

Investigative Report

Austin Public Health Employee Misused City Resources

October 2023



Stefan Bryant, a former public health program coordinator at Austin Public Health, misused City resources by using his City laptop to run consulting businesses and carry out job searches during his paid work hours.

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Cover: Aerial view of downtown Austin by RoschetzkyStockPhoto

Allegation

In February 2023, we received an allegation that Austin Public Health employee, Stefan Bryant, was using his City computer to run his consulting business and that he was doing so during work hours.

Background

The mission of Austin Public Health (APH) is to “prevent disease, promote health, and protect the well-being of all.” Its services include assisting Austin residents with shelter, food, and clothing.

Stefan Bryant was a public health program coordinator with APH in its Health Equity and Community Engagement Division from July 2020 until February 2023, when he resigned. In this role, Bryant negotiated and managed APH contracts related to homelessness services.

Investigation Results Summary

Stefan Bryant, a former public health program coordinator with APH, misused City resources by using his City-issued laptop to run two consulting businesses and to carry out job searches. Bryant worked on 40 documents related to the consulting businesses and 26 documents related to his search for jobs outside the City. Of those 66 documents, Bryant modified 43 documents during work hours.

Finding 1 Bryant misused his City laptop and work hours

During Bryant's employment with APH, Bryant misused City resources for two consulting business. Using his City-issued laptop, Bryant saved or modified 40 documents related to those businesses, one of which he owns.

Additionally, from October 2021 to January 2023, Bryant saved or modified 26 resumes and cover letters, applying to job openings outside the City, including non-profit organizations, schools, and a for-profit company. One of the cover letters on his City laptop was addressed to the entity for which he currently works.

Bryant misused the City laptop during the hours he was scheduled to work his APH job. At APH, Bryant's schedule was 8 am to 4 pm, Monday to Friday. Bryant saved or modified 43 of his business and job search documents using his City laptop during those scheduled hours.

When we spoke to APH staff, they told us that they observed documents related to Bryant's consulting business when he shared his computer screen or heard him answering phone calls for his business during work time. According to staff, this occurred on multiple occasions during APH meetings. Furthermore, it appears that this behavior impacted Bryant's duties. One supervisor noted that Bryant was often unavailable, and another characterized his performance as "mediocre."

When we spoke to Bryant, he admitted that he may have used his City-issued laptop to read emails for his consulting business and to send applications for the business. Bryant admitted that document properties could show he was doing these activities during his APH shift and not just at lunchtime. Bryant also admitted that he used his City laptop to apply for jobs while he worked for the City. When asked why he chose to use his City laptop to apply for jobs, Bryant replied that there was "no rhyme or reason." At the conclusion of our conversation, Bryant apologized for his actions and said he did not feel they were significant at the time.

By using his City-issued laptop for the consulting businesses and for job searches during his work hours, Bryant violated the following portion of City Code:

- § 2-7-62(J) Standards of Conduct

Appendix A - Subject Response

From: stefan Bryant [Personal Information]
Sent: Monday, October 2, 2023 11:55 AM
To: City Employee
Subject: Re: Draft report

External Email - Exercise Caution

Findings 1 Rebuttal:

I don't recall in your inquiry being asked about answering phone calls or making phone calls on behalf of a business during scheduled TEAM calls. So, I don't understand how this misinformation found its place in the investigation.

Furthermore, my duties weren't impacted, as I completed all my duties assigned in a timely manner and met all deadlines even within the constraints of certain agencies.

Last, I never sent any applications for the business as there was nothing to send applications for. However, do to my educational credentials, I did send applications for jobs within the city of Austin for professional advancement.

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

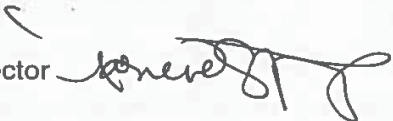
We reviewed the subject's response and believe our findings stand.

Appendix C - Management Response



MEMORANDUM

TO: Brian Molloy, Chief of Investigations, Office of the City Auditor, Integrity Unit

FROM: Adrienne Sturup, Director 

DATE: October 23, 2023

SUBJECT: Management Response to the report entitled *Austin Public Health Employee Misused City Resources*

Thank you for the opportunity to respond to the City Auditor's Integrity Unit (CAIU) report, *Austin Public Health Employee Misused City Resources*. APH management takes these matters very seriously and accepts the report's findings.

