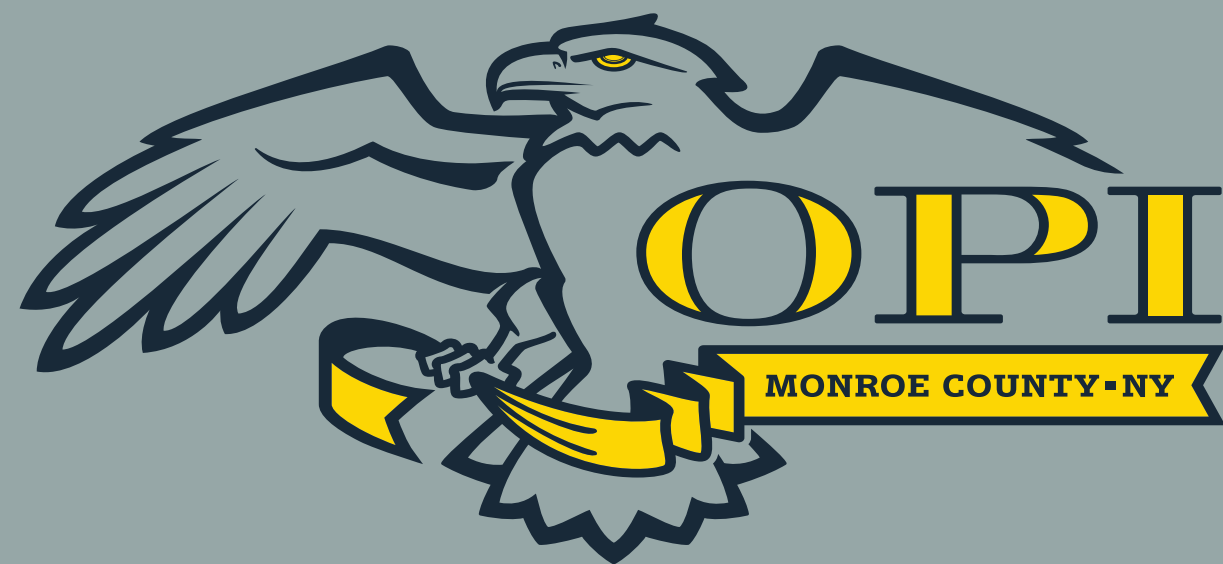




**Administrative
Report**

2020

OFFICE OF PUBLIC INTEGRITY
MONROE COUNTY, NEW YORK



f) Calculate an overall risk factor for each auditable unit.

Upon multiplying the significance of each risk attribute by the magnitude and likelihood of occurrence, a risk factor is created by which every auditable unit can be ranked for risk within the County. The risk factor scale, intrinsic to Monroe County, is from 0.00 to 3.00.

g) Compare risk factors of the auditable units in order to identify the areas of highest risk.

Auditable units with risk factors that approach 3.00 should be included on the annual audit plan, unless the auditable unit was recently audited and contained no significant findings.

Future Activities

OPI will continue to 1) provide training on ethics to County employees and contractors, 2) conduct risk and control assessments with departments, 3) perform audits of County operations and contractors, and 4) perform investigations of suspected misconduct, fraud, and unethical behavior. Future audits could include, but not be limited to, the following areas, as highlighted through risk assessment: the procurement process, construction projects, emergency medical services, fire districts, the Public Safety Training Center, cell towers, fuel purchases, revenue-producing functions, travel expenses, and a cost-recovery audit of utility expenses.

OPI plans to perform audits involving at least 6 county departments in 2021.

Submitted by:



David T. Moore,
Director, Certified Inspector General

Phone: (585) 753-3100
Fax: (585) 325-6293
whistleblower@monroecounty.gov

TEAM OPI

David Moore is the first director of the Office of Public Integrity, assuming his responsibilities in October 2016. Director Moore is a decorated law enforcement official, serving as the Chief of Police in Fountain, CO, Laurel, MD and Rochester, NY over a 30-year career. As the former Monroe County Public Safety Director, Director Moore has extensive institutional knowledge of Monroe County government to supplement his career in law enforcement. He is a graduate of Regis University in Denver Colorado with a Master of Arts degree in Language and Communication, a graduate of the FBI National Executive Institute and the Center for Creative Leadership, and is a Certified Inspector General. Director Moore's philanthropic service includes being a commissioner for the Commission on Accreditation for Law Enforcement Agencies.

