

**OFFICE OF INSPECTOR GENERAL
CITY OF ALBUQUERQUE**



**Investigative Report
Case # 12-205**



OFFICE OF INSPECTOR GENERAL
CITY OF ALBUQUERQUE

December 6, 2011

Barbara Baca
Director, Parks and Recreation Department
City of Albuquerque

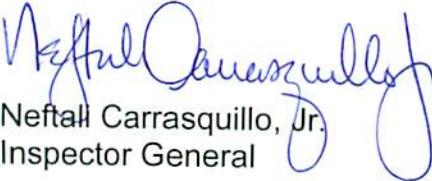
Dear Ms. Baca,

Re: OIG-12-205, Alleged Theft of City Property by PRD Employee

On October 27, 2011, Robert Caswell Investigations (RCI) was assigned to conduct an investigation regarding an allegation involving PRD1, Park Maintenance Worker III, Park Management Division. On or about October 31, 2011, the Office of Inspector General (OIG) was contacted and met with RCI to discuss this investigation. RCI and the OIG agreed to coordinate activities and resources regarding this investigation.

Enclosed please find a copy of the OIG's investigative report regarding this matter.

Respectfully,


Neftali Carrasquillo, Jr.
Inspector General

cc: Richard J. Berry, Mayor
City Council
Robert J. Perry, CAO
John Soladay, COO

Executive Summary

On October 27, 2011, Robert Caswell Investigations (RCI) was assigned by the Albuquerque City Parks and Recreation Director, Barbara Baca, to conduct an investigation regarding an allegation involving PRD1, Park Maintenance Worker III, Park Management Division. On or about October 31, 2011, the Office of Inspector General (OIG) was contacted and met with RCI to discuss this investigation. RCI and the OIG agreed to coordinate activities and resources regarding this investigation.

The OIG investigation included conducting joint interviews of a number of Parks and Recreation Department (PRD) employees with RCI; reviewing documents and information; evidence gathering; and discussing the case with the White Collar Crimes Unit, Albuquerque Police Department. Based on the investigation conducted, the OIG concludes the following:

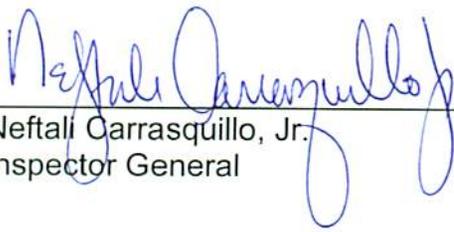
- 1. That on October 7, 2011, PRD1 went to the parts cage and requisitioned several irrigation parts that totaled \$946.08, which was contrary to his official job duties.**
- 2. That there is evidence which shows that PRD1, on at least four other occasions, also requisitioned parts which is contrary to his official job duties.**
- 3. That this requisition by PRD1 on October 7, 2011 was taken of his own volition and not as a result of being asked to do so by any other PRD employee.**
- 4. That PRD1 was not truthful as to why he requisitioned these parts and what he did with them.**
- 5. That these actions, by PRD1, was in violation of Conflict of Interest Ordinance, Article 3 (R. O. 1994), the Code of Conduct, Section 301, as it relates to the standard of conduct, false statements and city property.**

Based on these conclusions and results of a subsequent parallel investigation conducted by APD, PRD1 was arrested on November 18, 2011 and charged with a third-degree felony, embezzlement over \$2,500 but less than \$20,000, and later released on bond.

The OIG makes the following recommendations for consideration by the Parks and Recreation Department:

1. Utilization of a computerized parts check-out/requisition system that tracks and incorporates area supervisory authorization before parts can be released.
2. A reporting mechanism that identifies and red flags multiple losses/replacement of equipment, as an early warning system, which would necessitate notification to management and/or investigative authorities for appropriate action.

Details of the investigation are contained within the investigative report and are attached to this executive summary.



Neftali Carrasquillo, Jr.
Inspector General

OIG INVESTIGATIVE REPORT

On October 27, 2011, Robert Caswell Investigations (RCI) was assigned by Albuquerque City Parks and Recreation Director, Barbara Baca, to conduct an investigation regarding an allegation involving PRD1, Park Maintenance Worker III, Park Management Division. On or about October 31, 2011, the Office of Inspector General (OIG) was contacted and met with RCI to discuss this investigation. RCI and the OIG agreed to coordinate activities and resources regarding this investigation.

