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

Hector Collazo Jr.
Inspector General/Chief Audit Executive

Investigation Team
Melissa Dondoro, CPA, CIA, CIGA, CIGI, CITP, CRMA, CFS – Assistant Inspector General
Darcy Eckert, CIGA, CIGI – Inspector General II
Jason Stanley, CISA, CIGA, CIGI – Inspector General II

September 20, 2017
REPORT NO. 2017-11
September 20, 2017

Gay Lancaster, Interim Executive Director, Pinellas County Construction Licensing Board (PCCLB)
Bernie McCabe, State Attorney, Sixth Judicial Circuit Court

The Division of Inspector General’s Public Integrity Unit (PIU) received an allegation of Fraud, Waste, and Abuse. We have completed an investigation of the following allegation:

- Two PCCLB Investigators were committing time and attendance fraud by misusing County time and equipment in order to conduct personal business. Substantiated.

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

The PIU is issuing separate reports for each PCCLB Investigator (Respondent). This report pertains to Anthony D. DeBernardi, PCCLB Contractors Certification Field Investigator (Respondent #1). The recommendations presented in this report may not be all-inclusive of areas where improvement may be needed. We believe that implementation of the following recommendations will strengthen the current internal controls.

We appreciate the full cooperation and assistance of PCCLB management during our investigation. If you have any questions, please do not hesitate to contact me at 464-8371.

Respectfully Submitted,

Hector Collazo Jr.
Inspector General/Chief Audit Executive

cc: Ken Burke, CPA, Clerk of the Circuit Court & Comptroller
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>4</td>
</tr>
<tr>
<td>Summary of Investigative Findings</td>
<td>5</td>
</tr>
<tr>
<td>Investigative Findings, Issues and/or Concerns</td>
<td></td>
</tr>
<tr>
<td>1. Respondent #1 Misused County Time And Equipment.</td>
<td>7</td>
</tr>
<tr>
<td>2. Respondent #1 Engaged In Conduct Unbecoming A County Employee.</td>
<td>10</td>
</tr>
<tr>
<td>3. There Is A Lack Of Supervisory Review Of GPS Data.</td>
<td>12</td>
</tr>
</tbody>
</table>
INTRODUCTION

Synopsis

As part of an audit of the Pinellas County Construction Licensing Board (PCCLB), a preliminary review of global positioning system (GPS) data reported from PCCLB Investigators’ vehicles indicated that two Investigators may be misusing County time and equipment. The Division of Inspector General’s Public Integrity Unit (PIU) investigated the allegation. This report pertains to the allegation against Respondent #1 and a separate report will be issued related to the allegation and investigation of Respondent #2. The PIU determined that the allegation against Respondent #1 is substantiated, as there is sufficient evidence to reasonably conclude the allegation is true.

The PIU performed an analysis of the GPS data obtained, and performed surveillance of Respondent #1 on several days. Respondent #1 was observed spending a significant amount of work time performing personal errands. In addition, during our investigation, Respondent #1 was involved in an altercation outside of working hours during which time Respondent #1 was accused of displaying a PCCLB badge as if it were a law enforcement badge. Respondent #1 subsequently misused County access to LexisNexis to search for the other party in the altercation. Respondent #1 was interviewed and admitted to taking excessive personal time during work hours, using LexisNexis for personal reasons, and displaying the PCCLB badge during the altercation, but stated it was displayed to show that Respondent #1 was a government employee. Respondent #1 was able to misuse County time and equipment because there was minimal oversight of Investigators and management was not regularly reviewing GPS data from Investigators’ vehicles. Respondent #1 resigned from employment at the conclusion of the PIU formal interview.
# Summary of Investigative Findings

<table>
<thead>
<tr>
<th>NO.</th>
<th>INVESTIGATIVE FINDINGS CAPTIONS RECOMMENDATIONS</th>
<th>MANAGEMENT RESPONSES</th>
<th>IMPLEMENTATION STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Respondent #1 Misused County Time And Equipment.</strong></td>
<td>Concur</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>A</td>
<td>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.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>B</td>
<td>Educate staff on the appropriate use of County time and equipment in accordance with all Pinellas County policies and rules.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>2</td>
<td><strong>Respondent #1 Engaged In Conduct Unbecoming A County Employee.</strong></td>
<td>Concur</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>A</td>
<td>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.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>B</td>
<td>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.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>C</td>
<td>Educate staff on the appropriate displaying of a PCCLB badge in accordance with all Pinellas County policies and rules.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>3</td>
<td><strong>There Is A Lack Of Supervisory Review Of GPS Data.</strong></td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>A</td>
<td>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.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>B</td>
<td>Create documented policies and procedures for routine supervisory GPS data reviews.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
<tr>
<td>C</td>
<td>Educate staff on the appropriate use of County vehicles, as well as the capabilities of the GPS reporting function.</td>
<td>Concur</td>
<td>In Progress or Planned</td>
</tr>
</tbody>
</table>
**Background**

The PCCLB is an Independent 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 21 members on the Board. The Building Directors of Clearwater, St. Petersburg, and Pinellas County are permanent members. The remaining 18 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.

