

# Department of Agriculture and Consumer Services



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## Investigative Report

IG 2017-0039

June 5, 2017

Office of Inspector General  
Ron Russo, Inspector General

Florida Department of Agriculture and Consumer Services  
Adam H. Putnam, Commissioner

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES  
OFFICE OF INSPECTOR GENERAL

INVESTIGATIVE REPORT

CASE NUMBER:  
IG 2017-0039

DATE INITIATED:  
April 3, 2017

DATE SUBMITTED:  
May 10, 2017

INVESTIGATOR:  
Amanda Cable

CASE SUBJECT:

Lisa Wilde, Operations and Management Consultant Manager, Division of Licensing

EXECUTIVE SUMMARY

INVESTIGATIVE PREDICATE

On March 31, 2017, the Florida Department of Agriculture and Consumer Services' (FDACS) Office of Inspector General (OIG) received a request from the Division of Licensing (DOL) to investigate allegations that **Lisa Wilde**, Operations Consultant Manager, DOL, purposely failed to perform essential job duties.

INVESTIGATIVE OVERVIEW

The National Instant Criminal Background Check System (NICS) is a check administered by the Federal Bureau of Investigation and used by Federal Firearms Licensees to determine whether a person is eligible to purchase a firearm from a retailer. As part of the concealed weapon license (CWL) application review process, the DOL evaluates NICS checks, which are provided by the Florida Department of Law Enforcement (FDLE). The NICS is a vital component of the CWL applicant review process, and potentially disqualifies applicants from possessing a CWL. Applicants denied a CWL license due to the NICS must appeal directly to FDLE. In March 2017 the DOL discovered that the NICS checks were not being reviewed and exported to the Bureau of License Issuance (BLI), in accordance with DOL procedure.

During sworn recorded interviews conducted by the OIG, **Laura Gallagher**, Chief, BLI, provided testimony advising that in late March 2017, she observed her section had not received any recent correspondence from CWL applicants seeking information regarding their NICS rejections. **Mikah Ford**, Chief, Bureau of Licensing Support Services (BLSS), testified that she was alerted BLI had not been receiving the NICS reports, so she checked the DOL database and discovered that the last time a NICS report had been saved was February 26, 2016. Ford advised that Wilde has been responsible for the NICS checks since approximately July 2013 and she therefore questioned her (Wilde) about the NICS reports. According to Ford, Wilde explained that she had a login issue with the NICS checks and never followed up to resolve the issue. Ford also identified **Robin James**, License Issuance/Election and Corporate Records Supervisor, DOL, as having access to the NICS data base, acted as Wilde's back-up.

Wilde provided sworn testimony acknowledging that she is the current supervisor responsible for accessing the NICS checks daily and exporting the files to BLI. Wilde advised that it was approximately February 2016 since she last accessed NICS, and explained that she and James had a login issue and they were unable to access the database. Wilde stated that James was waiting on her (Wilde) to have the login issue fixed; however, she (Wilde) never followed up to resolve the issue. Wilde advised she never asked James to check the NICS after the login issue, and stated that James probably assumed the login issues were fixed and she (Wilde) was exporting the NICS

files. Wilde characterized her failure as negligent, and agreed it could cause an embarrassment to the agency.

## CONCLUSIONS

The investigation concluded that the allegation against Lisa Wilde for Negligence is **SUSTAINED**.

*This Investigative Report will be forwarded to Adam Putnam, Commissioner; Mike Joyner, Assistant Commissioner; Alan Edwards, Deputy Commissioner; Grea Bevis, Director, Division of Licensing; and Joey Hicks, Director, Division of Administration.*

## INVESTIGATIVE NARRATIVE

*Investigator **Amanda Cable**, OIG, was assigned the investigation, obtained sworn recorded statements, and gathered evidence of investigative significance, as described in this report.*

The following allegation was identified during the course of this investigation:

**ALLEGATION ONE:** *Lisa Wilde was negligent in her job duties by failing to conduct checks of the National Instant Criminal Background Check System (NICS), in accordance with DOL procedure.*

## INVESTIGATION

On March 31, 2017, the OIG was contacted by **Paul Pagano**, Assistant Director, DOL, regarding the discovery that the NICS checks were not being reviewed.

On April 3, 2017, OIG investigators met with Chief Ford and obtained a screen shot of the DOL database (Exhibit 1) indicating the last time the NICS was saved to their database was on February 26, 2016.

