervisor Steven Lund, and Division Director Robert Winter, approved Pitt's request to attend the June NPLI gathering to be held on June 13-15, 2007.

Basis of Finding: Review of specified travel request form.

39. At some point in this timeframe, Pitt agreed to attend a [REDACTED] in Las Vegas, Nevada on Friday, June 8, 2007. [REDACTED]

Basis of Finding: Interview of Sonia Morphew Pitt.

40. On May 3, 2007, Pitt contacted staff in the Aeronautics Office and explained that she needed to be in Palm Springs from June 2-8, 2007 for the ITS America meeting, then in Las Vegas on Friday, June 8, 2007, and then in DC from June 11th to 19th or 20th for the NPLI proceedings.

Basis of Finding: Review of correspondence from Aeronautics staff.

41. Aeronautics agreed to determine what arrangements would be most cost-effective to accomplish all her goals. Aeronautics then communicated as follows to Pitt: "[T]he best way to do this would be to use your existing ticket to get to Palm Springs and then just not use the return. We would then issue a one way on United to Vegas (\$184)." Aeronautics further suggested that they could then book another one way ticket from Las Vegas to DC, and then book a roundtrip "with a fake return on it" from DC to Minneapolis at a lower cost than a one way ticket, and then Pitt could just not use the return leg of that ticket. Pitt agreed to these suggestions made by Aeronautics staff, who then booked a one way flight from Palm Springs to Las Vegas for \$184.40, another one way ticket from Las Vegas to DC for \$293.90 and a round trip ticket from DC to Minneapolis at a cost of \$327.42, all on May 3, 2007. Aeronautics recorded on the Commercial Air Transportation Confirmation form that Pitt was "not using return." The total additional cost of \$805.72 was charged to Pitt's state credit card.

Basis of Finding: Review of specified e-mails from Aeronautics staff; review of travel confirmation forms and credit card invoices.

42. The evidence revealed during the investigation supports a finding that Pitt had no work-related purpose to be in Las Vegas, Nevada on June 8, 2007.

Basis of Finding: Interview of Sonia Morphew Pitt.

43. Had Pitt used her earlier booked round trip ticket to travel from Minneapolis to Palm Springs and back, which cost the state \$507.61, and then purchased another round trip ticket from Minneapolis to DC for \$280.41, the total cost to the state for the airline portion of the two work-related trips would have been \$788.02. Instead, Pitt charged the state a total of \$1,313.33 [\$507.61 + \$805.72] in order to include a stop in Las Vegas, a trip which had no work-related purpose.

Basis of Finding: Review of specified e-mails from Aeronautics staff; review of travel confirmation forms.

44. Pitt recorded eight hours of work time on her timesheet on June 8, 2007 while in Las Vegas, Nevada. She did not claim any business expenses attributable to that date, which is evidence that she did not incur any charges for Internet access. She made 29 cell phone calls between approximately 8:00 a.m. and 2:00 p.m.: nine were to her home in ██████████ Arizona; six were to a cell phone in ██████████ presumably belonging to her adult daughter; one outgoing and one return call were made from a Mn/DOT number for a total of 14 minutes; and six were made to Ferezan's office phone.

Basis of Finding: Review of timesheets and cell phone bills for identified periods.

45. Pitt attended the NPLI gathering in DC on June 13-15, 2007. The event commenced with an optional dinner on June 12th, which Pitt declined to attend. The event also included on June 16, 2007 a "Washington Network Meeting," which Pitt may or may not have attended. Pitt noted eight hours of work time on her timesheet for each day in the time period from June 13-15, 2007.

Basis of Finding: Interview of Sonia Morphew Pitt; review of NPLI agenda and related emails; review of time sheets.