Eric Leinenbach, a Certified Inspector General Auditor, and a Certified Inspector General Investigator, has served Monroe County in multiple roles in the past 25 years. Prior to joining the Office of Public Integrity, he served as the County Controller, the Internal Audit Manager, and the Fiscal Coordinator for the Office of Mental Health and the Office of Probation. After graduating from Alfred University, he worked in the D.C./Maryland area as a certified public accountant and corporate accountant. He is a past president of the Rochester Chapter of the Institute of Internal Auditors.

Steve Peglow is a Certified Inspector General Investigator. Prior to joining OPI, he served over 20 Years with the Monroe County Sheriff's Office and other New York State police departments, working as a deputy in Road Patrol, Warrant Services and in plain-clothes capacities. His last 10 years were as a Major Crimes Investigator for the Sheriff's Office before retiring in 2016. Since 1999, he has also served the MCC Public Safety Training Facility as a defensive tactics instructor and as a classroom teacher. He works part-time for OPI and part-time as a private investigator for other entities.

John Melville is a Certified Inspector General Investigator, having recently retired as a welfare fraud investigator for the Monroe County Department of Human Services after 23 years of service. A licensed Private Investigator for 12 years, he was also an Executive Board member of the New York Welfare Fraud Investigator's Association from 2006-2015, serving as president for three terms. In 2017 he received the NYWFIA Annual Service Award, acknowledging his dedication to the organization. He has presented training on numerous topics, including field safety, interviewing techniques, use of computers and social media in investigations, report writing, and ethics.



III. RISK ASSESSMENT AND FUTURE ACTIVITIES

The inherent and unique responsibility of the Office of Public Integrity is to follow-up and respond to any concerns that are reported through the County's hotline. However, to maximize its effectiveness, OPI also takes a proactive approach in mitigating the various financial and operational risks to Monroe County. To accomplish this, OPI uses a comprehensive approach to risk assessment that includes OPI's knowledge of County operations, prior audit results, and management's immediate concerns. For purposes of this section, management is defined as any employee or elected official of Monroe County, who is responsible for establishing policy or providing services to the public.

Risk Assessment

Risk assessment is one of the five essential internal control components for any entity. For management, assessing risk can allow them to identify and implement internal controls that are most cost-efficient in minimizing those risks. For auditors, assessing risk allows for the development of an annual audit plan which is logical, reasonable, and maximizes the effectiveness of available resources.

In order to assess risk, the following steps (italicized) are performed.

a) Determine management's objectives.

The County's objective, per its vision statement, is to make Monroe County a community of choice. To meet this objective, management strives to provide governmental services in an efficient manner so as to minimize the tax burden on County residents.

b) Identify risks related to management's objectives.

Risk is defined as any event that could prevent management from meeting its objectives. Various risks exist that could prevent the County from meeting its objective of providing services in an effective and efficient manner. These risks are related to, but are not limited to, employees, vendors, customers, and the environment. These risks can potentially impact revenues, expenditures, assets, and services. While OPI can identify the general risks of each auditable unit, management is responsible for identifying and controlling all risks, especially those specific to their units.

c) Assess the magnitude of the risks.

Each risk has various attributes that can be quantified. Using data from the Budget Office and the Controller's Office, OPI has quantified the magnitude of each of the eight risk attributes that have been included in Monroe County's risk assessment. After quantifying the risk attributes, it becomes possible to compare the risks of auditable units.

d) Assess the likelihood of the risks.

In addition to magnitude, the likelihood of occurrence must be determined in order to have an overall sense of each risk and its relationship to other risks within the County. However, assessment of likelihood can be more subjective if historical data is not available. To date, an objective assessment of likelihood of each risk is pending.

e) Determine the significance and rank of each risk within the entity.

