



City of Albuquerque

City of Albuquerque
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10/4/2021	1	President	Referred	
10/4/2021	1	City Council	Received and Referred	



August 25, 2021

Honorable Mayor Tim Keller
Office of the Mayor

PO Box 1293
Albuquerque NM 87103

Councilor Cynthia Borrego, President
City Council
P.O. Box 1293
Albuquerque, NM 87103

Dear Mayor Keller and Councilor Borrego:

Office of Inspector General's Annual Report for fiscal year 2021
has been completed. The Accountability in Government Oversight Committee approved the Annual Report on
August 25, 2021 and I am pleased to transmit it to both the Mayor's Office and City Council for review.

Sincerely,

Nicole Kelley
Acting Inspector General

FY2021 Annual Report Office of Inspector General City of Albuquerque





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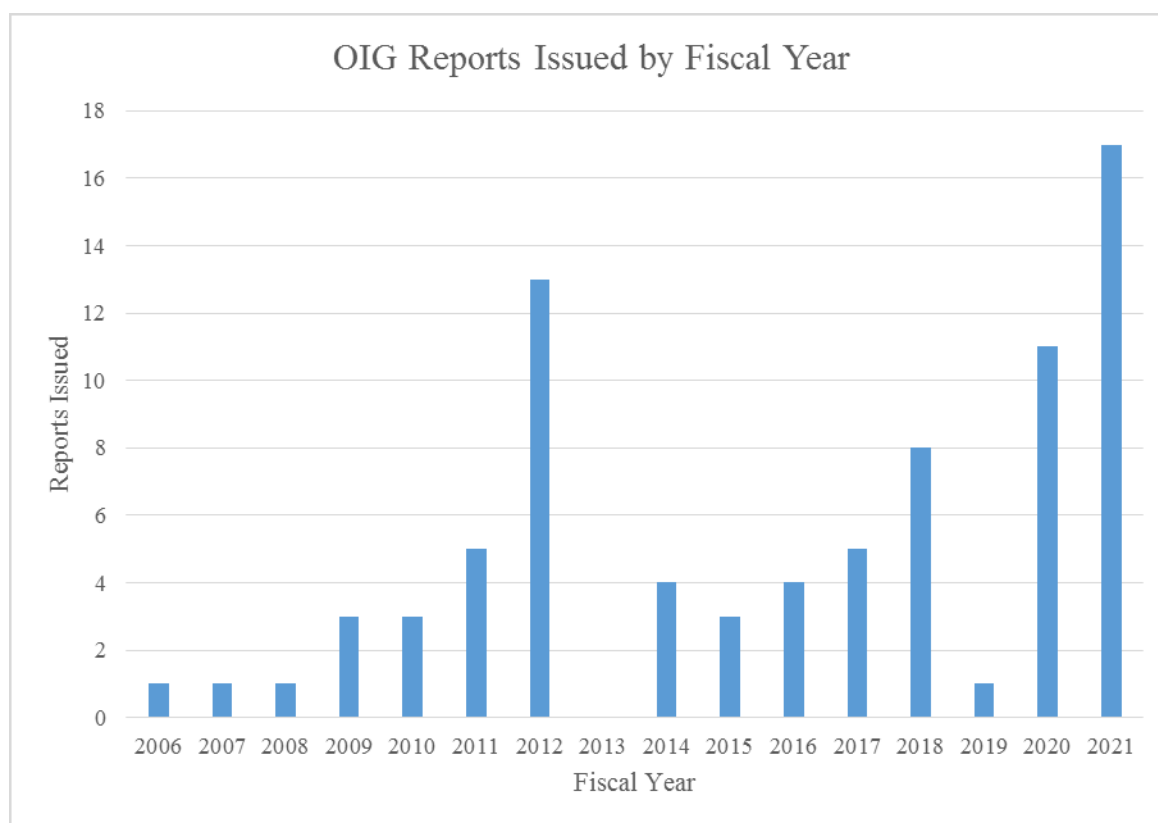
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OFFICE OF INSPECTOR GENERAL
Fiscal Year 2021 Annual Report
July 1, 2020 - June 30, 2021

Honorable Mayor, Members of the City Council, Accountability in Government Oversight Committee and Citizens of Albuquerque.

