

February 20, 2009

Cell Phone Conversation

Randy Baumgardner and Les Anderson

On February 2, 2009, at around 6:30 A.M. Randy Baumgardner called me on my state cell phone. He said that Lori (Baumgardner) received a PDF (Performance Documentation Form), for using his fuel card PIN (Personal Identification Number). He stated he had called Andy Hugley and Andy told him that he had to talk to Kandace Lukow or me on anything he needs information on. Randy told me that his PIN was 4737 and that Lori was using her own fuel card number.

I told him I was sorry to say this but I didn't believe Lori and that she was using Randy's PIN. He told me not to be sorry, that none of us ever believe Lori and that eventually she would quit working so hard for us and that it was unfortunate that we do this to someone that works so hard for us, and that she is wrote up all the time for everything and no one else is wrote up for doing the same things.

I told Randy that I see most of the PDF's but I had not seen this one. I told him I knew that she was being given a PDF for using a PIN not assigned to her. I further stated that I have not seen many PDF's written to Lori.

I told Randy that we were pulling up random patrols to check fuel purchases. I told him I have seen the fuel ledger from July 2008 until we had his fuel card shut down (February 4, 2009) and that his PIN and name had been used. Lori had never used her own PIN in that time frame.

I asked Randy why he would be so upset over a PDF given to Lori when all it is telling the person to do is stop doing what you are doing and that it is not a corrective action. He said he thought it was a corrective action. Again I told him that it was just to get the persons attention and to make them quit doing what they were doing and to document the action. It could lead to a corrective action if the person continued to do what we are trying to correct.

Randy told me that he felt better talking to me about this and then told me he was working for me and CDOT trying to get us more money and they got the money for CDOT stimulus projects wherever the projects were and that he was working with Russ George on some CDOT issues. He told me that he and Russ George didn't see eye to eye and disagreed on some issues but for the most part it was working okay.

From: **Cuthbertson - CDOT, Scot** <scot.h.cuthbertson@state.co.us>
Date: Tue, Jan 27, 2015 at 5:00 PM
Subject: Employee personal use of CDOT Property/ equipment/ facilities
To: Kyle Lester <kyle.lester@state.co.us>, Ryan Rice - CDOT <Ryan.Rice@state.co.us>, Anthony DeVito - CDOT <anthony.devito@state.co.us>, Johnny Olson - CDOT <j.olson@state.co.us>, Karen Rowe <karen.rowe@state.co.us>, David Eller - CDOT <david.eller@state.co.us>, Kerrie Neet <kerrie.neet@state.co.us>, Stanley Buck - CDOT <stanley.buck@state.co.us>
Cc: Heidi Humphreys <heidi.humphreys@state.co.us>, Darrell Link <darrell.link@state.co.us>, Amy Ford - CDOT <amy.ford@state.co.us>, Chad Ray - CDOT <chad.ray@state.co.us>, Kerry Cataldo <kerry.cataldo@state.co.us>

ALL:

We had a close call a few days ago with an employee that was injured while using CDOT facilities to work on their POV.

I am told that this practice is fairly common and has been allowed to occur.

I have cut and pasted the state personnel rule pertinent to this type of action.

There is very little opportunity to misinterpret the rule and misunderstand it to the point that such behavior could even remotely be seen as lawful, and or appropriate.

effective upon receipt of this email; any personal use of CDOT equipment and facilities will cease.

You must notify your subordinate supervisors and ensure compliance.

I charge you to hold leadership accountable for allowing such actions to occur.

Board Rule 1-16. It is the duty of state employees to protect and conserve state property. No employee shall use state time, property, equipment, or supplies for private use or any other purpose not in the interests of the State of Colorado.

Scot Cuthbertson
Chief Operating Officer | Deputy Executive Director

P 303-757-9201 | F 303-757-9656
4201 E Arkansas Avenue, Denver, CO 80222
scot.h.cuthbertson@state.co.us | www.coloradodot.info | www.cotrip.org

Performance Document

Reference: Personal use of state equipment

On January 27 attached email was forwarded Section 6 CDOT supervisors, It was shared with the entire King area employees whom read it and did sign an attached roster reference Board Rule 1-16.

On 3/31/2015 while sweeping highway 40 mile post 203.5 to 205.8 Lori Baumgardner did take the Elgin sweeper on to private property controlled by her personally, and dumped multiple hoppers of highway sand cleanup.

On 4/1/2015, while sweeping patrol 21 Hwy 40 mile post 205.8 to 207, Lori Baumgardner did direct fellow employee David Palmer to dump broom sweeping hopper on private property.