On April 4, 2017, OIG investigators contacted **Mike Courtemanche**, Senior Management Analyst Supervisor, FDLE, who provided a login audit (Exhibit 2) for Wilde and James for the NICS database. The audit, which could only go back 12 months, revealed that on April 7, 2016, user identifications Wilde-lx (Wilde) and James-rx1 (James) both showed a failed login attempt, had their passwords reset, and then successful logins, all on this date (however, email correspondence described below indicated continued problems accessing the NICS files). This was the last recorded login event by either user until the incident was discovered in late March 2017.

**Investigator's Note:** *Both Wilde and James confirmed the above user identifications in emails (Exhibit 3), dated April 17, 2017.*

OIG investigators obtained and reviewed a chain of email conversations (Exhibit 4) between Wilde and **Jameson Schnetzler**, Government Analyst II-Firearm Purchase Program, FDLE, dated April 7, 2016, and April 8, 2016. The following exchange in dialog was discovered:

On April 7, 2016, at 8:14 a.m. Wilde sent an email to FDLE's public website email address, [Firearmspurchasing@fdle.state.fl.us](mailto:Firearmspurchasing@fdle.state.fl.us) (which was forwarded to Schnetzler for assistance) that read:

*I am unable to access nics ineligible and pending files through FDLE Firearm Eligibility System.  
Username – widel-lx*

On April 7, 2016, Schnetzler responded to Wilde's email at 1:46 p.m. with:

*I was forwarded an email you sent regarding your inability to access files in FES. The account name you listed in your email was widel-lx – I'm not sure if that was a typo in that email or if that's the name you've been trying – your User ID for the FES system is wilde-lx, there is no L before the hyphen. I don't see any recent failed login attempts for that user ID, and it looks like you did access the account roughly a month ago (March 8<sup>th</sup>).*

*If the incorrect User ID is not the issue, let me know and I'll see if I can get you sorted out.*

On April 7, 2016, Wilde responded back to FDLE's generic email [webmaster@fdle.state.fl.us](mailto:webmaster@fdle.state.fl.us) at 1:52 p.m. with:

*It was a typo, I still can't access the pending and ineligible files.*

On April 8, 2016, Schnetzler responded to Wilde's email at 1:06 p.m. with:

*Good afternoon again – from what I can see, it looks like you were able to log in successfully yesterday afternoon, but I wanted to make sure that was the case. Are you all set?*

On April 8, 2016, Wilde responded to Schnetzler's email at 2:33 p.m. with:

*No, It will not pull up the pending or ineligible files.*

On April 8, 2016, Schnetzler's final email response to Wilde at 2:47 p.m. was:

*Ok – I just checked it and I think I see what you're talking about. If you're available by phone (I just tried to call) I'd like to confirm that the issue you're having is the same one I'm seeing. I think I can help with a short term fix until our development staff is able to sort out the issue. My number is 410-8169 and I should be available until 5 PM today.*

***Investigator's Note:*** Investigator Cable spoke with Schnetzler regarding his April 2016 email conversations with Wilde. Schnetzler recalled the email correspondence between himself and Wilde, however, he could not recall if Wilde ever pursued further assistance after their last email dated April 8, 2016. Schnetzler did not have any correspondence with James regarding the NICS login issue in 2016.

## WITNESS INTERVIEWS

Investigator Amanda Cable and Captain James Hayden conducted sworn recorded interviews of the following employees at the Division of Licensing, 4040 Esplanade Way, Tallahassee, Florida, in accordance with FDACS policies and procedures. The following is a paraphrased synopsis of relevant information pertaining to the allegations; the complete recordings (Exhibit 5) and interview forms (Exhibit 6) can be consulted for additional details.

### **Laura Gallagher, Chief of License Issuance, Division of Licensing**

**Interview Date: April 4, 2017**

- Gallagher stated that she reviews the NICS correspondence from CWL applicants requesting information on the reasons applications have been rejected. Gallagher advised that during a conversation, she told **Brandee Jones** (B. Jones), Regulatory Program

Administrator, DOL, she had not seen any NICS denial correspondence recently, which was unusual.

- Gallagher advised that B. Jones contacted FDLE to make an inquiry regarding the NICS appeals and was told that they had not received any since September 2016, which prompted her to speak with Ford. Gallagher stated that NICS checks are “extremely important,” to the CWL issuance process, and they rely on the BLSS to provide them with the information.

