

Investigative Report

Austin Public Health: Waste and Misuse of City Resources

August 2017



We found evidence that Austin Public Health’s Environmental Health Services Division appears to have wasted City resources as a result of grossly inefficient practices and procedures. We also found evidence that at least three Environmental Health Officers may have misused City resources (time), and at least two of them may have attempted to conceal their misuse on their inspection reports.

However, we did not find sufficient evidence to support the allegation that restaurants were not being adequately inspected or that the misuse has put the public at risk.

Contents

Allegation and Background	2
Investigation Results	3
Appendix A - Subject Response: Robin Voss	8
Subject Response: Carly Moree	10
Subject Response: Theresa Guidice	11
Appendix B - Office of City Auditor's Response to Subject Response	13
Appendix C - Management Response	14
Investigation Criteria	15
Methodology and CAIU Investigative Standards	16

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Allegation

In January 2017 the Office of the City Auditor received an allegation that several of Austin Public Health's Environmental Health Officers were misusing City resources and were not adequately being held accountable by their supervisors. It was additionally alleged that, as a result, restaurants may not have been properly inspected, putting the public at risk.

Background

Austin Public Health's (APH) mission is "to prevent disease, promote health, and protect the well-being of our community." The objective of APH's Environmental Health Services program "is to provide protection and enforcement services to the public in order to minimize environmental and consumer health hazards."

Environmental Health Officers ("officers") are responsible for conducting routine inspections of restaurants and mobile food vendors within Austin and Travis County, complaint investigations, and the issuance of food permits, among other duties. In order to meet APH's goal of minimizing the "public's exposure to foodborne illnesses," APH aims to inspect each restaurant and other "fixed food establishment" two times per year and to annually "provide routine safety inspections for at least 60% of temporary establishments permitted."

Investigation Results Summary

We found evidence that Austin Public Health's Environmental Health Services Division appears to have wasted City resources as a result of inadequate practices and procedures that include the lack of a structured work plan for Environmental Health Officers, limited supervisor review of inspection activity, and insufficient supervision of officers in the field. Additionally, through observations, we found evidence that three Environmental Health Officers misused City resources and that at least two of the three may have attempted to conceal their misuse on their inspection reports. We also reviewed the GPS records for the City vehicles of three additional officers, but were unable to determine whether any misuse or waste occurred. Due to limited resources, we were unable to quantify the extent that any one inspector may have been misusing City resources, or the extent that misuse may have been occurring across the division.

In order to determine whether these issues negatively impacted the quality of inspections being performed, we re-inspected 13 food establishments with a registered professional sanitarian and did not find evidence that Austin Public Health inspectors have allowed dangerous or unsanitary establishments to remain in operation.

Finding 1 Waste of City Resources

We found evidence that APH's Environmental Health Services program has inadequate practices and procedures that have allowed for the waste of City resources. These inadequate practices and procedures include the lack of a structured work plan for officers, limited supervisor review of inspection activity, and insufficient supervision of officers in the field.

Lack of a Work Plan

We found evidence that officers spend the majority of their time in the field with limited oversight. According to Environmental Health Services staff, officers do not have a set list of restaurant inspections to conduct each day or week. Instead, officers choose what they want to inspect at any given time from a list of restaurants that are due for inspection. Officers are not required to notify their supervisors of their intended inspections ahead of time, nor are they required to check in with their supervisors when they begin or end an inspection.

We conducted observations of three officers who were alleged of misusing City time and found multiple instances in which an inspector's stated time in and time out for their inspections did not match with our observations. For example:

- An officer's inspection report had a time in of 10:50 am, but we observed the officer shopping at a local grocery store at 11:00 am. We did not observe the officer arrive at the inspection site until approximately 11:25 am.

- An officer's inspection report had a time in of 10:30 am, but we did not observe the officer arrive at the inspection site until approximately 10:55 am. Prior to the officer's arrival, the officer was observed reclining in their vehicle in a shopping center parking lot for more than an hour-and-a-quarter.

