

Investigative Report

# Animal Services Employee Misused City Resources and Abused Their Position

September 2022



Ashley Briley, an animal care worker at Animal Services, misused her work time to record and post videos of shelter animals. She posted these videos to her income-earning personal social media account. Briley also abused her position when she used her access to shelter animals to expand her social media followers. She then asked those followers to make donations for a private expense.

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## Contents

Background .....	2
Investigation Results .....	3
Appendix A - Subject Response .....	6
Appendix B - Management Response .....	7
Investigation Criteria .....	8
Methodology & CAIU Investigative Standards .....	9

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Cover: Aerial view of downtown Austin, iStock.com/RoschetzkyIstockPhoto

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## Allegation

In July 2021, our office received a complaint that Ashley Briley, an animal care worker at Animal Services, was filming social media videos at work and posting them on her personal social media account. According to the complaint, Briley was making money from these videos.

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## Background

Animal Services provides “a safety net for lost and homeless animals,” enforces animal regulations, and assists the public with animal-related concerns.

Animal care workers at Animal Services ensure the safety and well-being of the animals in their care. Their duties include cleaning and maintaining the shelter areas, as well as feeding, watering, bathing, and exercising the animals. Ashley Briley has been an animal care worker since June 2019.

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# Investigation Results Summary

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## Finding 1 Misuse of City resources for private purpose

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### *Investigation Criteria:*

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.

§ 2-7-62 (J) - Standards of Conduct

See Investigation Criteria Section for More Details

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Ashley Briley, an animal care worker at Animal Services, misused her work time to record and post videos of shelter animals. She posted these videos to her income-earning personal social media account. Briley also abused her position when she used her access to shelter animals to expand her social media followers. She then asked those followers to make donations for a private expense.

Ashley Briley misused City time when she used work time to make video content for her personal social media account. Briley created her personal social media account in June 2020. The account is not controlled or owned by the City. Briley stated she posted personal content about her life on this account. Later on, she started posting videos and images she made while working, specifically of animals at the Austin's animal shelter. According to Briley, after uploading several videos of shelter animals, the number of followers on her account grew overnight. She stated that three of her initial videos received 300,000 views total. The next day she gained 100,000 followers. Briley attributed this to her videos about the shelter dogs. Briley said she gained new followers quickly, eventually reaching 1.9 million, as she continued to post about shelter animals.

Due to her large number of followers, in early 2021 Briley was able to apply and be accepted into a social media program that allowed her to earn money from her videos. This included earning money on videos of animals at the shelter. According to Briley, she initially earned an average of \$1,000 a month from the videos she posted, but her earnings decreased in June 2021. In total, Briley earned about \$8,000 from the program between January 2021 and November 2021.

Briley admitted that when she started posting videos of the shelter animals, she would record and post anywhere between 30 to 40 brief videos a day while at work, with each video lasting between 1 and 3 minutes. Briley's position as an animal care worker gave her direct access to the shelter facilities and its animals that would not be available to a member of the general public or another social media influencer.

We also found that in addition to earning money from her social media account, Briley also received free gifts from retail brands to promote their goods. One of these brands sells dog beds. Briley admitted that she posted videos promoting these free items she received. One of Briley's followers also gifted her a camera mount to help her make hands-free videos of the animals.

Though Animal Services management, including Briley's supervisor and an executive, eventually approved of Briley making videos at work, they were not aware that Briley had made money from the videos she posted on social media. Once Animal Services management learned that she had the potential to earn money from her social media account, they directed Briley to complete a secondary employment form. They also directed Briley to only post videos during her lunch period and breaks.

