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REPORT OF INVESTIGATION

FILE NO: OIG I18-102

DATE: October 20, 2017

SUBJECT: BP-1 (BioPark General Maintenance Worker)
BP-2 (Supervisor of BP-1)
BP-3 (Supervisor of BP-2)

SCHEME: Alleged Misappropriation of City Resources by City Employees

STATUS: Closed

INVESTIGATORS: Peter Pacheco, JoVonne O'Connell and David T. Harper

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Executive Summary

The Office of the Inspector General (OIG) for the City of Albuquerque (City), NM, conducted an investigation based on a complaint that a BioPark City employee (BP-1) had used City resources and materials to convert a maintenance supply room at the BioPark zoo into a makeshift “barbershop” where he provided haircuts to City employees. The approach to this investigation was to verify whether there was a makeshift barbershop on City property and then interview BioPark maintenance employees and supervisors to determine if BP-1 provided haircuts to City employees at the converted barbershop.

OIG made an unannounced visit to the secured maintenance area at the BioPark zoo to verify that a maintenance supply room had been converted into a barbershop area. An inspection of the building resulted in locating the converted space in a loft area and items used to provide haircuts (Exhibit 1).

Interviews of BioPark maintenance employees and a review of the work order data disclosed that electrical work was done to the barbershop area which was allowed by the BioPark supervisors. The investigation disclosed that 15 of the 17 BioPark personnel interviewed admitted to knowing that BP-1 had provided haircuts and converted the maintenance space into a barbershop. Seven of those interviewed admitted to having their hair cut by BP-1, but that the haircuts were provided during their lunch hour.

BP-1 admitted to emptying the supply room and converting it into a barbershop, where he provided haircuts to BioPark maintenance employees. He said he provided the haircuts during the lunch hour and never accepted compensation.

BioPark maintenance supervisors facilitated the conversion of the barbershop and permitted BP-1 to provide haircuts to employees on City property. Two supervisors received haircuts from BP-1 on City property.

Finally, the report concludes with the OIG’s Proof Analysis, which substantiated two allegations that were violations of the City’s Personnel Rules and Regulations, § 301.17 Supervision of Employees and § 301.12 City Property.

Introduction:

The Office of Inspector General (OIG) received a complaint that alleged potential illegal activity had taken place at the City of Albuquerque's (City) BioPark zoo. Specifically, the complainant stated that an employee had used the City's resources and material to convert a maintenance supply room into a makeshift "barbershop" where he provided haircuts to City employees.

Background:

According to the complaint, a BioPark employee (BP-1) was attending barber school and had set up a "barbershop" in one of the zoo's maintenance supply rooms located in the maintenance area of the zoo. The complaint further alleged that City employees were used during official work hours to install electrical outlets, lighting, a compressed air line, mirrors, an air conditioner and a fan.

The complainant stated that several of the BioPark maintenance employees had received haircuts from BP-1, to include his supervisor (BP-2), and the supervisor's supervisor (BP-3). The complainant also said the individuals that didn't receive haircuts still had knowledge of the barbershop and that haircuts were provided there by BP-1.

Scope and Methodology:

The scope of this investigation focused on the alleged misappropriation of City resources, to include the time of employees used in conversion of the space to a barbershop. The methodology consisted of reviewing relevant documents and interviewing witnesses that could provide information regarding the allegation. Additionally, the investigation was coordinated with the City Attorney's office to obtain legal guidance regarding relevant City ordinances, rules and regulations.