Limited Supervisor Review

Officers are expected to conduct a minimum of 10-12 inspections per week depending on their level of experience and assignment. Supervisors, however, are only expected to conduct a "minimum of 2 supervised audits and 2 follow-up audits per assigned field staff" every six months. Following this guidance, less than 2% of all inspections will receive a supervisory audit of any kind. When interviewed, APH management explained that supervised audits generally involve the supervisor meeting their officer at an inspection site and then observing the inspection to make sure the officer is properly applying the standards. For follow-up audits, the supervisor either calls the restaurant or goes to the restaurant in person to ensure that the inspection was done courteously and that no questions remain.

In addition to the audits, supervisors are tasked with reviewing "daily inspection and investigation reports for compliance with policies and protocols." APH management explained that these reviews are meant to ensure that violations are properly documented and transferred correctly to the City's computer database. While the paper copies of the report have a time in and time out, APH management said that they do not have a method of ensuring that those times are accurate.

Although APH management expressed concern that officers may be wasting time, it does not appear that they regularly review or question an officers' use of time in the field. Our review showed large blocks of time during which specific work tasks were not documented. For example:

- An officer left their City work site at approximately 8:55 am, but their first documented inspection time was not until 1:00 pm.
- An officer recorded that their last inspection of the day ended at 4:15 pm, but their day was not scheduled to end until 6:00 pm and they did not return to the office.

While a supervisor may have reason to believe that an officer is filling these times with duties like responding to complaints and performing other tasks that do not require the officer to state their time in and time out, it does not appear that supervisors routinely inquire about these gaps. For the examples above, our observations suggest that instead of performing City duties, the officers were engaging in non-work activities during at least some of those times. Specifically, we observed an officer work out at a local gym for over an hour-and-a-half during the morning example, and we observed an officer return home at approximately 4:55 pm in the afternoon example.

Investigation Criteria:

City Code defines waste as "the grossly inefficient or uneconomical use of a City asset or resource; or the unnecessary incurring of costs to the City as a result of grossly inefficient practice, system, or control."

City Code §2-3-5(A)(3)

See *Investigation Criteria for More Details*

Insufficient Field Monitoring

Our evidence suggests that officers may be insufficiently monitored when in the field. According to an APH supervisor, City vehicles equipped with GPS tracking are generally assigned to officers in more distant districts. Currently, 14 of 39 total officers are required to drive their personal vehicles and cannot be tracked. We found evidence that supervisors rarely utilize GPS tracking when it is available and generally have to call their field staff in order to find out where they are. According to APH policy, officers have 15 minutes to return a call they miss.

Additionally, APH management explained that "there's a degree of trust in this job. They're autonomous field inspectors, you know. We hire them as professionals, we have ethics training every year, [and] we go through the standards of conduct every year..." APH management further explained that supervisors lack tracking tools like tablets with time and location stamps, and cannot observe their officers in the field each day.

The inadequate practices and procedures described above appear to constitute violations of the following criteria, as detailed in the Investigation Criteria section:

- City Code §2-3-5(A)(3)(a): Waste means the grossly inefficient or uneconomical use of a City asset or resource.
- City Code §2-3-5(A)(3)(b): Waste means the unnecessary incurring of costs to the City as a result of a grossly inefficient practice, system, or control.

Finding 2

Misuse of City Resources

We received an allegation that seven Environmental Health Officers were misusing City resources (time). Of those, four officers were assigned City vehicles with GPS and three officers were required to drive their personal vehicles. We attempted to conduct surveillance on each of these officers and found evidence that the three officers who drive their personal vehicles misused City resources in a grossly uneconomical manner. We also found evidence that at least two of these three officers may have attempted to conceal their misused time on their inspection reports.

Robin Voss

We found evidence that Robin Voss, an Environmental Health Officer II, misused City resources. Specifically, we observed Voss work out at a local gym on at least two separate dates for between an hour-and-a-half and two hours each time. On at least two occasions, we also observed Voss end her day and return home approximately one hour before she was scheduled to finish.

Additionally, we found evidence that Voss may have attempted to conceal her misuse by misrepresenting the time in and time out on her written inspection reports. Specifically, we found that Voss listed a time in of 10:45 am and a time out of 12:30 pm on the inspection report of a local barbecue establishment. However, we observed Voss at the gym until approximately 11:20 am that day, 35 minutes after she said this inspection began.

