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PINELLAS COUNTY, FLORIDA

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## Division of Inspector General

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### REPORT NO. 2023-10

TO: Kelli Hammer Levy, Director  
Public Works Department

CC: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller  
The Honorable Chairman and Members of the Board of County Commissioners  
Barry Burton, County Administrator  
Jill Silverboard, Deputy County Administrator and Chief of Staff

FROM: Melissa Dondero, Inspector General/Chief Audit Executive  
Division of Inspector General

SUBJECT: Investigative Review of Public Works Employee Conduct Unbecoming

DATE: May 5, 2023

The Division of Inspector General's Public Integrity Unit has completed an investigative review of the following allegations related to two respondents:

1. Respondent 1 – Tre Sanders (Sanders)
2. Respondent 2 – Clifford Coston (Coston)

The Division of Inspector General uses the following terminology for the conclusion of fact/finding(s):

- **Substantiated** – An allegation is substantiated when there is sufficient evidence to justify a reasonable conclusion that the allegation is true.
- **Unsubstantiated** – An allegation is unsubstantiated when there is insufficient evidence to either prove or disprove the allegation.
- **Unfounded** – An allegation is unfounded when it is proved to be false or there is no credible evidence to support it.



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The following allegations were reported to the IG:

1. The respondents misused County equipment.
  - a. Respondent 1 – Sanders: **Substantiated.**
  - b. Respondent 2 – Coston: **Substantiated.**
2. The respondents intentionally falsified a time record by using County time to conduct personal business.
  - a. Respondent 1 – Sanders: **Substantiated.**
  - b. Respondent 2 – Coston: **Substantiated.**
3. The respondents misappropriated County funds.
  - a. Respondent 1 – Sanders: **Substantiated.**
  - b. Respondent 2 – Coston: **Substantiated.**

To determine whether the allegations were substantiated, we reviewed policies, procedures, and appropriate records. We also contacted and interviewed staff and other parties, as needed. Our investigative review was performed according to the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation.

The recommendations presented in this report may not be all-inclusive of areas where improvement may be needed; however, we believe implementation of the recommendations will strengthen the current internal controls.

We appreciate the cooperation shown by the staff of the Public Works Department (PW) during the course of this investigative review.

## **A. Background**

The Division of Inspector General (IG) initiated an investigative review after receiving a complaint by Pinellas County (County) email. The known complainant notified the IG of an incident that occurred in April 2022, involving the following now-former County employees, Sanders and Coston.

A third employee was involved in the alleged activity; however, PW management determined the employee was not at fault, because they were a new employee and following instructions from their supervisor, Sanders. This employee was later terminated for a separate incident.

The complaint from management alleged that the employees performed work on a citizen's home, using County equipment and materials, during work time, and accepted a payment of \$1,000 from the citizen.

## **B. Investigative Activity**

During the course of the investigation, we performed the following to obtain evidence to conclude on the allegations.

- Interviewed County management, the responding Pinellas County Sheriff's Office (PCSO) Deputy, and other witnesses
- Reviewed County policies and procedures and other relevant rules and regulations
- Reviewed the following:
  - PCSO documentation for case number SO22-117894
  - Enterprise workflow procedures
  - Concrete requisition orders
  - Invoice documentation
  - Administrative pre-disciplinary hearing documentation
  - Timecard records

## **C. Investigative Conclusions**

During the course of the investigative review, we determined the following facts to conclude on the allegations.

It is important to note the following incident was discovered by Public Works management which periodically visits job sites to check on work being performed. This is an important monitoring control and we commend them for being proactive.

During a workday in April 2022, Sanders, a Crew Chief, informed management he was placing 10 yards of concrete at a job that day, which management recognized as a large job, and drove to the site to assess. When the manager arrived at the job site, he saw that a PW crew was working at a private residence, near the job site. The manager asked Sanders why the crew was on private property, and Sanders indicated he was assigned a special assignment by another manager. PW began an investigation and referred the activity to the PCSO for investigation of potential criminal activity.

