

OC-22-18



City of Albuquerque
Accountability in Government Oversight Committee
P.O. Box 1293 Albuquerque, New Mexico 87103

August 24, 2022

Honorable Mayor Tim Keller, Members of the City Council, and Citizens of Albuquerque:

The Accountable in Government Oversight (AGO) Committee would like to recognize the Office of Inspector General's (OIG) Inspector General and her staff for their continued service to the Administration, City Council, and the citizens of the City of Albuquerque.

As this annual report demonstrates, the OIG produces investigations which include recommendations intended to improve City processes, improved efficacies and cost savings for the citizens of Albuquerque.

The AGO Committee has found the OIG staff to be a professional and a well-respected resource for the citizens of Albuquerque and its city government. OIG is an independent, objective set of eyes that provide the City with expertise in the furtherance of its objectives. OIG is certainly an integral part of the City of Albuquerque government.

Sincerely,

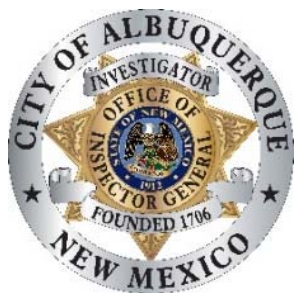
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for

Edmund E. Perea, Esq., Chairperson for
Accountability in Government Oversight Committee

Shawn Penman
Johnny I. Mangu
Victor Griego
C. Jack Emmons



City of Albuquerque
Office of Inspector General

2022 Annual Report





Melissa Santistevan
Inspector General

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To the Mayor, City Council, and Citizens of the City of Albuquerque:

Enclosed for your review is the public report on the operations of the City of Albuquerque Office of Inspector General (OIG) during the fiscal year ending June 30, 2022, filed with the City Council according to Section 2-17-10 of the Municipal Code of Albuquerque.

I am pleased to present our Fiscal Year 2022 (FY2022) Annual Report, covering the activities of the OIG for the period July 1, 2021 through June 30, 2022. This report summarizes our major efforts to promote integrity, efficiency, and effectiveness in government over the past year.

This is a moment of growth and transition at OIG. Building on OIG's foundation of rigorous and impactful work, we are finding and leveraging opportunities to improve and change our operations. Generally, we are working to ensure that each of OIG's program areas—Investigations and Inspections—draws on the expertise and resources of the others to produce interdisciplinary work in the service of holistic oversight.

In the spirit of integrative oversight, we are rebuilding how OIG takes in and processes information from members of the public, City officials and employees, and others. Historically, OIG's intake process has been a function of its Investigations section, and its focus has been on whether the information provided to OIG is appropriate for an investigation or inspection, either administrative or criminal. The Office's breadth and capacity have grown far beyond its legacy confidential investigatory function to include program and policy review and complex data analysis. To capitalize on the growth and diversification in recent years, we have changed our intake process to capture, review and process information coming to OIG, and to ensure that we meet each problem identified with one or more of OIG's oversight mechanisms best suited to a solution. Meanwhile, for those inquiries which do take the form of criminal or administrative investigations of misconduct, we are restructuring our internal policies to better ensure timely outcomes. To operationalize these changes, which I believe to be critical, we continue to request additional positions within OIG.

Meanwhile, our work continues and we will focus our efforts on those instances of waste, fraud, abuse, inefficiency, and ineffectiveness that most sharply impact the citizens of the City of Albuquerque, and which do the most harm to the legitimacy and transparency of our government. I am grateful to work with such a dedicated OIG team servicing the citizens of the City of Albuquerque. This report reflects their great work.

As the Inspector General, I would like to reflect on the progress the OIG has made in the past year. The OIG completed forty (40) reports and identified more than \$ 184,344.40 in theft or waste. Additionally, there were many qualitative matters addressed where a dollar value could not be determined. In all its activities, this office has remained steadfast to the professional standards established by the Association of Inspectors General (AIG). Maintaining these standards and demonstrating best practices for the city of Albuquerque remains the cornerstone of our mission and fosters the trust of City citizens and employees. Additionally, I want to thank the Accountability in Governance Oversight Committee for its continued encouragement and insights. Finally, you the citizens of the City of Albuquerque, continue to be the bedrock support of our office and mission. Public support and input are critical to our mission's success. Thank you!

Respectfully,

A handwritten signature in cursive script that reads "Melissa R. Santistevan".

Melissa R. Santistevan, CIG
Inspector General
City of Albuquerque

Table of Contents

I Overview	5
A Mission, Vision, and Values	5
B Authorities and Responsibilities.....	6
C Standards, Accreditation, and Staff Qualifications	7
D Structure and Staffing	7
E Budget	8
F Return on Investment.....	9
G Outreach, Education, and Preventions	10
II Activities.....	10
A Complaint intake	11
B Complaints by Department	12
C Complaints by Allegation type	13
D Complaints resulting in an investigation or informative case synopsis	14
E Special Investigations	15
F Recoveries.....	15
III Investigations and Informative Case Synopses.....	15
A Synopses of completed investigations	15
B Synopses of completed Informative Case Synopses	21

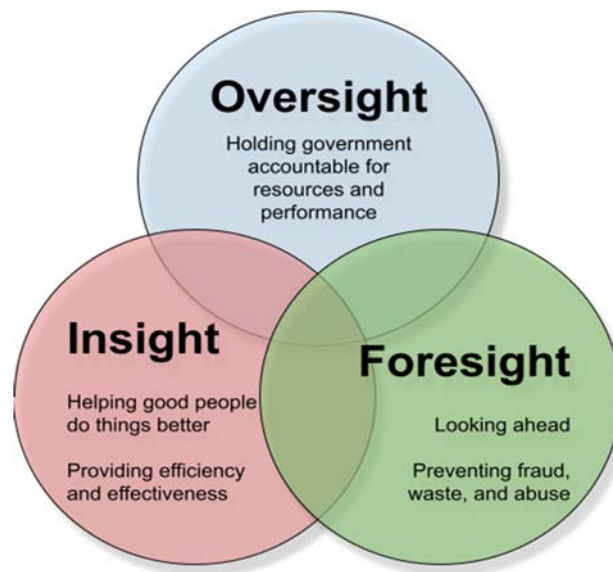
I Overview

A| Mission, Vision, and Values

Mission Statement

Our purpose (why we exist) is to provide independent and objective insight, oversight, and foresight in promoting integrity, efficiency, overall effectiveness, accountability, and transparency in government to safeguard and preserve the public trust.

Our promise (what we do) is to accomplish our purpose through inspections, reviews, investigations, oversight, and outreach activities.



Vision Statement

Advancing integrity and accountability in the governance of the City of Albuquerque through independent oversight.

Values

Professionalism – We take pride in our purpose, profession, products, results, and conduct.

Respect – We are respectful of others and recognize their value.

Integrity – We do the right thing, the right way, for the right reason.

Dedication – We are dedicated to our purpose, our work, and the people we serve.

Excellence – We strive for excellence in everything we do.

B| Authorities and Responsibilities

The purpose, duties, and responsibilities of the OIG are specified in the IG Ordinance (Chapter 2, Article 17, City of Albuquerque Code of Ordinances). The IG Ordinance is available at https://codelibrary.amlegal.com/codes/albuquerque/latest/albuquerque_nm/0-0-0-84884#JD_Chapter2Article17. Some of the authority, powers, function, and mandated requirements include:

The Office of the Inspector General has the authority to receive and evaluate complaints referred to her by any official, employee, contractor, or the public and initiate an investigation when deemed appropriate. The Inspector General shall receive and investigate complaints referred by the Board of Ethics and Campaign Practices (BOE). The Inspector General may also initiate investigations for proactive reasons, or in reaction to another complaint.

