

# OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY

# MANAGEMENT REVIEW CASE NUMBER: 2012-0014

Sheryl G. Steckler Inspector General

"Enhancing Public Trust in Government"

#### **EXECUTIVE SUMMARY**

On December 9, 2011, a City of Boynton Beach (City) Utilities Department employee, David Austin, was arrested and charged with Knowingly Giving False Verification of Ownership (§ 539.001, F.S.), Grand Theft (§ 812.014, F.S.), and Dealing in Stolen Property (§ 812.019, F.S.) following a criminal investigation by the Boynton Beach Police Department involving the theft of City-owned equipment and/or property. Mr. Austin was alleged to have taken several items from the City's Utility facility and pawned the items for money.

Based on that information, the OIG initiated a Management Review

During the course of the OIG's Management Review, a second City Utilities Department employee, Ronald Taylor, was arrested and charged with Petty Theft (§ 812.014, F.S.) following a criminal investigation by the Boynton Beach Police Department involving the theft of City-owned scrap metal. Mr. Taylor was alleged to have sold brass and copper fittings for money after removing the items from a City job site although he was required to bring the items back to the City facility.

The OIG review found that

#### RECOMMENDED CORRECTIVE ACTIONS

Based on the finding that

the OIG recommends the following

corrective actions:

1.



2. The City take appropriate personnel actions.

*Mr.* Austin and *Mr.* Taylor are no longer employed by the City. *Mr.* Austin's employment was terminated while *Mr.* Taylor resigned. No additional action is necessary.

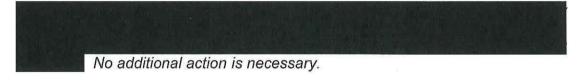
3. The City ensure that all City-owned equipment and/or property in all facilities is appropriately accounted for and/or inventoried.

the OIG recommends the following corrective action:

4. The City implement a policy outlining procedures for staff related to the removal and/or disposal of scrap metal from City property, specifically addressing the removal and/or disposal of both large and small scrap metal items.

During the course of the review, the City implemented a new policy regarding the metal recycling program to provide further guidance on the disposition of waste metal. No additional action is necessary.

5. The City consider implementing a procedure requiring employees assigned to remove City-owned property, which includes scrap metal, provide attestation to the removal and/or disposal of all items.



#### BACKGROUND

On December 9, 2011, a City Utilities Department employee, David Austin, was arrested and charged with Knowingly Giving False Verification of Ownership (§ 539.001, F.S.), Grand Theft (§ 812.014, F.S.), and Dealing in Stolen Property (§ 812.019, F.S.) following a criminal investigation by the Boynton Beach Police Department involving the theft(s) of City-owned equipment. Mr. Austin was alleged to have taken several items from the City's Utility facility and pawned the items for money.

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# ISSUES REVIEWED AND FINDINGS

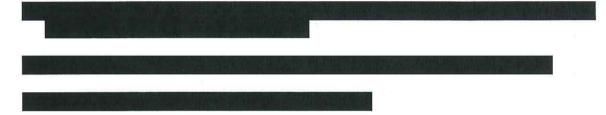
Issue (1):

# **Governing Directives:**

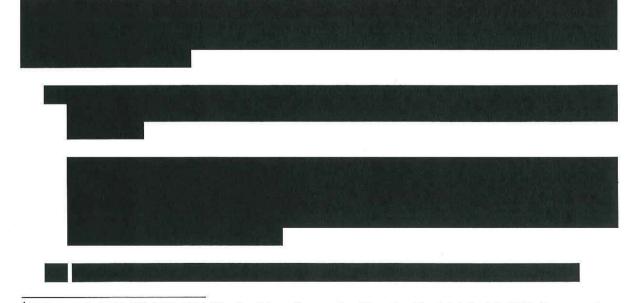
§ 539.001(8)(b), F.S.; § 812.014(2)(c)(1), F.S.; and § 812.019(1), F.S.

