

OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 20-0062-I

Issued: October 07, 2020



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



October 7, 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 a Department of Transportation (DOT) employee (Employee 1) stores personal business items inside a DOT Facility (Facility). Additionally, it was alleged Employee 1 was selling the items stored in the facility on a resale platform online.

The OIG found furniture and other items were stored inside the Facility and sold online by Employee 1. The OIG determined the placement of the furniture in the hallway of the Facility may violate Occupational Safety and Health Administration (OSHA) regulations.¹ Additionally, the OIG found some DOT employees were not aware of the City's property disposal process when handling surplus property from closed City buildings.

The OIG was able to corroborate the allegations during an inspection of the Facility. As shown in Figure 1 below, the OIG observed several items in the hallway to include living room furniture, tables and desks. Figure 2 displays miscellaneous items and workout equipment in the supply area of the Facility. The location of the furniture and other items could be an obstruction for employees and in part violate OSHAS regulations.

Figure 1 Furniture impeding hallway access at Facility

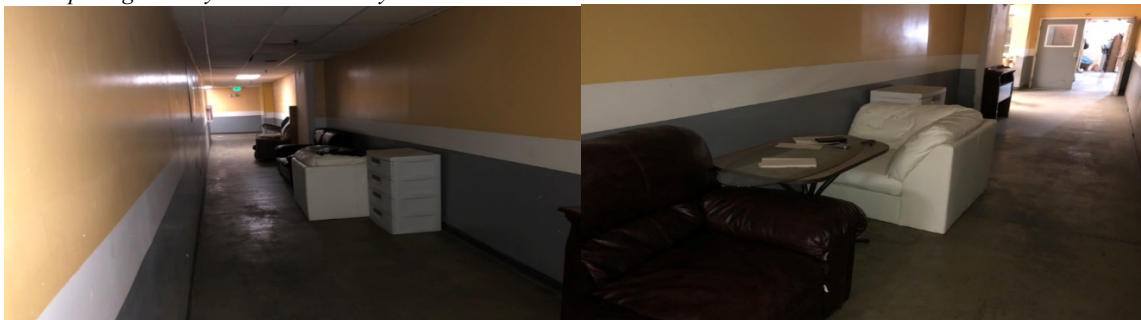


Figure 2: Slot machine, shopping cart, bench press and weights in Facility's supply area



¹ According to OSHA's website, their mission is "to ensure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance". OSHA's website is <https://www.osha.gov/aboutosha>.

REPORT FRAUD, WASTE AND ABUSE

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EMAIL: OIG@BALTIMORECITY.GOV

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The OIG reviewed resale platforms online and located Employee 1's seller profile advertising for hauling services.² Numerous items listed as "sold" on Employee 1's seller profile revealed the items were photographed in the hallways and workplace areas of the Facility.

During an OIG interview, Employee 1 confirmed they stored items at the Facility, including the furniture observed by the OIG during the inspection and said the items were obtained from their personal hauling business performed on their personal time. Additionally, Employee 1 confirmed they sold the items on a resale platform online. The OIG reviewed the items sold on the online seller account and could not conclusively determine if the items belonged to the City.

Employee 1's Supervisor (Employee 2) told the OIG that a set of exercise weights kept inside the Facility were obtained while cleaning out a City building. Employee 2 stated the weights were brought to the Facility instead of being discarded and were being used by the employees at the Facility. Employee 2 stated they were unaware of the removal process for surplus property.³ According to the City's Property Disposal Program, AM-306-1, the Bureau of Procurement's (BOP) City Purchasing Agent has the sole authority to determine the disposition of surplus property, including the movement and storage of such property. It was never certain the equipment would have been discarded.

In conclusion, the OIG determined that Employee 1 uses the Facility to store furniture and other items from his personal business and advertises some of those same items for resale online. The storage and placement of these items in the hallway of the Facility may violate OSHA regulations. Additionally, the OIG found the DOT employees are violating the City's property disposal policy.

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
Honorable Members of the Baltimore City Council
Hon. Dana P. Moore, Acting City Solicitor
Hon. Joan M. Pratt, Baltimore City Comptroller

² Resale platforms are local marketplace websites where secondhand items are posted for sale.