The investigation involved the alleged theft, over the last year and a half, of thousands of dollars' worth of parts/brass materials, used for irrigation purposes, from park sites. At times, after replacing these stolen parts, it was discovered that they again were stolen. In an attempt to mitigate the losses, lock boxes were placed over the items but the locks were either defeated or cut off and the parts were stolen again. A possible suspect was identified when PRD7 discovered PRD1 had checked out several brass irrigations parts. PRD7's responsibility as the Stock Keeper II is to oversee the parts department where he stores, keeps, tracks and handles requests for parts. The following is background on the investigation:

I. On November 2, 2011, PRD2 was interviewed by RCI and the OIG. Prior to being interviewed, PRD2 acknowledged that he had received and signed a notice of interview, that the interview was being taped and that he had no union representation with him and did not require one.

PRD2 stated that he has been in his current position for approximately three months and was previously made aware of the thefts of brass fittings, such as back flow units, that have occurred at the medians over the last year or so. PRD2 stated that he was advised by PRD4, after a supervisors meeting, of a conversation he had with PRD7. PRD7 told PRD4 that PRD1 had checked out fittings from the tool crib and he knew PRD1 was not an irrigator and he felt something was wrong. This was suspicious to both PRD4 and PRD7 because PRD1 is a park maintenance worker, not an irrigator, and therefore should not be checking out these parts. PRD1 also put the wrong area number on the form and it was not the area that PRD1 works out of. PRD4 stated he called PRD1 and asked him why he checked these parts out and PRD1 said he had checked them out for PRD5, an irrigator. PRD1 later stated that he had checked them out for PRD6, the other irrigator.

PRD4 stated he called both of his irrigators, PRD5 and PRD6, and asked them if they had asked PRD1 to check out parts for them and they both said 'no' they had not. They stated that they would not call a parks maintenance worker to go get parts for them. PRD2 also spoke to both irrigators and they again stated that they had not asked PRD1 to pick up parts for them. PRD6 also stated that the parts PRD1 got were not the correct size for the 7 Bar Loop location, which was where PRD1 stated the parts were to be used. PRD2 met with PRD5, PRD6 and PRD1 together. PRD1 upon being asked stated, "Yes, I did check out the parts for them." Both irrigators (PRD5 and PRD6) said, "No you did not." PRD1 then said, "Well, I thought I did." PRD2 asked PRD1 where the

parts were and PRD1 said he had no idea where they were. PRD2 asked PRD5 and PRD6 to leave and then asked PRD1 again where the parts were. PRD1 then stated they were in his truck, but they were not there. PRD1 then stated that he had put them in the cage at Los Altos, but again, they were not found there. PRD2 told PRD1 he had until Monday to bring the parts back, to which, PRD1 asked what the next step would be if he did not bring the parts back. PRD2 then told him he would find out Monday.

On Monday, October 24, 2011, at approximately 3:30pm, PRD3 asked PRD2 if PRD1 had brought the parts back. PRD2 informed him he had not, so PRD3 told PRD2 to call APD and have a report taken. An APD Officer responded and met with PRD2 at the Los Altos satellite office to take a report. PRD2 told PRD4 to have PRD1 stay at the Los Altos office and to get his truck keys from him. PRD1 asked why and was told because parts were stolen. PRD1 then started mentioning the union and that he wanted union representation. PRD2 advised PRD1 that at this point they were only filing a report. After the APD Officer took his report, the officer asked PRD1 if he had anything else to add to which PRD1 stated, "No, sir." The APD Officer then asked PRD2 and PRD4 to step outside and proceeded to read PRD1 his rights. PRD1 exercised his rights and declined to speak to the officer without an attorney present. The officer advised PRD1 he was free to go and then spoke with PRD2 and PRD4.

While the APD Officer was speaking to PRD2 and PRD4, PRD1 came in and asked if he could speak to them. PRD1 asked about paying back the cost of the parts, to which, PRD2 stated that he did not want the money and only wanted the parts back. PRD1 stated he did not have the parts and though he was not admitting guilt, he just wanted to know if he could pay the money for the parts. PRD2 again told him no, and that he wanted the parts back and then PRD1 left. Later, as he was leaving, PRD1 got in front of PRD2's truck and wanted to talk to PRD2. PRD1 said he did not want to lose his job to which PRD2 told him he did not want him to lose his job either. PRD1 offered again to pay for the parts and PRD2 told him again he did not want the money. PRD1 said, "I guess this is what you meant by the next step," and PRD2 told him, "Exactly." PRD2 then told PRD1 that they had given him a chance to bring them back. PRD2 told PRD1 that he did not know where the parts were now, but that he (PRD1) had signed for the parts and therefore were his (PRD1's) responsibility. PRD1 stated that he understood that.

