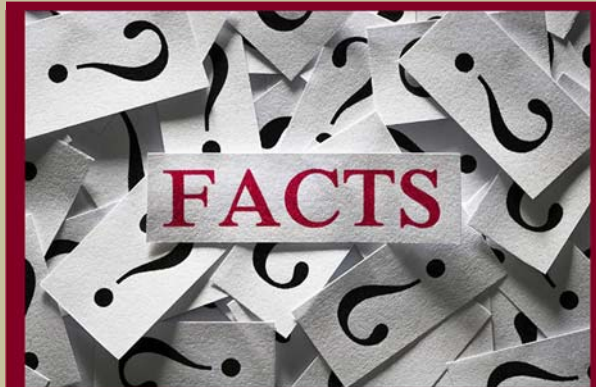




DIVISION OF INSPECTOR GENERAL
Ken Burke, CPA
Clerk of the Circuit Court and Comptroller
Pinellas County, Florida



FOLLOW-UP INVESTIGATION OF PCCLB EMPLOYEES' MISUSE OF COUNTY TIME – RESPONDENT #1



Hector Collazo Jr. – Inspector General/Chief Audit Executive

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REPORT NO. 2019-26
AUGUST 29, 2019



Ken Burke, CPA

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August 29, 2019

The Honorable Chairman and Members of the Board of County Commissioners

We have conducted a Follow-Up Investigation of Pinellas County Construction Licensing Board (PCCLB) Employees' Misuse of County Time – Respondent #1. The objective of our review was to determine the implementation status of our previous recommendations.

Of the eight recommendations contained in the original investigative report, we determined that five have been partially implemented and three are no longer applicable. The status of each recommendation is presented in this follow-up review.

We appreciate the cooperation shown by the staff of the Contractor Licensing Department (CLD) during the course of this review.

Respectfully Submitted,

Hector Collazo Jr.
Inspector General/Chief Audit Executive

Approved:

Ken Burke, CPA*
Clerk of the Circuit Court & Comptroller
Ex Officio County Auditor
*Regulated by the State of Florida

cc: Barry Burton, County Administrator
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INTRODUCTION

Scope and Methodology

We conducted an investigative follow-up of PCCLB Employees' Misuse of County Time – Respondent #1. The purpose of our follow-up review was to determine the status of previous recommendations for improvement.

The purpose of the original investigation was to:

- Determine whether the allegation that, “*two PCCLB Investigators were committing time and attendance fraud by misusing County time and equipment in order to conduct personal business,*” was substantiated.

To determine the current status of our previous recommendations, we surveyed and/or interviewed management to determine the actual actions taken to implement recommendations for improvement. We performed limited testing to verify the implementation of the recommendations for improvement.

Our investigative follow-up was conducted in accordance with the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation and, accordingly, included such tests of records and other investigative procedures, as we considered necessary in the circumstances. Our follow-up testing was performed during the month of August 2019. The original investigative period was April 16, 2015, through April 26, 2017. However, transactions and processes reviewed were not limited by the investigative period.

Overall Conclusion

Of the eight recommendations in the report, we determined that five were partially implemented and three were no longer applicable. We continue to encourage management to implement the remaining five recommendations fully.

Implementation Status Table

FIC NO.	PREVIOUS RECOMMENDATION	IMPLEMENTATION STATUS				
		Implemented	Acceptable Alternative	Partially Implemented	Not Implemented	No Longer Applicable
1	<i>Respondent #1 Misused County Time And Equipment.</i>					
A	Based on the immediate action taken by management and the Respondent resigning from employment on April 26, 2017, no management recommendation is necessary with respect to disciplinary action.					✓
B	Educate staff on the appropriate use of County time and equipment in accordance with all Pinellas County policies and rules.			✓		
2	<i>Respondent #1 Engaged In Conduct Unbecoming A County Employee.</i>					
A	Based on the immediate action taken by management and the Respondent resigning from employment on April 26, 2017, no management recommendation is necessary with respect to disciplinary action.					✓
B	Educate staff on the appropriate use of County equipment as well as the appropriate conduct of a County employee in accordance with all Pinellas County policies and rules.			✓		
C	Educate staff on the appropriate displaying of a PCCLB badge in accordance with all Pinellas County policies and rules.					✓
3	<i>There Is A Lack Of Supervisory Review Of GPS Data.</i>					
A	Implement a routine supervisory review of GPS data to include items such as: routes/locations traveled, speeding violations, variances from designated zones, duration of stays at non-work related locations, and excessive idle times.			✓		
B	Create documented policies and procedures for routine supervisory GPS data reviews.			✓		

