



OHIO AUDITOR OF STATE
KEITH FABER



LICKING COUNTY
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OHIO AUDITOR OF STATE KEITH FABER



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To the Licking County Commissioners:

Background

The Auditor of State (AOS), Special Investigations Unit (SIU) conducted a criminal investigation and special audit of Licking County, specifically related to the Licking County Building Services Department (the County), predicated on the County's former Building Services Director, Donald Dunston, approving questionable invoices from two vendors in Frisco, Texas.

The investigation began on May 15, 2018, after SIU received a memorandum from the AOS Central Region financial auditors outlining a gas theft by Mr. Dunston. While conducting the fiscal year 2017 audit, the financial auditors noted a newspaper article stating Mr. Dunston was terminated in an emergency resolution for performance related issues. When the financial auditors inquired with County personnel, they were informed the County noticed receipts for Mr. Dunston's gas purchases for County Commissioners Department vehicles showed more gallons purchased than the vehicles could hold. County Commissioners were in possession of video from the gas station showing Mr. Dunston filling up a County vehicle, laying the pump down, and another vehicle pulling in, picking up the pump and filling a non-County vehicle.

After terminating Mr. Dunston for the gas theft, Commissioners Department personnel began reviewing and contacting vendors to inform them of the change in personnel that would be doing the ordering and requesting supply catalogues. When they contacted one vendor in Frisco, Texas, the individual acted suspicious and hung up on them. The Commissioners Department personnel recalled Mr. Dunston once lived in Frisco, Texas. The County identified one other questionable vendor in what appeared to be a fake invoice scheme and brought this to the attention of the financial auditors. The County Commissioners notified the Licking County Sheriff's Office (LCSO) of the thefts and LCSO requested the assistance of SIU for the investigation and forensic audit.

After the information obtained from interviews and preliminary examination of County records was considered, a special audit was declared by the Auditor of State.

This engagement was conducted in accordance with the [Auditor of State Special Investigations Unit, Quality Standards](#).

Suspects

Donald Dunston was hired by the County on December 19, 2012 to serve as the Building Services Director. He was terminated May 3, 2018. Prior to moving to Ohio, Mr. Dunston lived in Frisco, Texas.

William Crawford was Mr. Dunston's former neighbor in Frisco, Texas. Mr. Crawford prepared and submitted a W-9 in October 2015 to establish Crawford RAW Janitorial, a fake janitorial supply company, as a vendor with the County.

Windy Miller was an acquaintance of Mr. Crawford. Ms. Miller owned a legitimate cleaning company in Frisco, Texas called Whirl of Windy. Ms. Miller prepared and submitted a W-9 in August 2015 to establish Whirl of Windy as a vendor with the County.

Scheme

For the period September 1, 2015 through May 3, 2018 (the Period), Mr. Dunston received invoices from Mr. Crawford for supplies and equipment with the intention of never receiving any product for Licking County. Ms. Miller, having a legitimate cleaning business, created the invoices in September and beginning of October 2015 and provided the invoices to Mr. Crawford to send to Mr. Dunston. After a falling out with Mr. Crawford, Ms. Miller refused to create and provide any more invoices. At this point, Mr. Crawford set up his fictitious janitorial company and began creating the invoices himself.

When the invoices were received, Mr. Dunston would sign the invoice indicating goods were received (even though nothing was received), prepare a warrant release document indicating to the County Auditor the accounting fund coding information, and send the invoice and warrant release to the County Auditor for processing. The County Auditor prepared a listing of all bills to be paid, which the County Commissioners would review at the bi-weekly Commission meetings. Once bills were approved by the County Commissioners, the check would be mailed to Ms. Miller, who would cash/deposit the check through her business account, keep a portion of the cash and provide the rest to Mr. Crawford, who would mail a portion of the cash to Mr. Dunston. After Ms. Miller refused to participate in the scheme, checks were mailed directly to Mr. Crawford who cashed/deposited the checks through his fictitious business account, kept a portion of the cash and mailed the remaining cash to Mr. Dunston.

SIU completed a forensic audit of the County Building Services expenditures for the Period, focusing on Whirl of Windy and Crawford RAW Janitorial. We identified \$19,203 in unauthorized payments to Whirl of Windy and \$173,469 in unauthorized payments to Crawford RAW Janitorial.

Findings

Based on the special audit procedures and investigation, the Auditor of State confirmed the allegation that Donald Dunston, through aid from his co-conspirators Windy Miller and William Crawford, misappropriated funds from Licking County over a span of just under three years.

We issued \$213,069 in findings for recovery for misappropriated funds and audit costs during the Period.

The full details of the findings for recovery are located in the Appendix.

Prosecution

At the conclusion of the special audit and investigation, a prosecution packet was presented to the Auditor of State Special Prosecutor, serving by appointment of the Licking County Prosecuting Attorney.

On September 3, 2020, Windy Miller was indicted by the Licking County grand jury on five counts, including one count of Theft, two counts of Tampering with Records, and two counts of Money Laundering.

On September 21, 2021, Ms. Miller entered a negotiated plea of guilty to one count of Theft, in violation of Ohio Rev. Code § 2913.02(A)(3), a felony of the fourth degree.

The Honorable Judge Marcelain sentenced Ms. Miller to 10 days in jail, five years community control, a fine of \$2,500 and restitution was ordered in the amount of \$19,203.49.

On September 3, 2020, William Crawford was indicted by the Licking County grand jury on 12 counts, including one count of Engaging in a Pattern of Corrupt Activity, one count of Theft, one count of Telecommunications Fraud, five counts of Tampering with Records, and four counts of Money Laundering.