PRD2 went on to state that he did not believe that 7 Bar Loop needed parts which added to the suspiciousness as to why PRD1 was getting these parts. PRD2 stated they reviewed past orders and pulled previous instances where PRD1 had gotten parts, again something he should not have been doing. In one instance, they found that PRD1 had gotten parts and had used the name of Daniel Gonzales instead of his own. PRD2 stated that PRD1 was a maintenance worker and that his job was to work the medians doing such things as pruning trees. PRD2 has since put in place a requirement that a supervisor must also sign any request for parts before they are checked out.

II. On November 2, 2011, PRD4 was interviewed by RCI and the OIG. PRD4 signed his notice of interview prior to the interview, acknowledged he was being taped and did not

have a union representative with him.

PRD4 stated he was aware of the numerous thefts that have occurred over the past year or so. PRD4 stated that he was contacted by PRD7, who oversees the parts department, and told that PRD1 had put the wrong area number on a requisition sheet. PRD4 subsequently looked at the requisition sheet and saw it was the wrong area number (PRD1 is from area 8 and he put area 2) and that what was being requested were several brass fittings for irrigation parts which PRD1 had obtained several days prior. PRD4 checked with his two irrigators and they said they did not ask nor would they have asked PRD1 to pick up parts for them. PRD4 then saw PRD1 and asked him why he was checking out irrigation parts. PRD1 said he had checked the parts out for the irrigators and that they were for 7 Bar Loop. PRD4 stated that items had been stolen from 7 Bar Loop two weeks prior but that the only ones who knew this were his irrigators, PRD3 and himself. Additionally, the items PRD1 had checked out were not the correct size for 7 Bar Loop. PRD4 stated he asked PRD1 who he had given the parts to and PRD1 said he had given them to the irrigators. PRD4 told PRD1 that the irrigators did not have them and PRD1 said, "Well, I gave them to them."

PRD4 then stated he called PRD2 and told him what had occurred and that, "something was up". PRD4 then stated that the next day they were all going to meet in PRD2's office. PRD4 stated that the next day he again asked PRD1 if he had the parts and that PRD1 again said he had given them to the irrigators. PRD2 and PRD4 spoke with PRD1 and asked him where the parts were because they were not at 7 Bar and the irrigators did not have them. PRD1 said he had them in his truck. PRD4 then asked, "So they are in your S10," and PRD1 said, "No, they are in the shed". PRD4 then asked, "So, the parts are in the shed?" and PRD1 said, "Yes." PRD4 asked him who opened the shed because only he and one of his senior guys have a key and PRD1 said, "It was just open." PRD1 then changed it to, "Jose was there putting his tools away when he put them in the shed." PRD4 then asked, "So then Jose saw you put them in the shed?" PRD1 said, "No, but they are in the shed." PRD4 then told PRD2 that they would go look there and then PRD1 changed his story and stated that PRD6 had the parts on Friday. PRD1 left the room and PRD4 told PRD2 that PRD6 had left work early on Friday so he was not even there. PRD4 stated they called the irrigators in and asked them if they had called PRD1 to get these parts. Neither irrigator (PRD5, PRD6) stated they called PRD1 to get parts and that the only ones who get irrigation parts are them or they ask their supervisor (PRD4).

PRD4 then stated that they (PRD4, PRD2) called PRD1 back in and PRD1 and when asked stated he was called by PRD6 to get the parts. PRD1 did not say that he had given the parts to PRD6 but only that he had called him. PRD4 told PRD1 that PRD6 said he did not call him. PRD1 said he did and that the parts were in the shed. PRD4 stated that PRD1 then asked how much the parts were and what was the next step if they did not find the parts? PRD4 stated that PRD2 told PRD1 that they were not at the next step and that if he (PRD1) said the parts were in the shed then they were in the shed. PRD4 stated that PRD1 and he went to the shed and PRD4 unlocked the shed. PRD4 stated that PRD1 started looking around in the shed like he was looking for

them, but the parts were not there. PRD4 stated that there is a camera at the site that gives a view of the shed door and that when he mentioned it to PRD1, PRD1 seemed interested in looking at the video but later changed his mind. PRD4 stated that he reviewed the video, for the day in question, and did not see any evidence showing PRD1 ever going to the shed. Both RCI and the OIG inquired with PRD2 about getting a copy of the tape but PRD2 stated that the system resets itself every two weeks and therefore it was no longer available. PRD4 stated that PRD1 offered to pay for the parts but that PRD2 told him he wanted the parts, not the money, and that he had until Monday to produce the parts.