Investigation Criteria:

The City Code on Standards of Conduct states that "No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public."

City Code §2-7-62(J)

See *Investigation Criteria for More Details*

When interviewed, Voss admitted to going to the gym during work hours and occasionally leaving work early. In follow-up communication, Voss referred to the times on her inspection reports as “bullshit” and said that she had been trained to exaggerate her time in and time out by previous supervisors who are no longer with the City. According to Voss, when she started with the City in 2010, she was doing 15-18 inspections per week, but was told to slow down by her management.

Carly Moree

We found evidence that Carly Moree, an Environmental Health Officer II, misused City resources. Specifically, we observed Moree spend between an hour and two hours sitting in her car in a parking lot on at least two separate occasions. During those times, we observed Moree reclined in her car and on her phone. On one of those days, Moree was also observed at her residence for over an hour-and-a-half.

Additionally, we found evidence that Moree may have attempted to conceal her misuse by misrepresenting the time in and time out on her written inspection reports. Specifically, we found that Moree listed a time in of 1:30 pm and a time out of 2:50 pm on the inspection report of a local fast food restaurant. However, we observed Moree at her residence until approximately 2:00 pm that day and we did not observe Moree arrive at the restaurant until approximately 2:15 pm, 45 minutes after she said the inspection began.

When interviewed, Moree admitted, that she may have taken a nap in her car “once” during work hours. When presented with our observations that she spent an extended period of time in her house and car, she said, “I mean all these things, I have done, but I have not done... I don't do all the time, I really don't do it all the time.” When pressed to quantify the frequency of her misuse, she said “I really couldn't say... I don't have a set thing that I do all the time.”

Theresa Giudice

We found evidence that Theresa Giudice, an Environmental Health Officer III, misused City resources. Specifically, we observed Giudice shop for clothing during work hours and take frequent and extended breaks throughout the day. During one break that was over an hour long, we observed that Giudice changed into workout gear and exercised in the parking lot of a local movie theater.

When interviewed, Giudice admitted to running errands and shopping during work hours about “once every two weeks.” Additionally, Giudice said that even though her day does not officially end until 5:30 pm, on “maybe two times a week... I'll leave district before 5:15.” Giudice said that she has been dealing with several stressors since January 2017 and suggested that her misuse began shortly after.

Management Expectations

Based on interviews with APH staff and management, it appears that APH management expects officers to spend more time per inspection

Investigation Criteria:

City Code defines fraud as “the unauthorized use of a City resource for personal gain by deception, including by forgery or by altering a document.”

City Code §2-3-5(A)(2)(a)

See Investigation Criteria for More Details

than officers find necessary and that APH management may be setting their expectations too low. As one officer explained, “if you only have to do 2-3 inspections in an 8 hour day [in order to hit your 10-12 weekly inspection number], what the hell are you doing all day? I have been asking that since I started, only to hear ‘just work your 8 hour day.’ I was told once to go do a compliance visit. You can't just make up bogus compliance visits at the last minute because there's 45 minutes you need to fill. I've been told to sit in my car or a coffee shop and read my T-FER [Texas Food Establishment Rules]. I took that as code for just tell me you're doing that and I'll be happy.”

Quality of Inspections

In order to determine whether these issues negatively impacted the quality of inspections being performed, we re-inspected with a registered professional sanitarian 13 food establishments that had been inspected by Voss, Moree, and Giudice on the days of our observations. On average, the scores of our re-inspections were within four points of the original inspection score, and we do not have reason to believe that the officers we observed have put public health at risk by allowing dangerous or unsanitary restaurants to remain in operation.

Inconclusive Misuse of City Resources

In addition to the officers that we followed in person, we also reviewed the GPS records of three officers who use City vehicles. For these officers, our review showed gaps of time ranging from approximately 60-100 minutes between some inspections, however, we were unable to conclude whether any of these gaps constituted waste.

We attempted to gather GPS data on a fourth officer who uses a City vehicle, but we were unable to find GPS evidence that the officer's assigned vehicle was driven during our surveillance period and were unable to observe the officer in person.

Due to limited resources, our office was unable to conduct in-person observations of the officers with City vehicles or additional observations of Voss, Moree, and Giudice.