On January 9, 2023, Mr. Crawford entered a negotiated plea of guilty to one count of Engaging in a Pattern of Corrupt Activity, in violation of Ohio Rev. Code § 2923.32(A)(1), a felony of the second degree, one count of Theft, in violation of Ohio Rev. Code § 2913.02(A)(3), a felony of the third degree, and three counts of Tampering with Records, in violation of Ohio Rev. Code § 2913.42(A)(1), felonies of the third degree.

On March 8, 2023, the Honorable Judge Marcelain sentenced Mr. Crawford to four years in prison¹.

On October 28, 2021, Donald Dunston was indicted by the Licking County grand jury on 15 counts, including one count of Engaging in a Pattern of Corrupt Activity, one count of Theft in Office, one count of Telecommunications Fraud, one count of Theft and 11 counts of Tampering with Records.

On March 8, 2023, Donald Dunston entered a negotiated plea of guilty to one count of Attempted Engaging in a Pattern of Corrupt Activity, in violation of Ohio Rev. Code §§ 2923.32(A)(1) and 2923.02, a felony of the third degree, one count of Theft in Office, in violation of Ohio Rev. Code § 2921.41(A)(1), a felony of the third degree, and three counts of Tampering with Records, in violation of Ohio Rev. Code § 2913.42(A)(2), felonies of the third degree.

On March 27, 2023, the Honorable Judge Branstool sentenced Mr. Dunston to 30 months in prison and restitution was ordered in the amount of \$192,672.97 for the theft and \$20,397.50 for audit costs.

The exit conference was waived by the County; however, the Commissioners and Management were given five days to respond to this special audit report. A response was not received by the Licking County Commissioners Department.



Keith Faber
Auditor of State
Columbus, Ohio

April 6, 2023

¹ Restitution was paid by Mr. Dunston prior to Mr. Crawford's sentencing in Licking County Common Pleas Court Case No. 2020 CR 00478. Therefore, the Honorable Judge Marcelain did not order Mr. Crawford to pay restitution in his case.

APPENDIX
SCHEDULE OF FINDINGS FOR RECOVERY



APPENDIX

FINDINGS FOR RECOVERY REPAID UNDER AUDIT – BUILDING SERVICES

Ohio Admin. Code § 117-2-01(D)(4) requires, in part, that entities plan for adequate segregation of duties or compensating controls. Segregation of duties provides two significant benefits: (1) a deliberate fraud is more difficult because it requires collusion of two or more persons and (2) it is more likely an error will be detected. When designing the County's system of internal control and the specific control activities, management should plan for adequate segregation of duties or compensating controls.

State ex rel. McClure v. Hagerman, 155 Ohio St. 320 (1951), provides that expenditures made by a governmental unit are to serve a public purpose. Typically, the determination of what constitutes a "proper public purpose" rests with the judgment of the governmental entity, unless such determination is arbitrary or unreasonable. Even if a purchase is reasonable, Ohio Attorney General Opinion 82-006 indicates that it must be memorialized by a duly enacted ordinance or resolution and may have a prospective effect only. Auditor of State Bulletin 2003-005 Expenditure of Public Funds/Proper Public Purpose states that the Auditor of State's Office will only question expenditures where the legislative determination of a public purpose is manifestly arbitrary and incorrect.

Proper segregation of duties is not possible when only one or two people handle all four aspects of the internal control cycle (record keeping, authorization, custody, and reconciliation). As Building Services Director, Mr. Dunston was responsible for overseeing cleaning staff, ordering janitorial supplies and equipment for County buildings to be cleaned, ensuring the items ordered were received, and submitting approved invoices to the County Auditor for payment. Mr. Dunston was also responsible for vetting any new vendors wishing to do business with the County for janitorial supplies and equipment.

During the Period, we noted the following related to Building Services expenditures approved by Mr. Dunston:

- Six checks totaling \$19,203 were made payable to Ms. Miller via Whirl of Windy, which were unauthorized and not for a proper public purpose.
- 109 checks totaling \$173,469 were made payable to Mr. Crawford via Crawford RAW Janitorial, which were unauthorized and not for a proper public purpose.

On September 21, 2021, Ms. Miller was ordered to pay restitution in the amount of \$19,203.49 to Licking County in Licking County Common Pleas Court Case No. 2020 CR 00480.

On March 27, 2023, Mr. Dunston was ordered to pay restitution in the amount of \$192,672.97 for the theft and \$20,397.50 in audit costs to Licking County in Licking County Common Pleas Court Case No. 2021 CR 00591.

In accordance with the foregoing facts and pursuant to **Ohio Rev. Code § 117.28**, findings for recovery for public monies converted or misappropriated are hereby issued against Windy Miller and William Crawford in the amounts of \$19,203 and \$173,469, respectively, and against Donald Dunston jointly and severally, in the amount of \$213,069, with \$192,672 in favor of Licking County Building Services Fund and \$20,397 in favor of the Auditor of State.

Mr. Dunston paid all court-ordered restitution and audit costs in full for all parties prior to his sentencing on March 27, 2023. Accordingly, we consider this finding fully repaid.

OHIO AUDITOR OF STATE KEITH FABER



LICKING COUNTY SPECIAL AUDIT

AUDITOR OF STATE OF OHIO CERTIFICATION

This is a true and correct copy of the report, which is required to be filed pursuant to Section 117.26, Revised Code, and which is filed in the Office of the Ohio Auditor of State in Columbus, Ohio.



Certified for Release 6/6/2023

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This report is a matter of public record and is available online at
www.ohioauditor.gov