In total 6 sweeper loads of sand and highway sweepings were observed to have been collected and dumped on private property. Randy M. was aware of this dumping location 4/2/2015. Attached photo was taken 4/3/2015. When this dumping was discussed with Lori, she expressed it was done to speed up the sweeping process. It was discussed in reference the Board Rule 1-16 and that there needed to be written permission to access the property prior to entry. Lori was told to leave the piles as dumped and that clean up would be done as soon as Jason S. directed. On 4/7/2015 the piles were spread in the barn yard by non-CDOT persons. Jason request further documentation. This was submitted to Jason S. on April 9th by email, documenting patrol inefficiency and performance issues. On 4/13/2015 Traveling to Granby Randy M. observed a round pen type exercise area had been erected on the area where sand had been spread.

The incident of utilizing state property (sweeper) to collect sand for the building or construction of a sand filled area is a violation of Board Rule 1-16.

STATE OF
COLORADO

Eike - CDOT, Mark <mark.eike@state.co.us>

Fwd: Patrol 21 Sweeping

1 message

McIntosh - CDOT, Randy <randy.mcintosh@state.co.us>

Thu, Apr 9, 2015 at 5:36 AM

To: Mark Eike <Mark.eike@state.co.us>

Cc: Jason A Simpson <jason.a.simpson@state.co.us>

Mark attached is the performance document I would suggest be given to Patrol 21 members, Randy McIntosh, Lori Baumgardner, Russ Patterson, David Palmer and to James Crane. It does not address the photo or email attached.

Randy McIntosh

Transportation Maintenance III

Walden, Kremmling, Hot Sulphur Springs

**COLORADO**
Department of Transportation
Region 3P 970-724-9685 | C [970-531-8223](tel:970-531-8223)

32156 Hwy 40, PO Box 1389, Kremmling, CO 80459

randy.mcintosh@state.co.us | www.coloradodot.info | www.cotrip.org

----- Forwarded message -----

From: **McIntosh - CDOT, Randy** <randy.mcintosh@state.co.us>

Date: Tue, Apr 7, 2015 at 4:15 AM

Subject: Patrol 21 Sweeping

To: Jason A Simpson <jason.a.simpson@state.co.us>

Per our discussion on 4/6 I am sending you an email of the incident that occurred On 4/1. While sweeping Patrol 21, Lori and Dave dumped 6 sweeper hopper loads of sweepings in the Barnyard of Lori's ranch. I was told of this incident on 4/2 in a conversation with Dave Palmer. I did not find the dump site driving to Walden at 6:30 a.m. however On 4/3 I took the attached photo. How would you like me to address this incident?

Randy McIntosh

Transportation Maintenance III

Walden, Kremmling, Hot Sulphur Springs

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2 attachments



MAC8313.JPG
11164K



Performance Document Patrol 21.docx
14K



Dumping sand on Randy Baumgardner property

4 messages

Eike - CDOT, Mark <mark.eike@state.co.us>

Tue, Apr 14, 2015 at 2:08 PM

To: David Eller <David.Eller@state.co.us>

Cc: "John (Chip) Brazelton - CDOT" <chip.brazelton@state.co.us>, Karl Lehmann - CDOT <karl.lehmann@state.co.us>

Some info on an incident with Lori Baumgardner and dumping sand piles in her property they rent.

Earlier this month the Patrol 3621 was sweeping up sand and was told to use a truck and dump this material at a pit we have west of Sulphur. Patrol decided not to take a sander out and haul this material. They dumped on wide areas and Lori gave permission to dump in her yard. David Palmer TM I hybrid informed supervisor Randy M. of this.

Jason, Randy and I was discussing the way we was going to handle this. We did not think she did this for "personal" gain more of it was easier. We had decided draft a PD to the patrol for not following direction and wasting state resources by having to pick all this up again. They also planned on picking up the material in Baumgardner's yard to the owners satisfaction.

In the interim Baumgardner's leveled the material and set a portable round pen over this. With this action it appears Ms. Baumgardner is using the material for the round pen. With this changed we decide it was using state resources for personal gain. We have a draft PD on this for Ms. Baumgardner.

With Ms. Baumgardner on a disciplinary action look this over and give me your opinion on this incident. We have not issued any PDs on this incident.

More info and pictures attached.

