

DEPARTMENT OF WILDLIFE AND FISHERIES



COMPLIANCE AUDIT  
ISSUED NOVEMBER 30, 2011

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LOUISIANA LEGISLATIVE AUDITOR  
DARYL G. PURPERA, CPA, CFE

November 30, 2011

**ROBERT BARHAM, SECRETARY**  
**DEPARTMENT OF WILDLIFE AND FISHERIES**  
**STATE OF LOUISIANA**  
Baton Rouge, Louisiana

We have audited certain transactions of the Department of Wildlife and Fisheries. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the credibility of certain allegations regarding the management of White Lake Wetlands Conservation Area.

Our audit consisted primarily of inquiries and the examination of selected financial records and other documentation. The scope of our audit was significantly less than that required by *Government Auditing Standards*.

The accompanying report presents our findings and recommendations as well as management's response. This is a public report. Copies of this report have been delivered to the District Attorney for the Fourteenth Judicial District of Louisiana and others as required by law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Daryl G. Purpera".

Daryl G. Purpera, CPA, CFE  
Legislative Auditor

DGP/dl

LDWF 2011

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## Hours Not Worked

Mr. Wayne Sweeney, White Lake Wetlands Conservation Area (White Lake) manager, was paid \$505 (not including benefits) for hours he did not work. On August 19, 2011, Mr. Sweeney completed and submitted his time sheet to his supervisor for the two-week period ended August 21, 2011. This time sheet reflects that Mr. Sweeney worked a total of 83.5 hours including 80 regular hours and 3.5 hours of compensatory time. However, from August 15, 2011, to August 18, 2011, we monitored Mr. Sweeney's daily activities and found he worked 22.5 of the 32.5 hours he recorded on his time sheet for these days. As a result, Mr. Sweeney should not have claimed nor have been paid for the additional 10 hours and was not entitled to 3.5 hours of compensatory time. By claiming hours for which he did not work, Mr. Sweeney may have violated state law.<sup>1</sup>

## Personal Use of State Vehicle

The Louisiana Department of Wildlife and Fisheries (LDWF) provides Mr. Sweeney with a 2005 Toyota Sequoia and a Fueltrac card to purchase fuel. Mr. Sweeney currently has personal assignment of this vehicle and a home storage agreement that allows him to store the vehicle at his home while it is not being used for public purposes. By signing the agreement, Mr. Sweeney acknowledged that the vehicle should not be used for personal purposes. In addition, LDWF policy strictly prohibits the use of any state-owned vehicle for personal purposes. During our observation of Mr. Sweeney for the four days from August 15, 2011, through August 18, 2011, we noted that he used his state vehicle to run personal errands in possible violation of his home storage agreement and LDWF policy.

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<sup>1</sup> **R.S. 14:138** provides, in part, that "payroll fraud is committed when any public officer or public employee shall carry, cause to be carried, or permit to be carried, directly or indirectly, upon the employment list or payroll of his office, the name of any person as employee, or shall pay any employee, with knowledge that such employee is receiving payment or compensation for services not actually rendered by said employee or for services grossly inadequate for such payment or compensation."

**R.S. 14:133** provides, in part, that "filing false public records is the filing or depositing for record in any public office or with any public official, or the maintaining as required by law, regulation, or rule, with knowledge of its falsity, any forged document, any wrongfully altered document, or any document containing a false statement or false representation of a material fact."

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## Background

The Louisiana Department of Wildlife and Fisheries (LDWF) is the state agency responsible for management of the state's renewable natural resources including all wildlife and all aquatic life. The control and supervision of these resources are assigned to LDWF in the Constitution of the State of Louisiana of 1974 and in revised statutes under Title 36 and Title 56.

