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

INVESTIGATION OF PCCLB EMPLOYEES' MISUSE OF COUNTY TIME – RESPONDENT #2

Hector Collazo Jr.
Inspector General/Chief Audit Executive

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SEPTEMBER 20, 2017
REPORT NO. 2017-12
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 Paul Roberts, PCCLB Contractors Certification Field Investigator (Respondent #2), Respondent #2. 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
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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 #2 and a separate report will be issued related to the allegation and investigation of Respondent #1. The PIU determined that the allegation against Respondent #2 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 #2 on several days. Respondent #2 was observed spending a significant amount of work time performing personal errands. In addition, during our investigation, Respondent #2 was found to have misused County internet access by spending excessive time visiting non-work related websites and sending inappropriate images via County e-mail. Respondent #2 was interviewed and admitted to taking excessive personal time during work hours and using County resources to download and send inappropriate images. Respondent #2 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 #2 retired from employment at the conclusion of the PIU formal interview.
### Summary of Investigative Findings

<table>
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<tr>
<th>NO.</th>
<th>INVESTIGATIVE FINDINGS CAPTIONS RECOMMENDATIONS</th>
<th>MANAGEMENT RESPONSES</th>
<th>IMPLEMENTATION STATUS</th>
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<tr>
<td>1</td>
<td><strong>Respondent #2 Misused County Time And Equipment.</strong>&lt;br&gt;Based on the immediate action taken by management and the Respondent retiring from employment on May 18, 2017, no management recommendation is necessary with respect to disciplinary action.</td>
<td>Concur</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>2</td>
<td><strong>Respondent #2 Misused County Internet Access.</strong>&lt;br&gt;Educate staff on appropriate internet usage.</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>&lt;br&gt;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.&lt;br&gt;Create documented policies and procedures for routine supervisory GPS data reviews.&lt;br&gt;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>
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Public Integrity Unit, Division of Inspector General<br>Clerk of the Circuit Court and Comptroller<br>Page 5
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 #2. A separate report will be issued for the investigation of Respondent #1.

Through our investigation, we obtained sufficient evidence to substantiate the allegation against Respondent #2.
1. **Respondent #2 Misused County Time And Equipment.**

We conducted an analysis of GPS data in conjunction with performing surveillance, and concluded that Respondent #2 misused County time and equipment. Respondent #2 frequently visited non-work locations and stayed for extended periods of time in excess of allowable lunches and breaks. Additionally, Respondent #2'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 #2 spent a minimum of 920 hours and 7 minutes parked at non-work related locations, including Respondent #2's residence, shopping centers, a shooting range, and other residences. Additionally, Respondent #2 spent 63 hours and 32 minutes idling at non-work locations and the PCCLB office, for a total of 983 hours and 40 minutes. During that period of time, Respondent #2 was allotted 447 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 #2 misused a minimum of 536 hours and 40 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>
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<tbody>
<tr>
<td>Shopping Centers</td>
<td>661</td>
<td>335:01:14</td>
<td>0:30:25</td>
<td>2:08:29</td>
</tr>
<tr>
<td>Shopping Centers (Dining)</td>
<td>315</td>
<td>135:40:12</td>
<td>0:25:51</td>
<td>1:58:48</td>
</tr>
<tr>
<td>Shoot Straight Gun Range</td>
<td>4</td>
<td>2:18:10</td>
<td>0:34:32</td>
<td>1:00:37</td>
</tr>
<tr>
<td>Two Residences</td>
<td>79</td>
<td>55:43:11</td>
<td>0:36:58</td>
<td>1:30:14</td>
</tr>
<tr>
<td>TOTAL HOURS</td>
<td></td>
<td>920:07:28</td>
<td></td>
<td></td>
</tr>
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</table>
Investigative Findings
Investigation of PCCLB Employees' Misuse of County Time – Respondent #2