Thanks,

Mark J. Eike
Superintendent
Craig Maintenance



COLORADO
Department of Transportation
Region 3

P 970.826.5162 | C 970.629.1152 | F 970.826.5213

260 Ranney ST Craig, CO 81625

mark.eike@state.co.us | www.coloradodot.info | www.cotrip.org



3 attachments



Timeline of sand dumping on Randy Baumgardner property.pdf
888K



Randy Baumgardner release on sand cleanup April 2015.pdf
43K



Scanned Sand piles, picture and PDs to issue.pdf
843K

Brazelton - CDOT, John (Chip) <chip.brazelton@state.co.us>

Tue, Apr 14, 2015 at 5:33 PM

To: "Eike - CDOT, Mark" <mark.eike@state.co.us>

Cc: David Eller <David.Eller@state.co.us>, Karl Lehmann - CDOT <karl.lehmann@state.co.us>

Oh man!! Let's huddle on this to be sure---it may be best to address the matter by giving all involved in not following instructions a PD---let's talk about it---and not be hasty in our decision---

On Tue, Apr 14, 2015 at 2:08 PM, Eike - CDOT, Mark <mark.eike@state.co.us> wrote:

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--

Chip Brazelton
Employee Relations and Civil Rights Manager



COLORADO
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Region 3

P 970.683.6210 | C 970.216.0567 | F 970.683.6205



"It's always the right time to do the right thing"--- Martin Luther King Jr.

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Eller - CDOT, David <david.eller@state.co.us> Tue, Apr 14, 2015 at 10:15 PM
To: Chip Brazelton <chip.brazelton@state.co.us>
Cc: Karl Lehmann <karl.lehmann@state.co.us>, Mark Eike <mark.eike@state.co.us>

Agree with Chip - if the materials had value and CDOT was going to use that is one thing. If we were going to waist that material and it was understood as such that is a different thing. Did CDOT loose an asset is key. With that said getting permission at the proper level is a secondary concern. Do not react without some discussions.

Dave

On Apr 14, 2015 5:33 PM, "Brazelton - CDOT, John (Chip)" <chip.brazelton@state.co.us> wrote:

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Eike - CDOT, Mark <mark.eike@state.co.us>

Wed, Apr 15, 2015 at 4:01 PM

To: "Eller - CDOT, David" <david.eller@state.co.us>

Cc: Chip Brazelton <chip.brazelton@state.co.us>, Karl Lehmann <karl.lehmann@state.co.us>

Would you like a phone call or discuss at the RLT Monday?

Thanks,

Mark J. Eike
Superintendent
Craig Maintenance



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COLORADO DEPARTMENT OF TRANSPORTATION PERFORMANCE DOCUMENTATION FORM



Employee Name	Lori Baumgardner	Personnel #	2251
Employee Org Unit	R3S6P21		
Supervisor Name	Randy McIntosh	Personnel #	3061

Use this form to document instances of both **positive** and **negative** employee performance to be used in evaluating the employee's overall job performance during a rating period.

Purpose for Documentation	
<input type="checkbox"/> Commendation	<input checked="" type="checkbox"/> Remediation

Competency Areas				
<input type="checkbox"/> Safety	<input type="checkbox"/> Prof/Technical	<input type="checkbox"/> People Skills	<input type="checkbox"/> Administration	<input type="checkbox"/> HR Management

Date of Event	02/06/2016	Time of Event	~8:30 am	Shift	Days Off
Location of Event Hot Sulphur Springs Shop Office					
Details of Event (Describe what happened, who was involved, etc.) On 2/6/2016 Lori B. sent a text message photo of a personal vehicle parked inside the Hot Sulphur Springs shop, To Supervisor Randy M @8:38 a.m. Follow up investigation of incident indicated that Senator Randy Baungardner was at the CDOT computer that morning when Dave Palmer entered the office. On 2/22/2016 during a conversation with Randy M. Lori B . was asked what Randy B. and Lori B. were doing in the office on a day off, Lori B Explained they were printing out tax forms because their printer was not working. Use of a CDOT Computer, Printer, Paper and Ink is a violation for Board Rule 1-16 Board Rule 1-16. It is the duty of state employees to protect and conserve state property. No employee shall use state time, property, equipment, or supplies for private use or any other purpose not in the interests of the State of Colorado.					
Did Others Observe the Event? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes Who? David Palmer, Russ Patterson					

Source(s) of Information (check all that apply)	
<input type="checkbox"/> Personal observation	
<input type="checkbox"/> Statement from employee	
<input checked="" type="checkbox"/> Interviews/Reports from others (please list)	02/22/2016 Lori B.
<input checked="" type="checkbox"/> Document(s) (please list)	D Palmer Statement
<input type="checkbox"/> Other (please list)	

Action Taken (check all that apply)	
<input type="checkbox"/> Discussed with employee & issued this form	<input type="checkbox"/> Referred employee and/or issue to EEO
<input type="checkbox"/> Verbally commended employee	<input type="checkbox"/> Developed training plan for employee
<input type="checkbox"/> Verbally reprimanded employee	<input type="checkbox"/> Recommended corrective/disciplinary action
<input type="checkbox"/> Referred employee to next level supervisor	<input type="checkbox"/> Advised empl. of grievance/complaint process
<input type="checkbox"/> Other (explain)	

Employee Signature	Date
Supervisor Signature	Date

