

OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 21-0013-I

Issued: October 21, 2020



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



October 21, 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. For this report the OIG was granted authorization by Bernice H. Taylor to use her name and image.

The Office of the Inspector General (OIG) investigated former Deputy Comptroller Bernice H. Taylor's alleged unauthorized access to City Hall and the Office of the Comptroller (OTC) on August 6 and August 7, 2020. The OIG also investigated allegations that Taylor may have interfered with a Department of Labor (DOL) investigation by shredding and disposing of documents that may have been pertinent to the investigation.

The OIG interviewed several individuals, including Taylor, agents from DOL, City employees, City contractors, the City Comptroller, and the City Archivist. The OIG also reviewed video surveillance and photographs, as well as City documents, policies and directives.

The OIG found that several City employees were aware Taylor would be coming to City Hall the week of August 2, 2020 to clean out her former office, to include retrieving personal items and assist the OTC staff with the review of personnel documents stored in her former office. However, those employees failed to ensure Taylor's visit was documented and complied with the Mayor's recent directives regarding visitor access to closed City buildings. Furthermore, the OTC staff did not appropriately supervise Taylor's disposal of City documents and files while she cleaned out her former office and did not inform her of the new City Retention Directive issued by the Acting Solicitor and disseminated to all current City employees in June 2020, which outlined the retention and disposal procedures for City documents. The OIG also found that prior to Taylor's retirement, the OTC maintained a strong working relationship with the Baltimore City Archivist, who retains retention schedules for all City agencies. However, the OTC was not in possession of the approved OTC retention schedule and therefore was not following proper retention procedures for all required documents, but, instead, was retaining only Board of Estimates (BOE) documents.

The OIG determined Taylor gained access to City Hall without displaying City identification and without being questioned by the Baltimore Police Department (BPD) Officers posted at the City Hall entrance door on August 6 and August 7, 2020. Taylor gained access to the OTC with the knowledge of at least one OTC employee. Additionally, the OIG found that Taylor did not destroy any City records, files or documents pertaining to the DOL investigation. However, she did shred or discard documents that she deemed would no longer be required by the current or future administration.

REPORT FRAUD, WASTE AND ABUSE

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Background

Taylor is the former Deputy Comptroller for the City of Baltimore. She was employed in that position for 23 years under the direction of Comptroller Joan Pratt. Prior to her retirement on March 31, 2020, Taylor was the Clerk of the BOE and responsible for BOE staff and the OTC Human Resources functions, including leave and payroll responsibilities.

In January 2020, prior to learning of the DOL investigation, Taylor submitted her 90-day notice of intent to retire. Taylor informed the OIG she is the primary caregiver to her 96-year-old aunt, whose health has deteriorated over the years and who is partially wheelchair bound. After Taylor submitted her intent to retire the world was impacted by the pandemic. Taylor returned her City credentials and completed her exit interview on April 3, 2020.¹ Taylor was unable to come back to the OTC to clean out her office without making accommodations for her aunt since she is her primary care giver, which she was able to do August 6, 2020 and August 7, 2020.

The DOL first contacted the OTC in February 2020 after initiating an investigation into labor and employment practices within the office. The DOL had interviewed several OTC staff and obtained many documents prior to Taylor's City Hall entry on August 6, 2020.

Methodology

The OIG conducted several interviews to gather information on Taylor's City Hall and OTC visit, including:

- 3 DOL Agents
- 1 former OTC employee
- 8 current OTC employees
- 1 Department of Human Resources (DHR) employee
- 2 City contractors
- 1 BPD Officer
- 1 Baltimore City Archives employee

The OIG also gathered supplemental information from staff in the Law Department, the Mayor's Office, and the Department of Human Resources (DHR).

In addition, the OIG reviewed City Hall video surveillance footage, including entrance and exit points, the south elevator and stairwells, and the second floor. The OIG also examined Taylor's former office.

OIG Investigation

DHR informed the OIG that it had been in contact with OTC Employee 1² regarding a Real Estate Agent, who had been on extended leave under the Family Medical Leave Act (FMLA). The DHR Manager asked OTC Employee 1 for the Real Estate Agent's FLMA paperwork and necessary documents because the employee had exhausted his leave.³

¹ Taylor was unable to complete her exit interview on March 31, 2020 and had to come back on April 3, 2020 to complete it with Pratt.

² OTC Employee I inherited some responsibilities after the former Deputy Comptroller retired

³ Real Estate Agent II passed away on September 6, 2020.