Finding:





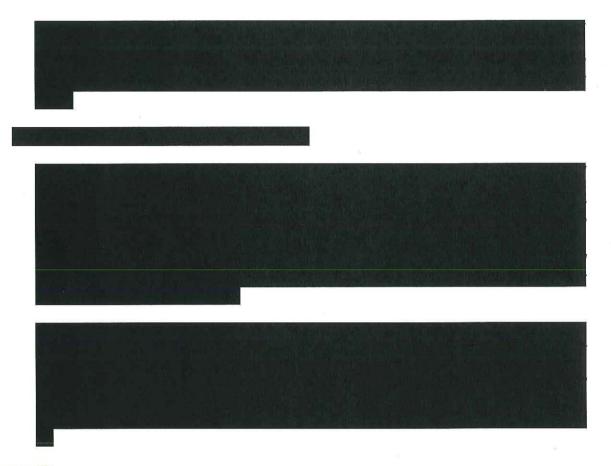
Testimony of City Utilities Deputy Director Michael Low Mr. Low stated that as a result of Mr. Austin's arrest,



<sup>1</sup> Reference to RFQ 072-2821-11/THW. Per information received from the City dated April 2, 2012, the expenditure was approved by the City Commission on March 17, 2012.

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# Issue (2):

### **Governing Directives:**

§ 538.23(3), F.S.; § 812.014(2)(e), F.S.; and § 812.019(1), F.S.

Finding:

internet.

According to the OIG's review of Mr. Taylor's statement (February 15, 2012) to the Boynton Beach Police Department, the following pertinent information was disclosed:

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# Testimony of City Utilities Deputy Director Michael Low Mr. Low stated that while the City has

#### **ARTICLE XII, SECTION 2-427**

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, the City of Boynton Beach was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Management Review within ten (10) calendar days. Based on Interim City Manager Lori LaVerierre's written response (attached) the following items were updated in the OIG Management Review:

- Page 3: Footnote #1 was updated to reflect the most recent RFP approval.
- Page 4:
- Page 5: Information was updated pertaining to the initial reference to "no supervision" to "limited supervision."

This Management Review has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

<sup>2</sup> According to Ms. LaVerierre, there are up to five different teams from water distribution working in the field at any time

# The City of Boynton Beach



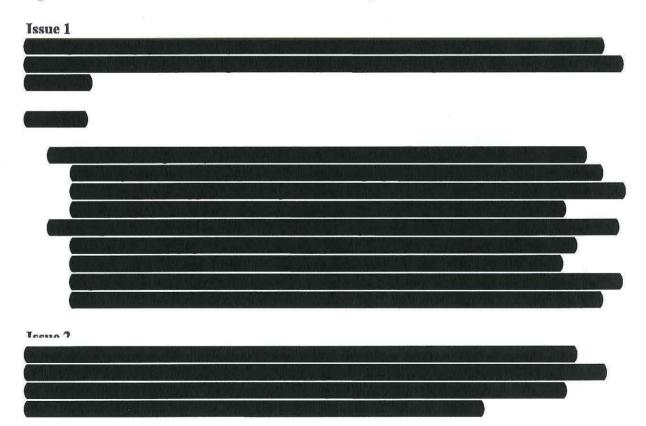
OFFICE OF THE CITY MANAGER 100 E. Boynton Beach Boulevard P.O. Box 310 Boynton Beach, Florida 33425-0310 City Manager's Office: (561) 742-6010 FAX: (561) 742-6011 e-mail: laverrierel@bbfl.us www.boynton-beach.org

April 2, 2012

Donald Balberchak Director of Investigations Office of Inspector General Investigations Section P.O. Box 16568 West Palm Beach, FL 33416

Dear Mr. Balberchak,

Thank you for the draft of your report on the recent thefts at our Utility. We have reviewed the report and have a few minor corrections to some of the specific facts.



B) There are up to 5 different teams from water distribution working in the field at any one time.



Please contact me if you need further clarification of any of these points,

Sincerely,

Venna

Lori LaVerriere Interim City Manager