46. The evidence revealed during the investigation supports a finding that Pitt had no work-related reason to be in DC on June 11-12, 2007 or to remain in DC from June 17-20, 2007 other than for travel to and from the June 13-16, 2007 event. Had Pitt traveled directly from Minneapolis to DC on June 12th and back to Minneapolis on June 17th, Mn/DOT workplace policies would have allowed her to record her travel time as work time. Pitt made 29 calls on her cell phone on June 11th but only ten of those; for a total of 59 minutes, were work-related; the rest were made to Ferezan or family members. On June 18-20, 2007, Pitt made 25 work-related calls totaling 218 minutes. Pitt recorded eight hours of work time on each of June 11, 18, 19 and 20, 2007. She claimed expense reimbursements for dates in this time period as follows: June 11th - \$31.00 (meals); June 12th - \$71.00 (taxi and meals); June 18th - \$31.00 (meals); June 19th - \$31.00 (meals); and June 20th - \$166 (baggage handling, airport parking and meals).

Basis of Finding: Review of time sheets and Employee Expense Report signed June 27, 2007; review of policy titled Travel Out State for Capitol Complex, published at http://ihub.employee/purchasing/travel_out_state.html; review of Business Manual, April 2005.

July/August 2007 Travel

47. On April 28, 2007, Pitt booked a personal round trip from Minneapolis to DC for May 8-13, 2007. Soon thereafter, she cancelled the trip due to family commitments. The cancellation led to Pitt's having a personal credit with Northwest Airlines for the value of the ticket she had purchased in the original amount of \$214.25.

Basis of Finding: Interview of Sonia Morphew Pitt; review of related travel documents.

48. At some point after Arnebeck approved Pitt's originally submitted Request and Authorization for Out of State Travel describing the July/August NPLI meeting as scheduled from "July 31-August 3, 2007, Pitt altered the travel request form in two respects: (1) she changed the handwritten dates from "July 31-August 3, 2007" to "July 30-August 4, 2007"; and (2) she added "plus group project work in

DC" to the form. She did not resubmit the form to Arnebeck for reapproval after making these changes.

Basis of Finding: Interviews of Sonia Morphey Pitt and Richard Arnebeck; review of travel request form as maintained by Sonia Morphey Pitt in her files.

49. Because Pitt altered the Request and Authorization for Out of State Travel form after Arnebeck approved it in its original form, Pitt did not have valid "advance approval" for the trip as specified in Mn/DOT's workplace policies.

Basis of Finding: Interview of Sonia Morphey Pitt; review of travel request form as maintained by Sonia Morphey Pitt in her files; review of policy titled Travel Out State for Capitol Complex, published at http://ihub.employee/purchasing/travel_out_state.html; review of Business Manual, April 2005.

50. Pitt did not attempt to book her flight for the July/August NPLI session through Aeronautics, nor did she ever request from Aeronautics the standard list of flight options and costs. Instead, Pitt went to the Minneapolis/St. Paul International Airport and booked a series of flights through Northwest Airlines to allow her to fly from Minneapolis to DC on July 26th, from DC to Boston on July 31st, back to DC on August 3rd, and then back to Minneapolis on August 9th. She directed the airline to utilize her personal credit, from the earlier cancelled Minneapolis to DC round trip, to defray the cost of the full trip. After factoring in cancellation fees, Pitt's use of the personal credit reduced the cost of the final ticket from \$735.21 to \$595.91. Pitt charged the final \$595.91 cost to her state credit card and submitted as attachments to her Cardholder Purchase Log relevant to this charge a copy of both the original ticket showing a face valued of \$735.21 and a receipt related to the personal credit evidencing its value at \$214.25.

Basis of Finding: Interview of Sonia Morphey Pitt; review of Cardholder Purchase Log dated May 25, 2007, with attached receipts.

