

STATE OF OHIO
OFFICE OF THE INSPECTOR GENERAL

RANDALL J. MEYER, INSPECTOR GENERAL

**REPORT OF
INVESTIGATION**



**AGENCY: INDUSTRIAL COMMISSION OF OHIO
FILE ID NO.: 2013-CA00070
DATE OF REPORT: JUNE 9, 2014**

The Office of the Ohio Inspector General ... The State Watchdog

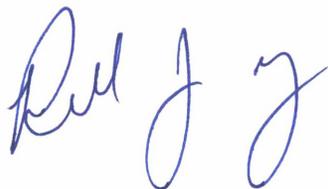
“Safeguarding integrity in state government”

The Ohio Office of the Inspector General is authorized by state law to investigate alleged wrongful acts or omissions committed by state officers or state employees involved in the management and operation of state agencies. We at the Inspector General’s Office recognize that the majority of state employees and public officials are hardworking, honest, and trustworthy individuals. However, we also believe that the responsibilities of this Office are critical in ensuring that state government and those doing or seeking to do business with the State of Ohio act with the highest of standards. It is the commitment of the Inspector General’s Office to fulfill its mission of safeguarding integrity in state government. We strive to restore trust in government by conducting impartial investigations in matters referred for investigation and offering objective conclusions based upon those investigations.

Statutory authority for conducting such investigations is defined in *Ohio Revised Code §121.41* through *121.50*. A *Report of Investigation* is issued based on the findings of the Office, and copies are delivered to the Governor of Ohio and the director of the agency subject to the investigation. At the discretion of the Inspector General, copies of the report may also be forwarded to law enforcement agencies or other state agencies responsible for investigating, auditing, reviewing, or evaluating the management and operation of state agencies. The *Report of Investigation* by the Ohio Inspector General is a public record under *Ohio Revised Code §149.43* and related sections of *Chapter 149*. It is available to the public for a fee that does not exceed the cost of reproducing and delivering the report.

The Office of the Inspector General does not serve as an advocate for either the complainant or the agency involved in a particular case. The role of the Office is to ensure that the process of investigating state agencies is conducted completely, fairly, and impartially. The Inspector General’s Office may or may not find wrongdoing associated with a particular investigation. However, the Office always reserves the right to make administrative recommendations for improving the operation of state government or referring a matter to the appropriate agency for review.

The Inspector General’s Office remains dedicated to the principle that no public servant, regardless of rank or position, is above the law, and the strength of our government is built on the solid character of the individuals who hold the public trust.



Randall J. Meyer
Ohio Inspector General



STATE OF OHIO
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REPORT OF INVESTIGATION

FILE ID NUMBER: 2013-CA00070

SUBJECT NAME: Gary Bash
Mike Brown
Michael Dobronos
Milutin Zlojutro

POSITION: Hearing Officers

AGENCY: Industrial Commission of Ohio

BASIS FOR INVESTIGATION: Complaint

ALLEGATIONS: Accepting Bribes, Kickbacks, Favors or
Things of Value

INITIATED: September 19, 2013

DATE OF REPORT: June 9, 2014

INITIAL ALLEGATION AND COMPLAINT SUMMARY

On September 12, 2013, the Office of the Ohio Inspector General received an anonymous complaint regarding alleged improper conduct by commission hearing officers while attending an Industrial Commission of Ohio (ICO)-sponsored meeting held at Maumee State Park.¹ The original complaint alleged that two hearing officers, “M. Dobronos, M. Brown” were present at a party on the night of September 8, 2013, held in a cabin rented by attorneys who practice before the ICO. Also alleged to be in attendance at the party were “female escorts” who were alleged to be “naked” in a hot tub with the hearing officers. During the course of the investigation, additional anonymous complaints were made alleging inappropriate conduct by two additional hearing officers, Gary Bash and Milutin Zlojutro, as well as an allegation that the hearing officers were provided food, alcohol, and sexual favors at the same party.

BACKGROUND

Industrial Commission of Ohio

The Industrial Commission of Ohio (ICO) hears worker and employer appeals of workers’ compensation claim determinations by the Ohio Bureau of Workers’ Compensation (OBWC). Disputed claims typically involve conflicts over the extent of medical services provided or lost-time (otherwise known as indemnity) benefits. The commission is led by a panel of three commissioners, all of whom are appointed by the governor. Each commissioner must have at least six years of experience in workers’ compensation issues, and at least one member must be licensed to practice law in Ohio. One member must represent employees, one must represent employers, and one must represent the public.²

The ICO is responsible for providing a forum for fair and impartial claims resolution, conducting hearings on disputed claims, adjudicating claims involving an employer’s violation of specific safety requirements, and determining eligibility for permanent total disability benefits. Hearings on disputed claims are conducted at three levels within the ICO: the district level, the staff level, and the commission level.²

¹ Maumee State Park is located approximately 12 miles east of Toledo.

