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INVESTIGATIVE CASE SYNOPSIS

SUBJECT: Addendum to Report 24-0476-C

On April 9, 2025 the Accountability in Government Oversight Committee (AGOC) approved three (3) reports and deferred six (6) reports. Shortly after the AGOC requested and hired an outside firm, REDW, to conduct a Standards Assessment on all nine (9) reports.

The Office of Inspector General (OIG) has reviewed the Quality Standards Assessment, which should follow the Green Book standards for Inspectors General, and the issues identified by REDW in its assessment. The OIG concurs with certain issues noted and has subsequently made adjustments to internal processes to address them.

Due to the external review by REDW and the length of time that has passed, the OIG has made the decision to re-review each report to verify accuracy and incorporate any necessary updates. To ensure transparency and preserve the credibility of the OIG, the original reports will remain intact from the former Inspector General's reports. Any follow-up information will be provided through an addendum appended to each applicable report.

CHRISTOPHER SAAVEDRA, EnCE, CIGI
INVESTIGATOR
OFFICE OF INSPECTOR GENERAL

September 24, 2025
Date of Completion

PETER PACHECO
INTERIM INSPECTOR GENERAL
OFFICE OF INSPECTOR GENERAL

September 24, 2025
Date of Completion

See Cautionary Statement
VICTOR GRIEGO, CPA
ACCOUNTABILITY IN GOVERNMENT
OVERSIGHT COMMITTEE CHAIRPERSON

October 15, 2025
Date of Review



City of Albuquerque
Accountability in Government Oversight Committee
P.O. Box 1293 Albuquerque, New Mexico 87103

Cautionary Statement of the Inspector General's Report, File No. 24-0476-C

Upon the Accountability in Government Oversight Committee (Committee) review and vote to not approve the Report prepared by the Office of the Inspector General (OIG), titled "Alleged abuse of position and timecard fraud by Department Director teleworking without a teleworking agreement in place", File No. 24-0476-C, dated September 24, 2025 ("Report"), the Committee provides this cautionary statement as inclusion with the published Report. This cautionary statement is issued and included in the published Report, pursuant to City of Albuquerque Ordinance § 2-10-5(L).

The Committee met on October 15, 2025 to review and consider the Report. In its review of the Report, the Committee found that while the OIG appropriately determined its investigation could not substantiate the allegation of abuse, the Committee could not ignore the OIG's failure to address the compelling and legitimate concerns raised in the Management Response. In the Management Response, OIG's analysis is called into question for incorrectly "rest[ing] on the presumption that AI 7-66 establishes the terms under which City employees can work from home and that the Department Director violated those terms." The Committee, by majority vote, agrees with the Management Response, in that the OIG failed to properly address the most basic question of whether telecommuting or work from home activities of a Department Director fall under the scope of AI 7-66, which the Management Response provides compelling analysis and reasoning as to why Department Directors do not fall within the scope or purpose of the AI 7-66.

For these reasons, the Committee, by a majority vote of 3-1, did not provide approval of the Report. Readers are advised to review this published Report and its content, which include the Management Response, with the understanding that the Committee did not approve this Report.

Sincerely,

Victor Griego, CPA
Chair, Accountability in Government Oversight Committee
City of Albuquerque

Esteban A. Aguilar, Jr., Vice-Chair

Robert J. Aragon, Committee Member

Lia Armstrong, Committee Member

Brook Bassan, Albuquerque City Council President, Ex Officio Committee Member

Carla Martinez, Associate Chief Administrative Officer, Ex Officio Committee Member

cc: Samantha Sengel, Chief Administrative Officer

Lauren Keefe, City Attorney

Klarissa Pena, Albuquerque City Council Vice President, District 3

Louie Sanchez, Albuquerque City Council Member, District 1

Joaquin Baca, Albuquerque City Council Member, District 2

Nichole Rogers, Albuquerque City Council Member, District 6

Tammy Fiebelkorn, Albuquerque City Council Member, District 7

Dan Champine, Albuquerque City Council Member, District 8

Renee Grout, Albuquerque City Council Member, District 9

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AUTHORITY AND DEFINITION

The Office of Inspector General's mission is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque to safeguard and preserve public trust. Investigations, inspections, evaluations, and reviews are conducted following Association of Inspectors General Standards.

City Ordinance 2-17-2 states the “Inspector General's goals are to (1) Conduct investigations, inspections, evaluations, and reviews 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) Carry out the activities of the Office of Inspector General through independence in both fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to ensure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.”

As defined in the Inspector General Ordinance § 2-17-3, “fraud is the knowing misrepresentation of the truth or concealment of a material fact to induce another to act to his or her detriment. Waste is the thoughtless or careless expenditure, mismanagement, or abuse of resources to the detriment of the City. Abuse is the use of resources or exercise of authority contrary to rule or policy, or knowingly inconsistent with any established mission or objectives for the resource, or the position held by the person exercising the authority. Abuse does not necessarily involve fraud or illegal acts.”