<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>
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</thead>
<tbody>
<tr>
<td>Respondent #2's Residence</td>
<td>39</td>
<td>7:53:16</td>
<td>0:12:08</td>
<td>0:33:57</td>
</tr>
<tr>
<td>PCCLB Office</td>
<td>90</td>
<td>19:11:21</td>
<td>0:12:48</td>
<td>0:46:12</td>
</tr>
<tr>
<td>Shopping Centers</td>
<td>178</td>
<td>34:33:03</td>
<td>0:11:39</td>
<td>0:51:43</td>
</tr>
<tr>
<td>Two Residences</td>
<td>10</td>
<td>1:55:15</td>
<td>0:11:28</td>
<td>0:22:48</td>
</tr>
<tr>
<td>TOTAL HOURS</td>
<td></td>
<td>63:32:55</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Between April 16, 2015 and March 10, 2017, based on the misuse of County time (536 hours and 40 minutes of excessive lunch/break time) and equipment (using PCCLB vehicle for personal errands and excessively idling), Respondent #2 wasted approximately $19,400, considering wages, benefits, and excessive idle fuel costs.

| Total Hours At Frequently Visited Non-Work Locations and Excess Idling (Hours:Minutes:Seconds) | 983:40:23 |
| Allotted Lunches and Breaks (Hours:Minutes:Seconds) | (447:00:00) |
| Misused County Time (Hours:Minutes:Seconds) | 536:40:23 |
| Hourly Rate (including benefits) | $36.13 |
| Total Cost of Misused County Time | $19,390.00 |
| Total Hours Of Excess Idle Time (Hours:Minutes:Seconds) | 63:32:55 |
| Cost of Fuel Per Hour | $0.49 |
| Total Cost of Misused County Equipment (Fuel Cost) | $31.14 |
| TOTAL COST OF MISUSED COUNTY TIME AND EQUIPMENT | $19,421.14 |

Surveillance was performed on several dates in March and April of 2017, which provided photograph and video evidence of Respondent #2 attending to personal errands during work hours, which supported evidence obtained from the GPS analysis. During the interview on May 18, 2017, Respondent #2 admitted to taking excessive personal time during work hours.

Respondent #2 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 #2's misuse of time and
Investigative Findings
Investigation of PCCLB Employees' Misuse of County Time – Respondent #2

equipment not only cost the PCCLB, at minimum, over $19,000, 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 #2 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 #2 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 retiring from
employment on May 18, 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.

2. **Respondent #2 Misused County Internet Access.**

Review of internet usage between June 1, 2016 and April 4, 2017 demonstrated Respondent #2 spent an average of approximately 35 minutes each day visiting thousands of non-work related websites. The top six non-work related website categories were:

- Social networking
- Shopping
- Real estate
- Weapons
- Motor vehicles
- Streaming media

While minimal use of the internet for personal reasons during employee breaks and lunch may be appropriate, Respondent #2 typically spends half of the work day in the office and the other half in the field. Therefore, the time calculated is considered excessive when compared to time spent working in the office.

The excessive internet usage was a result of a lax work environment. In addition, when interviewed, Respondent #2 explained that over the last several years, his motivation at work had decreased due to stressful work conditions. Excessive internet use for personal reasons results in reduced productivity, adding to the decreased revenue the PCCLB is currently experiencing.

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 Statement of Ethics, and the Electronic Media Use Policy.

Respondent #2 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.
- D35 – Violation of Pinellas County Statement of Ethics.
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."

The Pinellas County Electronic Media Use Policy states in Prohibited Activities:

"While limited personal use of County equipment is acceptable, excessive or inappropriate personal use of County equipment is prohibited. Where personal use does occur, supervisors must ensure that such use does not interfere with performance of public duties...

Further, unless required as part of their official duties, employees who utilize the County’s computer systems may not engage in activities such as:

- Engaging in online chat activities or serial e-mailing and/or messaging techniques that are unrelated to official County business;"

We recommend PCCLB management:

Educate staff on appropriate internet usage.

Management Response:

Management Concurs. All staff will be educated on the appropriate use of the internet, and policies are being written to require management to assure this is done. Management will also be required to monitor such use by all staff.

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.

B. Management Concurs.

C. Management Concurs.
DIVISION OF
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KEN BURKE, CPA
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