These acts appears to constitute violations of the following criteria, as detailed in the Investigation Criteria section:

- City Code §2-7-62(J): No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public.
- City Personnel Policy – (G): Employees are prohibited from using City facilities, equipment, supplies, employee time, or any other City resource for personal use, except to the extent that such resources are available to the public.
- City Code §2-7-62(O): A City official or employee may not engage in fraud or abuse, as defined in City Code Chapter 2-3 (City Auditor).
- City Code §2-3-5(A)(2)(a): Fraud includes, but is not limited to: the unauthorized use of a City resource for personal gain by deception, including by forgery or by altering a document.

Appendix A - Subject Response: Robin Voss

For the last two years, my office has been a stressful, gossipy, drama-filled place. I moved my desk away from the source of the drama, as did two other people, and attempted to drown it out with headphones. I still could not escape it. One morning I asked my boss, [name], if I could start taking my lunch break in the morning. He said "I don't give a f###". That is how this all began. I would go to the office in the morning to input my inspection reports, pick up supplies and take pictures of my to-do list; then I would leave. I would go to the gym during my allotted break then check my emails and plan my inspections for the day. The gym locker room became the quiet, stress free office that I needed. Taking lunch in the morning turned out to be the perfect routine in my campus district where I have dozens of schools, hospitals and fraternity houses which I believe should only be inspected during busy lunch hours. When my boss changed, I was afraid I would be required to take my lunch between 11am – 1pm and that my perfect routine would be ruined. In hindsight, I realize that I should have just asked my new supervisor for permission.

Picking up overdue inspections in a vacant district, during the time when I was audited, turned out to be a terrible decision too. District 7 is about a minute from my children's daycare and about 5 miles from home – so the daily commute from my usual district was cut drastically. In a district you are familiar with, it is typically easy to predict how long an inspection will take and you will usually have a compliance visit or coffee shop to fill time if needed. In a district you have never worked, it is really hard to know what you are walking into and extremely hard to plan your day to end exactly on time. This is how I ended up getting home early on some of the days that I was followed by the city auditor. There are also many days where it makes more sense to work straight through the lunch hour and take it at the end of the day; I do this on a regular basis in order to reach my inspection quota.

I have 20 years of foodservice experience and have been a City of Austin health inspector for 7.5 years. I represent Austin as the President of [third party]. I am a serial volunteer and an enthusiastic participator. I have never received less than a 4 out of 5 on an SSPR; I have never been written up or verbally reprimanded. I conduct thorough inspections, maintain my district, help in vacant districts and volunteer my personal time. I am passionate about the well-being of my community and consider their safety in every decision, during every inspection. I frequently detain broken coolers, require re-inspections, file criminal charges and deliver failing scores, thus ensuring public safety. I also consistently meet my required performance metrics. Below are my statistics for the last 12 months.

- I have the third highest yearly inspection total - out of 26 inspectors.
- My average inspection score is 86.2. The average inspection score for all inspectors is 91.1.

I truly love working at the City of Austin and I am an extremely dedicated employee. I work very hard to be a leader, to improve morale and actively participate; I also contribute a large amount of personal time. Below are some of the things I have done in the last 12 months.

Organized our office backpack drive for the 4th year, picked up dozens of extremely overdue inspections in districts 7, 8, 10 and 14, monitored complaints and custodial requests in multiple vacant districts, volunteered to conduct weekend inspections, helped my supervisor provide quality assurance on staff inspection reports, continued my contribution to Combined Charities, volunteered during Public Health Day, organized and deep cleaned the office breakroom, baked 9 dozen cookies the night before an

Appendix A - Subject Response: Robin Voss

employee morale division meeting, volunteered for recognition committee, helped create the Spirit Team, created a 9 page Texas Food Establishment Rules training test, volunteered to represent EHS in the LGBTQ Health Task Force, helped decorate the float for Pride parade, picked up around 2 reams of copy paper that had been scattered up and down Cameron Road, spent weeks of personal time planning a retirement party for our previous Assistant Director. I happily volunteer to help train new employees, investigate sewage spills, fires or food borne outbreaks, plan last minute employee training presentations and many other activities that benefit my division and department.