Follow-Up Investigation of PCCLB Employees' Misuse of County Time – Respondent #1

FIC NO.	PREVIOUS RECOMMENDATION	IMPLEMENTATION STATUS				
		Implemented	Acceptable Alternative	Partially Implemented	Not Implemented	No Longer Applicable
C	Educate staff on the appropriate use of County vehicles, as well as the capabilities of the GPS reporting function.			✓		

Background

Note that subsequent to our original investigation, the Florida Legislature amended a state law to revise the composition of the PCCLB and the terms of its board members. In addition, the PCCLB's operations and staff became an operating department under the County Administrator, the CLD. We composed the majority of the information in this background in the original investigative report. However, we updated some vital information below to reflect the current figures and makeup of the Board.

The PCCLB is a Dependent Special District created by the Florida Legislature charged with regulating the construction and home improvement industry through uniform contractor competency licensing, code adoption, and code interpretations. There are 15 members on the Board. The Building Director of Pinellas County is a permanent member. The remaining 14 members are appointed by the Board of County Commissioners to serve two year terms. The PCCLB does not receive any property tax support and is funded through licensing fees, fines, and citations that are separate from the County.



**Pinellas
County
Construction
Licensing
Board**

The PCCLB employs four Contractor Certification Field Investigators (Investigators) to monitor construction activity in Pinellas County. During our investigation, one Investigator worked in the office full-time monitoring online advertising, issuing citations, and processing administrative complaints from citizens against licensed contractors. The remaining three Investigators split their time between the office and the field with a focus on issuing citations in the field. In the past, the field Investigators spent some of their time working on administrative complaints, but during our investigation, that responsibility shifted primarily to the Investigator that worked in the office full-time. Field duties for the Investigators include patrolling their designated section of the County in PCCLB vehicles to identify contractors that are in violation of the Pinellas County Code or Florida Statutes and determining an appropriate course of action.

Upon identifying a contractor that has committed violations, the Investigators issue verbal warnings, letters of guidance (written warnings), or citations. A verbal warning is not recorded and there is no documented consequence. A letter of guidance will be retained and the Investigator can access it at a later date to determine if the offender repeats violations. A citation can be issued for various violations, including performing work or advertising for work that one is not licensed to perform, or for failing to properly mark a commercial vehicle as such. Each citation requires the contractor to either pay a fine, or request a Special Magistrate hearing to contest the citation within a given time frame. If a hearing is requested, the Special Magistrate listens to evidence from all parties, and decides if the citation is valid. If the Special Magistrate concludes that a violation exists, additional fees may be imposed.

During the course of an audit of the PCCLB, we reviewed GPS data obtained from Synovia Silverlining, a third party vendor that records the data received from the GPS devices attached to the Investigators' PCCLB vehicles. Review of the data indicated that two of the three

Follow-Up Investigation of PCCLB Employees' Misuse of County Time – Respondent #1

Investigators that work in the field may be misusing County time by conducting personal business at work, and thus, an investigation was initiated. This report pertains to one of the Investigators, Respondent #1. A separate report was issued for the investigation of Respondent #2, and a separate report will be issued for the follow-up investigation of Respondent #2.

The Division of Inspector General investigation of the allegation determined that the allegation noted above was substantiated. As a result of reviewing GPS data, performing surveillance, reviewing computer application activity, and conducting interviews, we confirmed Respondent #1 misused County time and equipment to conduct personal business. We identified multiple opportunities for improvement related to employee education and supervision.

STATUS OF RECOMMENDATIONS

This section reports our investigative follow-up on actions taken by management on the recommendations for improvement in our original investigative report of PCCLB Employees' Misuse of County Time – Respondent #1. The recommendations contained herein are those of the investigative report, followed by the current status of the recommendations.

1. Respondent #1 Misused County Time And Equipment.

We conducted an analysis of GPS data in conjunction with performing surveillance, and concluded that Respondent #1 misused County time and equipment. Respondent #1 frequently visited non-work locations and stayed for extended periods of time in excess of allowable lunches and breaks. Additionally, Respondent #1's vehicle was excessively in an idle state at non-work locations and at the PCCLB office, resulting in wasted wear and tear on the vehicle, and increased fuel costs.