The Inspector General shall not investigate complaints that are under the jurisdiction of the Civilian Police Oversight Agency (CPOA) or the Internal Affairs Division of the Albuquerque Police Department, nor shall he access any Internal Affairs files.

The Inspector General can require the production of documents and receive full and unrestricted access to records. The Inspector General has the power to subpoena witnesses and administer oaths. Additionally, the Inspector General is the appropriate local official for whistleblower reporting and protection. People may also submit anonymous complaints to the Office of Inspector General.

All city officials, employees, and contractors are required to promptly notify the Inspector General of every instance of theft or other disappearance of cash, check, or property, misfeasance or nonfeasance, defalcation, improper governmental actions as defined in the Whistleblower Ordinance, and non-compliance with federal and state law, city ordinances and city regulations of which they are aware.

The Whistleblower Ordinance was established in January 2004 and protects City employees who fear having retaliatory actions taken against them, such as a demotion or employment termination, for reporting activities such as violations of policies and laws, etc. Certain requirements of the Ordinance must be met before the Ordinance is applicable. The person making the complaint can report the situation to a supervisor, director, or the Inspector General. The Inspector General can encourage the employee to report the matter to the Department Director or can decide to investigate the matter if appropriate. It is important to understand that the Whistleblower Ordinance does not apply in situations where no reporting and no suspected retaliatory actions have taken place. Mere fear of retaliatory action if something is reported, is not a violation of the policy.

*"Inspectors General with no independence or authority
result in the mere appearance of oversight, which is much
worse than no oversight at all"*

Stephen B. Street, Jr., President
Association of Inspectors General

C| Standards, Accreditation, and Staff Qualifications



The Association of Inspectors General (AIG) is a national professional organization comprised of IGs from federal, state, and local governments. The AIG *Principles and Standards for Offices of Inspectors General* is one of the main standards used. It provides guidelines for the overall operations of OIGs, as well as, specific standards for investigations and inspections. In July 2022, the AIG peer-reviewed the City of Albuquerque's Office of Inspector General. **The AIG found our office met all current and relevant standards.**

Inspector General Staff Qualifications

Staff members bring an array of experience from State Investigation Communities, state and local government, and public accounting firms. Staff members have backgrounds in and/or academic degrees or certifications in:

- Accounting
- Auditing
- Business Administration
- Criminal Justice
- Financial Analysis
- Fraud Examination
- Grant Administration
- Inspections
- Internal Controls
- Investigations

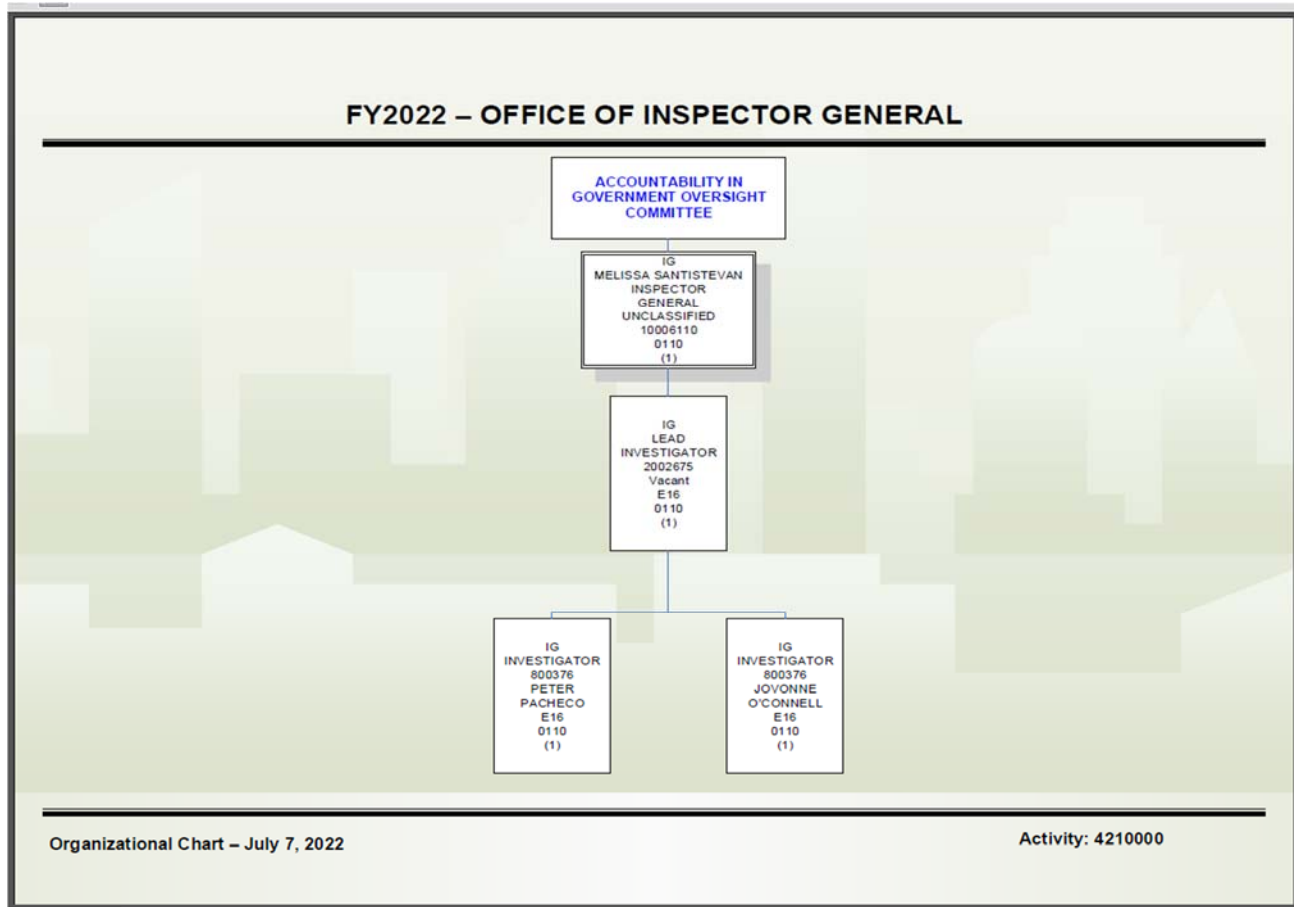
Successful high-performing organizations are built upon the foundation of hiring, retaining, and developing a high-quality staff.

D| Structure and Staffing of the Office of Inspector General

The Accountability in Governance and Oversight Committee, through its staff, shall accept applications from candidates, interview candidates and shall submit to the City Council the name of three candidates that it finds to be the best qualified to be Inspector General, indicating its ranking, and the Council shall appoint the Inspector General from the three. Instead of recommending three candidates to the Council, the Committee may recommend to the Council the reconfirmation of the incumbent Inspector General, who the Council may choose to reconfirm.

The Inspector General shall have, subject to appropriation by the City Council, the power to appoint, employ, and remove such assistants, employees and personnel and establish personnel procedures as deemed necessary for the efficient and effective administration of the activities of the Office of the Inspector General.

Currently, the Office of Inspector General has three investigator positions in addition to the Inspector General. Until May 27, 2022, all OIG positions were filled. Currently, there is one vacant position. Furthermore, a change to this structure is being requested.