The week of August 2, 2020, the OTC Employee 1 called Taylor to inquire about Real Estate Agent's FMLA paperwork. Taylor replied that it would be best for her to come to the OTC, retrieve the FMLA paperwork from her former office, and review it with OTC Employee 1. Additionally, Taylor told OTC Employee 1, she could clean out her former office at that time since she was unable to clean it prior to her retirement. Taylor and OTC Employee 1 confirmed that Taylor would come to the OTC on August 6, 2020. Prior to coming to City Hall, on August 6, 2020 Taylor asked the OTC Employee 1 to leave the BOE door open so she could access the OTC "without disturbing the staff." The BOE entrance allows individuals to gain access to the rear of the OTC near Taylor's former office. The OTC Employee 1 confirmed that she would leave the door ajar for Taylor to access the office.

The OTC Employee 1 followed up with the DHR Manager later that day and informed her that she would need Taylor's assistance to gather the Real Estate Agent's paperwork and Taylor would be coming to the OTC the following day. DHR Manager told OTC Employee 1 that Taylor would need to be accompanied by a City employee during her visit to the OTC. The OTC Employee 1 assured DHR Manager she would be with Taylor during Taylor's time in City Hall. The DHR Manager eventually instructed the DHR Supervisor to ask the DHR Employee, to contact the Mayor's Chief of Staff to determine if Taylor was authorized to visit City Hall. According to the DHR Employee, authorization was given for Taylor to come to City Hall to gather her personal items. The DHR Employee stated he informed DHR supervision that Taylor was permitted to retrieve her personal items and that no further action was required.

Thursday, August 6, 2020

On August 6, 2020, at 12:26 p.m., Taylor arrived at City Hall. Taylor proceeded to the entrance, walked past the security post and waved to the BPD Officer, Taylor did not display a City identification card and the BPD Officer did not stop Taylor and ask for her City credentials in accordance with the Mayor's Office directives and as displayed on the sign in the City Hall vestibule. Those directives had been emailed on February 19, 2020 from the Mayor's Office, to all City Hall staff, including BPD building security supervision for City Hall. The BPD Supervisor acknowledged receipt of the email.

Figure 1 Taylor entering Baltimore's City Hall 12:26 p.m.



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At 12:27 p.m., Taylor used the south stairwell of City Hall to access the 2nd floor and entered the OTC through the BOE room, instead of using the front door. According to Taylor, she went directly to her former office once she entered the OTC. A minute later, a DHR Employee entered the OTC for the second time that day. The DHR Employee confirmed he saw Taylor while he was in the OTC. The DHR Employee asked Taylor if she needed any assistance with gathering her personal items but did not ask her or anyone else in the OTC how long Taylor would be on the premises or if anyone was overseeing her activities. The DHR Employee exited the OTC at 12:38 p.m. and did not return. The DHR Employee explained to the OIG that he did not believe he was supposed to escort Taylor to her office or supervise her while she was in the building. The DHR Employee informed the OIG that he is aware that former City employees are visitors to City Hall, and that a City employee should accompany a visitor during their time in City Hall. The DHR Employee failed to ask whether any OTC staff was accompanying Taylor during her visit.

Taylor informed the OIG that during her time in the OTC on August 6, 2020, she met with OTC Employee 1 to review the Real Estate Agent's FMLA paperwork and cleaned up her office. The OTC Employee 1 confirmed these activities. At approximately 4:30 p.m., OTC Employee 1 asked OTC Employee 2, to move the office shredder into the Comptroller's office, which is connected by a door to Taylor's former office. Prior to leaving for the day, another employee, OTC Employee 3 informed the OIG she spoke to Taylor for approximately 5 minutes in her former office. The OTC Employee 3 informed the OIG that she left the office at 5:15 p.m. and thought nothing of Taylor's presence because "everyone" knew Taylor was coming back to the OTC to clean out her former office.

At 5:35 p.m., OTC Employee 1 requested assistance from the City Hall custodial staff to remove approximately six or seven black trash bags filled with old binders, books and other items from Taylor's former office. Subsequent interviews with the custodial staff revealed no bags of shredded materials were collected that evening, only large black trash bags.

OTC Employee 1, the last City employee in the OTC on August 6, 2020, left City Hall at approximately 6:30 p.m., leaving Taylor in the OTC alone. Taylor informed the OIG that she continued to clean up the office and pack away some of her personal items. She admitted that she began to sporadically shred documents she deemed unimportant as she was cleaning the office, including personnel documents of applicants not hired for positions, old or outdated memorandums, and duplicated documents. Taylor exited City Hall at approximately 9:30 p.m. that evening.

Figure 2 Taylor exiting the OTC at 9:23 p.m.