51. The investigation did not reveal any credible evidence that there was any business reason for Pitt to fly to DC for "group project work" prior to the final NPLI session in Boston. Pitt's project cohort designed and discussed the contents of their presentation in a series of telephone conference calls beginning in May, 2007. Pitt met with Hanretta in his office in DC once during the NPLI June gathering and the group conducted the remainder of their project work by telephone and email. Pitt wrote the group's presentation draft, titled *National Command and Coordination Roadmap*, on July 20, 2007 in her Minnesota office and emailed it to her group members. Hanretta then edited and finalized the presentation by July 25, 2007, on which date he forwarded it to the NPLI staff for inclusion in the published materials. The group planned for, and conducted, one last telephone conference call on July 27, 2007 to prepare for their August 1st

presentation. Although Pitt had planned to meet with Hanretta in person and then participate with him in a conference call with the other participants on that date, there was no apparent business reason for her choice. Due to scheduling issues in DC, Pitt did not meet with Hanretta in person but instead participated by conference call from a location in DC.

Basis of Finding: Interviews of Sonia Morphew Pitt and Kevin Hanretta; review of emails between NPLI participants.

52. Because there was no business reason for Pitt to travel to DC prior to traveling to Boston for the final NPLI session and her pre-July 31st travel had not been approved in advance as required by the Mn/DOT workplace policies, Pitt was not in authorized work travel status from July 26th through July 30th. Pitt did record eight hours of work time on July 26th, 27th and 30th and also claimed \$160 in expense reimbursements for July 26-30, 2007.

Basis of Finding: Review of Employee Expense Report signed on August 13, 2007; review of policy titled Travel Out State for Capitol Complex, published at http://ihub.employee/purchasing/travel_out_state.html; review of Business Manual, April 2005.

53. Pitt attended the NPLI session from July 31st through August 3, 2007. She was authorized to be in work travel status at the NPLI session on those dates, and so properly recorded the days as work time and claimed expense reimbursements for that time period.

Basis of Finding: Interview of Sonia Morphew Pitt; review of travel request form as contained in Audit Office File No. 3 - Initial Information, and Employee Expense Report and attached receipts.

54. Pitt and her group made their final presentation on the afternoon of August 1, 2007. After their presentation, no further group work was expected by the NPLI program or planned by the group participants. While the group members had discussed the potential for further refining their written product, they made no specific plans nor scheduled any specific efforts to do so.

Basis of Finding: Interviews of Sonia Morphew Pitt, Kevin Hanretta and Regina Jungbluth.

55. Because Pitt's group project was completed on August 1, 2007, there was no apparent business reason for Pitt to travel to DC after the final NPLI session on August 3, 2007. Pitt did not have the post-presentation travel to DC approved in advance, but instead added the reference to the "group project work in DC" on the travel request form after Arnebeck had already signed it. Accordingly, Pitt was not in authorized work travel status following the completion of the NPLI session

on August 3, 2007. Pitt did claim \$326 in expenses associated with the August 4-11, 2007 time period and was reimbursed for these expenses.

Basis of Finding: Review of policy titled Travel Out State for Capitol Complex, published at http://ihub.employee/purchasing/travel_out_state.html; review of Business Manual, April 2005; review of Employee Expense Reports signed on August 13, 2007.

56. Mn/DOT workplace policies allow the costs of work-related travel, including airfare, to be charged to the agency. The investigation did not reveal any evidence to support a finding that there was any work-related reason for Pitt's two trips to DC scheduled both before and after the trip to Boston for the NPLI session.

Basis of Finding: Review of policy titled Travel Out State for Capitol Complex, published at http://ihub.employee/purchasing/travel_out_state.html; review of Business Manual, April 2005.

57. By utilizing her personal credit on Northwest Airlines when booking her flights to DC-Boston-DC-Minneapolis, Pitt did shoulder some portion of the financial burden associated with the travel to and from DC. Had she booked a simple round trip ticket directly from Minneapolis to Boston at the \$510 rate (\$490 + \$20 service charge) Pitt was quoted by Aeronautics in February, 2007, the cost to the agency would have been lower by \$85.91 [\$595.91 (the amount the actual ticket cost) - \$510.00 (the amount the quoted ticket would have cost)]. Pitt requested and was reimbursed for the full sum of \$595.91.

