



OFFICE OF THE COUNTY AUDITOR

Craig Glendenning, CPA
County Auditor

February 8, 2018

The Honorable Members of the County Council
The Honorable County Executive Allan Kittleman
3430 Courthouse Drive
Ellicott City, MD 21043

Dear Members and Mr. Kittleman:

In accordance with Section 212 of the Howard County Charter, I am reporting on the results of our investigation of an allegation claiming the Superintendent of the Department of Public Works Dayton Center misappropriated County resources and assets.

BACKGROUND

In December 2017, I received an email which included signed affidavits from two Department of Public Works (DPW) employees alleging that they were instructed to deliver County owned asphalt millings (millings) to the Dayton Center (Dayton) Superintendent's address in April 2017.

Millings is the product resulting from the removal of existing asphalt from road surfaces prior to resurfacing or other methods of road repair. Although we were advised that the County does not have a lot of use for millings, there are uses that make it a commodity. For example, it has advantages over stone on gravel driveways. We were advised that it packs tighter under traffic, handles the elements better, and hardens over time, which provides a surface which requires less maintenance. It is also a recyclable material.

The Administration's directive on scavenging/theft of County property is documented in a September 2015 Memo, which was provided to all DPW, Recreation and Parks, and Fleet employees. It prohibits the unauthorized removal, extraction or use of scrap and/or surplus materials, and states that there is zero tolerance. It also states that employees would be "subject to disciplinary action, which may include termination."

FINDINGS

The County utilizes an Automatic Vehicle Location (AVL) system to monitor and dispatch vehicles based on real time GPS data. After reviewing the AVL reports, we determined that three County dump trucks made a total of 10 direct trips between Dayton and the Superintendent's home address on April 28, 2017.

We met with one of the truck drivers (the driver) and his Union Representative. According to the driver:

- A Supervisor instructed the three drivers to deliver millings to an address on Old Frederick Road.
- They were met by an individual operating a skid loader who identified himself as the Superintendent's neighbor. He instructed them to dump their loads at the entrance to a driveway, which is considered County right-of-way.
- The neighbor spread the millings onto the long driveway which is a use-in-common driveway he shares with the Superintendent.
- A Supervisor instructed them to continue to deliver the millings to the address until the Superintendent's neighbor told them he had enough. According to the Assistant Chief of Highways, the truck's capacity is 10 tons, therefore as much as 100 tons of millings was delivered.
- DPW's past practice was to provide the public with millings if requested, however, they have never previously been instructed to make special trips to deliver millings to someone's property.

According to the Union Representative, he discussed the issue with the Assistant Chief Administrative Officer (Assistant CAO) in October 2017. We met with the Assistant CAO who stated that the Union Representative initially indicated that the millings were delivered in July 2017. After reviewing the AVL reports for the trucks in question, he determined there was no activity at the Superintendent's address in July. He therefore concluded there was no transgression and did not investigate further. He provided us with the following documentation:

- An October 24, 2017 email from the Deputy Chief, Bureau of Highways to the Director of DPW's Administrative Manager stating that there was no activity at that address in July, therefore the Deputy Chief concluded that the accusations were baseless and he considered the issue resolved.
- An October 25, 2017 email from the Assistant CAO to the Union Representative informing him that he had determined that the information was inaccurate, and as a result, he would not be interviewing the drivers.
- A December 1, 2017 Memo from the Deputy Chief, Bureau of Highways stating the following:
 - On October 24th he had driven by the subject address and sighted millings on the driveway.

- He spoke to the Superintendent who informed him that he had advised his staff to drop the millings at the right-of-way at the request of his neighbor, with whom he shares the driveway. The Superintendent also stated that one of his staff advised him that it was past practice for the County to provide millings to private citizens.
- No disciplinary action was taken because (1) the Superintendent was not aware of the County's directive on scavenging and theft of County property, (2) the request came from his neighbor, and (3) his staff had informed him it was past practice.

We interviewed seven DPW personnel and determined the following:

- All DPW personnel stated that although millings have some value to the County, they were generally considered waste material. It was common practice to provide millings to County residents if requested. However, the normal practice was to provide the millings while out at a jobsite.
- Special trips to deliver the millings using County trucks and staff were not appropriate.
- A Supervisor stated that the Superintendent directed him to have the truck drivers deliver the millings to a specific address.
- Three employees, including the Superintendent, stated that delivering the millings to the Superintendent's address was not an issue in their opinion because the trucks were supposed to be dropping the millings on their way to a jobsite, however as noted above all the trips were directly to and from the Superintendent's address.

CONCLUSION

In my opinion, the Superintendent did misappropriate County resources and assets by using County trucks, gas, employees, and property for his personal benefit. Additionally, County property should not be provided to residents at no charge, unless the Administration has a policy that allows it, and it is publicized so all residents can take advantage of it.

Sincerely,



Craig Glendenning
County Auditor

cc: Mr. Lonnie Robbins, Chief Administrative Officer
Mr. Jim Irvin, Director, Department of Public Works
Mr. Gary Kuc, County Solicitor