White Lake is located in Vermilion Parish, Louisiana. British Petroleum America Production (BP) owned and managed White Lake until July 8, 2002, when BP donated the property to the State of Louisiana. On July 8, 2002, the State of Louisiana entered into a cooperative endeavor agreement with the White Lake Preservation, Inc., a 501 (c) 3 corporation, for management of the property. Mr. Wayne Sweeney was manager of White Lake as an employee of BP, and his employment was transferred to White Lake Preservation, Inc., once the state entered into the cooperative endeavor agreement. On January 1, 2005, Act 613 of the 2004 Regular Legislative Session became effective. This act transferred management of White Lake from the White Lake Preservation, Inc., to LDWF effective July 1, 2005. At that time, Mr. Sweeney became an LDWF employee.

Acreage at White Lake is currently used for farming and hunting leases, hunting and fishing lotteries, and alligator egg harvesting. In addition, the lodge at White Lake provides the following services: non-consumptive trips, one day and overnight use, skeet range, boat tours, and corporate hunts.

The Louisiana Legislative Auditor (LLA) received certain allegations regarding the management of White Lake. This audit was performed to determine the credibility of the allegations. The procedures performed during this audit included:

- (1) interviewing employees of LDWF;
- (2) interviewing other persons as appropriate;
- (3) examining selected documents and records of LDWF;
- (4) gathering documents from external parties;
- (5) observing employees' activities during the workday; and
- (6) reviewing applicable state laws and regulations.



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## Hours Not Worked

Mr. Wayne Sweeney, White Lake Wetlands Conservation Area (White Lake) manager, was paid \$505 (not including benefits) for hours he did not work. On August 19, 2011, Mr. Sweeney completed and submitted his time sheet to his supervisor for the two-week period ended August 21, 2011. This time sheet reflects that Mr. Sweeney worked a total of 83.5 hours including 80 regular hours and 3.5 hours of compensatory time. However, from August 15, 2011, to August 18, 2011, we monitored Mr. Sweeney's daily activities and found he worked 22.5 of the 32.5 hours he recorded on his time sheet for these days. As a result, Mr. Sweeney should not have claimed nor have been paid for the additional 10 hours and was not entitled to 3.5 hours of compensatory time. By claiming hours for which he did not work, Mr. Sweeney may have violated state law.<sup>1</sup>

According to Mr. Sweeney's time sheets, he accounts for 80 hours per a two-week pay period. White Lake employees enter their daily start time and end time on a time sheet along with the location of the work and a brief description of the duties performed. At the end of the pay period, employees sign their time sheets, which are then approved by the appropriate supervisors and sent to the timekeeper for entry into the payroll system. According to Mr. Osborne Baker, LDWF biologist director, when employees sign their time sheets, they are verifying that they actually worked the hours recorded on the time sheet.

Mr. Sweeney is an unclassified employee who is allowed to earn compensatory time for hours worked in excess of 80 hours during a two-week pay period. Mr. Jimmy Anthony, LDWF assistant secretary, stated that compensatory time must be preapproved; however, an exception to this rule applies to employees at White Lake who are allowed to earn compensatory time without preapproval during the hunting season (November to January).

Although the White Lake property is located in Vermilion Parish, Mr. Sweeney is domiciled in Lake Charles in an office located four miles from the Lake Charles LDWF building. Mr. Sweeney's office in Lake Charles is approximately 69 miles (138 miles round trip) from White Lake. According to Mr. Baker, he was concerned that Mr. Sweeney was not working the times recorded on his time sheets, but since Mr. Sweeney worked in Lake Charles, he could not effectively supervise him. Despite Mr. Baker suspecting that Mr. Sweeney was not working 40-hour weeks, Mr. Baker still approved his time sheets, including compensatory time. Mr. Baker stated he did not have the resources to determine if Mr. Sweeney was working the hours recorded on his time sheets.