All APH staff are required to take the City's annual ethics training and sign the *APH Standards of Conduct* annually. Mr. Bryant signed the *Standards of Conduct* on April 30, 2021 (attached). By signing, Mr. Bryant indicated he agreed not to misuse City resources and that he understood that personal use of city resources may result in disciplinary action.

Do not hesitate to contact me should you have questions or need further information.

Cc: Stephanie Hayden-Howard, Assistant City Manager
Corrie Stokes, City Auditor
Laura G. LaFuente, Assistant Director, Health Equity and Community Engagement, APH
Laura Diaz, Internal Auditor, APH



Appendix C - Management Response

Austin Public Health (APH) Standards of Conduct

Austin Public Health (APH) employees are expected to observe our standards of conduct. These standards may extend beyond regular work hours and the employee's work site, provided there is potential perception by the public that an employee is conducting official City of Austin/APH business.

The foundation of the standards listed below is based on City of Austin policies and procedures, administrative bulletins, municipal civil service rules and ethical standards set by the Integrity Office and Department specific policies. This document is for employees to use as a guide. It is not all inclusive; refer to the source documents for complete information. Links to the source documents are listed at the end of the document.

Conditions of Work

Initials

SB

1. Management is responsible for maintaining a professional work environment free of intimidation, sexual harassment, and discrimination. Supervisors and/or employees should promptly report incidents to department management, department HR, corporate HR (HRD) or the City of Austin Integrity Office.

SB

2. Employees will not act in a manner that violates City of Austin policies and procedures. Employees should avoid behaving in a way that distracts other employees or disrupts the workplace or interact in a manner that interferes with the proper performance of duties, office operations, or City of Austin, Department and/or program goals and objectives.

SB

3. Employees are individually responsible for conducting themselves in a professional/ethical manner and for treating clients, peers, co-workers, management, vendors, contractors, and any other people the employee meets in the course of their job with courtesy, respect and dignity.

SB

4. Employees will not steal, sell, willfully or negligently damage, destroy, misuse, lose or have unauthorized possession of owned or leased City of Austin property or use any City of Austin property, services or information in an unauthorized manner or for monetary gain (including vehicles, long distance telephone services and City computer systems).

SB

5. Employees may use City resources to the extent the public is allowed. Employees may use certain City facilities, equipment, and supplies in a limited or de minimis manner for personal reasons and convenience. Limited or de minimis use means use of City facilities, time, equipment, or supplies that: does not interfere with or impede the job performance or productivity of the City official or employee, does not interfere with or impede the City's conduct of official business, is not used for a personal benefit, as defined by City Code § 2-3-5, is too small, minor or insignificant to have an economic impact, and is used in accordance with the law, including the City Charter's prohibition on use of City resources for election campaigning.

SB

6. City of Austin equipment and informational systems, such as computer files, desk files, electronic mail and voice mail are the property of the City of Austin. Without advance notice, the City of Austin and APH reserve the right to: monitor voice mail messages, messages sent over the e-mail system, Internet

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usage, enter or monitor your computer files and examine any City owned equipment or property. Employees have no legitimate expectation of privacy when using City resources.

SB 7. The City Manager determines the hours during which offices and departments are open for business. Department Directors implement work schedules, and employees report to work in accordance with these schedules and adhere to an approved alternative work schedule if applicable or can be subject to disciplinary action. Employees may be required to work overtime when necessary.

SB 8. Employees will maintain honest and accurate records relating to time, leave, work, expense and travel activities, and inspection reports or any legal document used in the course of recording the work performed for APH.

SB 9. Employees will maintain work areas in a manner which adheres to safety rules and allows for accessibility by authorized staff and are required to follow rules, regulations and instructions as determined by management.

SB 10. The unlawful manufacture distribution, dispensing, possession, or use of inhalants, controlled substances, or alcohol in the workplace or while on duty is prohibited. Employees shall not report to work, remain on duty, or be on call for duty while under the influence of alcohol or drugs.

SB 11. Employees may not divulge any information identifying a client or a patient, including information regarding a citizen or person registering a complaint. In addition, employees may not divulge or inappropriately discuss any medical or personnel/human resources information about an employee.