III. On November 2, 2011, PRD5 was interviewed by RCI and the OIG. Prior to the interview, PRD5 signed his notice of interview, acknowledged he was being taped and that he did not have a union representative with him. PRD5 stated he was aware of the previous thefts of brass parts from the median areas over the past year and a half and that he has had to replace these stolen parts in the past. PRD5 stated he never called PRD1 to pick up irrigation parts, nor would he call PRD1 to pick up parts. PRD5 went on to state that PRD1 also never gave him any irrigation parts. PRD5 stated that he advised his supervisors (PRD4, PRD2) of this as well.

IV. On November 2, 2011, PRD6 was interviewed by RCI and the OIG. Prior to his interview, PRD6 signed his notice of interview, acknowledged he was being taped and that he did not have a union representative with him.

PRD6 stated he was aware of the previous thefts of brass parts from the median areas over the past year and a half and that he has had to replace these stolen parts in the past. PRD6 stated that PRD1 had the keys to lock the new parts up after they were replaced and the parts would be missing again after a couple of weeks. PRD6 stated he was on the loading dock the day PRD1 checked out the irrigation parts and saw him pushing the cart carrying them out. PRD6 stated he recognized what the parts were and asked PRD1 what he was doing with the parts. PRD6 stated that PRD1 said nothing and then loaded them in his vehicle. PRD6 stated he knew what PRD1 was doing was wrong because he had no business getting those parts. PRD6 stated that PRD7 was not at the cage and that a temp worker was there on that day. PRD6 stated that a few days later PRD4 told him that PRD1 said PRD6 told him (PRD1) to get the parts. PRD6 stated that he did not call PRD1 to pick up irrigation parts nor would he call PRD1 to pick up parts. PRD6 also stated that PRD1 never gave him any irrigation parts either and advised his supervisors (PRD4, PRD2) of this as well. PRD6 stated that when they were all in PRD2's office and PRD1 was confronted that the irrigators did not call him (PRD1) got defensive and wanted to just pay for the parts. PRD6 stated that the day he saw PRD1 with the parts, was a day he left early because of his son.

V. On November 2, 2011, PRD1 was interviewed by RCI. The OIG was not present, for this interview, due to the intent to pursue a criminal prosecution of this matter. Prior to his interview, PRD1 signed his notice of interview, acknowledged that he was being taped and that he had a union representative present with him.

PRD1 stated it was common knowledge that theft of brass has occurred at the medians. PRD1 stated that on the morning of October 7, 2011, PRD6 called him and asked him to pick up some irrigation parts for him, which he did. PRD1 stated that there was a temp employee, at the cage, when he got the parts. PRD1 stated that he had forgotten what he had done with the parts until he spoke with PRD8, who was with him that day. PRD1 stated that PRD8 reminded him that they put the parts in the tool shed at the end of the day. PRD1 stated that at the end of the day, he and PRD8 pulled up and PRD8 asked him what he was going to do with the parts. PRD1 stated he went inside and got the key to the shed from PRD4 and put them in the shed. PRD1 stated that it was common for workers to call and get other workers to pick up parts for them. PRD1 was asked how many times, in the six years he had been in his position, had an irrigator called him to pick up parts. PRD1 stated that it was more than twice with the old irrigators and this was the only time with these irrigators.

PRD1 stated that the following week, PRD4 called him and wanted to know where the parts were and that he told him that he did not know. PRD1 stated that PRD4 then told him PRD2 wanted to have a meeting with him in half an hour. PRD1 stated that he then asked PRD4 if he could just have PRD2's number to call and resolve this but this did not happen. Present at the meeting was PRD2, PRD4, PRD6, PRD5 and PRD1. PRD1 stated that he said at that meeting that he had gotten the parts for the irrigators. The irrigators (PRD5, PRD6) stated that this phone call never even happened. PRD1 stated that he had a new phone and it would not show the call. PRD1 was advised that evidence of the phone call would show on his bill but PRD1 stated that it did not show it. PRD1 was advised again that the online phone bill would show each call and was then asked to produce a copy of that bill. As of this report, the production of that bill had not been made by PRD1.

PRD1 was then asked to continue with what occurred at the meeting in PRD2's office and PRD1 stated that he had returned the parts the following Wednesday but PRD6 said he never had that conversation with PRD1. PRD1 then stated that he was reminded by PRD8 that he had put the parts in the shed the same day he got them October 7, 2011. PRD1 also acknowledged again that he had gotten the keys to the shed from PRD4 to put the parts in. PRD1 stated that several days later when he went to work that PRD4 told him to hold on because PRD2 was coming with APD. PRD1 stated that he declined to speak with APD and that this was when he asked PRD2 if he could just pay for the parts. PRD1 stated that he was not saying he was guilty, but that he just wanted to pay for the parts.