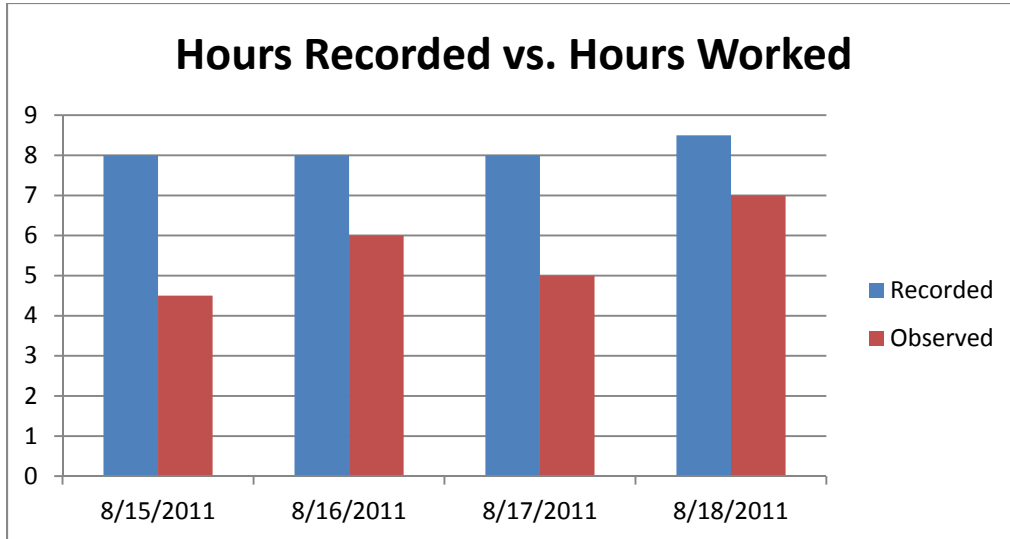
According to Mr. Baker, he attempted to move Mr. Sweeney's office to White Lake, take away Mr. Sweeney's assigned vehicle, and restructure the management of White Lake. Mr. Baker stated that this change would have resulted in better management of White Lake by Mr. Sweeney and would have allowed him (Baker) to better supervise Mr. Sweeney. Mr. Baker and Mr. Anthony both stated that LDWF management initially supported Mr. Baker's plan, but Mr. Sweeney contacted a friend and the plan was denied. Mr. Sweeney stated when it came to his attention that Mr. Baker wanted to move his office and take away his vehicle, he spoke to LDWF Secretary Robert Barham who allowed him to keep his office and vehicle.

Secretary Barham confirmed Mr. Sweeney's statement. He further explained that Lake Charles resident, Mr. Jack Lawton, told him that moving Mr. Sweeney to White Lake could result in losing some of the White Lake corporate hunters. Mr. Lawton informed LLA representatives that his concern was the cost to build an office for Mr. Sweeney at White Lake. However, according to Mr. Anthony, the plan was to relocate Mr. Sweeney into an existing office building at White Lake.

As an LDWF employee, Mr. Sweeney is an exempt employee with a current salary of \$105,040. For the four days during the period August 15, 2011, through August 18, 2011, we monitored Mr. Sweeney's daily activities. Mr. Sweeney's time sheet for this period reflects that he worked a total of 32.5 regular hours on those four days. Our observation showed the following:

- August 15, 2011 - Mr. Sweeney's time sheet indicates that he worked eight regular hours from 7:30 a.m. until 4:15 p.m. (45-minute lunch). Our observation shows Mr. Sweeney did not work an eight-hour day. He arrived at his Lake Charles office at 9:00 a.m., 90 minutes after the 7:30 a.m. time he recorded on his time sheet. At 11:44 a.m., he left work and traveled to his residence. Mr. Sweeney returned to his office at 2:26 p.m. where he remained until he left for the day at 4:10 p.m. Therefore, Mr. Sweeney did not work the eight hours recorded on his time sheet; he worked four hours and 30 minutes.
- August 16, 2011 - Mr. Sweeney's time sheet indicates that he worked eight regular hours from 7:30 a.m. until 4:15 p.m. (45-minute lunch). Our observation shows Mr. Sweeney did not work an eight-hour day. He arrived at his Lake Charles office at 8:30 a.m., 60 minutes after the 7:30 a.m. time he recorded on his time sheet. At 12:05 p.m., he left the office, traveled to a nearby mall, and then returned to his office at 12:53 p.m. Mr. Sweeney left work for the day at 3:20 p.m. Therefore, Mr. Sweeney did not work the eight hours he recorded on his time sheet; he worked a total of six hours.
- August 17, 2011 - Mr. Sweeney's time sheet indicates that he worked eight regular hours from 7:30 a.m. until 4:15 p.m. (45-minute lunch). Our observation shows Mr. Sweeney did not work an eight-hour day. He arrived at his Lake Charles office at 8:24 a.m., 54 minutes after the 7:30 a.m. time he recorded on his time sheet. He left his office at 11:49 a.m. and appears to have run personal errands until he returned to his office at 2:16 p.m. Mr. Sweeney left his office at 3:36 p.m., traveled to a local LDWF office where he arrived at 3:46 p.m. He left the LDWF office at 3:51 p.m. and traveled to his residence. Therefore, Mr. Sweeney did not work the eight hours he recorded on his times sheet; he worked a total of five hours.
- August 18, 2011 - Mr. Sweeney's time sheet indicates that he worked 8.5 regular hours from 7:30 a.m. until 5:00 p.m. (one-hour lunch). Our observation shows Mr. Sweeney did not work an 8.5-hour day. Mr. Sweeney arrived at his Lake Charles office at 7:55 a.m. He left his office at 9:21 a.m. and traveled to the Creole Kitchen Restaurant in Gueydan, Louisiana, where he arrived at 10:25 a.m.

He left the Creole Kitchen Restaurant at 11:28 a.m. and traveled toward the White Lake property. Mr. Sweeney left White Lake and returned to his residence at approximately 4:00 p.m. Therefore, Mr. Sweeney did not work the 8.5 hours he recorded on his time sheet; he worked a total of seven hours.



Our observation showed that Mr. Sweeney did not work 10 of the hours he recorded and did not turn in any leave slips. The value of the 10 hours claimed by Mr. Sweeney but not worked is \$505. Mr. Sweeney also claimed 3.5 hours of compensatory time at the end of the pay period for time worked in excess of 80 hours during the period. However, because Mr. Sweeney claimed 10 hours during the period for which he did not work, he did not work any hours in excess of 80 hours. As a result, Mr. Sweeney claimed 3.5 hours for compensatory time that he was not entitled to receive.

During our initial interview, Mr. Sweeney stated he is an exempt employee who is required to be available for work seven days per week, 24 hours per day. He further stated that his work hours are 7:30 a.m. to 4:15 p.m. with a 45-minute lunch break, Monday through Friday, and that he is allowed to earn compensatory time for hours worked in excess of 80 hours during a pay period. Mr. Sweeney stated that he does not have permission to work from home and that the hours recorded on his time sheets were the actual hours he worked. However, Mr. Sweeney did state that he sometimes works at home answering phone calls for which he does not claim time.

On September 9, 2011, LLA representatives spoke with Mr. Sweeney regarding time that he recorded for the period August 15, 2011, to August 18, 2011. During this period, Mr. Sweeney was observed for a total of 10 hours for which he did not work. Mr. Sweeney acknowledged that he did not work the 10 hours and therefore did not qualify for the 3.5 hours of compensatory time he claimed on August 19, 2011. Mr. Sweeney stated that when he worked for BP, he had no set time to arrive or leave work as long as he got the job done. He stated that he does what it takes to get the job done and then he goes home. Mr. Sweeney further explained that although he records 40 hours per week on his time sheets, he routinely works approximately 30 hours per week. He later changed his statement to indicate that he routinely works between 75 and 80 hours per pay period for half the year (non-hunting months).

