

# OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



**Isabel Mercedes Cumming**  
**Inspector General**

## **Investigative Report Synopsis**

**OIG Case # 20-0034-I**

**Issued: June 17, 2020**



OFFICE OF THE INSPECTOR GENERAL  
Isabel Mercedes Cumming, Inspector General  
City Hall, Suite 635  
100 N. Holliday Street  
Baltimore, MD 21202



June 17, 2020

Dear Citizens of Baltimore City,

The Mission of the OIG is to promote accountability, efficiency and integrity in City government, as well as to investigate complaints of fraud, financial waste and abuse. The Office of the Inspector General (OIG) received a complaint alleging Executive Management of the Mayor's Office of Emergency Management (MOEM) improperly procured a service contract for an individual to serve as a contractor to the City in a Senior Management role in MOEM (Senior Manager), and improperly executed a vehicle lease for use by the Senior Manager, resulting in excessive and unnecessary costs to the City. Additionally, Executive Management approved the Senior Manager to work overtime (OT) hours that were not authorized by the service contract, resulting in OT pay for the Senior Manager. During the investigation, the OIG discovered the Senior Manager excessively used their assigned City vehicle, mobile phone and computer equipment for personal use and in violation of City policies.

### **Vehicle Lease & Contract Issue**

The Senior Manager requires the use of an emergency vehicle for 24 hours a day, 7 days a week in the event the Senior Management needs to respond to an emergency. When the Senior Manager first came to MOEM, their assigned take-home emergency vehicle was leased at a cost of \$498 per month for a 24-month period, with an overall cost of \$11,952. The OIG learned that in September 2018, after the Senior Manager was involved in a serious car accident in their take-home emergency vehicle while off duty, Executive Management approved the lease of a brand new take-home emergency vehicle. The new take-home vehicle was customized directly from the factory, with a lease rate of \$977 per month for a 24-month period with an overall cost of \$22,872. By comparison, the Senior Manager's new take-home vehicle was \$479 per month more than the previous lease. This resulted in an additional \$11,496 expense to the City over the life of the new vehicle lease agreement.

In December 2018, Executive Management drafted and presented a contract to the Board of Estimates (BOE) for the Senior Manager to serve as a contract employee upon their February 2019 retirement from the BCFD. The contract was for a one-year term, with each additional year of service requiring a new contract. However, the contract did not begin until April 2019. Executive Management failed to modify and resubmit the contract to the BOE. The initial contract was approved by BOE in January 2019 and clearly states the Senior Management would earn \$105,000 for the duration of the contract<sup>1</sup> without any additional benefits and/or financial compensations.

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<sup>1</sup> Senior Management's contract approved by BOE on January 23, 2019 was in effect between December 4, 2018 and December 3, 2019.

However, the OIG learned that between April 1, 2019 and March 10, 2020 Executive Management authorized 560.50 hours of overtime (OT) resulting in \$42,441.06 in OT pay<sup>2</sup> for the Senior Manager. The OIG also learned that rather than submitting a new service contract for the Senior Manager prior to the expiration of the original contract, Executive Management allowed the Senior Manager to continue to work for four months after the expiration of the original contract.

In an interview with the OIG, the Executive Management acknowledged mistakes were made in handling the Senior Management's contract. The Executive Management also explained that they believed the increased cost of the new take-home vehicle lease in comparison to the previous vehicle lease was a necessary expense based on certain characteristics of the new leased vehicle. Executive Management cited the new leased vehicle had better towing capability and more storage space for emergency equipment. Although those items may have been a welcomed benefit for the City, the new leased vehicle had customizations that were not required to fulfill the Senior Manager's duties. The new leased vehicle customization included, at a \$695 additional cost, an enhanced driver alert package that included power-adjustable pedals, forward collision alert, Intellibeam™ headlamps, low speed forward automatic braking, lane keep assist with lane departure warning, and safety alert driver seat.<sup>3</sup> Executive Management's failure to ensure the Senior Manager's contract was followed, and the additional cost of the new leased vehicle, resulted in a total added expense to the City in the amount of \$53,907.06.<sup>4</sup>

### **Personal Use of City Resources**

Prior to the Senior Manager becoming a City contractor, they were involved in an auto accident on September 17, 2018 at 2:30 a.m. while driving the previous take-home leased vehicle as a City employee. The accident occurred on Maryland (MD) Interstate 695 (I-695) in the eastbound direction towards Glen Burnie, MD. Based on information contained in the accident investigation reports completed by the MD State Police and the BCFD, the Senior Manager claimed a vehicle swerved into their lane causing them to swerve into a guardrail to avoid collision and that the other vehicle did not stop and continued travel. The OIG discovered the Senior Manager lives in Harford County, MD, and their motive for traveling towards Glen Burnie, MD at 2:30 a.m. was unclear since the OIG investigation revealed the Senior Manager was off-duty at the time and was not responding to any known emergency within the City limits.<sup>5</sup>

As a result of the Senior Manager's accident, the previous leased vehicle sustained heavy damage requiring \$12,634.18 in repairs, which was paid by the City. In addition to that cost, in accordance with the vehicle lease terms, an additional \$7,592 payment was due to the Lessor for the accident damage and excessive mileage when the vehicle was returned. The result was \$20,226.18 in additional costs to the City.

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<sup>2</sup> Senior Management reported 560.50 hours of OT was at a rate of \$75.72/hour.

<sup>3</sup> The safety alert driver seat pulses; left side, right side, or simultaneously, to alert the driver of the direction of potential hazards.

<sup>4</sup> This total is derived from the OT wasted of \$42,441.06 and the additional cost of the Tahoe lease of \$11,466.

<sup>5</sup> At the time of the MD State Police and BCFD traffic accident investigations it was never notated where the Senior Management was travelling from or why he was driving towards Glen Burnie, MD given the facts his home location was Harford County, MD and his work location was Baltimore City, MD.

## Conclusion

According to the City's *Administrative Manual* (AM) Executive Management violated §AM-212-1 Part 1 *Contractual Agreements* when Executive Management approved OT for the Senior Manager while they were serving as a contractor for MOEM. Executive Management failed to secure a new contract for the Senior Manager to be effective between December 2019 and December 2020 and allowed the Senior Manager to continue in their role without a contract between December 2019 and March 2020.

Additionally, the Senior Manager violated several regulations when they used City owned electronic equipment for personal use and engaged in communications and acts, both on and off duty, that are unbecoming of a City employee or contractor. Policies violated included the City's AM, the BCFD's *Manual of Procedure* (MOP), and the City's *Civil Service Rule* (CSR) Rule 40(1). The details of these policy violations are not included in this report due to the findings being of a personnel nature.

The MOEM employees who are the subject of this report are no longer employed by the City of Baltimore.

Sincerely,



Isabel Mercedes Cumming, Inspector General  
Office of the Inspector General

Cc: Hon. Bernard C. "Jack" Young, Mayor of Baltimore City  
Hon. Brandon Scott, President, City Council  
Hon. Joan M. Pratt, Baltimore City Comptroller  
Honorable Members of the Baltimore City Council  
Hon. Dana P. Moore, Acting City Solicitor