EXECUTIVE SUMMARY

On December 31, 2024, the Office of Inspector General (OIG) received an allegation of abuse of position and timecard fraud stating that a City Director (D1) was abusing their position by teleworking without an approved teleworking Agreement, specifically on December 6, 2024 and December 31, 2024.

Allegation 1:

Abuse of position by D1 for teleworking without an approved teleworking Agreement.

Conclusion:

Based on the evidence reviewed by the OIG during the course of the investigation, the OIG could not substantiate the allegation of abuse of position by D1. The OIG identified that D1 worked from their home on two (2) instances. No other instances of D1 working from their home were identified during the investigation to establish an ongoing pattern of behavior. The OIG noted that AI 7-66 as written, that was in place at the time of these instances, does not identify any class of employee that is exempt.

Allegation 2:

Alleged timecard fraud by D1.

Conclusion:

- The OIG could not substantiate the allegation of timecard fraud. Based on this information the OIG identified the following issue as detailed below.

Identified Issues:

During the investigation, the OIG identified the following policy-related issues:

- Administrative Instruction 7-66 (2021), Telecommuting/Work from Home, does not clearly identify exemptions or applicability for various categories of employees, including but not limited to department directors. This lack of clarity creates ambiguity regarding which employees are required to comply with the AI and which may be excluded from its provisions. Additionally, it also creates a perception of abuse of position by having one set of employees having to comply with AI 7-66 as written and the other set not having to.

Recommendations:

- The City should review and revise AI NO: 7-66 (2021) Telecommuting/Work from Home and other related City policies and ordinances related to teleworking to specifically identify which City Employees are excluded from the requirements of AI No: 7-66 (2021).

INVESTIGATION

ABBREVIATIONS

A1:	City Administration Employee
AIG:	Association of Inspectors General
City:	City of Albuquerque
D1:	Department Director
OIG:	Office of Inspector General

INTRODUCTION

On December 31, 2024, the OIG received an allegation of abuse of position stating that a City Director (D1) was abusing their position by teleworking without an approved teleworking Agreement, specifically on December 6, 2024 and December 31, 2024 and committing timecard fraud.

BACKGROUND

City departments can establish the ability for City employees in that department to telework from their home location up to two (2) days of their work week during their regular scheduled work hours.

The OIG reviewed AI NO: 7-66 (2021) Telecommuting/Work from Home which governs teleworking policies for City departments and was signed on October 4, 2021 by the Chief Administrative Officer (COA) at the time. AI NO: 7-66 states:

“Prior to implementation of any remote work agreement, an employee shall sign a copy of the Department's policy acknowledging receipt, understanding and agreeing to comply with the terms of the Department's remote work policy.

SCOPE AND METHODOLOGY

Scope:

Events of D1 teleworking from home and associated timecard fraud.

Methodology:

- Assess complaint allegation
- Obtain and review evidence in support of the allegation
- Prepare an investigation work plan
- Review the Inspector General Ordinance, Article 17
- Review of AI No: 7-66 (2021)
- Review of D1's Teleworking Information
- Review of D1's Kronos Timesheet
- Review of D1's Work Schedule

Collect evidence or statements to corroborate the events

This report was developed based on information available at the time and the OIG's review of documentation and records.

The OIG reviewed AI No: 7-66 and identified that no exemptions or definitions were present which allowed for department directors or City employees to be able to telework without adhering to AI No: 7-66. The OIG also identified that AI No 7-66 (2021) specifically *"allows an employee to perform assigned duties at an alternate work site during some of their scheduled work hours."*

The OIG noted that AI No 7-66 (2021) applies to a City employee's "scheduled work hours" and does not prohibit or restrict a City employee from working in addition to their scheduled work hours. As such, any additional time worked outside of a City employees scheduled work hours would not be governed by AI No 7-66 (2021).

The OIG reviewed D1's Kronos timecard and identified D1's scheduled work hours as 7:00am – 3:30pm during the month of December 2024.

The OIG reviewed D1's Outlook work calendar for the identified teleworking days of December 6, 2024 and December 31, 2024, as identified in the allegation. The OIG identified the following entries on D1's calendar as indication that they would be teleworking:

- Friday, December 6, 2024: *"[D1] working remotely"*
- Tuesday, December 31, 2024: *"[D1] work from home"*

The OIG requested the teleworking agreement for D1 from a City Administration Employee (A1). In response to the OIG's request A1 stated the following:

"There is no teleworking agreement between [D1] and myself, never has been since they were hired in 2024. Their work schedule is 7:00 a.m. to 4:00 p.m. Monday through Friday however as the department director they are on call 24 hours a day 7 days a week."