GPS data analyzed between April 16, 2015 and March 10, 2017 demonstrates Respondent #1 spent a minimum of 525 hours and 48 minutes parked at non-work related locations, including Frida's Bakery, physical fitness centers, and shopping centers. Additionally, Respondent #1 spent 211 hours and 43 minutes idling at non-work locations and the PCCLB office, for a total of 737 hours and 31 minutes. During that period of time, Respondent #1 was allotted 438 hours for lunches and breaks (one 30-minute lunch and two 15-minute breaks per day). When comparing expected lunches and breaks with time spent not working, Respondent #1 misused a minimum of 299 hours and 31 minutes of County time.

Respondent #1 – GPS Data – Frequently Visited Non-Work Locations

Location	Number of Times Visited	Total Hours at Location (Hours: Minutes: Seconds)	Average Time at Location (Hours: Minutes: Seconds)	Maximum Time at Location (Hours: Minutes: Seconds)
Frida's Bakery	109	44:56:36	0:24:44	1:11:39
Physical Fitness Centers	129	166:15:22	1:17:20	2:22:04
Shopping Centers	322	178:30:36	0:33:16	1:44:52
Shopping Centers (Dining)	180	136:05:44	0:45:22	1:58:15
TOTAL HOURS		525:48:18		

Status of Recommendations

Follow-Up Investigation of PCCLB Employees' Misuse of County Time – Respondent #1

Respondent #1 – GPS Data – Excess Idling				
Location	Number of Excess Idle Alerts	Total Hours of Idle Time (Hours: Minutes: Seconds)	Average Idle Time at Location (Hours: Minutes: Seconds)	Maximum Idle Time at Location (Hours: Minutes: Seconds)
Frida's Bakery	40	7:32:23	0:11:19	0:27:46
Physical Fitness Centers	62	13:30:43	0:13:05	0:43:30
Shopping Centers (including Dining)	289	88:02:48	0:18:17	1:26:50
Post Office	26	6:46:07	0:15:37	0:38:25
PCCLB Office	351	95:51:15	0:16:23	1:02:55
TOTAL HOURS		211:43:16		

Between April 16, 2015 and March 10, 2017, based on the misuse of County time (299 hours and 31 minutes of excessive lunch/break time) and equipment (using PCCLB vehicle for personal errands and excessively idling), Respondent #1 wasted approximately \$10,900, considering wages, benefits, and excessive idle fuel costs.

Respondent #1 – Misuse of County Time And Equipment Monetary Impact	
Total Hours At Frequently Visited Non-Work Locations and Excess Idling (Hours: Minutes: Seconds)	737:31:33
Allotted Lunches and Breaks (Hours: Minutes: Seconds)	(438:00:00)
Misused County Time (Hours: Minutes: Seconds)	299:31:33
Hourly Rate (including benefits)	\$36.13
Total Cost of Misused County Time	\$10,821.87
Total Hours Of Excess Idle Time (Hours: Minutes: Seconds)	211:43:16
Cost of Fuel Per Hour	\$0.50
Total Cost of Misused County Equipment (Fuel Cost)	\$105.86
TOTAL COST OF MISUSED COUNTY TIME AND EQUIPMENT	\$10,927.73

Surveillance was performed on several dates in March and April of 2017, which provided photograph and video evidence of Respondent #1 attending to personal errands during work hours, which supported evidence obtained from the GPS analysis. During the interview on April 26, 2017, Respondent #1 admitted to taking excessive personal time during work hours.

Respondent #1 was able to misuse County time and equipment as a result of a lack of supervisory oversight of PCCLB Investigators and a lack of supervisory review of GPS data. The

absence of appropriate oversight creates a lack of accountability for the Investigators and their daily activities while patrolling the County. Respondent #1's misuse of time and equipment not only cost the PCCLB, at minimum, over \$10,000, but the lack of investigative fieldwork performed has resulted in decreased revenue for the agency.

Since 1994, as part of the Interlocal Agreement with the County, the PCCLB has required PCCLB employees to adopt, follow, and adhere to County policies, procedures, rules and regulations. Policies addressing this obligation are Pinellas County Personnel Rule 6. Discipline, the Pinellas County Administrative Directive on Vehicle and Equipment Idling, and the Pinellas County Statement of Ethics.

Respondent #1 committed the following infractions found in Pinellas County Personnel Rule 6. Discipline:

- D10 – Misuse or destruction of property or equipment.
- D11 – Unauthorized use of County equipment or property.
- D20 – The employee has engaged in conduct unbecoming an employee of the County.
- D35 – Violation of Pinellas County Statement of Ethics.