Basis of Finding: *Basis of Finding:* Review of policy titled Travel Out State for Capitol Complex, published at http://ihub.employee/purchasing/travel_out_state.html; review of Business Manual, April 2005; review of Cardholder Purchase Log dated May 25, 2007, with attached receipts.

58. The I35W Bridge collapsed into the Mississippi River in Minneapolis, Minnesota at approximately 6:05 p.m. on August 1, 2007.

Basis of Finding: Interviews of Sonia Morpew Pitt, [REDACTED] Steven Lund and Richard Arnebeck.

59. Within 30 minutes after the Bridge collapsed, Pitt was contacted by a Mn/DOT employee and then she contacted Lund from Boston. At no time during this initial contact or in any subsequent communication did Lund, or any other management representative of Mn/DOT, either request or demand that Sonia Morpew Pitt return to Minnesota.

Basis of Finding: Interviews of Sonia Morphew Pitt and Steven Lund; review of email correspondence.

60. After the bridge collapsed and while she was still in Boston, Pitt did shift her focus from the NPLI proceedings and devoted some amount of time to receiving, reviewing and responding to communications related to her HSEM job duties. The NPLI program staff made arrangements for Pitt and Lisa Dressler, the Public Works Interagency Coordinator for the City of Minneapolis who was also in Boston at the NPLI proceedings, to work from an office in the Kennedy Library with a designated telephone line.

Basis of Finding: Interviews of Sonia Morphew Pitt, [REDACTED], Daniel Ferezan, and Kevin Hanretta; review of Mn/DOT SEOC Activity Log, email correspondence and cell phone charges.

61. Although Pitt claimed that she was in near constant telephone and email communication with her staff and other Mn/DOT employees as she “worked the Bridge response” during the remainder of her time in Boston, the available¹⁰ records of her telephone and email usage summarized below indicate that she spent slightly more time in telephone communication with Ferezan than she did in strictly non-personal, work-related communications and that she received, forwarded and/or initiated approximately 12 email communications related to the I35W Bridge incident during this time period.

<i>Calls and Emails Pitt Initiated or Received While Still In Boston</i> (as determined by listed telephone number or email recipient/sender)					
Date	To/From Mn/DOT-Related Contacts		To/From Ferezan	To/From Family	Miscellaneous or Unidentifiable
	<i>Calls</i> [total # (total minutes)]	<i>Emails</i> [total# (bridge- related/unrelated)]	<i>Calls</i> [total # (total minutes)]	<i>Calls</i> [total # (total minutes)]	<i>Calls</i> [total # (total minutes)]
8/1	23 (44)	22 (4/18)	6 (36)	1 (1)	0
8/2	21 (85)	10 (8/2)	19 (80)	8 (40)	2 (7)
8/3 before DC flight	2 (2)	0	6 (33)	4 (10)	1 (2)

¹⁰ Due to the agency’s electronic record retention practices, it is no longer possible to reconstruct an accurate identification of Pitt’s complete participation in electronic communications during this time period. The emails summarized in the chart included in this finding were gathered from the records of recipients and the database backup of Pitt’s email account dated September 11, 2007.

Basis of Finding: Review of Sonia Morphew Pitt's cell phone records; review of email records of Sonia Morphew Pitt, Cathy Clark, Susan Walto, Desiree Doud, Bruce Price (HSEM staff), and Steven Lund.

62. Lisa Dressler was directed to return to Minneapolis, and she did so within 24 hours of the I35W Bridge collapse.

Basis of Finding: Interviews of Sonia Morphew Pitt, Kevin Hanretta and Daniel Ferezan.

