



OFFICE OF INSPECTOR GENERAL
City of Albuquerque

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Inspector General

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Investigative Informative Case Synopsis

FILE NO: 22-0119-C

SUBJECT MATTER: Violations of local, state, and federal privacy act laws.

STATUS: Final

INVESTIGATOR: M. Santistevan

DocuSigned by:
Melissa R. Santistevan
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MELISSA SANTISTEVAN
INSPECTOR GENERAL
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August 1, 2022
Date of Completion

DocuSigned by:
C. Jack Emmons
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C. JACK EMMONS, VICE CHAIR
ACCOUNTABILITY IN GOVERNMENT
OVERSIGHT COMMITTEE

8/29/2022 | 1:08 PM PDT
Date of Approval

DISTRIBUTION:

- Honorable Mayor**
- President City Council**
- Chief Administrative Officer**
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EXECUTIVE SUMMARY

According to City Ordinance 2-17-2, the Inspector General's goals are to (1) Conduct investigations in an efficient, impartial, equitable, and objective manner; (2) Prevent and detect fraud, waste, and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

On June 23, 2022, the Office of Inspector General (OIG) received information alleging 'I wish to report fraudulent activities by the City Parking Department officials as it relates to potential violations of local, state and federal Privacy Act. This Department is requiring copies of my financial records, statements, and other secure information from my Banking Institution.' The OIG determined that the allegation contained elements of potential fraud, waste, or abuse and that it was appropriate for the OIG to conduct a fact-finding investigation. The purpose of the investigation was to determine if the request by the Parking Division (PD) was fraudulent and a violation of local, state, and federal privacy acts.

While conducting our fact-finding investigation, the OIG Investigator reviewed the information provided in the complaint, reviewed City Ordinances related to Parking, and reviewed the Consumer Protection Act, and the Federal Privacy Act. The OIG conducted information-gathering interviews with the Parking Manager and the complainant.

As a result of the investigation, the OIG could not substantiate *allegation 1* pertaining to fraudulent activities by the City Parking Department officials as it relates to potential violations of the local, state, and federal Privacy Act by requesting copies of financial records, statements, and other secure information from the banking institution.

ABBREVIATIONS

OIG: Office of Inspector General
CITY: City of Albuquerque
PD: Parking Division
C1: Complainant
E1: PD Employee

INVESTIGATION

Background

In June 2022, C1 was visiting Albuquerque and received a parking citation. C1 contacted PD to express concerns regarding the citation due date and the fact that C1 was not slated to return to his principal place of residence before the citation fee increased. An employee of the PD advised C1 that the options were to pay the citation and appeal the citation for a refund or go to Metropolitan Court. C1 paid the citation and submitted an appeal for a refund along with supporting documentation. A PD supervisor reviewed the citation, denied the refund based on the information provided, and issued a letter on June 16, 2022, requesting additional information.

Allegation 1: The PD violated the local, state, and federal Privacy Act laws by requesting copies of financial records, statements, and other secure information from the Banking Institution.

Authority: City Parking Ordinances, the NM Consumer Information Protection Act, and the Federal Privacy Act

Evidence: Parking citation issued, receipt of payment of parking citation, supporting documentation for a refund, a letter from the City requesting additional information.

Discussion: An interview with C1 and E1 revealed that the complainant was in the process of appealing a parking citation issued by the PD. During the appeal process, the PD staff issued a letter to the complainant indicating that a supervisor review resulted in a denial of a refund but requested additional information as “Please submit an official bank statement for the request for refund for 2 of the \$1.25 charges for review. Please remove balances, and block out other transactions. Do not block out the 3 charges for \$1.25 from 6/2/22 from “CABQ PARKING METERS -1.25”

An OIG review of the City Parking Ordinances, the NM Consumer Information Protection Act, and the Federal Privacy Act revealed that there are no provisions in these specific regulations prohibiting the City from requesting information to support a disputed charge. Furthermore, a review of the letter issued by the PD revealed that the request allowed the complainant to block out other transactions other than the related charges that were in dispute.

The OIG does consider that personally identifiable information is sensitive in nature and that the City should make every effort to protect and safeguard that information. As such the OIG will make a recommendation to the PD to consider alternative means of providing support for disputed

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charges, such as notarized affidavits accompanied by a letter from a financial institution attesting to the charges from the City.

Allegation 1 Conclusion: The OIG could not substantiate the allegation regarding potential violations of local, state, and federal privacy act laws by the PD's request for additional information due to the fact that the PD could not substantiate the validity of the information submitted with the appeal for a refund.