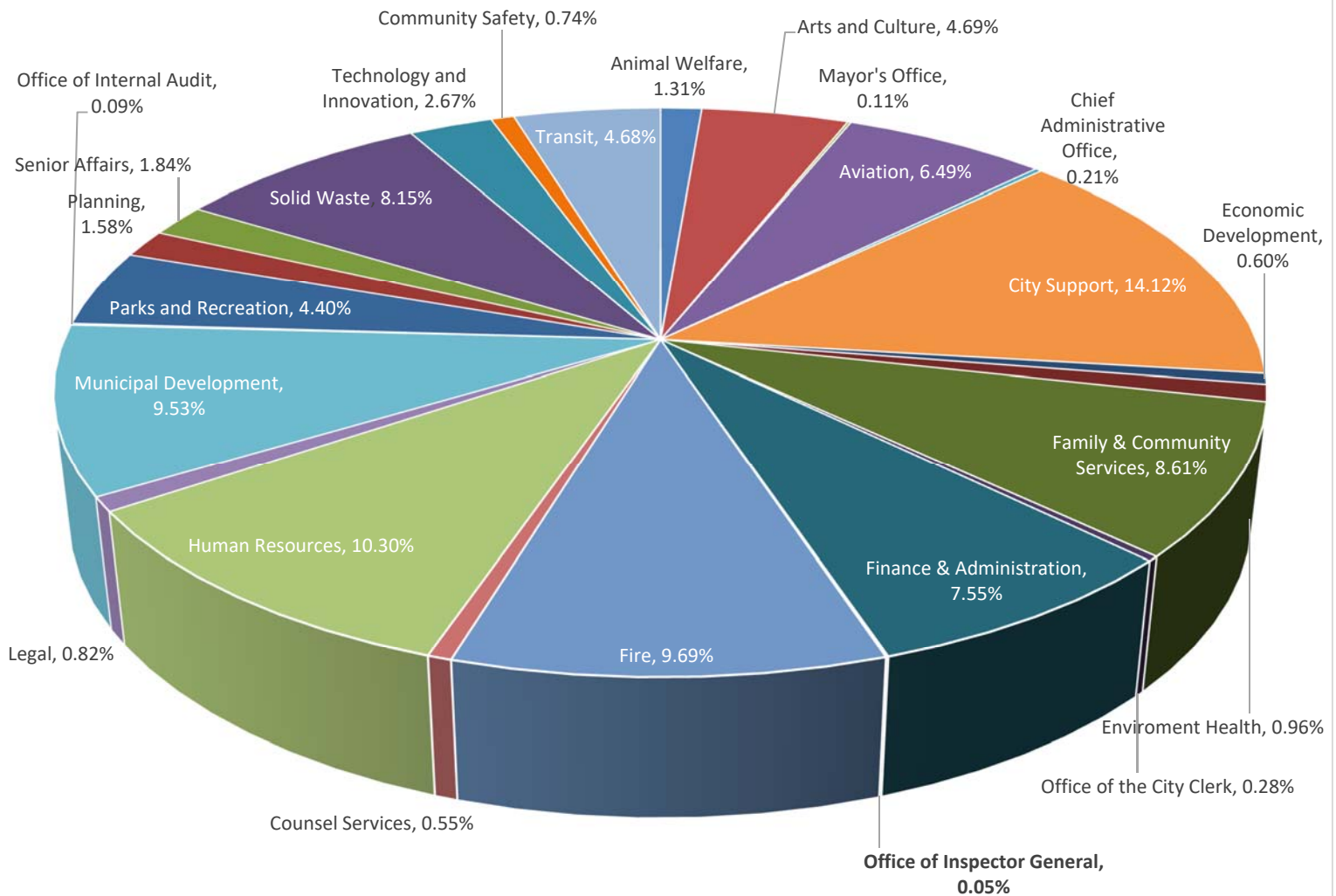
E| Office of Inspector General FY2022 Budget

FY2022, the OIG expended \$ 493,362.82 (86%) of its approved budget. The financial resources dedicated to the OIG are 0.04% of the estimated \$1.2 billion in the annual budgets of the City of Albuquerque for which the OIG provides independent oversight. Excluding CPOA and APD from the annual budgets, the OIG has 0.05% of the City's estimated annual budget and does not have authority over APD or CPOA.

OIG oversight responsibilities include:

- 37 Departments with total annual budgets of approximately \$1.2 Billion
- 37 Departmental employees numbering approximately 5,800 people (excluding temporary and contracted employees)
- Thousands of vendors and contractors
- Oversight of millions of dollars of contracting activities

Department % of City Budget (excluding CPOA and APD)



F| Return on Investment

OIG serves a city that employs a workforce of more than 5,800 employees and is home to nearly 600,000 residents. Most of the OIG budget is dedicated to salaries and training. OIG investigations require competent investigators. The Inspector General is required to obtain their Certified Inspector General certification, and all other investigators are required to obtain their Certified Investigator and Certified Fraud Examiner certification within two years. With over 200 complaints annually, and each investigator carrying between three to ten active cases at any given time, the challenge of addressing all investigations expediently remains. Beyond salaries, the remaining portion of the budget is dedicated to operating costs including case management software, computer hardware maintenance, and one fleet vehicle. In an ongoing effort to remain good financial stewards of citizens' tax dollars, we design our Annual Report in-house.

G| Outreach, Education, and Prevention

Outreach is an important component of OIG operations, and takes place both inside and outside of government. OIG outreach includes education on what our office does, common trends and best practices, red flags to assist in identifying fraud, waste, and abuse, and ways to contact our office.

During FY2022, the OIG attended and provided educational information at the Route 66 Fiesta and the City of Albuquerque health fair. The OIG continues to present at the Supervisory Development Training offered every nine weeks. Additionally, the OIG created and offered eleven (11) training presentations to City Departments. Some presentations were created at the request of City departments and were presented to departmental staff by the OIG. The OIG created brochures (in English and Spanish) to educate both City employees and the citizens of the City of Albuquerque on the mission and responsibilities of the Office of Inspector General.

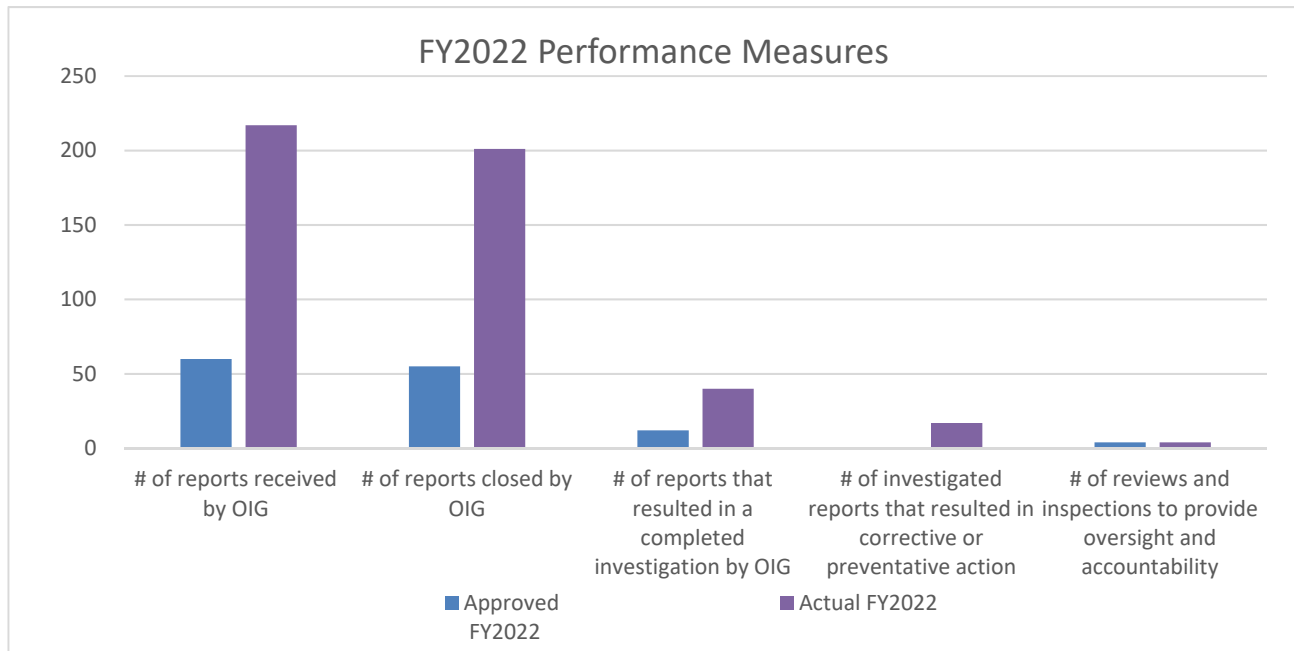
II Activities

The investigative activities conducted by the OIG strictly adhere to the Principles and Standards of Offices of Inspectors General (Green Book).