**Brandee Jones, Regulatory Program Administrator, DOL**

**Interview Date: April 4, 2017**

- B. Jones advised that she became aware of the NICS issue after a conversation with Gallagher and made an inquiry with FDLE; she learned that FDLE had not received an appeal from a CWL applicant since September 2016, which was unusual. B. Jones advised that she informed Gallagher, who contacted Ford. B. Jones stated that Ford investigated the NICS issue and discovered that the task had not been completed since February 26, 2016. B. Jones advised that Ford identified Wilde as being responsible for the NICS checks.
- B. Jones explained that the BLSS is supposed to obtain the NICS reports from an FDLE database, then index the reports into the BLI database for review. B. Jones advised that there is no one person responsible for getting the NICS reports in the BLI, as the NICS denials are placed in an electronic queue by the BLSS, and the BLI staff would not see it until they opened the “package” to work it. If there is no response from NICS on an applicant, then no information is put in the package, which would not be uncommon due to the small number of NICS denials. B. Jones advised that an applicant identified as NICS ineligible is disqualified from having a CWL. B. Jones advised that since February 26, 2016, the NICS reports have not been provided for review, thus, CWL’s may have been issued to potentially ineligible individuals.

**Mikah Ford, Chief of Licensing Support Services, Division of Licensing**

**Interview Date: April 3, 2017**

- Ford advised that Gallagher and B. Jones alerted her on Thursday, March 30, 2017, that they had not been receiving the NICS reports. Ford stated that she checked the DOL database and discovered that the last time a NICS report had been saved was February 26, 2016. Ford advised that she was Wilde’s direct supervisor, and stated that she (Wilde) has been responsible for the NICS since approximately July 2013, and questioned her about the NICS reports.
- According to Ford, when she questioned Wilde about the NICS reports, she looked bewildered, and stated: *I had a login issue and never followed up.* Ford advised that Wilde told her that she had called **Billy Hunter**, Systems Programmer III, BLSS, for assistance with her login issue, but never followed up.

***Investigator’s Note:*** Investigator Cable and Captain Hayden spoke with Hunter, who did not recall the incident; however, he advised that if Wilde had contacted him about a login issue, he would have directed her to FDLE. On April 5, 2017, OIG investigators obtained and reviewed Wilde’s departmental electronic mail (email). An email (Exhibit 7) dated

*March 2, 2016, at 8:56 A.M. from Wilde, addressed to Hunter, and copied to Ford, stated the following:*

*Billy [Hunter], Robin [James] nor I have been able to pull the Nics Pending or Ineligible yesterday or today, could you look into this for us?*

- Ford advised that Wilde was primarily responsible for the NICS; however, Robin James also performed indexing at times. Ford advised that to her knowledge only Wilde and Hunter had access to the FDLE NICS data base. Ford advised that James and **Emily Jones** (E. Jones), Quality Control Supervisor, BLSS, acted as the back-ups for the NICS.
- Ford advised that Wilde failed to perform her assigned duties by not checking the NICS, not alerting her to the NICS login issue, and described her conduct as negligent.

**Emily Jones, EDP Quality Control/Scheduling Supervisor, Division of Licensing**  
**Interview Date: April 4, 2017**

- E. Jones advised that she has been in her current position for approximately four years and reports to Wilde. E. Jones advised that she has never had a login to access FDLE's NICS database; however, she was aware that it needed to be checked daily. E. Jones stated that Wilde was responsible for the NICS. E. Jones stated that the last time she assisted with the NICS indexing was October 12, 2015.
- E. Jones advised that for her to index the NICS, someone else had to export the files from the database. E. Jones advised that James is Wilde's back-up for the NICS function, and they were the only people that had access to the database. E. Jones advised that if Wilde was out of the office, then she thought James was responsible for the NICS.
- E. Jones advised that a telephone call from Ford prompted her to submit a written statement<sup>1</sup> regarding the NICS. E. Jones reported that for the last six months, she consistently reminded Wilde not to forget about the NICS reports, to which she (Wilde) would never respond. However, E. Jones stated that on March 2, 2017, after she again reminded Wilde of the NICS reports, she responded that she (Wilde) felt that the NICS responsibilities should not be under BLSS.
- E. Jones advised that Wilde had been given the NICS responsibility by former Chief of BLSS, Mary Kennedy, when she (Wilde) was in her prior position as Profiling Supervisor. E. Jones advised that Wilde told her that she was unable to train **Renee Stalvey**, Quality Control Supervisor, BLSS, and therefore, had kept the responsibility of NICS when she (Wilde) promoted into her current position.