The department's investigation revealed that another manager had not assigned the work, and the crew was doing work with County materials for a citizen as a side job. PW management proceeded to take disciplinary action, but Sanders and Coston resigned prior to completing the disciplinary process.

Because the incident had been investigated by PCSO, in order to avoid duplication, the IG's primary focus was to review the events and procedures related to the theft of concrete and determine if any additional controls could be implemented to prevent the activity from recurring.

### **1. The respondents misused County equipment.**

On April 6, 2022, a PW manager witnessed the employees working on a private residence during work hours. We interviewed the PCSO Deputy that investigated the case. The Deputy indicated that Sanders admitted under oath to using County concrete and equipment to perform concrete repairs at a private residence in exchange for a cash payment of \$1,000 from the citizen. The offense resulted in a misdemeanor charge and Sanders was routed through the Adult Pre-Arrest Diversion Program (APAD), a program available to adults with misdemeanor charges. The PCSO did not interview Coston since Sanders accepted all responsibility for the violations. Although Coston was not interviewed by PCSO, the PW manager witnessed Coston's involvement on the project. We concluded the allegation was **substantiated** for both respondents.

### **2. The respondents intentionally falsified a time record by using County time to conduct personal business.**

On April 6, 2022, a PW manager witnessed the employees working on a private residence during work hours. We reviewed time records and confirmed the respondents were being paid by the County while conducting personal business. We concluded the allegation was **substantiated** for both respondents.

### **3. The respondents misappropriated County funds.**

On April 6, 2022, a PW manager witnessed the employees working on a private residence during work hours. During an interview with PCSO, Sanders confessed to using County materials to perform work for a citizen. During the interview, Sanders stated three cubic yards of concrete, which was the property of the County, was used to repair a citizen's driveway in exchange for a \$1,000 cash payment. As noted above, the PCSO did not interview Coston since Sanders accepted all responsibility for the violations. Although Coston was not interviewed by PCSO, the PW manager witnessed Coston's involvement on the project.

The PCSO Deputy estimated a cost of \$100 per yard of concrete for a total \$300. Due to the dollar amount, the infraction was classified as a misdemeanor, and addressed by the APAD. According to Florida Statutes 812.014 Theft:

*"If the property stolen is valued at \$100 or more, but less than \$750, the offender commits petit theft of the first degree, punishable as a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083."*

PW estimated the amount of concrete used for the driveway was ten cubic yards. According to the requisition order for the materials, the cost of each yard of concrete mix was \$121, for a total of \$1,210. PW estimated an additional \$6 per cubic yard for fiber mesh reinforcement, for a total of \$60. The total cost of materials used was estimated at \$1,270.

Through the APAD program, Sanders was ordered to pay restitution in the amount of \$300 and serve 24 hours of community service. Although the department did not agree with the cost estimate completed by the Deputy, the PW Director agreed to accept the outcome.

We concluded the allegation was **substantiated** for both respondents.

## **D. Investigative Findings and Recommendations**

### **1. The Verification Process For Concrete Repairs Is Not Sufficient.**

Crew chiefs in the Roadway Maintenance section of PW have the authority to order materials as needed with minimal oversight. When work crews complete work, another employee verifies the work by observing the repaired concrete. However, the employee does not take measurements for a more accurate verification of materials used for each work order.

A core internal control practice is verification of services performed to ensure accuracy and appropriateness. Current procedures for the sidewalk concrete repair process lack internal controls necessary to ensure that materials ordered are appropriate for the work completed. Without proper controls in place, materials may be unaccounted for. In this case, employees used materials for non-County business purposes without management's knowledge.

#### ***We Recommend Management:***

Implement a procedure to strengthen the verification process for materials used for work orders.

#### ***Management Response:***

**Management Concurs.** The field investigators have been directed to include material quantities to their quality & completeness review. The review will entail taking field measurements of the completed work and comparing to the material invoices. If a discrepancy exists, the inspectors will immediately notify management.