The OIG has the authority to conduct both criminal and administrative investigations regarding the conduct of City officers, employees, and other entities transacting business with the City of Albuquerque, including contractors, subcontractors, and lobbyists. When a determination has been made that the subject of an investigation has potentially committed a criminal violation, those findings are discussed with local, state, or federal law enforcement agencies, or are referred directly to the NM State Auditor's Office or the NM Attorney General's Office.

Activity Highlights

During FY2022, the OIG received two hundred seventeen (217) complaints and closed two hundred one (201) complaints. The OIG issued forty (40) reports including fifteen (15) Reports of Investigation, twenty-two (22) Investigative Informative Case Synopses, and three (3) Reviews. Nineteen (19) reports resulted in recommendations for corrective action or process improvement. Reviews are conducted by the OIG to provide oversight and accountability. In FY2022, the OIG met or exceeded all performance measures set for the department during the prior year's budgeting process.



Where allegations were substantiated, the OIG referred administrative or disciplinary actions to the Department Directors and City Administration. Additionally, the OIG referred twenty-four (24) complaints to the NM Attorneys General Office, Federal Offices of Inspectors General, or local law enforcement. These reports and management responses can be found at <https://www.cabq.gov/inspectorgeneral/investigation-reports>.

A| **Complaint Intake**

In determining whether to open an investigation into misconduct alleged in a complaint, among other factors, OIG evaluates the potential magnitude or significance of the allegations, both individually and programmatically, and assesses investigative viability. Following this review, OIG may open an investigation, decline a complaint, refer it to another agency or City department, or retain it for non-investigative inquiry. The following information outlines the actions OIG has taken in response to complaints received this fiscal year. The OIG received and processed two hundred seventeen (217) complaints during FY2022.

Addressed by OIG (201 or 93%)

Complaints that were addressed by the OIG.

OIG Investigative Activities (105 or 48%)

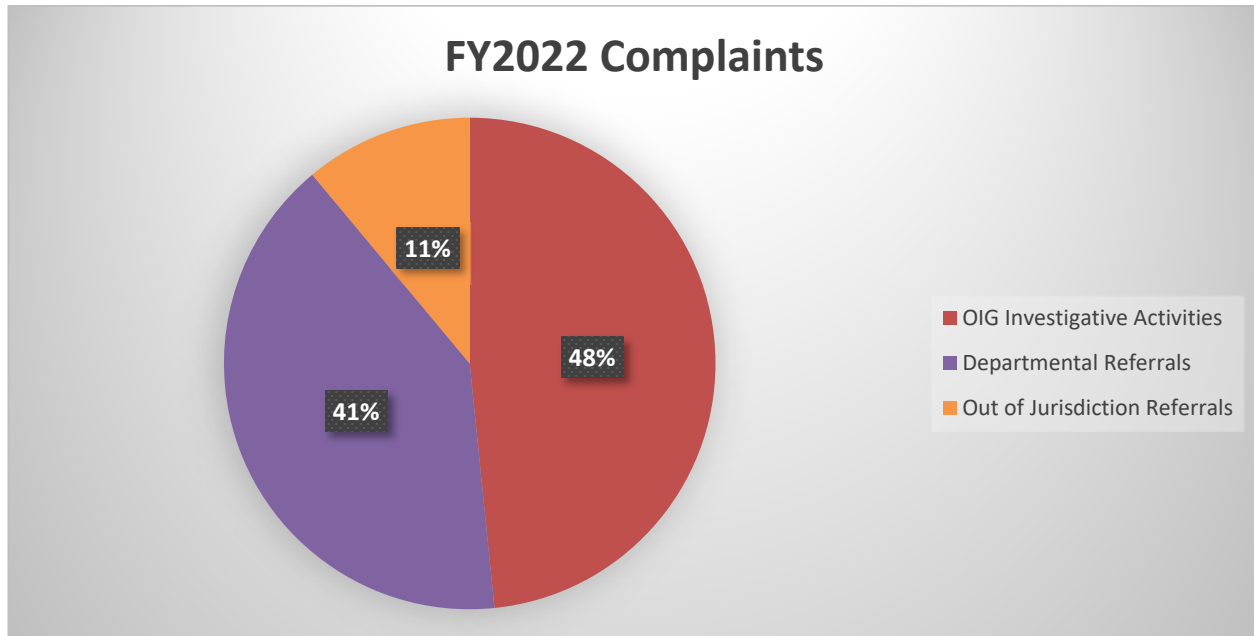
Complaints that were assigned for further investigation.

Department Referrals (88 or 41%)

Complaints that were forwarded to respective departments to address and to provide OIG with a response to include any action taken.

Non-Jurisdictional Referrals (24 or 11%)

Complaints not in the OIG jurisdiction that were referred to the appropriate jurisdiction.