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 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 will be issued for the investigation of Respondent #2.

Through our investigation, we obtained sufficient evidence to **substantiate** the allegation against Respondent #1.
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.

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

Public Integrity Unit, Division of Inspector General
Clerk of the Circuit Court and Comptroller
Page 7
### Respondent #1 – GPS Data – Excess Idling

<table>
<thead>
<tr>
<th>Location</th>
<th>Number of Excess Idle Alerts</th>
<th>Total Hours of Idle Time (Hours: Minutes: Seconds)</th>
<th>Average Idle Time at Location (Hours: Minutes: Seconds)</th>
<th>Maximum Idle Time at Location (Hours: Minutes: Seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frida’s Bakery</td>
<td>40</td>
<td>7:32:23</td>
<td>0:11:19</td>
<td>0:27:46</td>
</tr>
<tr>
<td>Physical Fitness Centers</td>
<td>62</td>
<td>13:30:43</td>
<td>0:13:05</td>
<td>0:43:30</td>
</tr>
<tr>
<td>Shopping Centers (including Dining)</td>
<td>289</td>
<td>88:02:48</td>
<td>0:18:17</td>
<td>1:26:50</td>
</tr>
<tr>
<td>Post Office</td>
<td>26</td>
<td>6:46:07</td>
<td>0:15:37</td>
<td>0:38:25</td>
</tr>
<tr>
<td>PCCLB Office</td>
<td>351</td>
<td>95:51:15</td>
<td>0:16:23</td>
<td>1:02:55</td>
</tr>
<tr>
<td>TOTAL HOURS</td>
<td></td>
<td>211:43:16</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Hours At Frequently Visited Non-Work Locations and Excess Idling (Hours: Minutes: Seconds)</td>
<td>737:31:33</td>
</tr>
<tr>
<td>Allotted Lunches and Breaks (Hours: Minutes: Seconds)</td>
<td>(438:00:00)</td>
</tr>
<tr>
<td>Misused County Time (Hours: Minutes: Seconds)</td>
<td>299:31:33</td>
</tr>
<tr>
<td>Hourly Rate (Including benefits)</td>
<td>$36.13</td>
</tr>
<tr>
<td>Total Cost of Misused County Time</td>
<td>$10,821.87</td>
</tr>
<tr>
<td>Total Hours Of Excess Idle Time (Hours: Minutes: Seconds)</td>
<td>211:43:16</td>
</tr>
<tr>
<td>Cost of Fuel Per Hour</td>
<td>$0.50</td>
</tr>
<tr>
<td>Total Cost of Misused County Equipment (Fuel Cost)</td>
<td>$105.86</td>
</tr>
<tr>
<td>TOTAL COST OF MISUSED COUNTY TIME AND EQUIPMENT</td>
<td>$10,927.73</td>
</tr>
</tbody>
</table>

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 recommend 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.
Management Response:

A. Management Concurs.

B. Management Concurs. As part of the policy manual being written, management will be required to orient and educate staff regarding the appropriate use of time and equipment, and monthly monitoring of the GPS data will be undertaken by supervisory staff responsible for those who drive agency vehicles.

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. Accurint 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 recommend 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.
Management Response:

A. Management Concurs.

B. Management Concurs. The policy manual will mandate training of all staff on the appropriate use of equipment, and include references to the County’s policy and rules.

C. Management Concurs. Orientation and training will be mandated to include proper and appropriate use of the PCCLB badge and credentials.

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 recommend 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.

Management Response:

A. Management Concurs. The policies being written will include specific review elements for the GPS data.
B. Management Concurs. The policy will mandate monthly supervisory review of the GPS data.

C. Management Concurs. New staff orientation and ongoing education will include an explanation of the GPS capabilities and appropriate use of vehicles.
DIVISION OF INSPECTOR GENERAL
KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER
PINELLAS COUNTY, FLORIDA

SERVICES PROVIDED
AUDIT SERVICES
INVESTIGATIONS
GUARDIANSHIP SERVICES
CONSULTING
TRAINING
COUNTY FRAUD HOTLINE
GUARDIANSHIP FRAUD HOTLINE
PCS0 PREA HOTLINE

Call: (727) 464-8371
Fax: (727) 464-8386
Fraud: (727) 45FRAUD
(727) 453-7283

Internet: www.mypinellasclerk.org
www.twitter.com/pinellasisg
www.facebook.com/igpinellas

Write:
Division of Inspector General
510 Bay Avenue
Clearwater, FL 33756

An Accredited Office of Inspector General