The following activities were conducted as part of the investigative process:

- Onsite visit to the zoo to verify the presence of the barbershop
- Interviews of maintenance personnel employed at zoo
- Coordination with the State Regulation and Licensing Department, Board and Commissions for Barbers and Cosmetologists
- Legal review of pertinent City ordinances, rules and regulations relevant to the allegations in the complaint
- Interview of subjects
- Review of pertinent City documents

Onsite Verification:

On September 14, 2017, OIG made an unannounced visit to the secured maintenance area of the BioPark zoo to verify that a maintenance supply room had been converted into a barbershop area. The barbershop was located in one of several large buildings in the maintenance area – the complainant had provided directions to the building that housed the converted space. An inspection of the building resulted in finding the converted space in locked area of a loft. After

gaining access to the space, an inspection disclosed various items that appeared to be used to provide haircuts. OIG took a photograph (see Exhibit 1) of the items in the converted space. The Inspector General left the area to personally notify the BioPark Executive Director at his office near the main entrance to the zoo. While the notification was being made, OIG Investigator Peter Pacheco remained at the converted space. During this period, BP-1 came to the converted space, unlocked and opened the door to discover Investigator Pacheco waiting in the room. Investigator Pacheco asked BP-1 if the area was his barbershop, to which he replied “kinda.” Investigator Pacheco had advised BP-1 that having a barbershop on City property was not permitted, to which BP-1 responded, “yeah.”

OIG telephonically contacted the Director of Cultural Services Department and the Executive Director of the BioPark, and explained the allegation and situation to them. The Executive Director was away from the City attending a conference. OIG remained on the premises until an employee could place a padlock on the door to the converted space. BP-1 did not give a statement at this time.

BioPark Maintenance Employee Interviews:

Witnesses indicated that besides BP-1, four other maintenance personnel aided in the conversion of the maintenance room with BP-3’s approval, which included electrical work, lighting and running an air compressor line from the carpentry area downstairs to the barbershop upstairs.

During the interview process, the BioPark electrician and BioPark electricians’ helper admitted to installing wiring and lighting. Both stated that they received a work order to install lighting and outlets in the room that was converted to a barbershop.

One of the BioPark employees admitted that he and another employee installed the air compressor line in the shop; however, the other employee denied his involvement several times during the interview.

Seven BioPark Maintenance personnel admitted to receiving haircuts from BP-1. BP-3, BP-2, and five subordinates, admitted to receiving haircuts. The witnesses indicated they received between two to six haircuts. All witnesses stated that the haircuts were given during their lunch period from 12:00 pm to 1:00 pm.

Based on information from the interviews, it appeared BP-1 began providing haircuts in December 2016 and continued until about August 2017. Several interviewees stated that BP-1 was providing haircuts in the maintenance supply room before it was converted to a barbershop. All individuals stated that they never paid BP-1, nor compensated him in any way for the haircuts. Several interviewees stated that two zoo keepers also received haircuts. Zoo keepers were not interviewed.

Fifteen of the 17 BioPark personnel interviewed admitted to knowing that BP-1 had provided haircuts and converted the maintenance space to a makeshift barbershop. The seven BioPark Maintenance personnel who received haircuts did not believe anything was wrong with BP-1 providing haircuts—their rationalization included:

- Haircuts were not provided on City time (provided during lunch hour) and BP-1 did not charge for the haircuts

- Some individuals believed there was nothing wrong with BP-1 providing haircuts or that space was converted to a barbershop on City property—they said it built comradery and increased morale
- Some employees had financial hardships, and so the free haircuts helped them

BP-3 Interview:

On October 11, 2017, BP-3 was interviewed and provided the following information:

BP-3 stated that he has been employed with the City approximately 20 ½ years (employment started in 1997). His office was located north of where the BioPark maintenance shop on the zoo compound.

He said it was in June 2017, when he learned that BP-1 was providing haircuts at the maintenance facility. He stated no one approved the conversion of the storage area into the makeshift barbershop. He indicated that the room just started out as a place to cut employees' hair, but then things "escalated into developing the room." He added the conversion of the storage room was an ongoing process until it was reported to the OIG, and that he had no part in converting the storage room into a barbershop. He confirmed that he had the electricians look at some wires that were sticking out of the walls. He indicated that he issued a work order for installing cords through the wall; however, he does not know what happened after the work order. He said that he did not believe at the time that it was wrong to have lights installed, but now understands how it may have been an issue. He asserted that he did not know who installed the air compressor line and did not know where the electrical and construction materials came from. He explained he would have received a "blue slip" items needed to be purchased, but he did not receive such documentation. He did not know if anyone else assisted in the conversion of the barbershop and indicated that he is "in and out" of his office throughout the day.