REPORT FRAUD, WASTE AND ABUSE

Friday, August 7, 2020

Taylor returned to City Hall at 10:14 a.m. on August 7, 2020. She walked past the security post manned by the BPD Supervisor without displaying City identification for a second time. Taylor proceeded to the south elevators, took them to the 2nd floor, and entered the OTC through the main entrance door. Taylor stated that she briefly spoke to a few employees and walked to her former office to continue cleaning. Taylor informed the OIG that neither the OTC Employee 1 nor the Comptroller was in the office at the time she arrived. Taylor acknowledged that she continued to shred outdated documents containing personal information that she believed were unimportant to the OTC or the DOL. Taylor stated that she was in the OTC for approximately 1 hour before OTC Employee 3 requested that she leave immediately.

Taylor exited City Hall at 11:25 a.m., approximately 10 minutes before the OIG staff entered the OTC. The OTC Employee 3 led the OIG staff to Taylor's former office and handed over one clear trash bag full of shredded paper and one black trash bag containing old binders, books and paperwork. The OIG confiscated the bags and instructed OTC Employee 3 to lock the door. The OIG team left the OTC at 11:47 a.m., with the confiscated bags.

OTC Employee 3 informed the OIG that she had received a call directly from the Mayor's Office instructing her to ask Taylor to leave the office. Pratt stated she was not informed ahead of time that Taylor would be coming to the OTC on August 6, however when Taylor arrived OTC Employee 1 called and informed her. Additionally, Pratt was unaware that Taylor would be returning to the OTC on August 7, 2020, however after Taylor left the office, she received a call about Taylor's visit.

Office Inventory

The OIG conducted a basic inventory of Taylor's former office after August 8, 2020 and noticed the absence of several binders, books, folders, and paperwork that had been previously stored in her office. The desk drawers were empty and there were boxes all around the office.

Figure 3 Drawers in Taylor's former Office after August 7, 2020



Additionally, the OIG noticed the bookcase located beside Taylor's former desk was empty. Figure 4 below shows a comparison of the bookcase prior to August 6 and after August 7, 2020. Most notably, many of the large binders, books and folders are missing from the bookcase.

City Hall custodial staff informed the OIG the trash bags removed from Taylor's former office were filled with binders, books, papers, folders and personal items. Likewise, the black trash bag confiscated by the OIG on August 7 contained several binders and 'old documents related to expired union contracts and general job classification, grade and step information for MAPS employees.

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Figure 4 Bookcase in Taylor's former office prior to 8/6/2020 vs. Bookcase in Taylors office after 8/7/2020



The OTC was able to show the OIG where the personnel files are kept, including the information requested by the DOL. The OTC informed the OIG that all documents requested by the DOL were submitted prior to August 6, 2020. The DOL confirmed to the OIG that its initial request for documents had been fulfilled prior to August 6, 2020, as well as the supplemental request after August 7, 2020. According to the DOL, Taylor's actions did not disrupt or impede their investigation.

With regard to City retention policies, OTC Employee 1 and Pratt both acknowledged that they were aware of the retention policy emailed to all City employees on June 30, 2020 titled "Transition Guidance Re: Retention of Documents" from the Law Department. OTC Employee 1 told the OIG that she did not share the information with Taylor because it did not cross her mind to share it. OTC Employee 1 went on to say that Taylor would never destroy any documents that were important to the City operation or the DOL investigation because "she's not that type of person." Pratt informed the OIG that because she was not in the office when Taylor came, she did not have the opportunity to share the information with her.

The OTC's Archived Documents-Baltimore City Archives

The Baltimore City Archives, with assistance from the Maryland State Archives, is the central depository for Baltimore City government records of permanent value. The duties of the City Archivist and the management of the Baltimore City Archives are assigned to the Maryland State Archives under a memorandum of understanding with the City of Baltimore in which a State employee serves as the Acting City Archivist. The duties of records management are assigned to the Records Administrator who supervises the transfer, appraisal, retention, and disposition of non-permanent government records.

The OTC regularly transports BOE documents to the Baltimore City Archives. The Baltimore City Archivist confirmed that he has communicated with the OTC through the years about BOE documents. However, he did inform the OIG that the OTC does not submit other required documents outlined in the retention schedule (Exhibit 5). Those documents include a General Correspondence File among other documents. Additionally, agencies that fall under the OTC such as the Municipal Post Office (MPO), the Municipal Telephone Exchange (MTE) and the Real Estate Division are also required to submit documents to the Baltimore City Archive, but do not. Pratt stated she had never seen the retention schedule and if she had, the schedule would have been followed.

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Pratt showed the OIG boxes of BOE materials prepared for transport to the Baltimore City Archives once it reopens after the pandemic.

Figure 5 Boxes Stored in the OTC for the Baltimore City Archives



The OIG visited the Baltimore City Archives and confirmed the OTC does send BOE documents to the Archivist per the retention schedule. Figure 6 displays boxes dating back to 2006 from the OTC.

Figure 6 The OTC Boxes stored at the Baltimore City Archives



However, it must be noted that the Baltimore City Archivist reported that City agencies do not regularly communicate with the Archives about retention activities, and that the retention schedule needs to be redistributed to all Baltimore City government agencies.

REPORT FRAUD, WASTE AND ABUSE

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Conclusion

The OIG found that several City employees were aware Taylor would be coming to City Hall the week of August 2, 2020, yet no one informed the security post. The BPD officers at the security post failed to ask Taylor for City identification in accordance with the Mayor's Office directives. OTC Employee 1 did not appropriately supervise Taylor's disposal of City documents and files as she was cleaning up her former office, even though OTC Employee told DHR that she would. Additionally, the OTC did not inform Taylor of the new City Retention directive disseminated to all current City employees in June 2020, outlining the retention and disposal procedures for City documents. The OIG also found that prior to Taylor's retirement, the OTC was not in possession of the Baltimore City Archives retention schedule for the OTC and therefore was not transferring all documents required, only BOE documents.

The OIG found that Taylor did not destroy any City records, files or documents pertaining to the DOL investigation. However, Taylor did shred or discard documents she deemed no longer required for governmental use by the current or future administration. The directive stopping all shredding of City documents was issued after Taylor's retirement from City government.

The OIG urges that the current retention schedule be distributed to all City agencies as soon as possible in an effort to preserve historical documents.

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

Comptroller Response

Case # 21-0013-I

COMPTROLLER

JOAN M. PRATT, CPA
Room 204, City Hall
Baltimore, Maryland 21202-3461



OFFICE OF THE COMPTROLLER

Department of Audits
Department of Real Estate
Municipal Post Office
Municipal Telephone Exchange
Harbor Master

October 19, 2020

Isabel Mercedes Cumming
Office of the Inspector General
City Hall, Room 635
100 North Holliday Street
Baltimore, Maryland 21202

RE: *OIG Case # 21-0013-1*

Dear Ms. Cumming:

Thank you for sending me the Report of Investigation relating to *OIG Case# 21-0013-1* for my response. After review of the report, the following was distributed to all agency heads within the Office of the Comptroller, as well as to staff in the Executive Office:

1. The Mayor's Office directive emailed by Hosea Chew on February 19, 2020 (including a copy of the sign displayed in the City Hall vestibule);
2. The Records Retention Letter from Acting City Solicitor issued June 30, 2020; and,
3. The Baltimore City Archivist retention schedule for the Office of the Comptroller and the city Record Retention Schedule.

I instructed the agency heads within the Office of the Comptroller to provide a copy of each of the documents listed above to all staff, review them with staff and assure that staff understand they are required to comply. Staff members who have questions should contact the agency head or myself.

The staff in the Executive Office have similarly been informed of the requirement to comply with the above-listed documents numbered 1, 2 and 3. On October 19, 2020, I confirmed with agency heads that all staff have received the documents listed above and are informed of the requirements and that compliance is mandatory.

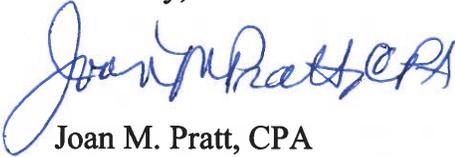


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Office of the Inspector General
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I concur with the recommendations that the Records Retention Schedule be redistributed to all Baltimore City government agencies. I further recommend that the Records Retention Schedule be reviewed by the appropriate city agencies and departments to determine whether the Schedule needs to be updated consistent with current city operations.

Please do not hesitate to contact my office as needed.

Sincerely,

A handwritten signature in blue ink that reads "Joan M. Pratt, CPA". The signature is written in a cursive style with a large initial "J".

Joan M. Pratt, CPA
Comptroller

JMP/l dj

cc: Michelle Phillips

Police Commissioner Response

Case # 21-0013-I



BALTIMORE POLICE DEPARTMENT



Bernard C. "Jack" Young
Mayor

Michael S. Harrison
Police Commissioner

October 20, 2020

Isabel Mercedes Cumming
Office of the Inspector General
City Hall, Room 635
100 North Holliday Street
Baltimore, MD 21202

RE: Referral regarding OIG #21-0013-I

Dear Ms. Cumming,

We have received your referral regarding the issues identified in case #21-0013-I. This matter was been referred to the Public Integrity Bureau in early September when your office first informed us of this issue. BPD has already opened an administrative investigation into the incident and will take the appropriate action to address the matter.

Sincerely,

Michael S. Harrison
Police Commissioner