I am pleased to present the Annual Report for the Office of Inspector General (OIG) for the period of July 1, 2020 to June 30, 2021. The Annual Report summarizes the activities of the OIG for the past 12 months. As FY2021 saw the continuation of the COVID-19 pandemic, staff continued to primarily work remotely in accordance with social distancing orders. The effects of COVID-19 hit even closer to home when the office suffered the unexpected loss of Inspector General, Kenneth Bramlett, due to complications from the virus. This came as a devastating shock to the entire team, as the OIG lost a leader who was greatly admired and respected. Following Mr. Bramlett's passing in December, City Auditor, Nicole Kelley, stepped in to serve as Acting Inspector General.

Despite the circumstances that COVID-19 presented, the OIG remained extremely productive, issuing the most investigative reports since the Department's inception, demonstrating that OIG staff continues to be able to provide the appropriate oversight of the City's programs and resources. Specifically, in FY2021 the OIG issued 17 reports. The graph below details the number of reports issued each fiscal year since the office's inception.



In the beginning of FY2021, the OIG implemented a follow-up process for investigations and the OIG began requesting responses from City of Albuquerque (COA) Departments when findings and recommendations were made in OIG reports. Along with the request for responses, the OIG began conducting follow-ups on the recommendations made and the status of the corrective action(s) taken by the departments to address the findings noted. During FY2021, the OIG followed up on 36 recommendations from 10 issued reports. Of the 36 recommendations, departments reported having implemented 33 (92 percent). The remaining three recommendations were reported to be in progress and the OIG will follow up on their status during its next follow-up process.

The Mayor and Council have continued to show their support for the OIG. During FY2020, the OIG was provided funding for an additional investigator in the FY2020 budget. At the time, this additional investigator position was a contract position. In FY2021 not only did the Mayor and City Councilors continue to provide funding for this additional investigator position, but they granted approval for the position to be made a classified City position. As part of the FY2021 budget process, OIG requested and was approved for additional funding to reclassify one of its three existing Investigator positions to a Lead Investigator position. This organizational change will provide for additional opportunities for advancement that previously did not exist within the Department and allow for continuity of business operations in the event of disruption during times of crisis. Internal recruitment for the Lead Investigator position has begun, but selection for the position will take place once the new Inspector General, Melissa Santistevan, joins the office in August 2021.

The OIG would also like to thank the Accountability in Government Oversight Committee (AGO) for their continued support, especially throughout such a challenging year. The AGO continues to be an invaluable resource to the OIG and the Committee members have always made themselves available to assist this office

when appropriate.

Throughout the year, staff continued to expand their professional expertise by attending virtual conferences, at the local, regional and national levels. This allowed staff to participate in training and maintain their national certifications.

During FY2021 the OIG became members of the newly formed Western States Chapter of the Association of Inspectors General. In addition, some of the OIG staff held positions on the Board of Directors to include, Treasurer and Communications Committee Chair. Mr. Bramlett held the position of 2nd Vice President and upon his passing, one of the OIG investigators stepped in to fill his position.

Throughout the year, the OIG continued to expand its outreach in an effort to educate City employees and the citizens of Albuquerque about the OIG and its functions. In regards to these efforts, OIG implemented a distribution email sign-up option to its website, where the public can sign up to automatically receive OIG issued reports.

I would like to thank the many individuals who utilized any one of our communication avenues to report suspected fraud, waste, or abuse, and have resulted in our office's continued ability to provide transparency and accountability of City operations. I would also like to thank the Mayor's Office, City Council, and the numerous City Departments that we have worked with throughout the year, all of which have furthered our office's ability to ensure the integrity of City programs, processes, and resources.

Respectfully,

Nicole Kelley
Acting Inspector General



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

August 25, 2021

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

The Accountability 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 the City of Albuquerque Administrative government. The OIG is an independent, objective set of eyes who provides the City expertise in furtherance of its objectives. The OIG is certainly an integral part of the City of Albuquerque government.