Additionally, Respondent #1 violated the Pinellas County Administrative Directive on Vehicle and Equipment Idling, which states in 1.0 Introduction:

"In accordance and alignment with the County's goals of improved air quality, reduced fuel consumption, and reduction in overall cost, all County owned and operated vehicles and equipment, unless otherwise identified and exempted, shall not be idled in normal working conditions or non-emergency related conditions."

The Pinellas County Statement of Ethics further addresses expected standards as follows:

"We, the employees of Pinellas County... are committed to the highest standards of personal integrity, honesty and competence. To This End We Will... Use County funds and resources efficiently, including materials, equipment and our time."

We Recommended PCCLB Management:

- A. Based on the immediate action taken by management and the Respondent resigning from employment on April 26, 2017, no management recommendation is necessary with respect to disciplinary action.
- B. Educate staff on the appropriate use of County time and equipment in accordance with all Pinellas County policies and rules.

Status:

- A. **No Longer Applicable.** Based on the immediate action taken by management, the Respondent resigned from County employment on April 26, 2017.
- B. **Partially Implemented.** The CLD is in the process of formalizing a new Team Member Handbook. The appropriate use of County time and equipment will be referenced in the handbook. In addition, CLD management indicated it provided orientation on the appropriate use of time and equipment to new Investigators and their Manager upon hire. We encourage management to implement our recommendation fully by formalizing and distributing the Team Member Handbook, as it continues to run the risk of employees misusing County time and equipment.

2. Respondent #1 Engaged In Conduct Unbecoming A County Employee.

On April 18, 2017, Respondent #1 was in a non-work related driving altercation with another driver, which resulted in police involvement. Respondent #1 was accused of displaying a PCCLB badge in an attempt to threaten the other driver. Additionally, Respondent #1 was accused of retrieving a baseball bat after approaching the other vehicle. The other driver proceeded to display a permitted concealed firearm and called the police. During a subsequent interview on April 26, 2017, Respondent #1 admitted to displaying their PCCLB badge multiple times during the incident; however, only to identify Respondent #1 as a government employee.

We obtained records from PCCLB's LexisNexis | Accurint for Government (LN) confirming Respondent #1 used LN on April 21, 2017 to look up information about the other driver involved in the altercation. Pursuant to LN Master Terms and Conditions, and County policy, LN is to be used for work related searches only.

When accessing an individual's personal information, it is important to ensure that it is only for PCCLB investigative/business purposes and when absolutely necessary. LN Master Terms & Conditions state:

“Customer represents and warrants that all of Customer’s use of the LN Services shall be for only legitimate business purposes, including those specified by Customer in connection with a specific information request, relating to its business and as otherwise governed by the Master Terms. Customer shall not use the LN Services for marketing purposes or resell or broker the LN Services to any third party, and shall not use the LN Services for personal (non-business) purposes.”

As PCCLB Investigators have access to LN, LN for Government enables authorized government agencies to locate people, detect fraud, uncover assets, verify identity, perform due diligence and visualize complex relationships using public records and non-public information. It allows

agencies to verify such essential personal information as name, address and Social Security Number or Federal Identification number, and confirms the identities of businesses and their authorized agents. It also verifies the identities and validate professional licenses, DEA licensing, legal standing, and criminal records. Accurant does not constitute a "consumer report" as that term is defined in the federal Fair Credit Reporting Act, 15 USC 1681 et seq. (FCRA).

During the interview on April 26, 2017, Respondent #1 admitted to using LexisNexis to search the other driver involved in the altercation, but stated it was for personal safety reasons only. Respondent #1 stated the incident started because the other driver used their vehicle to cut in front of Respondent #1's vehicle, and then yelled, cursed, and spat on Respondent #1.

When an employee conducts themselves in a way that violates laws, County ethics policies, and County performance policies, both the PCCLB and the County's image may be negatively impacted.

Respondent #1 committed the following infractions found in Pinellas County Personnel Rule 6. Discipline:

- D10 – Misuse or destruction of property or equipment.
- D11 – Unauthorized use of County equipment or property.
- D12 – Violation of written rules, regulations, policies or statutes.
- D20 – The Employee has engaged in conduct unbecoming an employee of the County.
- D28 – The employee's conduct is offensive or antagonistic toward superiors, fellow employees or the public. The actions include but are not limited to verbal abuse, intimidation or the use of profane or obscene language.
- D35 – Violation of Pinellas County Statement of Ethics.