The significance of risks varies between entities that utilize risk assessment. The significance and rank of each risk depends on an entity's objectives. Within the County, OPI has ranked the eight risk attributes as follows: 1) dollar amount of fees for service, 2) control over off-book accounts, 3) dollar amount of equipment and inventory, 4) number of employees, 5) dollar amount of appropriations, 6) type of customers, 7) type of service, and 8) dollar amount of federal and state aid.



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OFFICE OF PUBLIC INTEGRITY

MONROE COUNTY, NEW YORK

TO: Dr. Joe Carbone, President, Monroe County Legislature

CC: Adam Bello, Monroe County Executive

FROM: David T. Moore, CIG, Director, Office of Public Integrity

RE: 2020 Administrative Report

DATE: December 31, 2020

It is my privilege and honor to present the 2020 Administrative Report for the Office of Public Integrity (OPI) to the citizens and employees of Monroe County. This report highlights significant accomplishments and activities of the OPI from January 1, 2020 through December 31, 2020 and outlines our goals and objectives going forward.

OPI was created through executive order in March 2016 to ensure accountability and transparency at all levels within County government. County Executive Bello and his leadership team have fully respected the independence of the office and continue to provide the necessary support for our success.

Our staff is dedicated to fulfilling our mandate through independent audits, inspections, ethics training and investigations. These functions are performed by a professional staff of seasoned employees who are committed to combating fraud, waste, and abuse of County resources. All audit and investigative staff have been certified by the Association of Inspectors General.

During 2020, OPI finished development of an on-line ethics training course, which can be deployed to all County vendors through the Department of Finance. OPI completed 13 audits, and another 8 audits are active as of year-end. OPI completed 59 investigations with 90% completed within 90 days.

During 2021, OPI will continue to provide its traditional services in a manner that facilitates Monroe County's recovery from the COVID-19 pandemic.

I want to give special thanks to my dedicated and talented staff for their hard work and commitment to the OPI mission. Our job is to get to the truth, whatever it is, without regard to politics, allegiances, status or influence. Our office is in the evidence business; it only matters what we can prove through competent investigations. Our objectiveness and subsequent collaboration with other agencies, including the New York State Attorney General's Office, continue to result in benefits to Monroe County and its taxpayers.

Since becoming the Director of OPI in October, 2016, I have taken every opportunity to make a positive impact for all County residents and employees. It has been a privilege and an honor, and I believe that OPI has the framework, expertise, and experience to continue delivering quality services to Monroe County.

.....
Whistleblower@MonroeCounty.gov • (585) 753-3105



Administrative Report 2020

*Administrative report for the
Monroe County Legislature
for the twelve months ending
December 31, 2020*

Examples of certain recurring auditing and monitoring activities include:

- Residency requirements for employees who are not eligible for waivers.
- Confirming the MWDBE status of subcontractors listed on legislative referrals.
- Financial Disclosure forms for employees in management and professional positions.
- Compliance with equipment-use policies, including, but not limited to, vehicles and portable electronic devices.
- Compliance with County procurement policies, with emphasis on professional service contracts and publicly bid contracts.
- Inventory management of County assets, such as public safety equipment provided to Emergency Medical providers and Fire Districts.
- Intermunicipal agreements for functions such as the Public Safety Training Center, the 911 Center, cell towers, and fuel purchases.

During 2020, OPI completed 13 audits, and another 8 audits are active as of year-end.