³ The City's Administrative Manual (AM) defines surplus property as items no longer needed for the efficient operation of the City. Additionally, the AM defines surplus property as "property that has been declared excess and which cannot be utilized by any City agency will be considered surplus".

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**Department of Transportation
Deputy of Administration Response**

Case # 20-0062-I



September 30, 2020

Ms. Isabel Cumming,
Inspector General
Office of the Inspector General
200 N. Holliday Street

Subject: OIG Referral – Case No. 20-0062-I Storage and Sale of Furniture – 6200 Lombard St.

Dear Ms. Cumming,

In response to the subject OIG case the Department of Transportation's Maintenance Division has issued Standard Operating Procedures (attached) to employees in the Special Events Section who are responsible in part for addressing request to pick up and dispose of items at the request of various agencies.

The General Superintendent has met with employees to discuss the SOP and secured an acknowledgement receipt from each employee in the Special Events Section. Topics discussed that are specific to this investigation included the following:

1. Employees CANNOT store personal items (*i.e. furniture, car parts, appliances, clothing, etc.*) at the work facility. The only items stored should be work related items such as PPE's and tools for work.
2. Employees are NOT allowed to operate a business or conduct business in or around the city facility, at assigned work locations and at no times while on city work time.
3. Employees CANNOT dispose of City Property, without permission from those assigned to do so.
4. Employees CANNOT take City Property and use for personal gain. (*i.e. sell for profit*)
5. Employees CANNOT block *right of ways and exit paths* with personal items or salvaged items intended to use for convenience and comfort. (*i.e. sofas and chairs*)
6. Employees are NOT allowed have at city facility (*work site*) or use fitness equipment (*i.e. weight bench and weights*) which have the potential for serious harm to employees.

Additionally, both the employee and the supervisor were issued discipline.

Thank you for bringing this matter to the attention of the Department. If you have any questions, please feel free to contact me at 410-365-1939 or via email Laetitia.griffin@baltimorecity.gov.

Respectfully,

Laetitia Griffin
Deputy of Administration

Cc: Steve Sharkey
Brent Hooper

BALTIMORE CITY
DEPARTMENT OF TRANSPORTATION
MAINTENANCE DIVISION

SPECIAL EVENTS
STANDARD OPERATING PROCEDURES

The following will be the standing operating procedures in accordance with your job classification and work assignment. These procedures are in addition to all existing city and departmental policies and procedures.

The work day begins at 8:00 am and ends at 4:00 pm. You are to be dressed and ready to work at this time (not eating breakfast) All employees are to have on steel toe work boots and safety vest and all Safety equipment must remain on until the end of your work shift. There should be no one in the locker room after your shift starts. Assignments are given out daily if you haven't been given your assignment, you need to notify supervision.

All employees are to punch in and out for all overtime assignments. Failure to do so will result in progressive disciplinary action.

A. NOTIFICATION

In the event that you cannot report to work, as scheduled, you are to notify supervision, within 30 minutes from the beginning of your shift, of your intention of reporting or not reporting to work.

B. VEHICLE PRE-TRIP AND PREVENTIVE MAINTENANCE

Vehicles are to be inspected prior to use. The vehicle maintenance sheet is to be filled out and any problems are to be noted on this sheet. If the vehicle needs to go in the shop, the supervisor is to be notified. All vehicles are to be cleaned out at the end of your shift and vehicles are to be wash regularly to prevent corrosion.

C. MANIFESTS

You are required to keep a manifest legibly written of all activities performed and all locations visited. Any discrepancies between your manifest and performed activities will result in disciplinary action for falsifying documents. Manifests are to be turned into supervision daily.

D. UNAUTHORIZED USE OF CITY VEHICLE

You are not to take a truck out of the yard without prior permission from supervision. After, obtaining permission you are to sign the truck out on the Truck Sign In/ Out Sheet. Employees are to leave the yard and go directly to the job site. Failure to comply with this directive will result in disciplinary action

E. FUELING VEHICLES

After completing your assigned job duties for the day, all vehicles and equipment are to be fueled before returning to the yard at the end of your shift.

F. ASSIGNED PARKING

All employees of Lombard Street have been given assigned spaces and they are to park in their assigned spot.