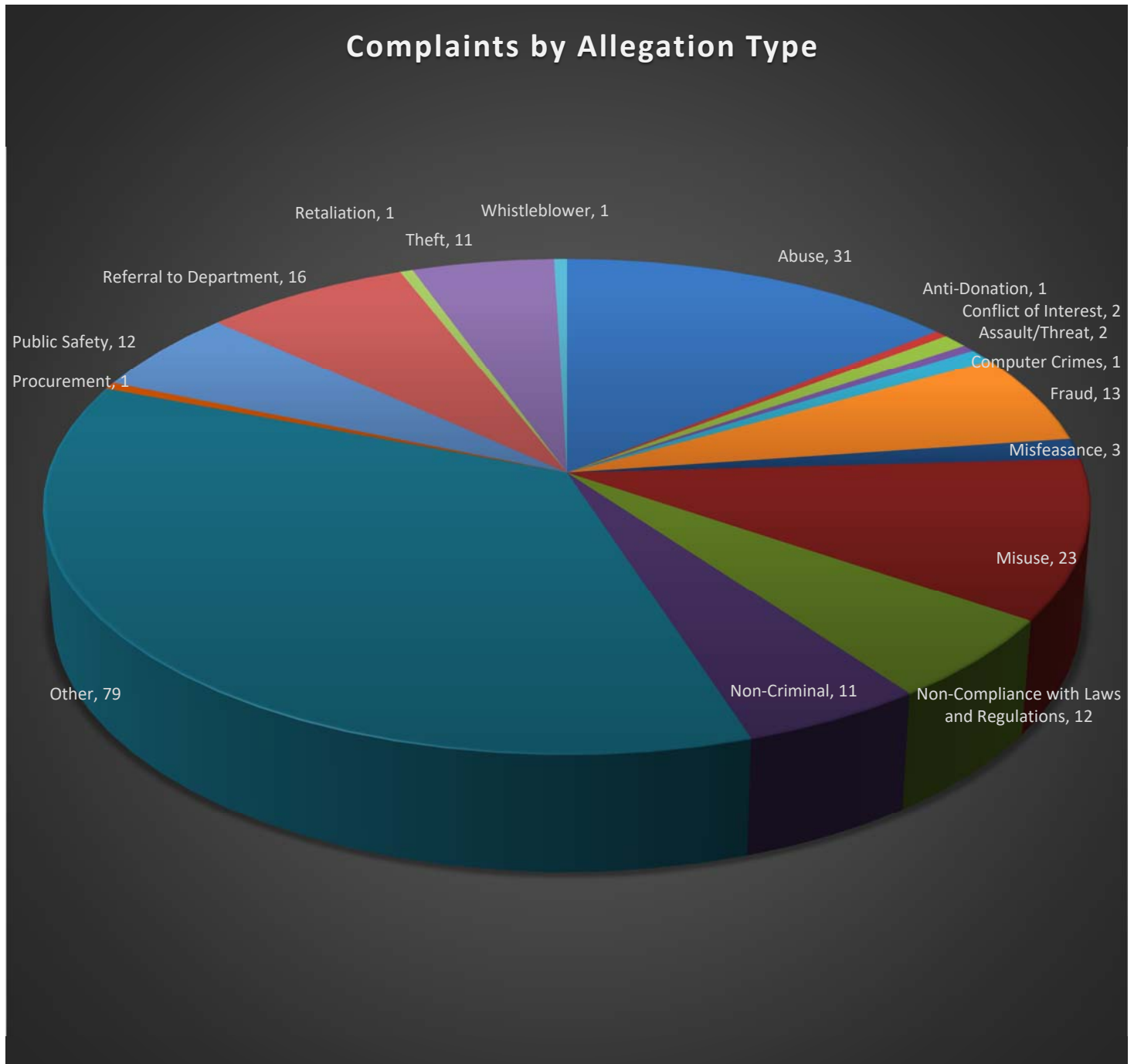


B| Complaints by Department

Department	# of Complaints
Animal Welfare	12
Aviation Department	5
City Clerk's Office	2
City Council	3
Civilian Police Oversight Agency	4
Cultural Services Department	6
Family & Community Services Department	4
Finance & Administrative Services Department	4
Fire Department	4
Human Resources Department	2
Inspector General's Office	1
Legal Department	1
Mayor's Office	4
Municipal Development Department	24
Parks & Recreation Department	14
Planning Department	10
Police Department	4
Senior Affairs Department	7
Solid Waste Department	23
Technology & Innovation Department	1
Transit Department	28
Out of Jurisdiction	24
Unknown	30

C| Complaints by Allegation Type

The following table shows the complaints received by allegation type.



D| Complaints resulting in an investigation or informative case synopsis

Case ID	General Nature of Allegations
21-0001-R	Review of City and departmental policies
21-0003-I	Highland Pool alleged employee time fraud
21-0004-R	Review of the Animal Welfare Department's previous six (6) investigations for unresolved findings
21-0005-I	Unaccredited university (diploma mill) degree
21-0008-A	Westside Emergency Housing Shelter contractor's non-compliance
21-0024-C	City truck parked, engine running, and driver sleeping
21-0032-C	City employee vehicle spotted behind Bank of America while the driver was at Hooters
21-0033-C	Fraud through a contractor/sub-recipient's billings to the City of Albuquerque contract and Medicaid
21-0036-C	Abuse of time of COA staff
21-0041-C	City employees eating at North Domingo Multigenerational Center during work hours
21-0050-C	Animal Welfare Department's mistreatment of a dog
21-0053-C	City of Albuquerque's illegal lighting installation
21-0057-C	COP violation, failure to report vehicle accident
21-0058-C	Timecard fraud, Open Space staff member
21-0060-C	Improper procedures for the installation of a barricade
21-0061-C	Improper approval of the installation of solar panels by COA Planning
21-0081-C	Violation of the City's Military Veteran's Hiring Initiative
21-0087-C	Parks and Recreation employee smoking marijuana and being rude
21-0091-C	Violation of the City's purchasing policy for APD's gunshot detection system
21-0094-C	An employee stealing Christmas decorations
21-0098-C	Art & Culture Department's lack of training provided
21-0101-C	Animal Welfare Department multiple complaints
21-0103-C	Parking citations not processed before dates of fee escalation
21-0105-C	AFR's inappropriate use of waivers for the position of Deputy Fire Chief
22-0001-C	Review of 311 complaint process
22-0002-C	Aviation timecard fraud
22-0004-C	Information Services Committee multiple complaints
22-0008-C	City's abuse of power related to Covid protocols
22-0010-C	Violation of required process for negotiation with unions before issuing AI 7-67
22-0021-C	Fraud and abuse by the DMD Director related to IDO
22-0022-C	Aviation Department's waste of city resources through duplicate investigations
22-0023-C	City employee committing timecard fraud by earning a degree during work hours
22-0030-C	Procurement violations by a City employee
22-0046-C	Library timecard fraud
22-0047-C	Library job posting changed to pre-select applicant
22-0049-C	Illegal lighting installation between Carlisle Blvd and Girard Blvd
22-0052-C	Animal Welfare Department's euthanasia placed on TikTok by an employee
22-0057-C	Unethical and corrupt behavior by City Councilors
22-0064-C	Aviation Finance Department's retaliation for participating in an investigation
22-0100-C	ABQtodo Instagram account promotions

E | Special Investigations

In addition to its reactive investigative work in response to complaints, OIG engages in certain proactive investigative projects as directed by the Board of Ethics and Campaign Practices.

Board of Ethics Investigation

Chapter 2, Article 17 §2-17-6 (F) states the Inspector General shall investigate any alleged violation of the Code of Ethics or the Elections Code that the Board of Ethics and Campaign Practices directs her to investigate. In July 2022, the OIG was directed, by the Board of Ethics and Campaign Practices, to investigate the campaign practices of a mayoral candidate. Due to the OIGs staffing limitations, the Office of Inspector General and the Office of Internal Audit consolidated their resources to investigate the matter, as directed by the then Acting Inspector General, and presented its findings to the Board of Ethics and Campaign Practices Board for their disposition in August 2022.

The investigation conducted by the Office of Inspector General with the Office of Internal Audits' assistance resulted in the Board of Ethic and Campaign Practices issuing fines totaling \$2,000 to the candidate.

F | Recoveries

OIG investigation 21-0033-C conducted in FY2022 resulted in a City contractor initiating a payment agreement to repay the identified questioned costs of \$155,586.25 with payments of \$10,000 per month commencing in July 2022. As of August 12, 2022, the entity has made two (2) payments totaling \$20,000.

III Investigations and Informative Case Synopses

A | Investigations

21-0003-I Highland Pool alleged employee time fraud

We investigated managers allegedly leaving the Highland Pool facility, while still clocked in, then asking the Head Lifeguards to clock them out long after they had left.

We found that Highland Pool employees either had knowledge of other employees clocking each other in or out, had someone clock them in or out, or had clocked someone else in or out. Employees admitted to taking extended lunch breaks, in some instances an hour or more beyond their scheduled lunch break while on the clock. A review of the Kronos time management system from February 1, 2021, through April 30, 2021, revealed that the Head Pool Manager clocked the Aquatics Program Coordinator in or out 131 different times. The Aquatic Program Coordinator admitted to making changes in the Kronos system on the Head Pool Manager's behalf.

As a result of our investigation, we identified an **indeterminate** amount of employee time theft.

We made six (6) recommendations for improvements to the department policies and procedures and general oversight. Corrective actions were implemented.

21-0005-I Unaccredited university (diploma mill) degree

We investigated an allegation that a newly hired City employee has a Bachelor's degree from an unaccredited "Diploma Mill".