63. Pitt did not return to Minnesota but instead proceeded to fly to DC in accordance with her previously arranged plans. She said she made the trip because she had planned to work on "a required class project" and in fact reported to her supervisor that because her group met at the Veteran's Administration Building "where our group leader works ... I now know the metro system between the VA and the FHWA offices by the Navy Yard quite well." Although Pitt later said that she did less group project work than she had planned given the Bridge collapse, the investigation did not reveal any credible evidence that she ever met or talked with Hanretta or her other group members while in DC or that she did any group project work during this timeframe.

Basis of Finding: Interviews of Sonia Morphew Pitt, Kevin Hanretta and Daniel Ferezan; review of 8/24/07 email from Sonia Morphew Pitt to Seven Lund.

64. Pitt was in DC from August 3-11, 2007 and did do some work out of the offices of the FHWA. FHWA representatives arranged for Pitt to use an available office space and provided her with a telephone land line for business use. No records for the FHWA telephone line were reviewed as part of this investigation. The FHWA had no business reason for Pitt to be present in its DC offices, but instead accommodated Pitt as a perceived service to Mn/DOT. As of August 5, 2007, Jesse Johnson, the FHWA Emergency Coordinator housed in the FHWA's DC office, had no apparent knowledge that when she responded to his introductory email seeking information related to the crisis that Pitt was actually in DC at or around the FHWA offices.

Basis of Finding: Interviews of Sonia Morphew Pitt, Daniel Ferezan, Chris Lawson and Philip Ditzler; review of August 5, 2007 email from Jesse Johnson, FHWA Emergency Coordinator, to Sonia Morphew Pitt; review of document created by Sonia Morphew Pitt dated August 7, 2007 titled "Things to Discuss;" review of Mn/DOT SEOC Activity Log.

65. During her time in DC from August 3-11, 2007, Pitt continued to expend some time reviewing and responding to work-related communications, both related to

the I35W Bridge incident and related to her other Mn/DOT work responsibilities. The exact amount of time she worked is difficult to gauge. Due to the agency's electronic record retention practices, it is no longer possible to reconstruct an accurate identification of Pitt's complete participation in electronic communications during this time period. Available records indicate that Pitt made, received, forwarded and/or responded to the communications as indicated on the following chart via her cellular telephone or her Mn/DOT email account. An analysis of the calls made via her cellular telephone reveals the following: 26% were work-related; 29% were to or from Ferezan and may have been either personal or work-related; 43% were to or from family members for personal reasons; and 2% were for an unidentifiable purpose. Of the 127 emails identified on the chart below, 6% were SEOC reports received by Pitt and forwarded to Ferezan without comment or analysis. On her timesheets, Pitt recorded ten hours of work time on both August 4th and August 5th, twelve hours of work time on both August 6th and August 7th, and she recorded ten hours of work time every day from August 8-10, 2007.

<i>Calls and Emails Pitt Initiated or Received While In DC</i>					
(as determined by listed telephone number or email recipient/sender)					
Date	To/From Mn/DOT-Related Contacts		To/From Ferezan	To/From Family	Miscellaneous or Unidentifiable
	<i>Calls</i> [# (total minutes)]	<i>Emails</i> [total# (bridge-related/unrelated)]	<i>Calls</i> [# (total minutes)]	<i>Calls</i> [# (total minutes)]	<i>Calls</i> [# (total minutes)]
8/3	4 (13)	7 (6/1)	6 (17)	3 (18)	0
8/4	5 (60)	22(22/0)	2 (2)	8 (35)	0
8/5	5 (20)	53 (52/1)	1 (1)	4 (27)	0
8/6	10 (22)	7 (6/1)	7 (35)	4 (44)	4 (8)
8/7	6 (9)	17 (16/1)	4 (14)	3 (31)	0
8/8	5 (17)	8 (6/2)	8 (37)	8 (69)	1 (1)
8/9	8 (25)	6 (4/2)	6 (18)	10 (30)	0
8/10	11 (40)	7 (0/7)	16 (92)	12 (75)	2 (11)
8/11	2 (3)	0	1 (15)	4 (14)	0

Basis of Finding: Interviews of Sonia Morphew Pitt, [REDACTED] Steven Lund, Daniel Ferezan; review of Mn/DOT SEOC Activity Log, cell phone records for Sonia Morphew Pitt, electronic databases restored for September 11, 2007 and September 14, 2007 and email records maintained by Cathy Clark, Susan Walto, Desiree Doud, Bruce Price (HSEM staff), and Steven Lund.