The OIG identified that AI NO: 7-66 (2021): Telecommuting/Work from Home did not list any exemptions which precluded City directors and/or City employees that are on call twenty-four (24) hours a day, seven (7) days a week as defined¹. The OIG further noted

The OIG noted the inconsistencies from A1's response to the OIG's request for teleworking documents for D1, as AI No: 7-66 (2021) establishes the ability for City employees to telework by allowing an employee to work at an alternate work site during their scheduled work hours. D1's scheduled work hours for the month of December 2024, as confirmed by D1's Kronos timesheet, was 7:00am – 3:30pm. D1's Outlook calendar indicated that D1 was teleworking during December 6, 2024 and December 31, 2024 without a signed teleworking agreement in place.

¹ See BACKGROUND Section

Conclusion:

Based on the evidence reviewed by the OIG during the course of the investigation, the OIG could not substantiate the allegation of abuse of position by D1. The OIG identified that D1 worked from their home on two (2) instances. No other instances of D1 working from their home were identified during the investigation to establish an ongoing pattern of behavior.

As a result, the OIG could not substantiate the allegation of timecard fraud.

The OIG's investigation revealed AI No: 7-66 (2021) Telecommuting/Work from Home as written does not have an exemption for various employees, to include department directors.

Recommendation:

The City should review and revise AI NO: 7-66 (2021) Telecommuting/Work from Home and other related City policies and ordinances related to teleworking to define exemptions for certain level positions and/or for City employees who are required to be on call twenty-four (24) hours a day, seven (7) days a week.

Management Response:

The OIG has appropriately recognized that there was no wrongdoing by the Department Director, or any City employee, in this matter. Nonetheless, the OIG's investigation into this complaint is emblematic of the deep, systemic problems that have plagued the office for the past four years. Indeed, the only waste, fraud or abuse taking place is the waste of resources dedicated to investigating this complaint – and the substantial resources invested in responding to the OIG's investigation. The administration hopes that, as the OIG absorbs the feedback provided by the auditor engaged to review its reports, the OIG begins to focus on the core mission of investigation and identifying waste, fraud, and abuse.

The OIG's findings relate to an allegation that a Department Director worked remotely on two days – December 6, 2014 and December 31, 2014 – without an approved telecommuting agreement. According to the OIG's Investigation Summary Report, the complainant alleged that these actions constituted an abuse of the Director's position. The OIG's investigation focused on whether the Director violated AI 7-66, which provides administrative guidance on Telecommuting/Work from Home. Although the OIG ultimately concludes that the Department Director did not abuse its position, its analysis rests on the presumption that AI 7-66 establishes the terms under which City employees can work from home and that the Department Director violated those terms. Neither is true.

First, AI 7-66 does not establish the terms under which Department Directors can telecommute. This is clear from the very first sentence: "The purpose of this Administrative Instruction is to provide guidance to City Department Directors on establishing a departmental remote work policy for certain departmental employees or divisions." The AI also includes language explaining that: "Telecommuting reflects a work agreement between an employee and their Department Director which allows an employee to perform assigned duties at an alternate work site during some of their scheduled work hours." The AI, therefore, relates to agreement entered between Department Directors and the employees who report to them; it does not establish the terms under which Department Directors themselves can telecommute.

Moreover, the complaint does not establish that the Director was telecommuting, and thus does not establish that the Director would be required to sign a telecommuting agreement. As set forth in AI 7-66, a telecommuting agreement is required when an employee wants to establish a regular schedule for working from home. AI 7-66 does require a telecommuting agreement if an employee who would otherwise be in the office requests permission to work remotely, and does not prohibit supervisors from granting permission for employees to work remotely on an occasion basis, as needed based on specific circumstances. And that is what happened here. The Department Director asked his direct supervisor – the Chief Operating Officer – for permission to work remotely on two days when he would be unable to go into the office. That permission was granted. There was no need, in these circumstances, for the Department Director to sign a telecommuting agreement. Thus, there was no violation of AI 7-66, and no abuse of the Director’s position.

In taking a contrary view, the OIG notes that AI 7-66 “does not identify any class of employee that is exempt”, and thus permitting Department Directors to work remotely without a telecommuting agreement creates a perception of favoritism. The OIG misses the point. Department Directors are not exempt from a policy that applies to all other City employees. In fact, Department Directors are not eligible for benefits that could be extended to other employees under AI 7-66. The terms of employment for Department Directors are determined by the Chief Administrative Officer. And she has determined that Department Directors cannot work remotely on a regular basis, as other City employees can. Because the Department Director was not eligible to work remotely on a regular basis, there was no reason for him to sign a telecommuting agreement.

There is also nothing improper about a Department Director’s decision to work remotely when he or she cannot make it into the office. The alternative is for the Director to take a vacation day or sick day. That choice, however, might mean that the Director has to reschedule a vital meeting, delay a key project, or fall behind on communications. That decision would not benefit the City. It is far preferable that a Department Director who can do so performs any necessary work, even if remotely. And in this case the Department Director did not abuse his authority by working remotely. And in this case the Department Director did not abuse his authority by working remotely, and staying on top of his responsibilities, and two days when he could not be in the office, and there was never any reason to consider this conduct to constitute an abuse of his position.