

**FOLLOW-UP OF  
ENVIRONMENTAL HEALTH DEPARTMENT  
REPORT NO. 08-04-113F**



**City of Albuquerque  
Office of Internal Audit and Investigations**



***City of Albuquerque***  
**Office of Internal Audit and Investigations**  
**P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103**

May 14, 2008

Accountability in Government Oversight Committee  
City of Albuquerque  
Albuquerque, New Mexico

Follow-Up: Environmental Health Department  
08-04-113F

**FINAL**

**INTRODUCTION**

The Office of Internal Audit and Investigations (OIAI) performed a follow-up of 04-113 Environmental Health Department (EHD), issued August 31, 2005. The purpose of our follow-up is to report on the progress made by EHD management in addressing our findings and recommendations.

This was a special audit in response to a complaint made under City Ordinance 3-7 ROA 1994: Whistleblower Ordinance. The complaint was made by two City employees who made several allegations against EHD. These allegations included: non-compliance with the Food and Beverage Ordinance regarding restaurant inspections, unfair treatment with regard to personal usage of City-issued cell phones and misuse of Air Quality grant funds.

**SCOPE, OBJECTIVES, AND METHODOLOGY**

Our follow-up procedures consist of interviews of City personnel and review and verification of applicable documentation to assess the status of our audit recommendations. Our follow-up is substantially less in scope than an audit. Our objective is to ensure management has taken meaningful and effective corrective action in regards to our findings and recommendations. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient,

appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The scope of the follow-up did not include an examination of all the functions and activities related to EHD. We limited our scope to actions taken from August 31, 2005 through March 18, 2008, the completion of fieldwork.

RECOMMENDATION NO. 1:

EHD's Consumer Health Protection Division (CHPD) is responsible for conducting inspections of food service, food processing establishments, swimming pools and body art shops and operators. The food inspections are to be performed in accordance with City Ordinance ROA 1994 Chapter 9: Health, Safety and Sanitation, Section 6 Food and Beverage (Ordinance).

CHPD was using a risk-based approach to determine the frequency of food establishment inspections. This approach did not comply with the Ordinance due to the staffing levels at the time of the audit.

CHPD's policies and procedures varied from the Ordinance regarding who had authority to issue a downgrade or permit suspension for facilities that did not comply with codes and regulations.

OIAI recommended EHD:

- Either amend the Ordinance to reflect the number of inspections that could realistically be completed or increase the number of inspectors on staff to meet the Ordinance requirement.
- Specify in their procedures who has the authority to enforce the requirements of the Ordinance regarding downgrades and permit suspensions.

EHD/CHPD responded that they did not have the authority or ability to amend the Ordinance. CHPD stated that depending on the number of inspections actually required during Fiscal Year 2006, they should have been able to comply with the Ordinance requirements with existing staff or, at most, one additional inspector. Policy stated who had the authority to enforce the requirements of the Ordinance. Since the decision to downgrade or suspend a restaurant's permit can have serious effects on that establishment, it was not made without concurrence of a supervisor.

ACTION TAKEN

The audit recommendation has been partially implemented. CHPD has continued the risk-based approach to complete food establishment inspections.

*Minimum required inspections per year by Ordinance*

Type of Inspection	Permits in FY07	Minimum required inspections per year	Total required inspections
Food establishment	3019	3	9,057
Pool and spa	695	1	695
Body art shops/operators	155	1	155
<b>Total minimum required inspections per year</b>			<b>9,907</b>

*Inspections expected to be completed per year*

Current number of inspectors	6	
Multiplied by the current inspection daily quota	6	
Multiplied by the days in a work week	5	
Multiplied by the approximate number of work weeks in a year	45	
<b>Total inspections expected to be completed per year</b>		<b>8,100</b>
	<b>Difference</b>	<b>(1,807)</b>

The analysis above does not take into consideration any follow-up inspections that are required when an establishment is put on notice, downgraded, or permit suspended. Therefore, the Ordinance continues to be unobtainable based on the current staffing level. CHPD would need to increase their current staff size by at least two employees to meet the required annual inspections.

CHPD updated their policy and operations manual to include the process of downgrading or suspending a permit.

RECOMMENDATION

EHD should either submit an Ordinance change to the City Council to reflect the current risk based approach for inspections or increase the number of inspectors on staff to meet the requirements.

RESPONSE FROM EHD

***“EHD is developing proposed ordinance revisions to reflect the current risk based approach which determines frequency of inspections. Under the risk based system, all facilities are inspected no less than one time per year. As many additional inspections as needed are performed on facilities with higher risk factors. Past history of non-compliance, complaints and complex menus are triggers for additional inspections.”***

RECOMMENDATION NO. 2:

OIAI’s test work indicated inconsistencies between individual inspectors. The inconsistencies may have been caused by:

- Lack of training,
- Lack of enforcement of the requirements by the inspectors,
- Inspector judgment.