Misuse of State Resources

66. The Minnesota Department of Transportation requires its employees to comply with published workplace policy number 3.23, titled *Appropriate Use of Electronic Communication and Technology*, which provides in pertinent part as follows:

Employee access to and use of electronic tools such as e-mail and the Internet is intended for business-related purposes. Limited and reasonable use of these tools for occasional employee personal purpose that does not result in any additional costs of loss of time or resources for their intended business purpose is permitted. Reasonable use of state-owned cellular phones is limited to "essential personal use" as defined in the addendum to this policy specifically addressing Cellular Telephone Use.

* * *

Examples of inappropriate use include, but are not limited to: ...
Uses that are in any way disruptive or harmful to the reputation or business of the State; ...

* * *

Engaging in any of the above listed activities may subject an employee to discipline, up to and including discharge.

* * *

While employees may make personal use of State technology such as e-mail and Internet access, the amount of use during working hours is expected to be limited to incidental use. Excessive time spent on such personal activities during working hours will subject the employee to disciplinary action.

Basis of Finding: Review of policy number 3.23 titled *Appropriate Use of Electronic Communication and Technology*, at 3-189, 3-191, and 3-192.

67. The Minnesota Department of Transportation further requires that its employees comply with a published workplace policy titled *Cellular Telephone Use Addendum*, which provides as follows:

Use of state cellular telephone for personal calls – the use of state-owned cellular telephone equipment and service is intended for state business. Personal use of state-owned cellular phones is prohibited, except for essential personal calls.

* * *

Essential Personal Call – Essential personal calls are defined as calls allowed in Minn. Stat. 43A.38, Subd. 4, paragraph b, which states: “An employee may use state time, property or equipment to communicate electronically with other persons ... provided this use, including the value of the employee time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively impracticable.

* * *

Monthly Cellular Bill and Annual Service Reviews – Employees are responsible for keeping track of and identifying their personal calls. All personal use of a state cellular telephone, both essential and non-essential personal calls, shall be identified by the employee and submitted as requested to his or her supervisor or other employee assigned to review and approve the monthly cellular telephone bill.

* * *

Reimbursement and Possible Disciplinary Action – Employees are expected to use State cellular telephones responsibly and in accordance with this policy and any applicable work rules. Non-essential personal use of a State cellular telephone in violation of this policy or agency work rules may result in revocation of the cellular telephone assignment and possible disciplinary action against the employee. Employees must reimburse the state within 30 days for the costs of any non-essential personal calls at the state's costs (i.e., the contracted per minute rate, any additional amounts for applicable toll or roaming charges, miscellaneous fees and taxes.)

Basis of Finding: Review of policy titled Cellular Telephone Use Addendum, at 3-195; 3-196.

68. The Minnesota Department of Transportation allows its employees to telecommute only in compliance with its published policy titled *Administration 3.6 Telecommuting*, which provides in pertinent part as follows:

Each employee who telecommutes is required to have an approved telecommuting agreement (see example form not attached) signed by the employee's supervisor.

Basis of Finding: Review of policy titled Administration 3.6 Telecommuting, at 3-46.

69. The Minnesota Department of Transportation requires its employees to comply with a published policy titled *Procurement No. 5.1.G-2 Purchasing Card Responsibilities*, which requires in pertinent part as follows:

The Cardholder shall maintain a log of purchases to record purchase information as well as the retention of purchase card receipts. ...

* * *

Original receipts or statements in lieu of receipts must be submitted to support all purchases. ...