Sincerely,

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

Laura Smigielski Garcia
Johnny I. Mangu
Victor Griego
C. Jack Emmons

Mission Statement

The mission of the Office of Inspector General is to serve as an independent and objective inspection and investigative body to promote effectiveness, efficiency, transparency and integrity, to prevent and detect fraud, abuse, mismanagement, and waste in the City of Albuquerque's programs and operations.

Vision Statement

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

Authority and Responsibility

The Albuquerque OIG's authority is established in City Ordinance Chapter 2, Article 17, which specifically creates the Office, the position of Inspector General, associated responsibilities, and duties. The Ordinance establishes the purpose of the Office and goals for the IG. The Ordinance also provides for the selection and retention of the IG, the authority, professional standards and requirements to provide reports. The Ordinance also requires OIG language in City contracts and states that all City officials, employees and contractors must notify the IG of every instance of theft, misfeasance, improper actions and non-compliance with laws at all government levels, as well as the requirement to cooperate with OIG during an investigation. The Ordinance established the OIG as an independent office of the City, which does not report to the Mayor or City Council, but instead to a five member, all volunteer civilian oversight committee - The Accountability in Government Oversight Committee. The Ordinance also empowers the IG to administer oaths and serve subpoenas. The IG

has the authority and responsibility to conduct investigations pertaining to violations of the Code of Ethics and Elections Code when requested by the Board of Ethics and Campaign Practices.

Finally, the IG has the authority to investigate violations of the Whistleblower Ordinance.

Whistleblower Ordinance

The Whistleblower Ordinance was established in January 2004 and provides protection to City employees who fear of having retaliation actions taken against them, such as a demotion or employment termination, for reporting activities such as violations of policies, 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 the supervisor, director or to 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 retaliation actions have taken place. A mere fear of retaliation action if something is reported, is not a violation of the policy. However, employees are encouraged to report any suspected violation of policy or law and the OIG can take steps to help protect the employee's identity.

Goals

OIG Goals are established in the Inspector General Ordinance as follows:

- (1) Conduct investigations in an efficient, impartial, equitable and objective manner;
- (2) Prevent and detect fraud, waste and abuse in city activities including all city contracts and partnerships;
- (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and
- (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

The OIG investigates allegations of fraud, waste and abuse in order to prevent recurrence, assist the City in achieving better results from limited resources and promote public trust in City government. Investigations may involve allegations of improper governmental actions as well as matters involving potential violation or non-compliance with federal and state law, city ordinances and city regulations. Many investigations are initiated on referrals from the Mayor's Office, members of the City Council as well as reports from citizens.

The OIG proactively conducts inspections per the OIG ordinance, to ensure compliance, efficiency and good stewardship with public funds. Inspections also may identify instances of fraud, waste and abuse as well as to ensure transparency in City operations and processes.

The OIG follows the AIG professional standards for both investigations and inspections. The Ordinance requires the Inspector General to report annually to the Council and the Mayor regarding activities and investigations of the office. The Annual Report of the OIG is for the fiscal year end on June 30, 2021.

Staff Professional Certifications

Professional Certifications held by OIG staff include but are not limited to:

- Certified Inspector General
- Certified Inspector General Investigator
- Certified Fraud Examiner
- Certified Inspector General Inspector/Evaluator

FY2021 Organizational Chart

Cases closed in FY2021

No. 21-0002-I - DFAS Attempted Fraud ACH Investigation

<https://www.cabq.gov/inspectorgeneral/documents/21-0002-i-dfas-attempted-fraud-ach-investigation-js.pdf/view>

The Office of Inspector General was asked to review an attempted Fraudulent ACH transaction from the City of Albuquerque in the amount of \$1.9 million to a vendor.

No. 20-0010-I Senior Affairs <https://www.cabq.gov/inspectorgeneral/documents/executive-summary-senior-affairs-final-20-0010-i.pdf/view>

The Office of the Inspector General was provided with information regarding allegations of threats of physical harm, harassment, retaliation and discrimination made by a Supervisor at the Office of Senior Affairs (SA). In addition, the initial complainants stated that there was a conflict of interest issue and improper use of a Procurement card (P-Card) at SA.