**Robin James, License Issuance / Election and Corporate Records Supervisor, Division of Licensing**  
**Interview Date: April 3, 2017**

- James advised that she is currently the mailroom supervisor for BLSS; Wilde is her direct supervisor and she (Wilde) is also the primary person responsible for the NICS. James stated that prior to her current position, she worked in the Profiling section and assisted

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<sup>1</sup> E. Jones submitted a typed statement (Exhibit 8) dated March 31, 2017.

Wilde with the NICS functions. James acknowledged that the NICS duties had to be done daily, and she and Wilde previously spoke daily as to who was going to complete the NICS.

- James advised that when she and Wilde moved into their current positions they continued to perform the NICS functions for only a short period, until over a year ago when they were unable to access the NICS database. James advised that she reported to Wilde that she could not log in, and Wilde discovered the same. James advised that they stopped speaking about the NICS after they could no longer login. She stated that Wilde was seeking assistance with their login issue, was referred to FDLE, and was waiting on a response. James stated that she never asked Wilde about it again and assumed she (Wilde) was handling the NICS.
- James acknowledged that it would have been her responsibility to obtain the NICS if Wilde was out of the office because she was the only person who could; however, she never inquired about doing the NICS while Wilde was out of the office because she thought their involvement was temporary and the function was being returned to the profiling section under Stalvey.
- James stated that she did not consider the NICS a mailroom function, but a function of Wilde's. When asked if James recalled being given any procedure or policy on NICS prior to assisting Wilde, she stated, "They just gave us instructions on how to do it."

*Investigator's Note: OIG investigators obtained and reviewed James' email, and on August 30, 2013, at 7:40 a.m., James acknowledged by a "read-receipt" (Exhibit 9) that she had received the NICS procedure email distributed by Mary Kennedy (former employee) on that same date.*

**Renee Stalvey, EDP Quality Control and Scheduling Supervisor, Division of Licensing**  
**Interview Date: April 4, 2017**

- Stalvey advised she has been the profiling supervisor for the last two and a half years, and Wilde is her direct supervisor. Stalvey advised that after she (Stalvey) became the profiling supervisor, Wilde told her that she (Wilde) would transfer the NICS function to her (Stalvey) but that never happened. Stalvey advised she never had access to NICS, nor had she ever assisted with the indexing.

**Mary Kennedy, former Division of Licensing employee, Division of Licensing**  
**Interview Date: April 4, 2017**

- Kennedy advised that the NICS function was very important to the CWL review process, and when she left the department on February 23, 2016 (her last working day), it was, to the best of her recollection, Wilde and James who were the primary individuals responsible for accessing the NICS database and indexing the data to the BLI. Kennedy advised that she recalled a discussion about Stalvey being trained to do the NICS, but did not believe Wilde had time to train her.

## SUBJECT INTERVIEW

### **Lisa Wilde, Operation and Management Consultant Manager, DOL**

On April 4, 2017, Investigator Cable and Captain Hayden conducted a sworn recorded interview of Wilde at the OIG, 2601 South Blair Stone Road, Building C, Suite 3, Tallahassee, Florida, in accordance with FDACS policies and procedures. The following is a paraphrased synopsis of relevant information pertaining to the allegations; the complete recording (Exhibit 10) and interview form (Exhibit 11) can be consulted for additional details.

- Wilde advised that she is the current supervisor responsible for accessing the FDLE NICS daily, to export files. In reference to the NICS, Wilde stated “it has to do with criminal histories, it’s very important.” Wilde advised that no one ever told her that the NICS function was no longer her responsibility, and stated, “I should have been doing it,” and indicated it had been a very long time since she had accessed the data base.