The following exceptions were noted in the sample of 22 reports that had four or more critical violations and received an approved grade.

- Seventeen of 22 (77%) inspections tested contained four or more critical violations but received an approved grade.
- One of 22 (5%) inspections tested had four critical violations. The required follow-up inspection within 10 days did not occur.

OIAI tested a sample of 20 inspections that resulted in an unsatisfactory rating and were downgraded. The following exceptions were noted:

- One of 20 (5%) inspections received a downgrade and the required re-inspection was not completed within the 10-day time period. The re-inspection was completed 18 days after the initial inspection.
- One of 20 (5%) inspections received a downgrade and was re-inspected within the 10-day time period. Four critical violations still existed. The facility was re-inspected three days later with no violations noted and the facility was upgraded. In accordance with the Ordinance, the facilities operating permit should have been suspended after the second inspection.

- Two of 20 (10%) inspections received downgrades that were properly re-inspected and upgraded. However, one inspection contained a critical violation at the time of re-inspection.
- One of 20 (5%) inspections received a downgrade and was re-inspected and upgraded. There was a note on the re-inspection stating, "In order to upgrade the facility, a letter of documentation was provided indicating that a mop sink would be installed within next 2 weeks. In the meantime, dispose of mop water by flushing it down the toilet." The facility was approved.

OIAI recommended EHD:

- Reinforce the requirements of the Ordinance by training all employees conducting inspections. If an exception is granted, the reasons for the variation from the Ordinance should be thoroughly documented on the inspection form.
- Review the form being used and consider revising it to make it more applicable to the ultimate goal of keeping the food establishments in the City safe.

EHD/CHPD agreed that consistency in applying procedures and enforcement of the Ordinance requirements was of utmost importance. The frequency of training, which covered all aspects of the inspection procedure and enforcement requirements, was increased to a weekly cycle at staff meetings. Supervisors conducted and would continue to conduct side-by-side training sessions with each inspector.

In early 2004, EHD/CHPD revised the inspection form to reflect the correct weighting of each violation per the Ordinance. CHPD management stressed the importance of inspectors documenting the results of inspections and observations during inspections.

ACTION TAKEN

The audit recommendations have been fully implemented. CHPD conducted 35 side-by-side training inspections during FY07. Supervisors conducted a monthly side-by-side training inspection with each inspector. This process allows the inspectors to receive education on the requirements of the Ordinance and helps promote consistency.

A statistical sample of 24 out of 5,628 inspections conducted during FY07 was reviewed. OIAI noted that all variations from the Ordinance were documented on the revised inspection form in the additional comments area.

RECOMMENDATION NO. 3:

OIAI reviewed CHPD's performance measures relating to food service establishment inspections. The following measures could not be tested since the actual data was not available from CHPD:

- The percentage of facilities having a reduction of repeat critical violations.
- There will be a reduction in repeat major violation in "on notice" establishments through implementation of compliance improvement plans.

OIAI recommended that EHD's food establishment inspection performance measures be measurable and related data should be maintained in order to evaluate the performance of CHPD.

EHD/CHPD agreed that performance measures be measurable and verifiable. CHPD implemented new performance measures in FY06 that coincided with the data being collected.

ACTION TAKEN

The audit recommendation has been partially implemented. CHPD's FY07 performance measures were measurable; however, CHPD overstated the number of food related inspections by 751 (13%). The overstatement related to the number of downgraded, voluntary closures and complaint inspections, which were double-counted.

RECOMMENDATION

EHD should provide accurate numbers when reporting on performance measures.

RESPONSE FROM EHD

***"EHD has developed new Envision reports that accurately reflect the information required in the CHPD performance measures. Additionally, EHD has trained CHPD staff to ensure that the information required by the performance measures is accurately recorded and included in their input to Envision. Current Envision reports have been modified to track and reflect the correct information in FY/08 and going forward."***

RECOMMENDATION NO. 4:

OIAI reviewed EHD's compliance with Administrative Instruction (AI) No. 8-1-1: Guidelines for Telecommunication Program. EHD did not comply with the AI for the following reasons:

- EHD did not have a documented cell phone policy. EHD only reviewed cell phone bills that exceeded \$100 a month for reimbursement of personal calls. EHD was supposed to review all bills that exceeded their month plan limit for reimbursement.
- One employee incurred \$21.60 in roaming charges that caused the monthly bill to exceed the normal amount. The bill was \$75.71 which was below the \$100 threshold. It could not be determined if the roaming charges were for City-related business. The employee did not reimburse the City.
- One employee made several phone calls to their personal residence during August 2003. The employee was on a 15 minute per month plan and the excess minutes were billed to the City for a total of \$77.91. EHD did not review the bill since it was below the \$100 threshold. It could not be determined if the calls were for City-related business. The employee did not reimburse the City.
- One employee made numerous calls to their personal residence during a five-month period. It could not be determined if the calls were for City-related business. The monthly bills were \$73, \$142, \$112, \$79 and \$104. None of the bills, including the bills over \$100, were reviewed.