The completed audits are as follows:

1. Contract with Keeler Construction Company for Highway Preventive Maintenance Project #5
2. Contract with Keeler Construction Company for Highway Preventive Maintenance Project #6
3. Contract with Keeler Construction Company for Whitney Road Improvements
4. Contract with CP Ward for replacement of Clarkson-Parma Townline Road Bridge over Otis Creek
5. Contract with CP Ward for small renovations and repairs to County facilities on an as-needed basis
6. Contract with Zoladz Construction for improvements to Phillips Road
7. Contract with LeChase Construction Services for the Ames Building Reconstruction Project (Medical Examiner)
8. Contract with the House of the Good Shepherd for Children's Services
9. Contract with the William George Agency for Children's Services
10. Contract with Siemens Industry for operation and maintenance of Monroe County's Iola Cogeneration Facility
11. Residency audit for 2020
12. Employee compliance with the Portable Electronic Device policies for 2020
13. Risk Assessment of the Department of Public Health – Food Inspections Unit

Complete audit reports are available upon request.

Investigations

OPI opened 73 investigations in 2020, all based on contact from whistleblowers. OPI completed 59 investigations and had 14 active cases at year end. Thirty (30) cases were closed within 30 days (51%) and another 23 were closed within 90 days (90%). Fourteen (14) allegations were either unprovable or unfounded (24%).

The 59 completed investigations and their dispositions were as follows:

- Thirty-two (32) involved employee misconduct; 24 were referred to the County departments and/or Human Resources for employee disciplinary actions, 2 were referred to the New York State Division of Human Rights, 3 were unprovable, and 3 were unfounded.
- Seven (7) involved COVID complaints; 5 were referred to the NYS COVID Task Force, 1 was referred to the department for corrective action, and 1 was unfounded.
- Three (3) involved allegations of welfare fraud; 2 were referred to DHS Investigators and 1 was unprovable.
- Two (2) involved violations of the County's residency requirement; 1 was referred to the department for disciplinary action, and 1 was unfounded.
- Two (2) involved privacy violations and were unfounded.
- One (1) involved payroll fraud and was referred to the department for corrective action.

- One (1) involved salary discrimination and was referred to the appropriate agency.
- One (1) involved personal use of a County asset and was unfounded.
- One (1) involved protection of a County asset and was referred to the Rochester Police Department.
- One (1) involved an outside party creating a hostile work environment and was addressed directly by OPI.
- One (1) involved a wrongful termination and was unfounded.
- One (1) involved religious discrimination and was referred to the department and Human Resources for further action.
- One (1) involved work hours and was unfounded.
- One (1) involved NYS software and was referred to the department for corrective action.
- Four (4) involved third-party vendors and were referred to the appropriate agencies.

Confidentiality

Any questions regarding OPI's investigations are welcome, with the understanding that it is OPI's responsibility to maintain a proper balance between transparency regarding its activities and reports and confidentiality regarding its complainants, informants, and evidence. OPI has established procedures for safeguarding the identity of confidential sources and for protecting privileged and confidential information, and can disclose such items if such disclosure is required by law or necessary to further the purpose of an audit, investigation, inspection, evaluation, review, or other inquiry. A variety of federal, state, and local government legislation governs this area of activity.

Other Accomplishments

In March 2020, OPI's auditor, Eric Leinenbach, completed training and was certified as an Inspector General Investigator through the Association of Inspectors General (AIG). All investigative and auditing staff, consisting of Director Moore, Eric Leinenbach, Investigator Peglow, and Investigator Melville, have been certified by the AIG. Certification requires forty (40) hours of Continuing Professional Education over a two-year period, and each certified employee has maintained this level of training.

The AIG establishes and maintains the "Principles and Standards for Offices of Inspectors General." Also known as the "Green Book", the AIG's Principles and Standards establish criteria for creating and administering inspector general offices consistent with best practices within the inspector general profession. Currently, approximately 4,500 people are certified as either investigators, auditors, or inspector generals by the AIG. This compares to 658,267 actively licensed Certified Public Accountants as of September 2, 2020 per the National Association of State Boards of Accountancy.





II. Accomplishments

OPI's accomplishments include activities that occur one-time and activities that are on-going, such as ethics training and certain audits. While the impact of an enhanced ethical environment cannot always be easily quantified, certain financial benefits of audits and investigations can be readily calculated and are included below.