Since the day I met with the auditor's office, I have given my supervisor access to my cell phone location and he is able to find me at all times. I start and stop in the office or send a pin drop of my physical location if I end in the field. I keep a log of every activity and the time spent at each activity. I accept the auditor's findings and I admit that I made poor decisions. I deeply apologize for my part in this investigation. If given the opportunity, I know that I can rebuild trust and continue to demonstrate the value that I bring to Austin Public Health and Citizens of Austin.

Appendix A - Subject Response: Carly Moree

The month that I was followed without my knowledge had many atypical days for me, as I spent many days assisting in a part of town that was not my assigned one. I also was working on three separate projects outside the scope of my job duties, which I worked on in my car and also on a couple of occasions at my home in the middle of the day. I prefer to do draft work on pen and paper, and have many of the originals of all of the documents/presentations I worked on. When pressed by the auditors as to proof on my computer of this work at home, I told them of the pen and paper copies. I realize in 2017 this must sound ludicrous, which indeed seemed to be their response, but that does not make it less true. Any time that was spent in my car as a break time on the day/s in question was made up for with work on items that I presented to several supervisors and an HR representative during an interview in the following month.

On the day of my interrogation, I sat in a room with magazines for four hours before I was even questioned. I had no knowledge of the content of the meeting I was called to, which consisted largely of questions to my actions on days from two months prior. In such a high pressure situation, with most of the answers to my questions being led by my interrogators, I did not have time to fully think through what actually happened and respond intelligently and accurately. For instance, the quote regarding a nap in my car during work hours; in my racing, anxious mind I took this question to include break/lunch time. It's above 85 degrees many months out of the year in Central Texas so who would want to, but in my almost four year tenure I may have taken a nap during a break in my car once.

I take full responsibility for the fact that I should have asked permission to work on my special projects at home. Otherwise, I am a field employee and my car is my office. I will often be seen in my mobile office, on my phone which doubles as my computer, Monday through Friday.

Twice now I have been falsely accused, by the same individual in our department, of improperly inspecting restaurants. Twice now I have been deemed not guilty, by two separate authorities. Every day I go to work, where I have consistently completed more activities and inspections than any other inspector in my department for the last two and a half years (for which I have been awarded multiple Above and Beyond awards from management), and just do the job that I am paid to do. I have had zero complaints from coworkers, management, and most importantly customers. This is the only blemish on my tenure with the City, and I feel as though it does not accurately represent me as an employee in the slightest. I have proudly represented the City and protected public health for almost four years, and will continue to do my best work day in and day out for the remainder of my employment.

Appendix A - Subject Response: Theresa Guidice

Mr. Keith Salas
Senior Investigator
Office of the City Auditor, Integrity Unit

I've been with City of Austin since 2009, other than one year I moved to Florida. I have always had an above average SSSPR, my work activity numbers are very high and always have been. I am always happy to volunteer for helping out in the office, I've always been on the employee recognition committee, now currently "The Spirit Team." I take my career and Public Health very seriously and do my best possible job at every inspection I do and do my best to maintain good relationships with all that I work with.

Our job is not like a desk job where you are at one location all day long with a list of things to do. Our office is our car, we have a field job that has many challenges that are associated with being out in the field. We do not have a computer to do other duties in down time while out in the field. We have to set appointments with some clients because they don't work 7 to 5, they might work two hours in their kitchen or mornings only, afternoons only etc., example caterers, food manufacturers, Personal chefs. If we have appointments set we have to arrange our time around those.

We need to time our inspections based on the type of business it is, how long it probably will take, and you need to be considerate of their business. I won't walk into a busy restaurant between 11:30 and 12:30 because its not respectful of their time and I like to have a good relationship with the people I work with. My belief is that a mutually respectful relationship will get more compliance with the issues. I will inspect daycares or schools during lunch time but they are about the only places I would inspect at their busy time but there are only so many of those.

Another field job issue is accessible bathrooms. I personally prefer not use clients restrooms as I feel we need to maintain that sense of authority. I have a couple stores that I will use, **third parties** a park and two restaurants that you can walk in the side door and not be seen. I try to park under shade so I can prefill inspection reports because I like to drive up and go directly into the establishment. If they see you pull up they will run into the kitchen and try to correct items they know need to be done correctly. I also try to park in the shade as when you have been in a 95 degree kitchen for two hours and then go into a 200 degree vehicle it is difficult to cool down.