No. 21-0002-R Animal Welfare Department Volunteers https://www.cabq.gov/inspectorgeneral/documents/21-0002_r_animal_welfare_department_volunteers-docx.pdf/view

A confidential complaint was forwarded to the Office of Inspector General in reference to three volunteers with the Animal Welfare Department (AWD). These volunteers are alleged to have been reported multiple times to the various managers and the Director with AWD, yet have been able to continue volunteering and negatively representing both the Department and City of Albuquerque

No. 19-0007-I COA Capital Improvement Program Projects - Potential Fraud

<https://www.cabq.gov/inspectorgeneral/documents/19-0007-i-coa-capital-improvement-program-projects-potential-fraud-docusigned.pdf/view>

The Office of Inspector General was provided with information regarding allegations of the City of Albuquerque and possible fraud as it relates to the use of Capital Improvement Program (CIP) funds.

OIG Corrective Actions Follow Up Report <https://www.cabq.gov/inspectorgeneral/documents/oig-corrective-actions-follow-up-report-executed.pdf/view>

In 2020, the Office of Inspector General (OIG) began requesting responses from the City of Albuquerque Departments when findings and recommendations are made in OIG reports. The written responses include the department's planned corrective actions and where appropriate, date for achieving the planned actions. This process was implemented to further strengthen the procedures for resolutions of investigation findings and corrective actions on recommendations made. The purpose of this follow-up is to report on the progress made

by departments in addressing the report findings and recommendations.

[No. 21-0001-I Solid Waste Department - Potential Employee Misconduct](https://www.cabq.gov/inspectorgeneral/documents/21-0001-i-solid-waste-department-potential-employee-misconduct-executed.pdf/view)

[<https://www.cabq.gov/inspectorgeneral/documents/21-0001-i-solid-waste-department-potential-employee-misconduct-executed.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/21-0001-i-solid-waste-department-potential-employee-misconduct-executed.pdf/view)

The Office of Inspector General received a complaint indicating that a passenger in a Solid Waste truck was smoking an illegal substance in a business bathroom and that this was the second time this had occurred.

[No. 20-0001-R Albuquerque International Balloon Fiesta Contract Review](https://www.cabq.gov/inspectorgeneral/documents/aibf-report-of-investigation-final-executed.pdf/view)

[<https://www.cabq.gov/inspectorgeneral/documents/aibf-report-of-investigation-final-executed.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/aibf-report-of-investigation-final-executed.pdf/view)

The Office of Inspector General was asked to review the contract between the City and the Balloon Fiesta that details responsibilities of each party to the other. The purpose was to review the contract deliverables and reporting requirements to ensure they were in compliance.

[No. 20-0004-I Review of Travel of City Councilor Pena](https://www.cabq.gov/inspectorgeneral/documents/20-0004-i-review-of-travel-of-city-councilor-pena-final.pdf/view) [<https://www.cabq.gov/inspectorgeneral/documents/20-0004-i-review-of-travel-of-city-councilor-pena-final.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/20-0004-i-review-of-travel-of-city-councilor-pena-final.pdf/view)

The Office of Inspector General reviewed the findings and recommendations of the Office of the State Auditor regarding travel expenses of City Councilor Pena that were not in compliance with City travel regulations.

[No. 20-0001-I Improper Personnel Action/Abuse of Position](https://www.cabq.gov/inspectorgeneral/documents/20-0001-i-improper-personnel-action-abuse-of-position-final-executed.pdf/view)

[<https://www.cabq.gov/inspectorgeneral/documents/20-0001-i-improper-personnel-action-abuse-of-position-final-executed.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/20-0001-i-improper-personnel-action-abuse-of-position-final-executed.pdf/view)

The OIG conducted and completed investigation 19-0002-I “Beehive” which was approved on May 27, 2020. During the course of that investigation several other red flags were found along with similar complaints being brought to our attention. All had a common denominator, the Former Animal Welfare Department Director (AWD), D1. The decision was made to open a separate investigation to look into those issues.

[No. 20-0011-I Whistleblower Complaint, Sexual Harassment, Retaliation](https://www.cabq.gov/inspectorgeneral/documents/final_report_20-0011-i-executed.pdf/view)

[<https://www.cabq.gov/inspectorgeneral/documents/final_report_20-0011-i-executed.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/final_report_20-0011-i-executed.pdf/view)

The Office of Inspector General received a complaint that expressed concerns about the Department of Municipal Development Security Division.