Financial Benefits to the County

Cost Savings (\$10,640 in 2020, \$138,971 for 2017-2020)

During an annual audit of employee and vendor compliance with the County's policy for Portable Electronic Devices, OPI identified 27 phones and aircards to eliminate, for a cost savings of \$10,640 annually, beginning in 2020.

Recoupments and Additional Revenue

(\$15,000 in 2020, \$573,465 for 2017-2020)

On 3/26/20, Monroe County entered into a settlement agreement to recover \$15,000 from a construction contractor that had overbilled for unnecessary equipment. Other audits that include potential recoupments or opportunities for additional revenue to the County are still in process. Until litigation is complete, details of the audits and their respective recoupments cannot be disclosed. OPI is working with the New York State Attorney General's Office regarding certain cases. While the recoupment amounts have been calculated, the outcomes of each case are expected to be determined in 2021.

Ethics Training

OPI believes in setting a "tone at the top" and sharing this tone with employees and contractors through on-line ethics training and classroom-style presentations.

During 2020, OPI maintained the on-line ethics training course, which is deployed to all County employees through the Department of Human Resources. This training is intended for approximately 3,900 full-time employees, 600 part-time employees, and 100 contractors. This training covers various concerns, including confidentiality, and the Monroe County Law Department's criteria regarding the acceptance of gifts, and uses examples of issues identified during actual investigations.

In addition to employee/contractor on-line training, OPI, in conjunction with the County's Purchasing Unit, developed on-line ethics training for all vendors having professional service contracts and construction contracts with the County. OPI's objective is to have this training incorporated into Requests for Proposals and Public Bids beginning in 2021 and required in order to fully execute a contract.

In addition to the on-line training, OPI provides classroom-style trainings to employees through New Employee Orientation, Supervisory Training, and direct presentations to departments. Due to the COVID-19 pandemic, OPI was able to provide only 3 classroom-style training sessions to a total of 51 employees in 2020.

Audits

Within the internal control environment of Monroe County, the Office of Public Integrity serves as a preventive and detective function. Accordingly, many of OPI's activities are recurring rather than simply one-time occurrences.

**MONROE COUNTY OFFICE OF PUBLIC INTEGRITY
ADMINISTRATIVE REPORT
FOR THE MONROE COUNTY LEGISLATURE
FOR THE TWELVE MONTHS ENDING DECEMBER 31, 2020**

Table of Contents

THE OFFICE OF PUBLIC INTEGRITY

I. OVERVIEW

Formation and Legislative Authorization

Mission

Independence

Scope and Subpoena Power

Organizational Structure, Collaborations, and Reporting

Framework for Audits

Activities

Quality Standards

Hotline and Whistleblower Protection

II. ACCOMPLISHMENTS

Financial Benefits to the County

Ethics Training

Audits

Investigations

Other

III. RISK ASSESSMENT AND FUTURE ACTIVITIES

Risk Assessment

Future Activities



I. OVERVIEW

Formation and Legislative Authorization

The Monroe County Office of Public Integrity (OPI) was formed to fulfill a promise of greater accountability in County Government. Established in March of 2016, OPI serves as an independent entity that performs internal audits of County departments and conducts investigations regarding suspected unethical or illegal conduct of County employees, contractors and anyone involved with Monroe County.

Mission

The mission of OPI is to promote and defend the integrity, efficiency and accountability of Monroe County and its operations. It is intended to build an office that is dedicated to assisting employees to do a better job, and provide guidance to employees to ensure that the decisions they make are lawful, ethical and further the public interest.

Independence

To ensure independence from County operations, the Monroe County Charter states that “the Director of the Office of Public Integrity shall be appointed for a fixed term of five years, the first appointment shall serve through December 31, 2020.” The Charter is also specific in the political activities that are prohibited beyond basic voting rights.

OPI is located in the Times Square Building, away from all other County operations. This satellite setting offers anonymity for any County employee or resident who wishes to discuss their concerns or suspicions in private.