G. ASSIGNED WORK AREA

All employees assigned to work inside at any time are to remain in the assigned work area unless reassigned by immediate Supervisor or Superintendent. All work areas are to be cleaned up before moving to another location or prior to the end of your assigned shift.

Employees working outside the shop are to stay in their assigned area unless given permission to change by supervision.

H. LUNCH BREAK

All crews are to call their immediate supervisor to acquire approval before taking a late lunch or working thru lunch. The allotted time for lunch break is 40 minutes. Lunch is to be taken near the job site no more than 5 minutes away from the work site. Lunch is to be taken at 11:30AM to 12:10 PM.

I. SMOKING IN CITY BUILDINGS & CITY VEHICLES

Smoking is banned in all city of Baltimore vehicles and buildings. Any employee caught breaking this policy will result in progressive disciplinary action up to and including termination.

J. LEAVE

All slips must be submitted twenty-four (24) hours in advance of the scheduled day, to allow the supervisor time to review your request. Your returned leave slip will indicate whether your request has been accepted or denied.

No employee is to call or come up stairs to ask the payroll clerk how much leave they have. This is your responsibility. In cases that you do need to inquire follow the established chain of command.

K. CELL PHONES

No employee is to use a cell phone while operating a city vehicle. Cell phones are not to be used while operating a piece of machinery (this includes ear pieces). In the shop, cell phones are not to be used on a constant basis while working. On the street, no employee is to use a cell phone while working in the street.

L. ISSUING TOOLS

Tools will be issued to you at no cost by the City of Baltimore. It is your responsibility to use them and to safe guard them against theft. The tools will be replaced for normal wear and tear at NO cost to you. However, if the tool has been misused or damaged, you will have to pay for that tool replacement at the current price.

M. RADIO USE

It is the lead workers responsibility when leaving the yard to 10-8 (in service) and 10-20 (on the job location). They are to continue using the radio throughout the whole day whenever they must stop or leave a job from doing their task. They are 10-7 (out of service) at the end of the day.

N. PERSONAL PROPERTY

Employees CANNOT store personal items (*i.e. furniture, car parts, appliances, clothing, etc.*) at the work facility. The only items stored, should be work related items such as PPE's and tools for work.

O. BUSINESS ACTIVITY

Employees are NOT allowed to operate a business or conduct business in or around the city facility, at assigned work locations and at no times while on city work time.

P. PROPERTY DISPOSAL

Employees CANNOT dispose of City Property, without the permission of those assigned to do so and when permission is granted it should be supported by a *Property Disposal Form and consistent with Administrative Manual AM-306-1 Property Disposal Program (Excluding Real Property) (attached)*

Employees CANNOT take City Property and use for personal gain. (*i.e. sell for profit*)

Q. EXITS / OSHA STANDARDS

Employees CANNOT block right of ways and exit paths with personal items or salvaged items intended to use for comfort and convenience. *(i.e. sofas and chairs)* and must comply with OSHA Standards 1910.22(a)(1) & 1910.36(g)(4). *(attached)*

R. FITNESS EQUIPMENT

Employees are NOT allowed to have at city facility *(work site)* or use fitness equipment *(i.e. weight bench and weights, treadmill)* which have the potential for serious harm to employees.

S. COVID – 19 / SOCIAL DISTANCING

Employees are expected to follow all DHR guidelines regarding screening, social distancing, use of PPE's, etc. to help prevent exposure or spreading of the Corona and other viruses.



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AM-306-1

m ***Property Disposal Program
(Excluding Real Property)***

RESPONSIBILITIES

City Purchasing Agent

- Administers the City's Property Disposal Program
- Directs the transfer of materials, supplies and equipment between agencies
- Acts as the sole authority in the determination, declaration, and disposal of surplus, salvage, and scrap property.
- Appoints a Property Disposal Coordinator to coordinate the various activities of the Property Disposal Program.
- Periodically distributes a list of available excess property to all City agencies.
- Coordinates the collection, storage, transfer, and disposal of all excess property.

Executive Director, Commission for Historical and Architectural Preservation

- Advises the City Purchasing Agent concerning the handling and disposition of the interior fixtures and other contents of City-owned buildings, which may have historical or architectural significance.