PRD1 was asked if there was anything in his personal life that was prohibiting him from doing his job correctly. PRD1 said no. PRD1 was then shown the other requisition forms where he had checked out parts previously. PRD1 acknowledged the handwriting and the forms as all being his, except the one with Gonzales as a last name. PRD1 was asked why the form had the name of Gonzales, and he said he could not tell them. PRD1 was asked if it was possible he was in a hurry that day and wrote Gonzales, and PRD1 said it was possible. PRD1 stated he could not remember who he had checked these parts out for. When PRD1 was asked about what area he worked in, PRD1

stated he did not know what area number he worked in. The cost for the items PRD1 checked out that day was approximately \$946.08. PRD1 stated he just wanted to pay it back to conclude it all. PRD1 stated the size of parts he got was what PRD6 had told him. PRD1 was then asked if he thought PRD6 should know what size parts were needed for 7 Bar Loop and PRD1 said he should. PRD1 denied seeing anyone when he was carrying the parts out to the truck or remembers anyone questioning him about why he had them while carrying them out on the loading dock. PRD1 did acknowledge he used a shopping cart to carry the items out to the truck.

VI. On November 8, 2011, PRD7 was interviewed by RCI and the OIG. Prior to being interviewed, PRD7 acknowledged that he received and signed a notice of interview, that the interview was being taped and that he had no union representation with him.

PRD7 stated that he was off the day PRD1 came in for the parts on October 7, 2011. PRD7 stated that the following week PRD6 asked him why PRD1 was checking out irrigation parts. PRD7 asked PRD6 what area PRD1 was from and was told area 8. There were two issues that raised concern for PRD7 at this point. The first was that PRD1 had put an area number on the form that he does not work in. The second was that PRD1 does not work with the irrigators and therefore, should not have been checking out irrigation parts.

PRD7 checked and found that there was no requisition form for PRD1 in the area 8 folder, so he searched them all and found it in area 2's folder. PRD7 then contacted the area 2 supervisor to see if he had asked PRD1 to get these parts to which the supervisor stated he had not. PRD7 then contacted the area 8 supervisor, PRD4, about it and was advised not to give PRD1 anything. PRD7 stated that at some point PRD2 came and obtained a copy of the requisition form in question. PRD7 stated he was then instructed to search for previous requisition forms that PRD1 may have done. PRD7 searched and gave the additional forms to PRD2, but does not recall whether or not he was working on the dates and time when PRD1 would have gotten the irrigation parts reflected on the requisition forms.

VII. On November 8, 2011, PRD8 was interviewed by RCI and the OIG. Prior to his interview, PRD8 signed his notice of interview, acknowledged he was being taped and did have a union representative with him.

PRD8 stated that PRD1 was riding with him on October 7, 2011, and that they clocked in and left. PRD8 then stated that PRD1 was on the phone with somebody about getting parts and then they went to the Pino yard, from Los Altos, to get the parts. PRD8 stated that he stayed in the truck and PRD1 went in and got the parts. PRD8 stated that PRD1 carried the parts out to the truck in a box and made one trip to do it. PRD8 stated that he did not see PRD1 speak with anyone on the loading dock and that PRD1 put the parts in the truck. PRD8 did not know why they did not take the parts to whoever had called PRD1 for the parts and that PRD1 never stated he needed to take the two parts to someone. PRD8 stated that at the end of the day, the parts were still in the truck and he told PRD1 to get the parts out of the truck. PRD8 stated that PRD1

took the parts to the tool shed at Los Altos and that it is a locked area and PRD4 has a key. PRD8 stated he did not go in with PRD1 and does not know how PRD1 got the shed door open.

On November 9, 2011, the OIG met with a Detective from the White Collar Crimes Unit, Albuquerque Police Department (APD) to discuss the criminal investigation involving PRD1. The OIG was advised that APD was pursuing criminal charges and in the process of interviewing PRD employees, the same that RCI and the OIG had already interviewed. The APD Detective utilized the five requisition forms as the basis to charge PRD1 and the total amount of the parts totaled \$2,611.76.

On November 15, the OIG was advised by APD that they were working on obtaining an arrest warrant for PRD1.

On November 18, 2011, the OIG was advised that APD had obtained the arrest warrant and would be effecting an arrest that day. The OIG was later advised, by APD, that PRD1 had been arrested and declined to be interviewed as he exercised his right not to speak without a lawyer present. PRD1 was charged with third-degree felony, embezzlement over \$2500 but less than \$20,000 and later released on bond. The APD case number is 11-0097597 and the case has been forwarded to the District Attorney's Office for consideration and prosecution.