² Source: biennial budget documents.

² Source: <http://www.ic.ohio.gov/>

Hearing officers are responsible for obtaining information from all parties (the injured worker and/or their attorney, the employer and/or their attorney, and OBWC), reviewing the information, holding hearings, and issuing a decision based on the facts presented. During the hearing, only attorneys can present information unless the hearing officer specifically requests to speak to the injured worker or the employer.

Deputy Inspector General for the Ohio Bureau of Workers' Compensation and the Industrial Commission of Ohio

The Ohio General Assembly enacted Ohio Revised Code §121.52, effective September 10, 2007, which created the deputy inspector general for the Ohio Bureau of Workers' Compensation and the Industrial Commission of Ohio. This statute designated this deputy inspector general "shall investigate wrongful acts or omissions that have been committed by or are being committed by officers or employees" of both OBWC and the ICO and provides the deputy inspector general the same powers and duties as specified in Ohio Revised Code §121.42, §121.43, and §121.45 for matters involving OBWC and ICO.

INVESTIGATIVE SUMMARY

The Office of the Ohio Inspector General requested from the Ohio Department of Natural Resources (ODNR) any surveillance video showing activity surrounding the exterior of the cabin where the party was alleged to have occurred. ODNR replied that while surveillance video is used in, around the perimeter, and at the registration desk of the main lodge, video is not used in the cabin areas. During the course of the investigation, numerous interviews were conducted with Industrial Commission of Ohio employees who were registered for overnight accommodations on the night the party in question was to have occurred. The list of employees interviewed included staff hearing officers, district hearing officers, administrative assistants, program administrators, the chief legal counsel, and the ICO executive director.

The majority of those interviewed said they did not attend and had no knowledge of a "party" or "open cabin" being hosted by either a law firm or attorneys practicing in the Cleveland area. Some of those interviewed noted they were aware of an unrelated annual gathering that was hosted by other ICO hearing officers, and several stated that they had attended this particular

gathering. As a result of the interviews conducted, there were no statements made to substantiate the anonymous allegations that sexually suggestive activity or nudity in the presence of the hearing officers and/or OIC staff had occurred at the “open cabin.”

One hearing officer who was not listed in the complaint admitted to attending what was termed an “open house” or “open cabin.” The hearing officer stated he was staying in the cabin next door and had been informed of the “open cabin” gathering prior to the ICO meeting by one of the two male attorneys who were hosting the event. The hearing officer described one of the attorneys as a friend whom he had known for about 30 years. The officer noted he went to the cabin with another hearing officer around 10:00 p.m., and stayed for about 15 minutes. He observed food and drinks being offered but added that he did not take anything. Additionally, the hearing officer said that he had seen three females in attendance and thought he recalled one of the hosting attorneys stating that one of the females worked for their Cleveland-area law firm. When asked if he recognized anyone else in attendance, the officer stated that he had also seen Gary Bash, Michael Dobronos, Milutin Zlojutro, and another female hearing officer from the Cleveland office whose name he did not know or could not recall. The hearing officer, who was assigned to the Dayton area, stated that neither attorney hosting the “open cabin” represented any clients who would go before him, noting that it would be a conflict of interest due to their personal relationship.

The hearing officer stated he left the party shortly after arriving because he “... got a weird vibe but cannot say why.” He also stated that sometime between 2:00-2:30 a.m. he received a text message from one of the attorneys at the party, which he said was, “... something about the girls being naked.” The hearing officer stated that he responded to the text message, saying he was sleeping and noted that he did not go back to the cabin.

The other hearing officer who attended the “open cabin” with the hearing officer above corroborated this story, but added that one of the females asked him to go to the kitchen and do “shooters.” He admitted doing this and stated he had no knowledge of who the “booze belonged to.” This hearing officer stated they were there a “quick 20 minutes.”

The Office of the Ohio Inspector General interviewed separately the four Cleveland-area hearing officers named in the complaint: Gary Bash, Mike Brown, Michael Dobronos, and Milutin Zlojutro. All admitted to attending the “open cabin” and provided similar descriptions of what had occurred that night. The four hearing officers also admitted that one, if not both, attorneys hosting the party also represented clients at ICO hearings where the four presided.

Gary Bash stated he had heard about the “open cabin” prior to the ICO meeting and again when he arrived at the Maumee State Park to attend the meeting. Bash arrived at the gathering around 8:00 p.m. and brought his own beer. Bash observed food and drinks being provided but stated that he did not take anything. Bash also observed three females in attendance and believed one worked for the Cleveland-area law firm involved in the allegation, and the other two were her friends. As he was leaving the “open cabin” at around 10:00 p.m., Bash stated he saw the females get into the hot tub with at least one of the attorneys and noted he did not observe any nudity.