BP-3 believed it was BP-1 who set up the barbershop. He stated the barber chair and the air conditioner were BP-1's, though he did not know who installed the chair. He said that BP-1 ran an electrical cord from the outside of the barbershop to the inside, and he just checked to be sure that everything was safe. There was no one who approved City funds to be used in setting up the barbershop equipment.

He stated that BP-1 provided haircuts during the lunch hour from 12:00 pm to 1:00 pm. He indicated that he received a haircut from BP-1 a few weeks after becoming aware of the barbershop. He admitted he received approximately three haircuts and that it probably took around 30 to 40 minutes each time. BP-3 stated that BP-2 and two other BioPark maintenance employees received haircuts, but he was not sure who else BP-1 coordinated with for haircuts. He indicated that he has not discussed the barbershop with anyone and was not aware if any non-City employees received haircuts. He also indicated that no one from the BioPark main office was aware of the barbershop until this investigation was initiated.

He said that BP-1 did not have a New Mexico State license to cut hair, but he was going to school for it. He said providing haircuts to co-workers allowed BP-1 to gain experience. BP-3 admitted to giving BP-1 permission to provide haircuts during lunch. He thought it was a good idea at the time, and did not see anything wrong with it. He expressed to both BP-1 and BP-2 that there could not be any compensation for the haircuts, therefore he believed BP-1 was not being paid for them. He also commented that some employees do not earn very much money, so

if they were able to get a free haircut, it would help them financially. BP-3 realized in hindsight, that the practice appeared bad. He also said that at the time, he did not think there was anything wrong with converting the storage room into a barbershop; however, he recognized that the storage room was modified more than it should have been and that was wrong.

Regarding the possible purchase of a shampoo chair that appeared in purchase records, he explained that it was “a joke” meant for one of the plumbers. He stated that he entered it as a joke and it came through the I-WorQ system. Every morning supervisors reviewed their emails and the I-WorQ database—he believed BP-2 had to have shown the chair to the BioPark plumber only as a joke, as something like that would have been too expensive.

He said that both he and BP-1 are coworkers, and that there was no favoritism of BP-1. He stated that he has lunch with everyone he supervises, which included having potlucks, and that there was joking among his team. Additionally, he said that if anyone else would have asked to provide haircuts, then he would have also allowed them to do so.

BP-1 Interview:

On October 11, 2017, BP-1 was interviewed; also present was his union representative. BP-1 provided the following information:

BP-1 stated that he has been employed with the City for more than 22 years, and his duties included maintaining buildings and repairing anything that was broken, which required a significant amount of welding. He stated that his work schedule was Monday through Friday and his hours were from 7:00 am to 4:00 pm. BP-1 said he probably had access to maintenance facilities outside of his working hours, but that he did not take advantage of this access.

He started providing haircuts at the zoo in approximately May or June 2017, and provided the names of the same seven individuals who had told OIG that they received haircuts. BP-1 assumed that everyone in the BioPark’s maintenance department knew that he provided haircuts and said BP-3 became aware of the barbershop sometime around April or May 2017. He was not aware of anyone above BP-3 that had knowledge of the barbershop. He said that he did not provide haircuts to anyone not employed at the BioPark maintenance facility, to include anyone at the BioPark administration office. BP-1 indicated that he always provided haircuts at the barbershop in the maintenance building and not anywhere else on City property. He admitted that he provided a haircut to one of the maintenance employee’s at the fabrication shop towards the beginning of 2017.