Agency Head

- Ensure that City-owned property which is no longer in active use and which is not needed to meet agency-operating responsibilities is declared excess.
- Ensure that disposition restrictions for property procured through Federal or State resources are observed.
- Notify the City Purchasing Agent of City Warehouse items which are no longer required for agency operations, proposed closings, renovations, or demolition of City-owned real property, and potential buyers for property.
- Appoint agency Property Disposal Coordinators to supervise the disposition of property within the agency.

RELATED POLICY

AM-306-1-1 Procedure for Declaring Excess Property

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AM-306-1

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***Property Disposal Program
(Excluding Real Property)***

SERVICE CHARGE

A service charge will be assessed on all items released back to agencies from surplus. This charge helps offset the operating expenses of the Surplus Property Division, which is a self-sustaining organization. The service charge assessed shall be 10% of the fair market value of the items.

DISPOSAL OF PROPERTY

The City Purchasing Agent has the sole authority to determine the disposition of surplus, salvage, and scrap property, to include the movement and storage of such property.

Methods used by the City Purchasing Agent to dispose of surplus, salvage, and scrap property include:

- Solicitation of bids from one or more vendors
- Sale at a retail surplus property facility
- Live public or Internet auctions
- Donation to charitable or non-profit organizations which have State-issued tax exempt numbers, and "Sister Cities" or other jurisdictions which together with the City of Baltimore currently maintain an agreement of mutual understanding and support.

Surplus property that is to be donated must first be reported to the Property Disposal Coordinator in accordance with the normal procedures contained elsewhere herein. Property that has significant value, as determined by the City Purchasing Agent, can be donated only with the approval of the Board of Estimates.

Agencies may not dispose of any City-owned property without the written approval of the City Purchasing Agent. The agency must receive a Property Release Authorization issued by the Bureau of Purchases.

MONETARY CREDIT FOR PROPERTY

All money resulting from the sale of an agency's excess or scrap property by the City Purchasing Agent will be credited 50% to the custodial agency and 50% to the Bureau of Purchases to offset the administrative costs of the Property Disposal Program.

By Standard Number / 1910.22 - General requirements.

- **Part Number:** 1910
- **Part Number Title:** Occupational Safety and Health Standards
- **Subpart:** 1910 Subpart D
- **Subpart Title:** Walking-Working Surfaces
- **Standard Number:** 1910.22
- **Title:** General requirements
- **GPO Source:** e-CFR

1910.22(a)

Surface conditions The employer must ensure

1910.22(a)(1)

All places of employment, passageways, storerooms, service rooms, and walking-working surfaces are kept in a clean, orderly, and sanitary condition.

1910.22(a)(2)

The floor of each workroom is maintained in a clean and, to the extent feasible, in a dry condition. When wet processes are used, drainage must be maintained and, to the extent feasible, dry standing places, such as false floors, platforms, and mats must be provided.

1910.22(a)(3)

Walking-working surfaces are maintained free of hazards such as sharp or protruding objects, loose boards, corrosion, leaks, spills, snow, and ice.

1910.22(b)

Loads The employer must ensure that each walking-working surface can support the maximum intended load for that surface.

1910.22(c)

Access and egress The employer must provide, and ensure each employee uses, a safe means of access and egress to and from walking-working surfaces.

1910.22(d)

Inspection, maintenance, and repair The employer must ensure

1910.36(g)(3)

The width of an exit route must be sufficient to accommodate the maximum permitted occupant load of each floor served by the exit route.

1910.36(g)(4)

Objects that project into the exit route must not reduce the width of the exit route to less than the minimum width requirements for exit routes.

1910.36(h)

An outdoor exit route is permitted.

1910.36(h)(1)

The outdoor exit route must have guardrails to protect unenclosed sides if a fall hazard exists.

1910.36(h)(2)

The outdoor exit route must be covered if snow or ice is likely to accumulate along the route, unless the employer can demonstrate that any snow or ice accumulation will be removed before it presents a slipping hazard.

1910.36(h)(3)

The outdoor exit route must be reasonably straight and have smooth, solid, substantially level walkways, and

1910.36(h)(4)

The outdoor exit route must not have a dead-end that is longer than 20 feet (6.2 m).

[FR 67 67962, Nov 7, 2002, 76 FR 33606, June 8, 2011, 79 FR 76897, Dec 23, 2014]

UNITED STATES DEPARTMENT OF LABOR

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TTY

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