SB 12. Employees must maintain a current license, certification, or registration as it pertains to the essential functions of their job as a condition of employment.

SB 13. Employees that work in an environment that involves face-to-face interaction with pregnant women, infants, children, STI/TB clients, immunocompromised clients, and clients at high risk for TB on a routine basis as defined by the Immunization Policy must be in compliance at all times as a condition of employment.

Tobacco

SB 14. Tobacco use is not permitted at any time, during and beyond working hours, on the premises of any APH and COA-operated properties.

SB 15. Employees, vendors, and visitors may not use tobacco (cigarettes, cigars, chewing tobacco, snuff, pipes, snus, or electronic smoking devices) at any time, including in all buildings, parking lots (including personal vehicles, City of Austin-APH vehicles parked in the lots), and any of the locations' grounds.

Ethics

SB 16. Employees will not have financial or other interest, engage in any business or professional activity, or incur any obligation that substantially conflicts with the proper discharge of the employee's duties in the public interest.

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- SB 17. No City employee will accept or solicit any gift or favor that might reasonably tend to influence that individual in the performance of official duties or that the official or employee knows or should know has been offered with the intent to influence or reward official conduct.
- SB 18. No City employee will abuse their position with the City of Austin. An employee may not use his or her official position to gain benefit, favor, or advantage for themselves, or to subject a person to mistreatment or harassment.
- SB 19. Employees will avoid situations in which personal or private gain or benefit may conflict with the public interest and avoid behavior that a reasonable observer could perceive as wrongdoing.
- SB 20. Employees will not distribute goods or services associated with the business to members of the public that might not otherwise qualify for those goods and services.
- SB 21. An employee will not be the APH representative to determine eligibility or to provide services or goods to any person with whom they have a personal interest or personal relationship (i.e. family, friends, and acquaintances).
- SB 22. Employees will not use electronic health records to access personal or family patient records.
- SB 23. Employees will not solicit, accept or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties.
- SB 24. Employees will not solicit or sell products or services to employees or clients or vendors during work hours or at any time where such conduct might lead to a conflict of interest.
- SB 25. Employees will not destroy, falsify or cause another to falsify, remove, steal, conceal or otherwise misuse City information (including documents and oral information) or property.
- SB 26. All City employees are prohibited from engaging in other employment (secondary employment), which would interfere with the performance of their City duties and/or would represent a conflict of interest. An employee must "self-disclose" any secondary employment that may represent a conflict of interest.
- SB 27. Employees will not misuse public funds. Employees will recognize that misuse of public funds is dishonest, illegal and a violation of City and Department policies.
- SB 28. Employees will repay the amount of any travel advance not used for travel expenses upon their return.
- SB 29. Employees will adhere to COA and Departmental policies pertaining to the use of any COA issued equipment and electronic devices.
- SB 30. Employees will not disclose user account passwords used to access COA or APH websites to anyone.

The City of Austin Policies and Procedures and Administrative Bulletins can be found:
<http://cityspace.ci.austin.tx.us/departments/hrm/hrpolicy>

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The Integrity Office website is: <http://cityspace.ci.austin.tx.us/departments/integrity-office>

The Municipal Civil Service Rules can be found: <http://cityspace.ci.austin.tx.us/departments/hrm/admin>

For APH specific information, refer to the APH Sharepoint site.

My signature below is acknowledgment that I have read and understand the APH Standards of Conduct listed above. In addition, I know where the City of Austin Policies and Procedures, Administrative Bulletins, Departmental Policies, and MCS rules are located and that I have reviewed and am familiar with them as they relate to my position. Failure to comply with the APH Standards of Conduct may result in disciplinary action up to and including discharge.

Signature *Stefan Bryant*
Print Name Stefan Bryant

Date 4/30/21

cc: Employee personnel file

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Investigation Criteria

Finding 1

§ 2-7-62(J) - Standards of Conduct

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, or to the extent that facilities, equipment or supplies are allowed to be used in a limited or de minimis manner in accordance with City policy.

Methodology

We took the following steps to accomplish our investigation objectives:

- Reviewed applicable City Code and policy
- Conducted background research
- Reviewed applicable employee records
- Analyzed computer forensics
- Interviewed Austin Public Health staff
- Interviewed the subject

CAIU Investigative Standards

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

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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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Alternate formats available upon request