Records provided by LDWF indicate that on September 13, 2011, Mr. Sweeney submitted an amended time sheet for the pay period ending August 21, 2011, leave slips, and a written explanation to his supervisor. According to the amended time sheet, Mr. Sweeney recorded a total of 74 regular hours and used six hours of leave. In addition, the time in and time out entries for the period August 15, 2011, to August 18, 2011, were amended to reflect a total of 23.5 hours worked during this period. In his written explanation, Mr. Sweeney explained there were errors on his time sheet because he was interrupted by LLA representatives when he attempted to prepare his time sheet. He further indicated that during the pay period, he was under a great deal of stress. Mr. Sweeney added that it was not his intention to cheat the state.

As of October 1, 2011, LDWF has not adjusted Mr. Sweeney's leave accrual account based on his amended time sheet.

We recommend that LDWF:

- (1) determine if leasing an office, separate from the LDWF's Lake Charles office and White Lake, is the best use of public funds and resources;
- (2) ensure that its employees adhere to policies concerning work hours, time reporting, compensatory time, and leave; and
- (3) ensure that supervisors approve and submit to payroll only employees' time sheets that agree with the employees' actual time worked.

### **Personal Use of State Vehicle**

LDWF provides Mr. Sweeney with a 2005 Toyota Sequoia and a Fueltrac card to purchase fuel. Mr. Sweeney currently has personal assignment of this vehicle and a home storage agreement that allows him to store the vehicle at his home while it is not being used for public purposes. By signing the agreement, Mr. Sweeney acknowledged that the vehicle should not be used for personal purposes. In addition, LDWF policy strictly prohibits the use of any state-owned vehicle for personal purposes. During our observation of Mr. Sweeney for the four days from August 15, 2011, through August 18, 2011, we noted that he used his state vehicle to run personal errands in possible violation of his home storage agreement and LDWF policy.

According to Mr. Baker and Mr. Anthony, they were concerned that Mr. Sweeney may be using the public vehicle for personal purposes because Mr. Sweeney told Mr. Baker that he did not have another vehicle available for his use. However, as stated in the previous finding, Secretary Barham allowed Mr. Sweeney to continue personal assignment and home storage of his public vehicle.

From August 15, 2011, to August 18, 2011, we observed Mr. Sweeney use his state vehicle during the workday for what appeared to have been personal errands in the Lake Charles area. These errands included a trip to a local bank as well as trips to a local high school and university. During an interview of Mr. Sweeney on September 9, 2011, Mr. Sweeney acknowledged that these were personal errands. He informed LLA representatives that while his other family members each have vehicles, his state vehicle is the only vehicle he has to drive. He explained that he has children that attend Barbe High School and McNeese State University and on a few occasions, he has used his state vehicle to visit his children at these schools. He stated that he has also used the vehicle to visit his wife at her job during the past two years, maybe three or five times per year.

According to Mr. Sweeney, he uses the state vehicle to travel to and from work, to collect supplies for hunters at the White Lake camp, and to transport hunters to and from the airport. He stated that he has never used the vehicle for family vacations and has never taken the vehicle out of state. Mr. Sweeney stated that he would have no problem reimbursing LDWF for his personal use of the vehicle. He estimated he may have used a tank of gasoline during the last year while using the vehicle for personal use. By using the state-owned vehicle for personal use, Mr. Sweeney may have violated his home storage agreement and LDWF policy.

We recommend that LDWF adopt policies and procedures to ensure that state-owned vehicles are used strictly for business purposes. These policies and procedures should include periodic monitoring of vehicle logs and fuel card usage to identify any discrepancies between recorded monthly vehicle mileage and fuel purchased.

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## Management's Response







BOBBY JINDAL  
GOVERNOR

## State of Louisiana

ROBERT J. BARHAM  
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF SECRETARY

November 17, 2011

Mr. Calvin Moore  
Senior Compliance Auditor  
Louisiana Legislative Auditor  
P. O. Box 94397  
Baton Rouge, LA 70804-3800

Dear Mr. Moore:

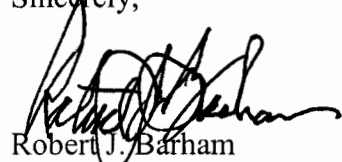
In response to LLA's findings relative to Mr. Wayne Sweeney, we offer these responses to your four recommendations.