BP-1 stated that he would provide haircuts only during the lunch hour, between 12:00 pm and 1:00 pm, and that he would give one or two haircuts per week. He said that he never charged or received any type of compensation for providing the haircuts, and that he personally purchased all supplies and required products. BP-1 stated that currently he only has a temporary license, as he is still in school. He stated that he began school in April 2017, and that it takes about 15 months to complete the program. He added that providing free haircuts allowed him to practice while he was in school, but admitted that maybe it was a “little extreme and went a little too far in putting the barbershop area together.”

BP-1 indicated that he cleared out the storage room and converted it into the barbershop in approximately June 2017. He could not recall if he asked BP-3 for approval of the conversion of

the storage room to the barbershop. He indicated that no one helped with the conversion of the barbershop—he set it up himself. He purchased the barber chair from a friend and installed it himself. He also hung the mirror, which was already in the storage area. BP-1 stated that the barbershop equipment was either purchased from Sally’s Beauty Supply or were items he already had at home. He asserted that he purchased everything with the exception of the air conditioner, which was given to him by a friend. He believed the electrical wiring, lights and electrical outlets were already there. He said he brought in extension cords and one light, but did not ask to have the other lights installed and he did not know who installed them. He admitted that he installed the air compression line himself with no assistance, and explained that he found the air hoses in a trash can and brought the attachments from his house.

Work Orders:

OIG learned from witnesses that they received work orders electronically that came from their Building Maintenance Supervisors. The work orders included the date requested, date issued, area, service requested, assigned supervisor and to whom the supervisor assigned the work to. OIG requested the BioPark administration provide work order data from the processing system; two dates were discovered which related to the converted barbershop.

On July 6, 2017, BP-3 created a work order for electrical problems in the area above the carpenter shop. The documentation disclosed that the service requested described lighting and electrical outlet problems. OIG confirmed with BP-3 that he had created the work order. He stated that at the time, electrical cords were ran through the wall to the barbershop area for power. He did not know what work was accomplished after the issuance of the work order. BP-3 didn’t believe there was anything wrong with installing the lights in the barbershop at the time, but acknowledged he now realizes it was wrong.

During the interview of the electrician, he confirmed that he received a work order from his supervisor. He indicated that his electrician’s helper also assisted him. The electrician stated prior to the new wiring, BP-1 was using a power strip plugged into an extension cord for power. The electrician stated he repaired wiring, installed an outlet and lighting. He admitted that the material, wiring and lightbulbs were all City owned property. He stated that the work took him and his helper about four hours to complete. The electricians’ helper confirmed what the electrician stated.

On August 10, 2017, BP-3 created a work order which described plumbing problems located above the carpenter shop. The service request reflected: “Install shampoo bowl/Avant Backwash Shampoo System Model #5869bb. Get quotes on materials before approval by BP-1 and his supervisor. Another’s might have put on P-card” (See Exhibit 2 for image). OIG conducted a search of the “P-Card” purchasing system, but could not find records of a purchase relating to the service request. OIG also requested the BioPark administration office to search their different methods used for payment in an effort to locate a possible purchase, but no information was found regarding the purchase of a shampoo bowl. OIG questioned BP-3, BP-1 and BP-2 regarding the alleged purchase and installation of the system, but the three individuals expressed the purchase was intended to be “a joke” for the plumber.

Proof Analysis:

This analysis examines the allegations and the applicable elements of City ordinances, rules and regulations, and then provides a short description of the facts provided during the investigation that support the allegation and elements.

Allegation 1: BP-2 and BP-3 allowed BP-1 to convert a maintenance supply room into a makeshift barbershop using city resources and materials and BP-2 and BP-3 had their hair cut by BP-1 on City property

City Personnel Rules & Regulations:

§ 301.17 Supervision of Employees (March 5 2005)

“Employees with supervisory duties or responsibilities shall, in all instances, ensure that all supervisory actions comply with...the provisions of the Personnel Rules and Regulations...”