* * *

The local Purchasing Card Coordinator must review and sign for all transactions on the memo statement verifying that all purchases are appropriate...”

Basis of Finding: Review of policy titled Procurement No. 5.1.G-2 Purchasing Card Responsibilities, at 5-14, 5-15.

70. Mn/DOT's workplace policies, as referenced in the *Mn/DOT Business Manual*, provide that “fares for state travel are not to exceed the cost of coach fare.” On at least four occasions between December 2006 and August 2007, Pitt authorized seat selection upgrades related to her approved flight arrangements and charged a total of \$122.00 in such charges to the state.

Basis of Finding: Review of Sonia Morphew Pitt Cardholder Purchasing Logs, September 11, 2007 preliminary report-submitted by Daniel E. Kahnke, Audit Director for Mn/DOT, to Deputy Commissioner Lisa Freese, and Mn/DOT Business Manual, April 2005.

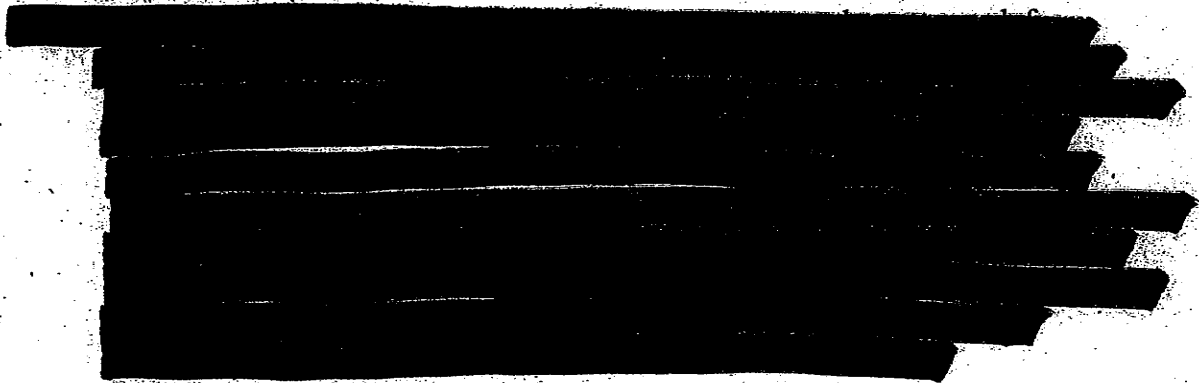
[REDACTED]

72. Mn/DOT's workplace policies titled *Appropriate Use of Electronic Communication and Technology* and *Cellular Telephone Use Addendum* require agency employees to review all cellular telephone invoices for the purpose of identifying and reimbursing the agency for any calls that do not qualify as "essential personal calls," which by definition result in no cost to the agency. During the months of February through June 2007, Pitt made a significant number of personal calls on her agency cell phone and incurred additional plan charges in the amount of \$608.47 attributable to an overage of 2,429 minutes. Pitt did not review her cell phone bills after she received them, after they had been paid, and instead relied on the Business Services Section staff to flag plan overruns for her review and attention. Pitt did not reimburse the agency for any personal calls made with her cellular telephone.

Basis of Finding: Interviews of Sonia Morphey Pitt, Richard Arnebeck and Susan Heuring; review of September 11, 2007 preliminary report submitted by Daniel E. Kahnke, Audit Director for Mn/DOT, to Deputy Commissioner Lisa Freese, policy number 3.23 titled *Appropriate Use of Electronic Communication and Technology*, at 3-189, 3-191, and 3-192 and Review of policy titled *Cellular Telephone Use Addendum*, at 3-195; 3-196.

73. On many dates associated with her being in authorized travel status, Pitt recorded eight full hours of work time on her timesheet rather than vacation or any other category of compensation. The evidence gathered in the course of this investigation sufficiently supports a finding that Pitt does regularly receive, review and respond to emails and telephone calls while she is out of the office. The investigation did not reveal sufficient evidence to support a finding regarding whether Pitt accurately and consistently records only appropriately-designated work time on her timesheets.