Briley's misuse of City time to record and post videos of the shelter animals to her social media appears to constitute a violation of the following portions of City Code and Personnel Policy:

- City Code §2-7-62 (J) – Standards of Conduct
- City Personnel Policy (I)(G) – Use of City Resources

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## Finding 2

### Abuse of City position to obtain personal gain

Briley abused her position when she used her role and the City animals she cares for to build a social media following and then asked for money from those followers. As noted above, Briley admitted that the significant growth in followers came after she posted videos about the shelter animals. She confirmed that the source of her social media following was the shelter animals when she announced on a different social media platform that “the dogs at the shelter officially have 1 million followers...” even though the followers were linked to her personal account.

Briley used her large social media following for personal gain. On at least one occasion, Briley created and posted a video asking for donations for a personal medical expense. Briley received small sums of money from several donors through a cash exchange platform for this purpose. Briley admitted that she received money from her followers through a specific cash app. In total, she received just over \$400.

By using her City position to grow her social media account, which allowed her to solicit donations for personal gain from a wide audience, Briley appears to have violated the following portion of City Code:

- § 2-7-62(O) on Fraud & Abuse; specifically:
  - § 2-3-5(A)(1) - Abuse

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## Additional Observations

After Animal Services management learned Briley was posting about the City's shelter animals, she was instructed to stop. Briley complied with these instructions. However, management later permitted Briley to record videos of the shelter animals during her work time, as long as she waited to post the videos during her lunchtime and breaks. When management discovered that Briley had the potential to earn money from her social media platform, management instructed Briley to complete a secondary employment form.

We learned from Animal Services Human Resources and an Animal Services executive that management was not concerned with Briley using her position at the shelter to record videos and post them on her personal account partly because they considered this useful advocacy for the animals. It appears that management was more concerned about her not posting accurate information about the animals than whether she was earning money from her videos. Their discussion did not include

the potential misuse of City resources or abuse of position for personal gain. Briley's actions violated City Code even though those actions helped Animal Services with animal adoptions. They continued to violate City Code even after she received guidance from her management on when and what to post online. Animal Services management could have met the same goals through a City-owned account. This would have reduced the possibility for misuse and abuse to occur.

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## Appendix A - Subject Response


Ashley Briley did not provide a response.

# Appendix B - Management Response



## MEMORANDUM

**TO:** Office of the City Auditor

**FROM:** Don Bland, Chief Animal Services Officer   
Austin Animal Services

**DATE:** August 29, 2022

**SUBJECT:** Management Response: City Auditor Report IN22002

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Please use this memo as the official response to City Auditor Report IN22002, regarding City Code violations by a former Animal Services employee.

Management does agree with the observations and findings from the report. Animal Services did try to manage what the employee could do while on work time. ASO has set precedent with allowing employees to capture candid moments of animals in order to promote and advocate for them. Unfortunately, there is no current policy to manage this and ASO tried to find a balance between supporting its mission to maintain a high live outcome while also ensuring City Code is maintained.

There is one small clarification that does need to be stated regarding the creation of a city-owned **social video** account. At the time, the Animal Services Office did look into having its own **social video** platform to showcase City owned animals. However, the City's Public Information Office has communicated that City departments and offices are not allowed to have **social video** accounts.

Should you have any questions, please feel free to contact me at 512-978-0565.

Cc: Spencer Cronk, City Manager  
Stephanie Hayden-Howard, Assistant City Manager

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# Investigation Criteria

## Finding 1

City Code §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.”

City Personnel Policies (I)(G) - Use of City Resources

“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”

## Finding 2

City Code §2-7-62(O) – Standards of Conduct

“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)(1) – Powers and Duties

“Abuse means: the use of [...] City [...] employment, [...] to obtain personal gain or favor from a citizen.”



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## Methodology

We completed the following investigative steps:

- Reviewed applicable City Code and policy
- Conducted background research
- Obtained Human Resources records for the subject
- Interviewed Animal Services employees and management
- Interviewed the subject

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## 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 general and ethics standards, procedures recommended by the Association of Certified Fraud Examiners (ACFE), and the ACFE Fraud Examiner's Manual. Investigations conducted also adhere to the quality standards for investigations established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and to 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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