We found that the employee's bachelor's degree was from an unaccredited college, however, the employee's Master's degree was legitimately obtained from an accredited college. An error by the University of Phoenix's admissions person who entered James Madison University (accredited), allowed the employee to be accepted into the Master's program and earn the degree. The Job Description for the position states that education and experience directly related to the minimum requirements may be interchangeable on a year-to-year basis. HR records indicate that the employee has 15 years of relevant work experience and that no experience was substituted for education. No evidence was found during the investigation that would indicate the employee attempted to deceive the City during the application and hiring process, nor was there evidence that the employee attempted to deceive the University of Phoenix during the admissions process.

We made two (2) recommendations to hiring procedures to ensure that candidates are properly vetted. Corrective action is pending implementation.

21-0008-A Westside Emergency Housing Shelter contractor's non-compliance

The Office of Inspector General received a complaint concerning certain security guards who were controlling guests who stay at the Westside Emergency Housing Shelter by making them pay money or drugs to stay, or not letting them leave the facility.

We found that the allegations could not be substantiated, but that a lack of policies and supporting documentation for confiscated items may lead guests to believe their confiscated belongings were a form of payment.

We made one (1) recommendation for ensuring that the contractor has adequate policies and procedures surrounding security at the Westside Emergency Housing Shelter. Corrective actions were implemented.

21-0024-C City truck parked, engine running, and driver sleeping

We investigated a City of Albuquerque employee sleeping inside a City vehicle during regular work hours.

The employee admitted guilt for sleeping while on duty and accepted responsibility for the actions. We also found that the Solid Waste Department's practices are significantly lacking in internal controls with policies and procedures and general oversight deficiencies, making the City susceptible to fraud, waste, and abuse.

As a result of our investigation, we identified **\$438.68** in wasted fuel costs and **\$2,869.13** in time theft.

We made nine (9) recommendations for improvements to department policies and procedures and general oversight. Corrective actions were implemented.

21-0033-C Fraud through a contractor/sub-recipient's billings to the City of Albuquerque contract and Medicaid

We investigated duplicate billings to the City contract and Medicaid by a contractor/sub-recipient.

We found that the Contractor/Sub-Recipient did overbill the City contract by duplicating expenditures to both the City and Medicaid. The Contractor/Sub-Recipient submitted requests for reimbursement and the City reimbursed the Contractor/Sub-Recipient \$155,586.25 over actual costs. Included in the \$155,586.25, the City was overbilled for budgeted line items totaling \$2,526.58 and for net allocated payroll totaling \$3,870.59. Additionally, the Contractor/Sub-Recipient billed Medicaid for June 2021 Assisted Outpatient Treatment (AOT) services for \$15,653.58 without support via the general ledger.

As a result of our investigation, **\$155,586.25** was identified as having the potential of being returned to offset the taxpayers' burden. It was recommended that the Contractor/Sub-Recipient reimburse to the City for this amount. Additionally, **\$15,653.58** of questioned costs was identified related to Medicaid billings that have been referred to the Medicaid Office of Inspector General.

We made nine (9) recommendations regarding contracts and the review of Sub-Recipient submitted data. Corrective action is pending implementation.

21-0057-C COP violation, failure to report vehicle accident

We investigated a City administrator who was involved in an accident in a City vehicle and did not follow City policy regarding vehicle accident reporting.

We found that the City administrator did violate the COP policy by not filing a timely report and not filing a police report.

As a result of our investigation, we identified **\$4,644.75** in potential cost savings.

We made three (3) recommendations regarding the COP policy and employee training that may aid in mitigating liability for the City. Corrective actions were implemented.

21-0058 Timecard fraud, Open Space staff member

We investigated an allegation of a Parks and Recreation Open Space Division employee committing timecard fraud.

We found that the allegations that the employee clocks in at home and then takes their kids to school on the clock before going to work, in a City vehicle, could not be substantiated. We found that the allegation that the employee works remotely despite the directive of the Parks and Recreation Director was substantiated.

We made two (2) recommendations regarding the violation of the directive and the use of the City vehicle. Corrective actions were implemented.

21-0081-C Violation of the City's Military Veteran's Hiring Initiative

We investigated a violation of the City's Military Veteran's Hiring Initiative Administrative Instruction (AI) 7-57 implemented on July 11, 2019.

We found that the City violated AI 7-57 by not granting interviews to qualified veterans.

The OIG was unable to determine the dollar value of any potential liability.

We made two (2) recommendations regarding the violations of the AI 7-57 related to the Military Veteran's hiring Initiative. Corrective action is pending implementation.

21-0094-C Employee stealing Christmas decorations

We investigated an allegation that a driver of a City vehicle stopped and took some Christmas decorations belonging to a citizen from the front of their apartment and put the decorations in their City vehicle.

We found that the employee did pick up the Christmas decoration and took it to a personal residence.

As a result of our investigation, we identified approximately **\$10.00** of theft by a City employee.

We made two (2) recommendations regarding the theft and violation of City policy. Corrective actions were implemented.

21-0101 Animal Welfare Department multiple complaints

We investigated six (6) allegations of violations of City ordinances and abuse by the Animal Welfare Department.

We requested that Risk Management conduct a walkthrough and they identified OSHA violations related to rodents, feces, and improper cleaning. Additionally, we found that inadequate heating and cooling systems, and circumvention of adoption processes by management resulted in violations of the HEART Ordinance.

We found that a tort claim was filed as a result of the individual carrying out assigned work duties while in the employ of the City of Albuquerque. The City routinely provides legal counsel to employees who are the subject of litigation through the course of their assigned work duties.

We found that the Animal Welfare Department is complying with AI 7-53 as it did provide a dedicated area for nursing mothers. We also found that the alleged mauling identified in the complaint is being addressed through Risk Management, therefore, the OIG was unable to investigate the matter.

The OIG was unable to determine the dollar value of any potential liability.

We made two (2) recommendations for improvement related to observations. Corrective actions were implemented.

22-0002-C Aviation timecard fraud

We investigated allegations of timecard fraud in the Aviation Finance and Warehouse Divisions.

We found discrepancies and cooperation or collusion between two (2) employees. The investigation also revealed that management's inaction or complicity in this matter created an environment of low morale. Certain management practices did not follow City personnel policies or the City's Code of Conduct.

As a result of our investigation, we identified theft of overtime over **\$35.00**.

We made eight (8) recommendations for improvement related to observations. Corrective actions were implemented.

22-0004-C Information Services Committee multiple complaints

We investigated eight (8) allegations regarding the Information Services Committee (ISC) and their compliance with the City Ordinance and the State of New Mexico Open Meetings Act.

We found that the ISC holding a meeting without a quorum could not be substantiated. The ISC meeting in question was canceled due to not having a quorum.

We found that the Director of the Information Systems Division of the Department of Finance and Management (job) position exists and that any discrepancy was the result of a title change.

We found that the DTI Director, as the Mayor's "chief information officer", is an approved member of the ISC.

We found that the allegation that the chairmanship of the ISC did not rotate annually as required was substantiated.

We found that we could not substantiate the allegation that several ISC members, some with terms that expired over two (2) years ago, appear to have taken official action(s) without the authority to do so.

We were not able to substantiate the allegation that the ISC appears to have not developed or recommended to the City Council an information services master plan – "to keep it current" – for nearly a decade.

We were not able to substantiate the allegation that a majority of the published ISC agendas appear to have not properly informed the public as to the location of the ISC meetings.

We found that the allegation that no required annual ISC New Mexico Open Meetings Act (OMA) rules appear to have been published was substantiated.

The OIG was unable to determine the dollar value of any potential liability.