***Investigator’s Note:** Investigator Cable reviewed Wilde’s previous and current position descriptions (Exhibit 12), and noted that neither specifically addressed the NICS.*

- Wilde advised that it was approximately February 2016 since she last accessed NICS, and explained that she and James had a login issue and they were unable to access the database. Wilde stated that James was waiting on her (Wilde) to have the login issue fixed; however, she (Wilde) never followed up to resolve the issue. Wilde advised she never asked James to check the NICS after the login issue, and stated that James probably assumed the login issues were fixed and she (Wilde) was exporting the NICS files.
- Wilde advised that she forgot about accessing the NICS database after the first month in her current position. Wilde stated, “I dropped the ball—I know I did that, I should have been doing it and I didn’t.” Wilde stated that she did not tell anyone that the NICS data base had not been accessed for over a year.
- In reference to E. Jones’ allegation that Wilde stated that she did not believe NICS should be a BLSS function, Wilde denied saying it.
- Wilde advised that she did not believe she performed her NICS duties in an effective or efficient manner. Wilde stated, “I neglected to do it for almost a year.” Wilde characterized her failure to ensure the NICS information was accessed, indexed, and sent to the BLI as negligent, and agreed this could cause an embarrassment to the agency.

***Investigator’s Note:** Investigator Cable obtained Wilde’s signed Disciplinary Policy and Employee Standards of Conduct Acknowledgment of Receipt (Exhibit 13), dated May 24, 2012.*

## INVESTIGATIVE FINDINGS

**ALLEGATION ONE:** *Lisa Wilde was negligent in her job duties by failing to conduct checks of the National Instant Criminal Background Check System (NICS), in accordance with DOL procedure.*

Department Administrative Policies and Procedures (AP&P) No. 5-3, V, B, Negligence, states:

*Negligence - Employees shall exercise due care and reasonable diligence in the performance of job duties.*

#### CONCLUSION

The testimony and evidence obtained during this investigation was sufficient to establish that Lisa Wilde knowingly and admittedly neglected, for over a year, to perform the essential duty of NICS checks for which she was responsible. Therefore, the allegation of Negligence against Lisa Wilde is **SUSTAINED**.

#### DEFINITION OF FINDINGS

|                        |  |
|------------------------|--|
| <b>SUSTAINED:</b>      | Evidence is sufficient to prove allegation.  |
| <b>NOT SUSTAINED:</b>  | Insufficient evidence available to prove or disprove allegation.   |
| <b>EXONERATED:</b>     | Alleged actions occurred but were lawful and proper.   |
| <b>UNFOUNDED:</b>      | Allegations are false or not supported by fact.  |
| <b>POLICY FAILURE:</b> | Alleged actions occurred and caused harm; however, the actions taken were not inconsistent with department policy. |

#### RECOMMENDATIONS

It is recommended that DOL identify any NICS ineligible applicants that may have been erroneously issued a license as a result of Wilde's actions, and address as appropriate. In addition, it is recommended that DOL review and evaluate NICS procedures to ensure employees responsible for the system checks are aware of the proper protocol, complete and sign training acknowledgment forms, and are supported by additional trained backup employees and/or a system of oversight confirming the completion of the tasks.

#### EXHIBITS

1. Screenshot of DOL database
2. FDLE login audit
3. Emails confirming user ID's
4. Wilde – FDLE emails
5. CD – Witness Interviews
6. Witness OIG forms
7. Wilde – Hunter email
8. E. Jones typed statement
9. James' email "read-receipt"
10. CD – Subject Interview
11. Subject OIG form
12. Wilde position description
13. Wilde's FDACS form

#### CERTIFICATIONS

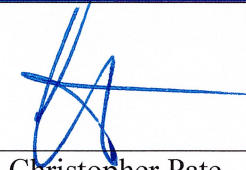


This investigation was completed in accordance with accreditation standards established by The Commission for Florida Law Enforcement Accreditation and has been conducted in compliance with the Quality Standards for Investigations found within the Principles and Standards for the Offices of Inspector General.

A handwritten signature in blue ink that reads "Amanda Cable".

Amanda Cable, Investigator, Office of Inspector General

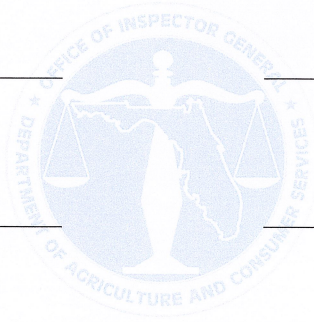
REVIEW AND APPROVAL



Christopher Pate  
Director of Investigations

Jun 5, 2017

Date



Ron Russo  
Inspector General

June 5, 2017

Date