Mike Brown stated the “open cabin” was not the only “function” happening that evening and he saw Bash, Dobronos, and Zlojutro at the cabin. Additionally, Brown said he observed food being provided and three females in attendance. Brown believed one of the females worked for the Cleveland-area law firm. Brown stated he saw the male attorneys in the hot tub but not the females. Brown stated that he had later observed the females in the hallway of the cabin, attired in bikinis, and thought it was, “... my clue to leave.”

When checking in at the registration desk, Michael Dobronos stated he saw one of the attorneys, who mentioned that there was going to be a gathering at their cabin later that night. Dobronos attended the gathering, and observed food being provided, but he did not eat anything. Dobronos stated the females arrived at the cabin after he did, and he observed them in their bikinis getting into the hot tub with the attorneys, at which time, Dobronos left.

Milutin Zlojutro stated he was informed of the “open cabin” gathering prior to the beginning of the ICO agency meeting. Zlojutro said that food and drinks were provided but that he had brought his own. Zlojutro noticed other people were coming and going, and believed some may

have been other ICO hearing officers. Zlojutro confirmed one of the females in attendance worked for the Cleveland-area law firm, and that he saw one of the females get into the hot tub with one of the male attorneys. Zlojutro saw the other two females come out to the party in bikinis as he was leaving.

The four hearing officers also stated they did not see either attorney attend the ICO agency meeting the following day.

The Office of the Ohio Inspector General spoke with each of the attorneys in question. One attorney insisted nothing had been planned ahead of time and that no food or drinks were provided. The attorney stated he planned on attending the ICO agency meeting the following day, but had a video pre-trial conference the next morning and was having issues with his computer. As a result, he was unable to make it back to attend the rest of the ICO meeting. He stated that the other attorney had no plans on attending the ICO meeting the following day.

The second attorney also stated they did not purchase food or drinks to host a party. He admitted to sending a text message to his friend, who is also an ICO hearing officer, regarding one of the females being naked. He stated that no ICO employees were present at the time of the incident and it was something that just happened.

CONCLUSION

The Office of the Ohio Inspector General reviewed the allegations made regarding inappropriate conduct by four hearing officers of the Industrial Commission of Ohio while attending a commission-sponsored meeting. Through interviews conducted with numerous ICO employees and the four hearing officers in question, most stated they were unaware of the “open cabin,” while others stated they were aware of the gathering and either had or had not attended. Those who attended stated there were at least three females present and at least one of the females was an employee of a Cleveland-area law firm that represented clients at ICO hearings. All stated that they saw at least one, if not all, of the females at some point wearing a bikini. The four hearing officers in question — Gary Bash, Mike Brown, Michael Dobronos, and Milutin Zlojutro — stated food and drinks were provided but they did not eat anything, and at least one of the four

brought their own drinks. All four hearing officers stated they did not see any nudity and that both male attorneys who hosted the gathering were in the hot tub with at least one of the three females present. Also, all four hearing officers stated that at least one of the attorneys present at the “open cabin” represented clients at hearings where any one of the four OIC hearing officers had presided.

In response to an OIG-issued subpoena, the attorneys stated they did not purchase food or drinks for a party and insisted nothing had been planned in advance. However, this is contradicted by at least three individuals who stated they had been informed of the event prior to the beginning of the ICO agency meeting. The attorneys admitted one of the females in question worked for their law firm and the attorneys stated they knew the other two females.

While nothing prohibits hearing officers and attorneys from getting together in a social setting at an agency-sponsored meeting, the Office of the Ohio Inspector General finds the nature of the gathering to be questionable.

Therefore, the Office of the Ohio Inspector General finds cause to believe an appearance of impropriety occurred in this instance.

RECOMMENDATION(S)

The Office of the Ohio Inspector General makes the following recommendations and asks the chairman of the Industrial Commission of Ohio to respond within 60 days with a plan detailing how the recommendations will be implemented. The Industrial Commission of Ohio should:

- 1) Review the actions of the individuals named in this report and determine if administrative action or additional training is warranted.
- 2) Define expectations of employees regarding appropriate professional conduct while attending meetings, conferences, and seminars.

REFERRAL(S)

The Office of the Ohio Inspector General has determined that no referrals are warranted for this report of investigation.



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NAME OF REPORT: Industrial Commission of Ohio
FILE ID #: 2013-CA00070

KEEPER OF RECORDS CERTIFICATION

This is a true and correct copy of the report which is required to be prepared by the Office of the Ohio Inspector General pursuant to Section 121.42 of the Ohio Revised Code.

Jill Jones
KEEPER OF RECORDS

CERTIFIED
June 9, 2014

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