OIAI recommended that EHD review all cell phone bills and usage, including those mentioned above, and seek reimbursement from the employees if it was determined the calls were personal and the employee exceeded their calling plan minutes. EHD should document and review their procedures to ensure they comply with the requirements of the AI.

EHD agreed and stated they had worked with the telecommunications staff to review employee cell phone plans usage and adjusted plans where necessary. Procedures were in effect to monitor cell phone usage and have been reviewed to ensure compliance with the AI.

#### ACTION TAKEN

The audit recommendations have been partially implemented. AI No. 8-1-1: Guidelines for Telecommunication Program was superceded by AI No. 8-1: City Telecommunications Services Usage Policy. AI No. 8-1 refers to the Information Technology (IT) Policies and Standards for Telecommunications Usage. This policy states a City employee who exceeds their calling plan in any month shall reimburse the City for all personal calls made during that time. Any City employee who does not exceed their calling plan in any month shall be in compliance with the occasional “de minimis rule” and shall not be required to reimburse the City for any personal use during that month.

EHD implemented a new reconciliation process in December 2007. The accountant reviews monthly bills with excessive charges to determine if they are due to City-related business or

personal use. When personal charges occur, such as non-business roaming charges, the accountant notifies the employee and requests repayment. The accountant reconciles the monthly bills and also collects reimbursements. No one else reviews this process. The duties of recordkeeping and custody of assets should be assigned to different individuals. No one individual should be assigned to more than one of these duties.

OIAI tested a statistical sample of 18 out of 67 monthly cellular bills from December 2007 and January 2008. One of the 18 (6%) monthly bills tested had an overage of \$33.64 caused by text messaging. The accountant did not ask the employee if the text messages were for City-related business or personal use. If the charges were for personal use, the City should have been reimbursed \$33.64.

The accountant is not verifying cellular equipment purchases to the equipment approval form. If an equipment purchase is noted on a monthly cellular bill, the accountant assumes that the purchase has been properly approved. The accountant should verify all charges in excess of the monthly bill for approval and accuracy.

#### RECOMMENDATION

EHD should comply with the IT Policies and Standards for Telecommunications Usage and determine if overages are due to personal or City-related business.

EHD should ensure there is a proper separation of duties for monthly reconciliations and collection of monies for overages due to personal use.

EHD should verify all charges in excess of the monthly bill for approval and accuracy.

#### RESPONSE FROM EHD

***“EHD will comply with the IT Policies and Standards for Telecommunications Usage and determine if overages are due to personal or City-related business. If overages are personal in nature EHD will require reimbursement from the employee pursuant to AI No. 8-1-1.***

***“EHD ensures there is a proper separation of duties for monthly reconciliations and collection of monies for overages due to personal use. The duties are split between the Fiscal Officer and Accountant II positions in Strategic Support Division.***

***“EHD will verify all charges in excess of the monthly bill for approval and accuracy by monitoring bills monthly. When monthly bills indicate that charges exceed the monthly plan, EHD will evaluate the reasons for the excess and, if indicated, cell plans or employee duties will be revised.”***

#### ADDITIONAL FINDINGS NOTED DURING THE FOLLOW-UP

The following findings were noted during our test work and were not part of the original audit. The following findings concern areas that we believe could be improved by the implementation of the related recommendations.

1. EHD SHOULD CHANGE THE ENVISION DATABASE ADMINISTRATOR PASSWORD REGULARLY.

A former City employee had access to EHD’s Envision database program which maintains all of the inspection data for CHPD. The employee was the previous database administrator (DBA) for CHPD but resigned in August 2007. The employee had a verbal agreement with EHD that she would assist on an as-needed basis until the new DBA understood the Envision system. The former City employee provided OIAI inspection data during test work of the follow-up.

The current DBA did not know that the previous employee still had access to the database. The current DBA did not change the password once the former City employee’s assistance was no longer needed. Not changing the DBA password regularly could lead to unauthorized access and misuse of information.

The CCH Information Technology Audit guide recommends passwords be changed periodically, such as every 30 to 60 days.

#### RECOMMENDATION

EHD should change the Envision DBA password regularly.