We made one (1) recommendation for improvement related to observations. Corrective action is pending implementation.

22-0022-C Aviation Department's waste of city resources through duplicate investigations

We investigated an allegation of waste regarding two separate City investigations into the same matter; one investigation was conducted by the City's OIG and the other was conducted by a private investigations firm hired by Central Human Resources.

We found that the allegation of waste was substantiated.

As a result of our investigation, we identified **\$5,000** in wasted taxpayer dollars.

We made eight (8) recommendations for improvement related to policies and procedures. Corrective action is pending implementation.

22-0052-C Animal Welfare Department's euthanasia of canine placed on TikTok by an employee

We investigated an employee who recorded the euthanasia of a canine at the Animal Welfare Department and posted the video on TikTok.

We found that the employee did record the euthanasia of a canine at the Animal Welfare Department and posted the video on TikTok.

The video was removed from TikTok and the department addressed the employee.

22-0064-C Aviation Finance Department's retaliation for participating in an investigation

We investigated an allegation of retaliation as the result of participation in an investigation conducted by the OIG and a private investigation firm regarding time card fraud.

We found that certain employees were retaliated against for participating in the investigation conducted by the OIG.

The OIG was unable to determine the dollar value of any potential liability.

We made two (2) recommendations for improvement related to policies and procedures. Corrective actions were implemented.

B | Informative Case Synopses**21-0032-C City employee vehicle spotted behind Bank of America while the driver was at Hooters**

We investigated an allegation of possible waste of City resources, and possible theft of City time due to a City vehicle parked behind Bank of America while the employee was inside Hooters.

We found that the employee was on-call and authorized to have the City vehicle and that there was no policy to prohibit specific activities while on-call, except the use of alcohol or illegal substances.

We were **not able to substantiate** waste associated with the use of a City vehicle or theft with the employee's visit to Hooters on City time.

21-0036-C Abuse of time of COA staff

We investigated an allegation that the City of Albuquerque Senior Affairs and Solid Waste staff would arrive at the Senior Center every morning during business hours to eat breakfast.

We were **not able to substantiate** waste associated with employees eating breakfast on City time.

21-0041-C City employees eating at North Domingo Multigenerational Center during work hours

We investigated an allegation that three males associated with the City of Albuquerque would arrive at the North Domingo Multigenerational center and eat breakfast every morning.

We were **not able to substantiate** waste associated with employees eating breakfast on City time.

21-0050-C Animal Welfare Department's mistreatment of a dog

We investigated an allegation where an injured puppy was denied care at the Animal Welfare Department because the animal was not from the correct jurisdiction.

We **were able to substantiate** that the injured puppy was denied care based on a Department directive at that time that stated that the City would not take animals from outside the City jurisdiction.

We made one (1) recommendation to revise the directive. The Directive was subsequently revised to clarify the process for accepting injured animals from any jurisdiction.

21-0053-C City of Albuquerque's illegal lighting installation

We investigated the alleged illegal installation of lighting, on Central Ave. between 1st and 8th streets, by the City of Albuquerque.

We found that the lighting was installed on the public right of way and that the installation was not subject to the Integrated Development Ordinance.

We were **not able to substantiate** the illegal installation of lighting by the City of Albuquerque.

21-0060-C Improper procedures for the installation of a barricade

We investigated the alleged improper procedures for installing barricades at San Rafael Ave and Carlisle Blvd and Santa Clara Ave and Columbia Dr.

We found that the Neighborhood Traffic Management Program (NMTP) procedures were followed.

We were **not able to substantiate** that the City did not follow procedures for installing barricades at San Rafael Ave and Carlisle Blvd and Santa Clara Ave and Columbia Dr.

21-0061-C Improper approval of the installation of solar panels by COA Planning

We investigated the alleged improper approval of the installation of solar panels creating a hazard for firefighters.

We found that the installation had the proper permitting and approvals and that there was no requirement for residential applicants to obtain approval or to have an inspection by the Albuquerque Fire Department.

We were **not able to substantiate** that the installation of solar panels was improper or that they did not comply with City regulations.

21-0087-C Parks and Recreation employee smoking marijuana and being rude

We conducted a preliminary investigation on a Parks and Recreation employee smoking marijuana and being rude to a citizen.

We found that the employee was hired through a temporary agency and that these employees do not fall under the jurisdiction of the OIG. The matter was referred to Rivenrock Staffing for their investigation.

21-0091-C Violation of the City's purchasing policy for APD's Gunshot Detection System

We investigated the allegation that APD's Gunshot Detection System did not go through the "public processes".

We found that the contract for APD's Gunshot Detection System did follow a public process that allows for "piggybacking" on an existing government contract.

We were **not able to substantiate** the allegation that the procurement did not follow "public processes".

21-0098-C Art & Culture Department's lack of training provided

We investigated the allegation of a lack of training at the Art & Culture Department resulting in employees being attacked, yelled at, and written up.

We found that due to Covid, some of the training courses were put online and required the employee to initiate the training. Additionally, KRONOS time management system training had been provided to seven (7) managers through the Art and Culture Department between September 2019 and September 2020. For non-managers, KRONOS training is provided during the new employee orientation (NEO).

We were **not able to substantiate** the allegations that there was a lack of training at the Art & Culture Department. The Deputy Director stated that no employee had been written up as the result of a lack of training. The complainant did not provide contact information therefore the OIG was not able to substantiate this allegation.

21-0103-C Parking citations not processed before dates of fee escalation

We investigated an allegation that parking citations are not processed before the dates of fee escalation.

We found that the parking division had new hires that were unaware of the policy exception for untimely submitted citations by enforcement officers.

As a result of our investigation, we identified an unnecessary fee escalation of **\$107.00**, including **\$77.00** in court fees.

We were **able to substantiate** that some parking citations are not processed before the dates of fee escalation, however, the Parking Division Manager was able to determine that this instance was related to an untimely submitted citation and resolved the matter to the satisfaction of the complainant.

We made one (1) recommendation that all new employees be provided training on the policy exception for untimely submitted citations as this matter is an ongoing issue.

21-0105-C AFR's inappropriate use of waivers for the position of Deputy Fire Chief

We investigated an allegation of job requirement waivers for the position of Deputy Fire Chief to hire specific individuals were inappropriate.

We found that the Department had a sufficient number of qualified candidates in its first hiring cycle. The Fire Chief stated that Administration wanted a larger pool so they asked him to waive the requirements for a limited period due to pandemic-related delays. The Fire Chief stated that the intent was to only temporarily halt the requirements as they are necessary to ensure National competitiveness and the credibility of the department. We requested a determination from the Director of Human Resources who stated that a waiver was appropriate in this situation.

Due to the determination of the Director of Human Resources, we were **not able to substantiate** that the waivers were inappropriate.

22-0008-C City's abuse of power related to Covid protocols

We investigated allegations of abuse of power related to Covid protocols via Administrative Instruction 7-67.

Initially, we found that OSHA had mandated regulation 1910.501 requiring vaccinations and testing that was effective January 10, 2022. The City was complying with the mandate while the U.S. Supreme Court was deliberating the constitutionality of OSHA regulation 1910.501.

We were **not able to substantiate** the abuse of power related to Covid protocols via Administrative Instruction 7-67. After the U. S. Supreme Court determined that OSHA regulation 1910.501 was unconstitutional, the City put a stay on Administrative Instruction 7-67.

22-0010-C Violation of the required process for negotiation with unions before issuing AI 7-67

We investigated an allegation that the City did not negotiate, in good faith, the effects of Administrative Instruction 7-67 with various unions.

We found that the allegations in the complaint **were substantiated** as of the date of complaint submission but that it has been negated by the stay of AI 7-67 and subsequent union negotiations on January 20, 2022, over the effects of the extended AI 7-58 and 7-64.