Scope and Subpoena Power

The Monroe County Charter states the scope and powers of OPI. OPI’s scope includes the ability to examine all County operations independently and to have the full authority to report its findings to law enforcement, when necessary, and to provide recommendations to improve effectiveness, efficiency, and accountability. OPI’s scope also includes any concerns received from Monroe County residents regarding their government. OPI’s power includes: 1) the authority to require any County employee, head of a department, or a member of a board or commission to furnish such data, information or statements as may be necessary, unless prohibited or limited by law, and 2) the authority to subpoena witnesses, administer oaths or affirmations, take testimony and compel the production of such books, records and documents, including electronic data from any private vendor, including Local Development Corporations (LDCs), doing business with the County or that receives funds from the County, relative to that private vendor or LDC’s involvement with the County.

Organizational Structure, Collaborations, and Reporting

OPI is lead by the Director, who is supported by a team comprised of an Executive Secretary, an Auditor, and two part-time Investigators.

OPI maintains collaborative working relationships for investigations and prosecution with teams from the Federal Bureau of Investigation, the New York State Attorney General’s Office, the Monroe County Sheriff’s Office, and the Monroe County District Attorney. In addition, OPI engages with the community by providing ethics education and outreach to civic groups, neighborhood organizations, and other local municipalities.

OPI provides an annual report of its activities to the County Legislature and County Executive, and other reports that the Director deems necessary for departments to take corrective action and implement recommendations.

Framework for Audits

OPI’s audits are based on the following 5 Control Objectives:

- Compliance with laws, regulations, and contracts
- Accomplishment of goals and objectives
- Reliability and integrity of financial and operational information
- Effectiveness and efficiency of operations
- Safeguarding of assets

Based on OPI’s 5 Control Objectives, audit plans are developed to assess whether:

- All eligible customers are being served
- Revenues are maximized
- Receivables are collected
- Expenditures are proper and authorized
- Assets are safeguarded
- Employees are trained and competent
- Liabilities are minimized and laws are complied with
- Financial and operational reports are timely, relevant and accurate

Activities

To meet its objectives, OPI performs the following activities:

- Ethics training to employees and contractors through presentations and on-line courses.
- Risk and control assessments with departments.
- Operational and financial audits of County operations, employees and contractors.
- Investigations regarding suspected unethical or illegal conduct of employees and contractors.

Quality Standards

To ensure the highest quality in its audits and investigations, OPI incorporates the applicable concepts from the following standards as promulgated by their authoritative bodies:

- Principles and Standards for Offices of Inspector General issued by the Association of Inspectors General
- International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors
- Government Auditing Standards issued by the Comptroller General of the United States

Note: Generally Accepted Auditing Standards issued by the American Institute of Certified Public Accountants are applicable to audits of financial statements, and will be adhered to when applicable to OPI’s scope.

Hotline and Whistleblower Protection

A whistleblower is an individual that believes and reports that his or her organization is engaged in or willfully permits unethical or unlawful activities.

Any suspicions of unethical or unlawful activities can be reported to the Office of Public Integrity using the following methods:

Hotline: (585) 753-3105
In person: Times Square Building, 45 Exchange Street, Suite 888, Rochester New York 14614
Email: whistleblower@monroecounty.gov
Office Phone: (585) 753-3100

Regardless of the method used to contact OPI, **the whistleblower’s identity is kept confidential.**

Suspicious activity may include instances of fraud, waste, and abuse, and may include the following:

- Violations of County procurement policy or contract fraud
- Tampering with government records
- Obstructing, retaliating against, or tampering with a public servant
- Theft or misappropriation of County resources
- Falsification of official documents or reports
- Corruption or official misconduct, including misuse of County information, conflicts of interest, or offering or accepting bribes
- Personal use of County-owned vehicles, equipment or supplies
- Conducting personal business on County time
- Residency violations
- Confidentiality violations

Whistleblowers are protected by the laws of the State of New York and Chapter 8 of the Monroe County Administrative Code. Under this code, employees may seek protection through the Office of Public Integrity and/or the County’s Law Department. Accordingly, the County shall not take any adverse personnel action against an employee because of such employee disclosing a violation of a law, rule or regulation of which constitutes an improper governmental action.