[No. 20-0005-I- Violation of Personnel Policies](https://www.cabq.gov/inspectorgeneral/documents/20-0005-i-executed-final.pdf/view) [<https://www.cabq.gov/inspectorgeneral/documents/20-0005-i-executed-final.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/20-0005-i-executed-final.pdf/view)

The Office of Inspector General conducted an investigation regarding concerns that a Department of Municipal Development employee had been conducting personal business during work hours, including running a home health care business during work hours.

[No. 19-0001-R Emprende Latino Review](https://www.cabq.gov/inspectorgeneral/documents/19-0001-r-emprende-latino-review-final.pdf/view) [<https://www.cabq.gov/inspectorgeneral/documents/19-0001-r-emprende-latino-review-final.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/19-0001-r-emprende-latino-review-final.pdf/view)

The Office of Inspector General received a request to conduct a performance review of a contract the Economic Development Department had established with EmprendeLatino, LLC to support entrepreneurs in the Hispanic community. The organization had undergone a significant change in staffing and the requestor wanted to ensure that there were no performance problems as a result.

[No. 19-0003-C Public Access TV](https://www.cabq.gov/inspectorgeneral/documents/19-0003c-report-of-investigation-public-access-tv-final.pdf/view) [<https://www.cabq.gov/inspectorgeneral/documents/19-0003c-report-of-investigation-public-access-tv-final.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/19-0003c-report-of-investigation-public-access-tv-final.pdf/view)

The Office of the Inspector General was provided with information regarding allegations with City of

Albuquerque and possible fraud as it relates to the public access TV contract. The allegations involved the eligibility of the contractor to obtain the initial contract, property obtained and purchased with City funds as well as property being retained by the contractor, and the office/location used by the contractor.

[No. 20-0009-I Animal Welfare Department Volunteer <https://www.cabq.gov/inspectorgeneral/documents/awd-volunteer-20-0009-i-final_.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/awd-volunteer-20-0009-i-final_.pdf/view)

A complaint was forwarded to the Office of the Inspector General in reference to a volunteer with the Animal Welfare Department. This volunteer is alleged to have been reported multiple times to the various managers and Directors within the Animal Welfare Department, yet has been able to continue volunteering and negatively representing both the Department and City.

[No. 20-0003-I - Disputed Contract Pricing <https://www.cabq.gov/inspectorgeneral/documents/disputed-contract-pricing-20-0003-i-final-executed.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/disputed-contract-pricing-20-0003-i-final-executed.pdf/view)

The Office of Inspector General received information that a vendor was overcharging the City based on the price list the complainant had. Aviation employee, AV1 contacted the OIG stating that there was a situation regarding a vendor to which Aviation “piggybacked” off of for services. AV1 stated the State of New Mexico Purchasing Division awarded a Price Agreement off of a Federal, General Services Administration (GSA) schedule.

[No. 20-0008-I Theft of City Property <https://www.cabq.gov/inspectorgeneral/documents/theft-of-city-property-final-executed.pdf/view>](https://www.cabq.gov/inspectorgeneral/documents/theft-of-city-property-final-executed.pdf/view)

The Office of Inspector General conducted an investigation based on information received regarding concerns that a twenty-foot (20') trailer was removed from the BioPark grounds and given to a local subcontractor. It is alleged that the trailer belonged to the City.

Received Tips:

Source	Quantity
768-4TIP	19
Email to: tipsnow@cabq.gov	12
OIG personal communications	15
311 Complaint	139
Inspector General’s web form	16
Other	0
Total	201

Looking Forward to FY2022

The OIG is looking forward to a very productive FY2022. FY2022 has already gotten off to a busy start for the OIG with a request by the Board of Ethics for an investigation. Staff are also concluding several investigations that were initiated in FY2021. We believe these investigations will support the transparency and accountability expected by the City of Albuquerque and its citizens. The OIG is also looking forward to welcoming its new Inspector General, Melissa Santistevan, in August 2021.

Our best source of information are the tips and information received from the employees and citizens of Albuquerque. The OIG is asking if you see or know something, say something and help us to enhance the trust placed in the governance of the City of Albuquerque.