

OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



**Isabel Mercedes Cumming
Inspector General**

Investigative Report Synopsis

OIG Case # 19-0017-I

Issued: February 19, 2019

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF INSPECTOR GENERAL

ISABEL MERCEDES CUMMING, Inspector General
640 City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

February 19, 2019

Dear Citizens of Baltimore City,

The Office of the Inspector General (OIG) conducted an investigation regarding operational issues with the Signs and Markings section of the Department of Transportation (DOT). The initial hotline complaint alleged DOT's purchase of a sign cutting machine for \$215,480 was a waste of City funds because it had been operational for only a third of the time since its purchase in 2013. A follow up complaint alleged two employees in the same department were using City equipment and materials during work hours to produce personal artwork for profit.

The mission of the OIG is to promote accountability, efficiency, and integrity in City government, as well as the investigation of complaints of fraud, financial waste, and abuse in City government. The OIG investigation substantiated the allegation related to financial waste in reference to the sign cutting machine and its lack of use. In justifying its initial purchase, DOT wrote that the new machine would eliminate the maintenance cost that was associated with the machines previously used by the Signs and Markings section. Since the sign cutting machines purchase in 2013, it has required over 10 service calls for repairs at cost of over \$36,000.

The OIG investigation also substantiated the allegation that two employees in the Sign and Markings section were producing personal artwork using City equipment and materials, during their scheduled work hours.

On November 22, 2013, DOT procured a Mach 2 2040C WaterJet machine (WaterJet) for a total of \$215,480 from Flow, a company that specializes in metal fabricating machinery, tooling, and parts. The WaterJet can cut into almost any surface. The WaterJet has a complex computer interface. As a result, a four-day system maintenance and a programming and operation course at Flow's facility in Indiana were required. DOT negotiated with Flow to send two employees each, to two separate, two-day trainings. A DOT Traffic Maintenance Supervisor and a Fabricator attended the maintenance course, while an Acting General Superintendent and another Fabricator attended the operations course.

All travel and living expenses associated with the training were the responsibility of the City who paid \$3,417 for travel and lodging for the four employees. According to DOT leadership, all four employees who attended the training were expected to return with enough expertise to train the other employees of the fabrication unit. Only one of the four employees sent to training used the WaterJet to cut metal. This employee taught another employee the basic steps of cutting metal with the WaterJet. While the second employee occasionally cut metal with the machine, the initially trained employee was the primary user.

There are seven fabricators within the Signs and Markings section. The OIG investigation discovered that the majority of the fabricators, who were expected to fabricate signs using the WaterJet, never received training so they refuse to use the complex machine. During an interview with the then Acting General Superintendent, he explained that he has never used the WaterJet and only attended the training because he was the General Superintendent of the Maintenance Division at the time. He stated, though, that the training was beneficial in his understanding of the WaterJet and its equipment. Another DOT employee who attended the training stated that he never used the information he was taught. The employee referred to the training as a “nice vacation.” The employee stated that he learned portions of the training material but never had the opportunity to put the information into practice. He explained that the Flow trainers used various tools and special wrenches that were never procured by the City. Presently, the machine is non-operational and only one employee knows how to operate it.

The OIG discovered that Flow technicians have come to the Signs and Markings facility at least ten times over the past four years to fix the machine for various problems. The OIG discovered that since 2014, the City has spent over \$36,000 in repairs and replacement parts for the WaterJet. A representative from DOT’s fiscal department stated the WaterJet was purchased with a one-year warranty that covered everything to include, replacement parts and repairs and recalled that within the first year there were at least six repairs requested for the WaterJet that were covered under warranty. No additional warranty was purchased.

Multiple employees within the Signs and Markings section have stated the WaterJet was a waste of money because of its consistent inoperability. One DOT employee said metal cutting practically stopped once the WaterJet was purchased because of it being non-operational. The same DOT employee stated that the City should have bought another sheer machine, the type of machine previously used, because it was simple to use and would have cost at least half of what the City paid for the WaterJet. During instances while the WaterJet was non-operational, a group of employees from Signs and Markings would travel to a Maryland Department of Transportation, State Highway Administration (SHA) facility to cut metal for traffic signs. Signs and Markings also used pre-cut metal to make signs since the WaterJet was broken and could not cut metal.

The second complaint provided to the OIG, alleged two Sign Painters were operating a personal business out of the Signs and Markings facility. The employees work within the Fabrication Unit of the Signs and Markings section. According to the complaint, the employees walk out of the Signs and Markings section with items they printed using City resources, for personal economic gain. It was also alleged that the employees brought their own personal equipment into the Signs and Markings facility.

In interviews with the OIG, both employees denied the allegation and stated that their leadership was always aware when they would work on, or print out personal projects. The OIG interviewed past and present leadership at the Signs and Markings section, all of whom denied ever giving any employee permission to work on personal projects.