Respondent #1 also violated LexisNexis Master Terms & Conditions, which states in 2. Restricted License:

*"(i) ...Customer shall not use the LN Services for marketing purposes or resell or broker the LN Services to any third-party, **and shall not use the LN Services for personal (non-business) purposes.**"*

We Recommended PCCLB Management:

- A. Based on the immediate action taken by management and the Respondent resigning from employment on April 26, 2017, no management recommendation is necessary with respect to disciplinary action.
- B. Educate staff on the appropriate use of County equipment as well as the appropriate conduct of a County employee in accordance with all Pinellas County policies and rules.

- C. Educate staff on the appropriate displaying of a PCCLB badge in accordance with all Pinellas County policies and rules.

Status:

- A. **No Longer Applicable.** Based on the immediate action taken by management, the Respondent resigned from County employment on April 26, 2017.
- B. **Partially Implemented.** The CLD is in the process of formalizing a new Team Member Handbook. The requirement to adhere to all County policies and rules pertaining to the appropriate use of County equipment, including the use of LN for only legitimate business purposes, will be referenced in the handbook. We encourage management to implement our recommendation fully by formalizing and distributing the Team Member Handbook, as it continues to run the risk of employees misusing County equipment.
- C. **No Longer Applicable.** CLD Investigators no longer carry badges.

3. There Is A Lack Of Supervisory Review Of GPS Data.

In April 2015, GPS devices were installed in all three Investigators' vehicles. Through the use of the Synovia Silverlining web application, live GPS data of each vehicle is viewable in both raw data and map formats. The application also has the capability to run historical reports. Each GPS device communicates automatically every 20-30 seconds with the web application through data pings that contain various information such as date, time, location (via longitude and latitude coordinates), direction of travel, and speed of the vehicle.

Management indicated that in the past, GPS data was monitored periodically. However, it was inconsistent and had not been reviewed in at least one year. A lack of policies and procedures for a supervisory review of GPS data, as well as an absence of adequate oversight of Investigators, has resulted in GPS data not being reviewed by management on a regular basis. The result is a lack of accountability for the Investigators and their daily activities while patrolling the County.

Reviews of GPS data should be conducted on a routine basis to ensure Investigators are patrolling within their designated zones and to identify unexpected behaviors, such as speeding, excessive idling, and frequent visits to non-work related locations.

We Recommended PCCLB Management:

- A. Implement a routine supervisory review of GPS data to include items such as: routes/locations traveled, speeding violations, variances from designated zones, duration of stays at non-work related locations, and excessive idle times.

- B. Create documented policies and procedures for routine supervisory GPS data reviews.
- C. Educate staff on the appropriate use of County vehicles, as well as the capabilities of the GPS reporting function.

Status:

- A. **Partially Implemented.** Management transition created uncertainty regarding the installation status of GPS tracking units on CLD vehicles. Current management recently confirmed GPS tracking units were installed. Management is working with the Office of Management and Budget (OMB) to interface with Synovia and begin the GPS monitoring process for its vehicles. Management's goal is to complete this process by the end of August 2019. We encourage management to implement our recommendation fully by obtaining access to GPS data to begin performing a routine supervisory review, as it continues to run the risk of CLD vehicle misuse.
- B. **Partially Implemented.** Management transition created uncertainty regarding the installation status of GPS tracking units on CLD vehicles. Current management recently confirmed GPS tracking units were installed. Management is working with the OMB to interface with Synovia and begin the GPS monitoring process for its vehicles. Management's goal is to complete this process by the end of August 2019. The CLD is in the process of formalizing a new Team Member Handbook, which will include procedures to perform a routine supervisory review of GPS data. We encourage management to implement our recommendation fully by formalizing and distributing the Team Member Handbook, as it continues to run the risk of CLD vehicle misuse.
- C. **Partially Implemented.** Management transition created uncertainty regarding the installation status of GPS tracking units on CLD vehicles. Current management recently confirmed GPS tracking units were installed. Management is working with the OMB to interface with Synovia and begin the GPS monitoring process for its vehicles. Management's goal is to complete this process by the end of August 2019. The CLD is in the process of formalizing a new Team Member Handbook, which will include information on the GPS tracking capabilities and the appropriate use of County vehicles. We encourage management to implement our recommendation fully by formalizing and distributing the Team Member Handbook, as it continues to run the risk of CLD vehicle misuse.



DIVISION OF INSPECTOR GENERAL

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