22-0021-C Fraud and abuse by the DMD Director related to IDO

We investigated allegations of fraud and abuse by the DMD Director regarding their violation of the City's Integrated Development Ordinance (IDO) related to residential lighting.

We found that there are no regulations over what the City can or cannot install on a public right of way. We also found that the Director did state that requests to shield one or two PNM lights would be considered. Additionally, the Director inquired as to whether the Neighborhood Association agreed with the request to shield fifty-eight (58) PNM lights throughout the

neighborhood. The Neighborhood Association stated that it is not opposed to the shielding of street lamps now, nor has it ever been.

We were **not able to substantiate** that the Director was in violation of the IDO or that the inquiry was intended to deceive the complainant.

22-0023-C City employee committing timecard fraud by earning a degree during work hours

We investigated an allegation of a City employee committing timecard fraud by earning a degree during working hours in violation of City regulations.

We found that the employee had approval and was getting the degree using the City's established policies and procedures.

We were **not able to substantiate** that the employee committed timecard fraud by earning a degree during working hours in violation of City regulations.

22-0030-C Procurement violations by a City employee

We investigated alleged procurement violations in the Warehouse/Fleet Divisions. One employee is said to have misspent city funds resulting in a waste of City resources regarding the direct benefit of rearranging offices and the ensuing redecorating costs. Improper disposal of assets, violations of policy for purchasing card usage, kickbacks/bribes, and requiring employees to work outside their class in the Warehouse/Fleet divisions were also alleged.

We found that the redesign took warehouse space and converted it into additional offices for the Fleet division. Furniture purchased was used to set up new office spaces. Existing furniture was used in other areas of the Fleet/Warehouse divisions or was processed as surplus. Warehouse employees have historically moved furniture as a part of their job responsibilities. Purchases made by the employee did not reveal any violations of the purchasing policy or P-card policy. There was no evidence identified to indicate the employee was engaged in or was the beneficiary of vendor paid kickbacks or bribes to have their items in the warehouse. We were able to determine that the employee was disengaged from the Warehouse Operations. We found no evidence that the employee benefited from their actions.

We were **not able to substantiate** the allegations as they related to the employee.

22-0046 Library timecard fraud

We investigated alleged timecard fraud by a Library employee.

We found that the employee held a position that required attendance at various sites during each work week. The employee would arrive at the site and contact the supervisor to record the time of arrival.

We were **not able to substantiate** the allegation of timecard fraud by a Library employee.

22-0047 Library job posting changed to pre-select applicant

We investigated allegations that management changed the job description to pre-select an applicant for the Library job posting.

We found that management did clarify the position description and posting announcement as a general specialist.

We were **not able to substantiate** the allegation that management changed the job description to pre-select an applicant for the Library job posting.

22-0049-C Illegal lighting installation between Carlisle Blvd and Girard Blvd

We investigated the alleged illegal lighting installation from Carlisle Blvd and Girard Blvd along Central Ave.

We found that the City has installed decorative festoon lighting in various public rights of way around the City of Albuquerque and the installation of such lighting in the public right of way is not in violation of the City's Integrated Development Ordinance (IDO). The city maintains that the installation of the festoon lighting was to create a safe and secure environment where citizens could enjoy the high traffic area. We found that the IDO relates to private property within the City of Albuquerque and does not apply to the public right of way.

We were **not able to substantiate** illegally installed lighting on Central Ave between Girard Blvd and Carlisle Blvd in direct violation of the City's IDO, that the festoon lighting was wasteful, that the Planning Department refused to cite the illegal lighting, or that the Director refused to bring the lighting into compliance with the IDO.

22-0057-C Unethical and corrupt behavior by City Councilors

We investigated allegations of unethical and corrupt behavior amongst two City councilors in the form of a Quid Pro Quo related to the plastic bag ban vote.

We found that the evidence reviewed reflected no instances of a quid pro quo related to the plastic bag ban vote. We did identify a weakness in the email system whereby City personnel are subjected to harassing, vulgar and profanity-laced correspondence.

As a result of our investigation, we made one (1) recommendation for the City's Information Technology Department to review the IT policies and procedures and to analyze if the City is employing best practices and the appropriate tools to mitigate harassing emails.

We were **not able to substantiate** the alleged unethical and corrupt behavior amongst two City Councilors in the form of a quid pro quo.

22-0100-C ABQtodo Instagram account promotions

We investigated an allegation that City employees were using public resources to promote the “wares (alcohol) of a private company” through the ABQtodo Instagram account.

We found that the ABQtodo is Albuquerque & Bernalillo County’s premiere events calendar and that anyone can post to it. The City’s Department of Technology and Innovation (DTI) does not support the ABQtodo website. Funding for the website comes from the City Lodger’s Tax fund.

We were **not able to substantiate** the City employees were using public resources to promote the “wares (alcohol) of a private company”.

C | Reviews

21-0001 Review of City and departmental policies

We conducted a review of the City and departmental policies. Our preliminary objectives were to assess the City’s efforts to (1) maintain and update policies and procedures to ensure efficiency and consistency, and (2) review whether the City or department policies and procedures are accessible to all City employees and receipt of those policies and procedures are acknowledged by employees.

We found that the City has many policies and procedures both at the Citywide level and departmental level. Policies are inconsistently created, promulgated, maintained, and reviewed.

The OIG provided ten (10) recommendations to encourage transparency, accessibility, and retention of policies and procedures, as well as employee accountability.

21-0004-R Review of the Animal Welfare Department’s previous six (6) investigations for unresolved findings

We conducted a review of past investigations involving the Animal Welfare Department (AWD). The OIG looked at all AWD investigations from 2015 through 2021, focusing on the OIG’s observations, assessments and findings during each of the investigations. The purpose of this review was to determine if there were any trends or similar issues identified in findings over the previous six (6) investigations that continued to resurface.

We found that there were three (3) reoccurring issues that were identified in multiple investigations. The department is not monitoring the procedures and practices that have been implemented as a result of corrective actions to ensure that previously identified issues are being addressed adequately and consistently.

The OIG provided four (4) recommendations to address previously identified issues and ensure that each is addressed adequately and monitored consistently.

22-0001-R Review of 311 complaint process

We conducted a review of the 311 complaint process. The purpose of this review was to gain an understanding of the process utilized by the 311 Communications Center to determine if duplication of efforts by the City departments and the OIG can be mitigated while ensuring that all complaints of fraud, waste, or abuse are appropriately referred to the OIG for assessment and investigation.

We found that unclear instruction, insufficiently defined terminology by the OIG, and high turnover in the 311 Communications Center created inconsistency in how the 311-referral system is operated. The 311-referral process appears to be adequately designed, however, opportunities exist for a process with limited or no duplication of efforts while ensuring that calls are addressed by the appropriate City department.

The OIG provided ten (10) recommendations to aid in mitigating the duplication of effort while ensuring that calls are addressed by the appropriate City department.

The Ways to Report Fraud, Waste, and Abuse to the Office of Inspector General:

Hotline – 505-768-4TIP (4847)

711 (TTY) for the hearing impaired

Email – TipsNow@cabq.gov

**For more information go to the Office of Inspector
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OIG's authority to produce reports of its findings and recommendations is established in the City of Albuquerque's Code of Ordinances §2-17-1 through §2-17-12. For further information about this report, please contact the City of Albuquerque's Office of Inspector General, P.O. Box 1293, Suite 5025, Albuquerque, NM 87103, or call us at 505-768-3150.

A copy of this report has been made available for public inspection at the Office of the Inspector General and is posted on the Office of Inspector General, City of Albuquerque website.