A member of DOT leadership explained that he has given employees in the Signs and Markings section permission to print out retirement or birthday signs and banners for other DOT employees, but denied giving employees permission to print personal projects. A former Signs and Markings

supervisor stated that he was not aware of any personal materials or equipment being brought into the Signs and Markings facility by any employees. He elaborated, stating that it would not be authorized for an employee to do so. Another DOT supervisor stated that he was aware of the employees having personal equipment at the Signs and Markings section; however, the equipment was there before he started working at the facility.

One of the employees is the designated graphic artist in the Signs and Markings section. During his interview with the OIG, the employee denied the allegation that he and the other employee were operating a personal business out of the Signs and Markings section. Analysis of the employee's two City computer hard drives showed he had modification times for projects created for churches, friends, and businesses that were outside of his specified lunch hour. Additionally, the employee had multiple folders that contained personal projects on both of his work computer hard drives. During further analysis of his City computer hard drive, the OIG discovered multiple invoices for caricatures billed to an external organization totaling to the sum of over \$1,200. The employee's hard drive contained finished products and character build-ups of caricatures for the external organization saved in Adobe Photoshop format (psd.) and Adobe Reader format (pdf.).

The OIG discovered the employee had been creating personal projects at work since 2014, based on an analysis of his work computer hard drives which revealed that there were dozens of personal projects that ranged from 2014-2018. The personal projects were discovered intermingled in the same folders and subfolders as his City work assignments. The OIG obtained photographic evidence of the employee creating a portrait of a couple while at work using City equipment. One of the photographs discovered captured the employee working on a graphic portrait of a couple that he referred to in a personal reference on his public Instagram account. In the photograph, the employee can be seen using the City computer and his personal drawing tablet to create the personal project.

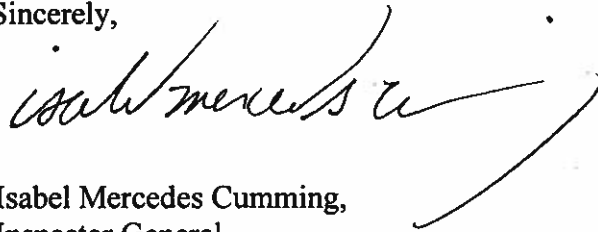
The OIG discovered the second employee had also been creating personal projects at work. Analysis of her email showed that on multiple occasions she worked on banner designs for an external organization and emailed the finished products to her personal email via her City email. When questioned about personal projects she emailed to herself (work email to personal email), the employee stated that she occasionally takes a fifteen-minute break throughout the day and works on some of her personal graphic art. One of the emails in question with an attachment for artwork for an external organization had a 9:22 a.m. time stamp. The employee stated she clocks in at 8:00 a.m. and must have finished what she needed to do for the morning. The OIG was unable to find any standard operating procedures or any provisions within the City Union of Baltimore (CUB) contract that permits fifteen-minute breaks during the workday.

The employee stated during lunch or after work, she creates personal graphic layouts under the authority of a supervisor. She stated she is a graphic artist and uses her lunch hour as a time to perfect her craft. The employee confirmed that she has used a DOT printer to print out her personal work. She asserted that whenever she prints out her personal graphic work she uses her own ink. The employee confirmed she uses the City provided Adobe Photoshop to create her artwork. She insisted that she does not charge anyone for the artwork she creates. The OIG discovered artwork for an external organization within the employee's City email sent to her personal email at various times.

The employee stated that she does not receive requests to create personal art projects at work; the OIG investigation revealed otherwise. The employee admitted that she occasionally prints signage for an external organization using City equipment and materials. DOT leadership denied ever giving any DOT employees permission to print projects for external organizations. Analysis of the employee's work computer revealed projects created for an external organization that were outside of her 11:30 p.m. to 12:30 p.m. DOT lunch hour.. Additionally, the OIG discovered two folders on the employee's work computer that contained hundreds of fashion pictures and Adobe Reader (pdf) saved copies of artwork for external organizations.

In a response from management, Mayor Catherine E. Pugh wrote lack of availability of the WaterJet was unacceptable and was directing DOT to appropriately train employees in the safe use of the machine. Mayor Pugh added that she was asking the Chief of the Bureau of Procurement to review the procurement of the WaterJet and advise how such costly items can be better procured. She added the full lifecycle cost of such items should be understood when purchased.

Sincerely,

A handwritten signature in cursive script, appearing to read "Isabel Mercedes Cumming". The signature is written in black ink and is positioned to the right of the typed name.

Isabel Mercedes Cumming,
Inspector General

Cc: Hon. Catherine E. Pugh, Mayor of Baltimore City
Hon. Bernard C. Young, President, City Council
Hon. Joan M. Pratt, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Andre M. Davis, City Solicitor