



## Findings in the audit of Weigh in Motion Contracts

### Conflicts of Interest and Personal Financial Disclosures

Missouri State Highway Patrol (MSHP) and Missouri Department of Transportation (MoDOT) employees, who were also on the Heavy Vehicle Electronic License Plate, Inc. (HELP) Board, did not recuse themselves from preclearance and bypass discussions, and maintained questionable relationships with HELP representatives, including actively endorsing and promoting HELP to expand into other states, as well as actively steering other states and carriers away from HELP's competition.

Some MSHP and MoDOT employees made questionable statements in communications with HELP that cast doubt on their independence and showed preferential treatment toward HELP while participating in decisions regarding commercial vehicle preclearance and bypass services, including decisions involving HELP's competitor, Drivewyze.

Three MSHP and MoDOT employees involved in decisions related to Missouri's commercial vehicle preclearance and bypass services were subsequently hired by or contracted with HELP after their retirement from the state, casting further doubt on their independence. In addition, two of these former state employees were allowed to work directly with their former colleagues in violation of state law.

The MSHP and MoDOT lacked adequate policies and procedures to identify and address conflicts of interest and actions demonstrating a lack of independence.

In May 2017, the MSHP announced that an internal review was conducted and that its employees would no longer serve on the board of HELP, Inc. However, the internal review did not include a written report. There was no documentation of changes to MSHP's internal policies as a result of the internal review.

In November 2017, after the State Auditor's Office requested additional documentation and communications, MoDOT launched an internal review. In January, 2018, more communications were turned over that included additional information not originally disclosed. In February, 2018, MoDOT officials provided us information concerning the results of their investigation, which indicated MoDOT concluded communications between one current employee and HELP had violated MoDOT's rules of conduct and disciplinary action had been taken.

Employee personal financial disclosures required to be filed with the Missouri Ethics Commission were not accurate, requiring subsequent amendments.

### Weaknesses in Implementation and Planning of Preclearance and Bypass Planning Services

Poor planning on the part of the MSHP and the MoDOT led to delays and inefficiencies in the implementation of a fair and comprehensive preclearance and bypass system.

The MSHP and MoDOT did not conduct a request for proposal (RFP) when a second vendor (i.e. Drivewyze) emerged in 2013 wanting to participate in

Missouri's preclearance and bypass program. Instead, in August 2014 the MSHP entered into a memorandum of understanding (MOU) to begin a pilot project to test Drivewyze's capabilities. However, the MOU with Drivewyze did not contain clear performance requirements or expectations. Specifically, the MOU did not require Drivewyze to have access to WIM data as part of the pilot project, and did not allow for the company to install its own sensors. The MOU also did not provide Drivewyze with any formalized expectations for what was required going forward. Access to WIM data was a significant and known issue when the MSHP entered into the MOU due to that data being owned by HELP in Missouri. In other states where both HELP and Drivewyze operate, the WIMs and WIM data is owned by the state, who provides the needed data to the bypass system vendors.

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**Communication and Retention Policies**

Communication and retention policies of the MSHP and MoDOT need improvement. The MSHP has not developed policies and procedures to ensure its employees are aware of and comply with the record retention schedules approved by the Secretary of State's Office and identify business related communications (including personal email and text messages) that are required to be retained.

The current MoDOT Director of the Motor Carrier Services Division, violated MoDOT policy by using his personal email account to conduct official MoDOT business without approval. The MoDOT's policies and procedures do not require employees to identify business related communications (including personal email messages and text messages) that are required to be retained.

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**HELP Membership Dues**

MoDOT's payment of membership dues for Missouri's private sector representative on the HELP board was not disclosed in their annual federal grant application and were not a prudent or necessary use of state or federal funds.

Due to the nature of this report, no rating has been provided.