Evidence:

BP-3 admitted to allowing BP-1 to set up a barbershop on City property and use city resources and materials during the conversion. BP-3 also admitted to receiving three haircuts from BP-1.

BP-2, BP-1’s direct supervisor, allowed BP-1 to cut hair and convert the maintenance supply room to a barbershop. BP-2 admitted to receiving three haircuts from BP-1.

Determination: Substantiated

Allegation 2: BP-1, BP-2 and BP-3 facilitated the conversion of a maintenance supply room into a makeshift barbershop and permitted/provided haircuts to City employees on City property.

City Personnel Rules & Regulations:

§ 301.12 City Property

Employees are responsible for preventing loss, damage, abuse, misuse or theft of City property or property entrusted to the City including, but not limited to: artifacts, vehicles, equipment, tools, supplies and City records. All City property should be used only for City business. City property may not be used for personal gain or profit.

Evidence:

BP-1 admitted that he cleared out the maintenance supply room and converted it into a barbershop and admitted to providing haircuts to City maintenance employees. BP-2 and BP-3 facilitated the conversion of the barbershop. BP-2 and BP-3 allowed employees they supervised to receive haircuts from BP-1. BP-2 and BP-3 received haircuts from BP-1 on City property.

Determination: Substantiated

Conclusion:

The position of the OIG is that there is sufficient evidence based on a “clear and convincing” standard, that the allegations listed above are substantiated.

BP-1 had a maintenance supply room converted into a barbershop which enabled him to provide haircuts City employees, to include his supervisors. BP-3, not only allowed it, but directed work to be done and had received a haircut from BP-1. Although there wasn’t any compensation provided to BP-1, according to those interviewed, BP-1 personally gained from using City material, City labor, City property and use of City resources, that he benefitted by gaining experience which enhanced his preparation for obtaining his barber license.

Additionally, by permitting BP-1 to provide haircuts on City property, both BP-3 and BP-2’s actions could have exposed the City to liability risks.

The OIG intends to provide a copy of this report to the New Mexico Regulation and Licensing Department, Barbers and Cosmetologists Division for their consideration.

EXHIBIT 1:

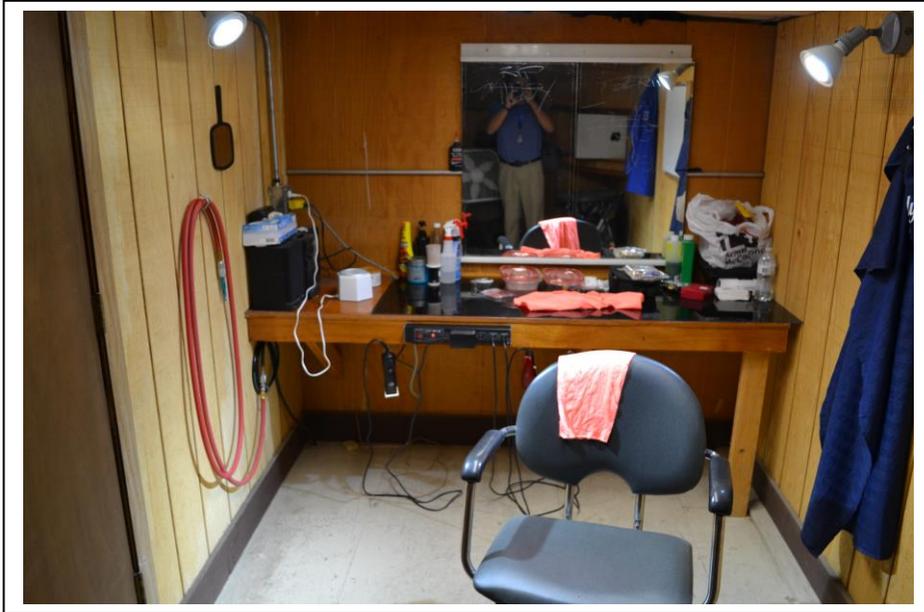


EXHIBIT 2:

