

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**Office of the Inspector General**



Inspector General

**Executive Summary Concerning the Results  
of an Office of the Inspector General Investigation  
Into Misconduct Violations by an Employee  
of the D.C. Department of Public Works**

**Investigation 2009-0206 (S)**

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**INVESTIGATIVE SYNOPSIS**

The District of Columbia Office of the Inspector General (OIG) initiated an investigation after receiving an allegation that an employee of the Department of Public Works (DPW) drove his government assigned vehicle to his residence, while on duty. The investigation revealed that a DPW Solid Waste Education and Enforcement Program (SWEEP) Inspector drove a District government vehicle to his residence, during his tour of duty, on two occasions.

During the investigation, OIG investigators interviewed employees of the Mayor's Office of Community Relations and Services (MOCRS), Executive Office of the Mayor, and the SWEEP Inspector. OIG investigators reviewed SWEEP's time and attendance records and Vehicle Sign-in Logs, pertinent sections of the D.C. Code, the District Personnel Manual (DPM), and the Omnibus Appropriations Act, 2009. OIG investigators also conducted a surveillance of the SWEEP Inspector during his tour of duty in June 2009.

In her interview with OIG investigators, the MOCRS employee stated that on February 10, 2009, between 10:00 a.m. and 11:00 a.m., she responded to an alley adjacent to the SWEEP Inspector's home, which is located in Southeast, Washington, D.C., to investigate illegal dumping. While at the location, the MOCRS employee observed the SWEEP Inspector with a white Chevy truck, displaying a District government seal, parked inside his garage. A review of SWEEP's time and attendance records and Vehicle Sign-in Logs revealed that on February 10, 2009, the SWEEP Inspector, who worked that day, signed out DPW vehicle number 33-2329 at 8:40 a.m. and signed it back in at 4:27 p.m.

Subsequently, another MOCRS employee scheduled a meeting with the SWEEP Inspector, to occur in the same block in Southeast, Washington, D.C., for a site visit of the neighborhood. The MOCRS employee alerted OIG investigators that she was scheduled to meet with the SWEEP Inspector on June 29, 2009, at 11:00 a.m. OIG investigators were on location and observed the SWEEP Inspector arrive at a nearby intersection at the same block in Southeast, Washington, D.C., at 10:45 a.m. on June 29, 2009, driving a District government vehicle (white pickup truck) bearing license plate

number DC 2329. OIG investigators also observed that the SWEEP Inspector, who was wearing a DPW uniform, parked the vehicle near his residence. The SWEEP Inspector had two youths with him.

The SWEEP Inspector met with the MOCRS employee and another individual and conducted a site visit of properties near his residence. The SWEEP Inspector left the location at the conclusion of the site visit, at 11:45 a.m. OIG investigators took photographs of the SWEEP Inspector meeting with the MOCRS employee and of the District government vehicle the SWEEP Inspector was using.

The MOCRS employee later informed OIG investigators that she met with the SWEEP Inspector on June 29, 2009. The SWEEP Inspector had with him two youth participants of the D.C. Summer Youth Employment Program.<sup>1</sup> SWEEP's time and attendance records and Vehicle Sign-In Logs indicate that the SWEEP Inspector worked on June 29, 2009, and signed out DPW vehicle number 33-2329, bearing license plate number DC 2329, at 10:15 a.m., and signed it back in at 4:32 p.m.

When interviewed by OIG investigators, the SWEEP Inspector acknowledged that he drove his assigned District government vehicle to his home on occasion, with and without supervisory permission, during his tour of duty. The SWEEP Inspector acknowledged that he was present in his neighborhood when the MOCRS employee responded to investigate an illegal dumping complaint, but did not recall the exact date(s). According to the SWEEP Inspector, it is SWEEP's protocol to respond to locations when MOCRS employees respond to neighborhood complaints.<sup>2</sup> The SWEEP Inspector contended that although he drove a District government vehicle to his neighborhood while working, he did nothing wrong because his purpose was to clean up his neighborhood.

The SWEEP Inspector acknowledged that, on June 29, 2009, after reporting for duty at DPW, he drove his District government vehicle, a white Chevy S10 pickup truck bearing license plate number DC 2329, to his residence located in Southeast, Washington, D.C., where he met with the MOCRS employee and the president of the local civic association. During the OIG interview, the SWEEP Inspector first said he remained at his residence for only 15 to 20 minutes. Then, he said he remained there only 30 to 45 minutes. He denied that he had been there any longer than that.

According to D.C. Code § 50-204(a) (2009), "no officer or employee of the District may be provided with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties." Although there are exceptions to this provision, none of them apply to DPW SWEEP Inspectors.

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<sup>1</sup> An Associate Director of the Department of Employment Services Summer Youth Employment Program advised that there are no guidelines that govern the transport of summer youth program participants.

<sup>2</sup> A DPW Associate Administrator, SWEEP, advised that SWEEP does not have a protocol that authorizes inspectors to respond to requests from MOCRS. Special requests from MOCRS are forwarded to an Associate Director, her deputy, or a supervisor.

Similarly, the Omnibus Appropriations Act, 2009 (Pub. L. No. 111-8, 123 Stat. 524, eff. March 11, 2009), provides, in pertinent part:

[N]one of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term "official duties" does not include travel between the officer's or employee's residence and workplace . . . .

Like D.C. Code § 50-204(a), there are exceptions to this provision; however, none of them apply to DPW SWEEP Inspectors.

### **ANALYSIS AND CONCLUSIONS**

D.C. Code § 50-204(a) and the Omnibus Appropriations Act, 2009 both restrict the use of District government vehicles to authorized government business. The SWEEP Inspector acknowledged that he drove his assigned District government vehicle to his home on occasion, with and without supervisory permission, during his tour of duty. OIG investigators confirmed two specific dates that the SWEEP Inspector drove his District vehicle home without permission, on February 10, 2009, when one MOCRS employee was in the neighborhood, and on June 29, 2009, when the other MOCRS employee was in the neighborhood. Vehicle Logs for February 10, 2009, and June 29, 2009, show that the SWEEP Inspector signed out a vehicle on each date. Although the SWEEP Inspector stated that he was supposed to respond to locations when MOCRS employees respond to neighborhood complaints, a DPW manager told OIG investigators that this is not SWEEP's procedure. Accordingly, the SWEEP Inspector violated D.C. Code § 50-204(a), the Omnibus Appropriations Act, 2009, and four sections of the DPM by using his assigned District government vehicle for personal use on February 10, 2009, and June 29, 2009.

This investigation has **substantiated** that the SWEEP Inspector's conduct violated the following laws and regulations:

1. D.C. Code § 50-204(a) (2001) (Restrictions on the Use of Official Vehicles).
2. DPM Chapter 18 (Responsibilities of Employees) § 1803.1 (a) (1) (Using public office for private gain).
3. DPM § 1803.1 (a) (3) (Impeding government efficiency or economy).
4. DPM § 1803.1 (a) (6) (Affecting adversely the confidence of the public in the integrity of government).

5. DPM § 1806.1 (Prohibiting the use of government property for other than official use).
6. Omnibus Appropriations Act, 2009, (Pub. L. No. 111-8, 123 Stat. 524, eff. March 11, 2009).

### **RECOMMENDATIONS**

Based on the results of this investigation, the OIG recommends that the DPW:

- Address the SWEEP Inspector's conduct in an appropriate manner; and
- Require all DPW employees who use DPW vehicles in the course of their official government duties to comply with District rules regarding use of District vehicles, including requirements that the vehicles be used only for official government duties.

*Dated: September 21, 2011*