Basis of Finding: Review of Sonia Morphey Pitt's timesheet records, cell phone bills and electronic database of email correspondence.



[REDACTED]

Unprofessional Conduct

77. As employees of an executive branch agency, the Minnesota Department of Transportation employees are statutorily required to comply with Code of Ethics enacted at Minnesota Statutes § 43A.38, which provides as follows:

Subd. 4. Use of state property.

(a) An employee shall not use or allow the use of state time, supplies or state-owned or leased property and equipment for the employee's private interests or any other use not in the interest of the state, except as provided by law.

(b) An employee may use state time, property, or equipment to communicate electronically with other persons ... provided this use, including the value of the time spent, results in no incremental cost to the state or results in an incremental cost that is so small as to make accounting for it unreasonable or administratively

impracticable.

....
Subd. 5. Conflicts of interest. The following actions by an employee in the executive branch shall be deemed a conflict of interest and subject to procedures regarding resolution of the conflicts, section 43A.39 or disciplinary action as appropriate: . . .
(a) use or attempted use of the employee's official position to secure benefits, privileges, exemptions or advantages for the employee or the employee's immediate family or an organization with which the employee is associated which are different from those available to the general public;

Basis of Finding: Review of Code of Ethics, Minn. Stat. § 43A.38.

78. The Minnesota Department of Transportation also requires its employees to comply with published policies titled *Human Resources Administration No 3.21: Code of Ethics*; and *Human Resources Administration No. 3.21.G-1: Code of Ethics Guidelines*, which provide in pertinent part as follows:

As public employees, all Mn/DOT personnel are held to a high standard of conduct and level of scrutiny. The public trust and confidence in Mn/DOT employees is critical to the success of the Department. Mn/DOT expects employees to adhere to the highest ethical values when conducting state business and to follow the Code of Ethics and related state statutes applying to executive branch employees.

An employee shall not engage in activity or behavior that creates a conflict of interest. The following actions are deemed a conflict of interest: . . . Use or attempted use of an employee's official position to secure benefits, privileges, exemptions or advantages to the employee...which are different from those available to the general public; . . .; The use of state time, facilities, equipment, supplies, badge, uniform, prestige or influence of state office or employment for private gain.

Basis of Finding: Review of Mn/DOT policy titled *Human Resources Administration No 3.21, Code of Ethics*, at 3-147, and *Human Resources Administration No. 3.21.G-1, Code of Ethics Guidelines*, at 3-154.

79. Notwithstanding a lack of specific direction from her supervisor(s) with regard to any specific act, including but not limited to the lack of supervisory direction that she return to Minnesota immediately following the I35W Bridge collapse, as a Mn/DOT employee Pitt was required to exercise her own sound, professional judgment and comply with her professional obligation to meet a "high standard of conduct. . . [in recognition of the fact that] the public trust and confidence in

Mn/DOT employees is critical to the success of the Department.” Any sufficient instance wherein Pitt failed to meet these professional obligations, including but not limited to her failing to return to her primary worksite during a transportation-related emergency event of the proportion of the I35W Bridge collapse, her being paid for being in work status without providing the state the requisite value of her time, her use of her state cell phone for non-work-related matters resulting in significant charges to the state, as well as her receipt of expense reimbursements while not in authorized travel status, would constitute not only noncompliance with the agencies policies but also violation of the Code of Ethics.

Basis of Finding: Interviews of Sonia Morphey Pitt, [REDACTED] Steven Lund, Richard Arnebeck and Marthand Nookala; review of Code of Ethics, Minn. Stat. § 43A.38, Mn/DOT policy titled Human Resources Administration No 3.21, Code of Ethics, at 3-147, and Human Resources Administration No. 3.21.G-1, Code of Ethics Guidelines, at 3-154.

Respectfully submitted,

Tammy L. Pust