Another field job issue is lunch time. Our lunch time is supposed to be between 11am and 1pm. I was a participant of the PE lonestar walking program the City offers and needed to exercise. Walking was during my lunch hour! I would typically walk 25 minutes and if I was done walking before 12:30 I wait until I feel it's an appropriate time to walk into an establishment. We also have two 15 minute breaks during the day.

Another field job issue is that we still use paper inspection reports and some of us still have to drive our personal vehicles. If we had laptops our workday could be so much more efficient, we could input the reports, check our emails, do our work out in the field. Since we don't I will check our TFER for questions you might run into at an inspection. I was asked to help review HACCP requests in March so I had the FD312: Special Processes at Retail book with me that I was trying to study as I was going to start helping in April.

Another field job issue is when we walk into an establishment we never know what we are walking into. We might have a general idea, 45 minute inspection to three hour inspection. However, if conditions are not good it can be double what we expect or more and we always have to keep that in mind. Tough conditions typically are equipment not working, we give them an opportunity to fix it, when business has to throw out food they can resist that and we need to deal with that. Other tough issues are rodents, roaches, insect issues, procedural issues that we need to help them correct. Sometimes the inspections are stressful and when you are working with someone for over an hour dealing with issues, you sometimes need a mental and water break.

We need to time our day around these types of situations and I always try to time my day to end at 5:30. We don't have control over the time of an inspection and they don't want us hanging around because we work till 5:30. When we go to an establishment people get nervous so it's not like we go to places to check and see how things are going unless we need to have a follow up. If an inspection ends before 5:30 we are still on duty! If we get an emergency call we are responsible for it. Examples of an emergency call would be sewage backups, fires or whatever. If we have city vehicles or drive personal vehicles we are responsible for that emergency call.

Appendix A - Subject Response: Theresa Giudice

The end of January my husband of 28 years asked for a divorce. In mid to late February **medical information** **medical information** I thought they were both dying, my life was dying. I may have needed more mental breaks at this point in my life but my job was where I was happy, when you do inspections you are 100 percent focused on your surroundings! I would never let my inspections suffer as I take my career as a public servant very seriously. We have a very important job in keeping the public safe!

Our Department is very short staffed right now, we have two open supervisor positions, three Environmental Health Specialist III (EHO III) two EHO I positions. Our Supervisors have to much to do when we are fully staffed yet alone short staffed. They do audit our inspections to verify and to see if we did a professional job. The supervisors expect us to do our job as we expect them to do theirs and to support us. We are professionals and we are people who have life situations. I feel like our management team does an awesome job with the type of work we do, protecting public health.

I have been in this field since 2006, starting in Aransas County and then relocating to Austin in 2009. I do a very thorough and professional job. I am currently the only Environmental Health Specialist III in the City of Austin that works with and helps out the other 12 field inspectors. If they detain equipment they need to call and determine if that is what they should do, if they have questions on how to handle situations in the field, what demerit should be marked etc. I need to accompany them to any store closings, investigate all SIPPO complaints, Audit EHO's, train new EHO's, help oversee our two vacant districts, review all HACCP Plans and submit them to my supervisors for approval. I maintain my district for all complaints, custodial requests and do 10-15 inspections per week.

It might be easy to judge us in a negative light if you don't understand how, what, and why we do things the way we do. It's not an easy job, but I love everyday helping people do a better job at protecting public safety. At our last staff meeting we were informed we were going to start using time logs in the future when the policy was reviewed and approved. I got our proposed logs and have started using them since. I am happy to take any suggestions or improvements that I can do to improve my performance and maintain the trust of the public.

Theresa Giudice, R.S
Environmental Health Officer III
Austin Public Health

Appendix B - Office of City Auditor's Response to Subject Response

We have reviewed the Subject Responses. We believe our findings stand.

We have redacted the Subject Responses to remove the names of third parties and organizations, as well as medical information.