#### RESPONSE FROM EHD

***“The database administrator password (DBA) has been changed. The DBA password is required for system interface jobs that run on a nightly and weekly basis behind the scenes. Because the database servers are managed and maintained by the City’s Information Systems Division (ISD), EHD will work with ISD to determine an acceptable policy for changing the DBA password for***

***the Envision system in the future. Once developed, EHD will follow the ISD policy on changing DBA password changes.”***

2. EHD SHOULD CONDUCT AN ANNUAL REVIEW OF USER ACCESS.

A review of user access has not been performed since 2004. A review of the complete Envision user access log indicated the following:

- Seventeen of 63 (27%) users have not logged on to the Envision system for over a year.
- Nine of 63 (14%) users did not have a date last logged on.
- One of 63 (1%) users retired and has been rehired as a consultant but their access level was never revoked and reissued as a consultant.

The Control Objectives for Information and related Technology (COBIT) Audit Guidelines recommend that procedures be in place to ensure timely actions in relation to requesting, establishing, issuing, suspending and closing user accounts. All actions should require formal approval.

The current DBA assumed responsibility for the Envision program in August 2007. The clean-up was not completed as of the end of fieldwork. An annual review of user access will help reduce the chance of unauthorized access to Envision.

RECOMMENDATION

EHD should perform a review of user access at least annually. Retired or terminated employees should have their access revoked upon termination.

RESPONSE FROM EHD

***“In conjunction with OIAI, EHD IT Section identified users that have not recently logged into the Envision system. EHD IT is in the process of confirming with the software vendor that deleting old user IDs will not have an impact on future reporting. Upon final written confirmation from the vendor, EHD IT will remove all user accounts that have not logged in for a period of greater than three months. In addition, EHD IT will conduct annual reviews of user IDs.”***

3. EHD SHOULD IMPLEMENT A PASSWORD STANDARD THAT WILL DEFINE MINIMUM LENGTH, ALPHANUMERIC AND NON-ALPHANUMERIC CHARACTER REQUIREMENTS.

The Envision system currently does not require a minimum length or combination of alphanumeric and non-alphanumeric characters in passwords. EHD has not developed a password standard for Envision.

The City's IT Policies and Standards – User ID Security Policy states that a standard shall be published detailing specifications for passwords, including but not limited to minimum length and a combination of alphanumeric and non-alphanumeric characters.

If strong passwords are required, unauthorized access to the Envision system can be deterred.

RECOMMENDATION

EHD should implement a password standard that will define minimum length, alphanumeric and non-alphanumeric character requirements.

RESPONSE FROM EHD

***“EHD IT Section has defined an eight character minimum password length. The request to implement the password minimum requirement has been submitted to ISD.”***

4. EHD SHOULD ENSURE THAT ONLY UNIQUE USER ID'S ARE USED.

Currently in Envision 17 of 63 (27%) users have generic user names. The generic user ID's were created by the previous DBA. EHD management was not sure why the ID's were set up as generic users.

The City's IT Policies and Standards – User ID Security Policy states that any transaction performed upon a City information technology asset which adds, changes or deletes data shall be performed using a City-issued User ID which uniquely identifies the individual performing the transaction. When a transaction is completed with a generic user ID, no one can identify who specifically performed the transaction.

### RECOMMENDATION

EHD should ensure that only unique user ID's are used.

### RESPONSE FROM EHD

*“EHD IT Section is investigating the use of generic user IDs. Several generic user IDs were created at the time of system implementation by the software vendor. EHD IT is requesting information from the vendor as to the impact of removing generic user IDs set up by the vendor. If no negative impact is identified, all generic user IDs will be removed, and only unique user IDs will remain in use.”*

### AUDITOR'S COMMENT

If it is determined that generic user IDs must remain in place, EHD management should ensure that it follows the User ID Security Policy Exception procedure. The procedure requires *“Departments requesting an exception must submit a written request with Department Director approval to the Technical Review Committee (TRC) to include the following information:*

- *Department/division*
- *Point of contact name and phone number*
- *Description of system/environment*
- *Justification for exception*
- *Existing security controls that would ensure compliance with all City security policies*

*This request will be placed on the TRC agenda and a Department representative must attend the TRC meeting to justify the exception.”*

### CONCLUSION

EHD has fully implemented one of the recommendations noted in the initial audit. Three recommendations have been partially implemented. EHD should amend the Ordinance to reflect current practices or increase the number of inspectors to meet the requirements. EHD should provide accurate numbers when reporting on performance measures. EHD should comply with the IT

Policies and Standards for Telecommunications Usage and determine if overages are due to personal or City-related business. EHD should ensure a proper separation of duties when collecting monies.

OIAI noted four additional findings during the follow-up. EHD should ensure Envision has unique user ID's with adequate passwords which are changed regularly. EHD should perform a clean-up of user access at least annually.

We appreciate the assistance and cooperation of EHD personnel during the audit.

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Principal Auditor

REVIEWED:

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Audit Manager

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Internal Auditor

APPROVED:

APPROVED FOR PUBLICATION:

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