1. Determine if leasing an office, separate from the LDWF's Lake Charles office and White Lake is the best use of public funds and resources;  
*LDWF has closed the separate office and has reassigned Mr. Sweeney to the White Lake office that he will share with his fellow employees.*
2. Ensure that LDWF employees adhere to policies concerning work hours, time reporting, compensatory time, and leave; and  
*Mr. Sweeney's time sheets and leave will be more thoroughly screened by his supervisor. Additionally all supervisors will be advised to do the same for all employees.*
3. Ensure that supervisors approve and submit to payroll only employee time sheets that agree with the employees' actual time worked.  
*LDWF supervisors will commit more time to verifying actual work time against work reported. Mr. Sweeney has made restitution of money received that was not earned.*
4. We recommend that LDWF adopt policies and procedures to ensure that state-owned vehicles are used strictly for business purposes. These policies and procedures should include periodic monitoring of vehicle logs and fuel card usage to identify any discrepancies between recorded monthly vehicle mileage and fuel purchased.  
*Procedures are already in place to ensure that state-owned vehicles are used strictly for business purposes. However, periodic monitoring of vehicle logs and fuel card usages by supervisors was not evident in this case. LDWF will again commit supervisory time to such tasks. Additionally Mr. Sweeney will not be allowed home storage of a state vehicle.*

Mr. Calvin Moore  
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Please let me know if you have any further questions.

Sincerely,



Robert J. Barham  
Secretary

# LORENZI & BARNATT, L.L.P.

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November 14, 2011

## **CMRRR 7002 2030 0002 1698 8682**

Mr. Dan Daigle

Assistant Legislative Auditor

P. O. Box 94397

Baton Rouge, LA 70804-9397

**RE: Kenneth Wayne Sweeney**

Dear Mr. Daigle:

Mr. Kenneth Wayne Sweeney, an employee of the Louisiana Department of Wildlife and Fisheries, has requested our assistance in responding to your letter of October 28, 2011. Your letter references a compliance audit report on the West Feliciana Parish Police Jury; however, we are unaware of the nexus of such entity and are unable to provide a response to any issue which may be pertinent to the West Feliciana Parish Police Jury. The following addresses the substance of the draft report.

Mr. Sweeney was hired by Amoco Production Company in 1980 in their land office, including White Lake. In 1993 he became the sole manager. Amoco merged with BP in 2000. In 2002, when the White Lake property was donated to the state, Mr. Sweeney was a 22 year employee of BP Amoco, during which time the management of all land specifically including White Lake was conducted out of Lake Charles. BP offered Mr. Sweeney another position following the donation, but he chose to accept an offer to continue as manager of the White Lake property through an entity established by the state because of his commitment to this property, thereby forfeiting a 22 year career just 4 years prior to being fully vested in retirement and benefit packages.

Mr. Sweeney transitioned to an employee of the Department of Wildlife and Fisheries as an unclassified, salaried 24/7 exempt employee. He was to continue working out of an office in Lake Charles, have home storage of a vehicle and be eligible for merit raises. This was confirmed as recently as March 15, 2011 by W. Parke Moore, III in response to the intention of Mr. Baker, "...to move Mr. Sweeney's office to White Lake, take away Mr. Sweeney's assigned vehicle, and restructure the management of White

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Lake”, as addressed at page 2. It was never the intention of Mr. Sweeney to challenge the authority of Mr. Baker, or others, although he recognizes this has apparently been an unintended consequence of discussions with friends and an attempt to obtain clarification of whether the terms under which he had agreed to employment remained in effect.

Mr. Sweeney has a specified work day as to when he is to begin work and finish work. The nature of the work does not lend itself to a rigid schedule, however, since it involves agricultural leases and hunting property requiring Mr. Sweeney to continually deal with people who begin the day long before he is to begin work and finish long after he was to have completed his work. With specific reference to the August 15-18, 2011 surveillance addressed at page 3, Mr. Sweeney’s work must be viewed in context. Although having been assured in March that the terms of his employment were to continue, he became aware that the department was seeking a biologist manager for a new position at White Lake containing a job description encompassing many of his responsibilities. Board members asked if Mr. Sweeney was leaving, inquired regarding the division of responsibilities and similar inquiries.

Simultaneous with the renewed uncertainty of his employment, Mr. Sweeney was asked to review old agricultural and hunting lease files dating back to the 1950’s in search of information concerning improvements to the property needed for the bid process as all leases were being rebid in August, 2011. These files consisted of thousands of pages. Mr. Sweeney was having difficulty with the office computer, specifically outdated Word software which had difficulty converting documents accurately. For example, on July 13, 2011 at 5:39 p.m. it was necessary for Mr. Sweeney to email tract descriptions to his home computer. As evidenced in the attached emails on July 14, 2011, Mr. Baker’s assistant, Tracy Mancuso, asked if he was “able to view and update any documents last night,” to which Mr. Sweeney replied that he had been able to update them on his home computer and sent them to Buddy Baker, his supervisor, and Don Puckett, a department attorney. He did not know if they had received and been able to open them, which Ms. Mancuso indicated appeared to have occurred. It was necessary for Mr. Sweeney to work from home more often than usual in July and August, 2011. He did not request approval to work at home in the belief that performance of his job was paramount, not the place of performance, and he was not requesting approval for a home office.

The week prior to the surveillance of August 15-18, 2011 addressed in the draft report, Mr. Sweeney attended meetings in Baton Rouge on August 9, 2011 and a board meeting on August 10, 2011 to discuss the biologist/manager position being created and the new management structure. He was under extreme stress afterwards and began experiencing shortness of breath and tightness in his chest. He had not been sleeping. Brian Clements MD, Mr. Sweeney's primary care physician, conducted tests to rule out a heart attack and arranged for him to undergo a sleep study at Lake Charles Memorial Hospital the evening of August 14, 2011. Dr. Clements also prescribed medication. Mr. Sweeney arrived at the hospital before 8 p.m. and was released on August 15, 2011 at approximately 6 a.m. He returned home. Surveillance commenced.

Mr. Sweeney sincerely believes that he worked eight hours on August 15, 2011, but acknowledges that he did not physically arrive at the office until 9:00 a.m. Upon leaving the office to return home to retrieve a tape measure and lunch, he became alarmed that he was being followed and drove in such a way as to attempt to determine whether he was being followed or that it was a coincidence. He stopped at an ATM machine and then went to a local high school and simply drove through the parking lot to see if the vehicle would continue to pursue him. Instead a blue vehicle was parked in the Moose Lodge parking lot with a person observing his home. After lunch and getting a tape measure, he observed the person in the blue vehicle still watching his house. Mr. Sweeney believes, but is not certain, that he proceeded to take measurements and photographs needed for a meeting with a contractor, Barry Lemaire, to be held on Thursday and worked on drafting a development plan/sketch. According to his time sheet, he ended work at 4:15 p.m. This followed a telephone conversation with the foreman at 4:14 p.m. but was, prior to a telephone conversation with the Baton Rouge office at 4:19 p.m. Mr. Sweeney had two telephone conversations with Tandy Perkins, the Whooping Crane Biologist the evening of August 15, 2011 at 8:34 p.m. and 8:40 p.m. These calls were not included in his time sheet.

Either that day or shortly thereafter, Mr. Sweeney told his neighbor that he believed he was being followed. The neighbor, Scott Baily, is an investigator for the Attorney General's Office. Mr. Baily confirmed that he had observed a vehicle in the Moose Lodge parking lot that appeared to be surveilling somebody. Mr. Baily expressed the belief that he thought it might be related to a case he worked. Mr. Sweeney's belief was that it was related to his employment circumstances.

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On August 16, 2011 Mr. Sweeney worked at home until approximately 8:30 reviewing emails and taking two work-related phone calls. When he left the office, it was to return home to continue reviewing lease documents and had two telephone conversations with the White Lake foreman between the time he left the office and arrived home. At least 2 hours that evening were spent working on the old agricultural lease files pertaining to improvements.

Similarly, on August 17, 2011 Mr. Sweeney worked on the leases, reviewed emails and received two work-related phone messages prior to driving to the office. During the period of 11:49 a.m. to 2:16 p.m., in addition to lunch, Mr. Sweeney received five work-related telephone calls and, to the best of his recollection, went to Home Builders to check on lumber for a bulkhead. Mr. Sweeney acknowledges he spent 10-15 minutes at McNeese regarding responsibility for expenses for his son's physical therapy. He left the office at 3:51 p.m. according to the surveillance information but had telephone communication with the White Lake foreman at 4:41 p.m. and 5:38 p.m.

On August 18, 2011, Mr. Sweeney had received two work-related telephone calls between 7:30 and 7:55 a.m. and worked on kiosk sketches for that day's meeting. The draft report states that Mr. Sweeney left the office at 9:21 a.m. and arrived in Gueydan at 10:25 a.m. However, the attached fuel report indicates that on August 18, 2011 Mr. Sweeney purchased fuel in Lake Arthur, Louisiana at 9:37 a.m., which would be 16 minutes after he supposedly left his office. It is simply not possible for anyone to have traveled a distance of approximately 45 miles in 16 minutes.

By way of example of the difficulty of Mr. Sweeney conducting normal business hours, on Saturday August 20, 2011 Mr. Sweeney received two calls from a lease holder, Kim Trahan, of 34 minutes and 22 minutes respectively, in addition to which he had an 18 minute phone call with the foreman, Roger Cormier, for a total of 74 minutes. None of this work is included in his time sheet.

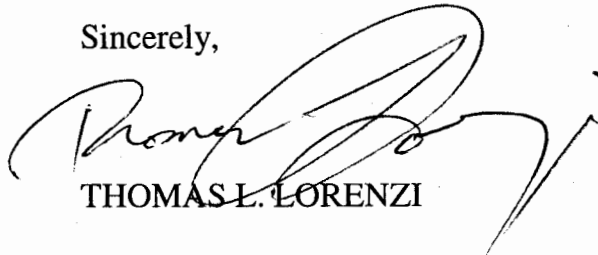
With reference to the allegation that Mr. Sweeney claimed 3.5 hours of compensatory time, Mr. Sweeney's response is that he could not have claimed this time since it was outside of the waterfowl season unless he had requested pre-approval. He did not request pre-approval and therefore had no expectation that compensatory time would be considered claimed, whether 3.5 hours or any other amount of time.

Mr. Kenneth W. Sweeney  
November 14, 2011  
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Mr. Sweeney has submitted a check in the sum demanded, \$505, previously and under separate cover. In doing so he does not admit not performing work for pay received. He does acknowledge, however, that surveillance presumes that a person in his office is working while a person in his home is not working. This is not true given the nature of Mr. Sweeney's work, but he acknowledges that it is not an unreasonable general assumption. As demonstrated by his willingness to amend the time sheet, Mr. Sweeney does not want anyone to believe that he has not earned his pay and would rather reimburse what he does not owe than be accused of dishonesty. Mr. Sweeney has the greatest respect for his superiors, at all levels, and is mortified that his lack of attention to detail regarding the accounting for his time despite his devotion to his work has caused anyone to feel disappointment in him and that he must be given a second chance. Mr. Sweeney is not confrontational and cares deeply that others think well of him. He has been committed to the White Lake property and perhaps has been too focused on the mission without due regard for the responsibilities of others.

Should you wish to discuss this matter further or if I can be of further assistance, please do not hesitate to contact me at your convenience.

Sincerely,



THOMAS L. LORENZI

TLL/srd

Cc: Mr. Kenneth Wayne Sweeney