Appendix C - Management Response



Austin Public Health



OFFICE OF THE DIRECTOR
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MEMORANDUM

TO: Nathan Wiebe, Chief of Investigations
City Auditor's Office

FROM: Stephanie Hayden, Interim Director

DATE: August 30, 2017

SUBJECT: Draft Investigation Report (IN 17007)
Austin Public Health: Waste and Misuse of City Resources

Austin Public Health (APH) self-reported a potential allegation of waste and misuse of city resources to your office and requested resources to fully investigate. APH is in receipt of the draft investigation report regarding the Environmental Health Services Division (EHSD). APH Management is fully committed to ensuring these findings are immediately addressed. Review of the report findings will be coordinated with APH Human Resources and the Human Resources Department (HRD) to determine appropriate actions for individual employees.

To address the operational issues identified, in April 2017, APH management began a comprehensive review of all EHSD oversight procedures, field inspection processes and technology to ascertain improvements, institute controls, and significantly strengthen accountability of field staff. As a result of this review, APH has partnered with Communication and Technology Management (CTM) to purchase a new inspection software specific to municipal environmental health functions. This software will address a large number of the issues raised in the audit report findings related to accountability and internal control; as well as efficiency with automating the inspection report process.

APH would like to thank you and your staff for dedicating the resources to assist the department in fully investigating this matter.

Investigation Criteria

Finding 1

Waste of City Resources

Waste means the grossly inefficient or uneconomical use of a City asset or resource. **City Code: Powers and Duties of the City Auditor §2-3-5(A)(3)(a)**

Waste means the unnecessary incurring of costs to the City as a result of a grossly inefficient practice, system, or control. **City Code: Powers and Duties of the City Auditor §2-3-5(A)(3)(b)**

Finding 2

Misuse of City Resources

No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public. **City Code § 2-7-62 Standards of Conduct – (J)**

Employees are prohibited from using City facilities, equipment, supplies, employee time, or any other City resource for personal use, except to the extent that such resources are available to the public. City resources which may not be used by employees for personal use include, but are not limited to, the following: computers, internet accounts, e-mail and voice mail systems, telephones, facsimile machines, copiers, postage machines, vehicles, office space, desks, and filing cabinets. These resources are dedicated to City business, and City Management shall have full access to both the resources and any contents thereof at all times. Employees have no legitimate expectation of privacy when using these resources. Department Directors may allow employees limited use of telephones for local calls while ensuring that the operational needs of the department are being met. **City Personnel Policy – (G) Use of City Resource**

A City official or employee may not engage in fraud or abuse, as defined in City Code Chapter 2-3 (City Auditor). **City Code § 2-7-62 Standards of Conduct – (O)**

Fraud includes, but is not limited to: the unauthorized use of a City resource for personal gain by deception, including by forgery or by altering a document. **City Code §2-3-5 Powers and Duties - (A)(2)(a) Fraud**

Methodology

To accomplish our investigative objectives, we performed the following steps:

- reviewed applicable City Code,
- conducted background research,
- observed staff in the field,
- analyzed City GPS data,
- conducted interviews with City staff, and
- interviewed the subjects.

CAIU Investigative Standards

Investigations by the Office of the City Auditor are considered non-audit projects under the Government Auditing Standards and are conducted in accordance with the ethics and general standards (Chapters 1-3), procedures recommended by the Association of Certified Fraud Examiners (ACFE), and the ACFE Fraud Examiner's Manual. Investigations conducted also adhere to quality standards established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), Quality Standards for Investigations, and City Code.

The Office of the City Auditor, per City Code, may conduct investigations into fraud, abuse, or illegality that may be occurring. If the City Auditor, through the Integrity Unit, finds that there is sufficient evidence to indicate that a material violation of a matter within the office's jurisdiction may have occurred, the City Auditor will issue an investigative report and provide a copy to the appropriate authority.

In order to ensure our report is fair, complete, and objective, we requested responses from both the subject and the Department Director on the results of this investigation. Please find attached these responses in Appendix A and C.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve city services. We conduct investigations of allegations of fraud, waste, or abuse by City employees or contractors.

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AustinAuditor



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Copies of our investigative reports are available at
<http://www.austintexas.gov/page/investigative-reports>

Alternate formats available upon request