



# Richmond Office of the City Auditor

Office of the Inspector General

*Fighting government waste, fraud and abuse*

Umesh Dalal, CPA, CIA, CIG  
Richmond City Auditor/Inspector General

**January 8, 2012**

**Ms. Doris Moseley, Director of Social Services**

The Office of the Inspector General (OIG) has completed an investigation in the Department of Social Services (DSS). This letter informs you of the results of the investigation.

## **Complaint**

The OIG received a complaint that a DSS employee was selling and using drugs. The complaint further alleged that the employee was wearing a monitoring ankle bracelet.

## **Legal Requirements**

In accordance with the Code of Virginia, §15.2-2511.2, the City Auditor is required to investigate all allegations of fraud, waste and abuse. In addition, the City Code section 2-231 requires the OIG to conduct investigations of alleged wrongdoing.

## **Findings**

The investigator found that the subject DSS employee, who is a Benefits Program Specialist, was arrested in October 2011, on one count of sale and distribute marijuana, a misdemeanor in the State of Virginia, and one count of drinking alcohol in a bar with a concealed weapon, a misdemeanor in the State of Virginia. The employee was convicted on February 6, 2012 of both charges and sentenced as follows:

- A total of 120 days of incarceration with the Virginia Department of Corrections, with all but two days suspended, and
- Six months suspended driver's license.

Administrative Regulation 4.15 states the appointing authority shall place the employee on leave without pay if "the employee is charged with a misdemeanor involving possession of marijuana or any controlled substance, or any felony."

The Substance Abuse Policy-Administrative Regulation 4053, section D states, "an employee must not use, possess, sell, distribute or manufacture illegal drugs at any time". This regulation also states, "an employee must notify his supervisor of any criminal drug related conviction within forty eight (48) hours of the conviction.

On January 4, 2013, upon the OIG's notification to DSS that the employee was convicted of a misdemeanor marijuana charge. DSS promptly placed the employee on leave without pay.

**Conclusion**

The OIG finds the allegation to be substantiated. The City should have dealt with the subject employee's February 2012 conviction in a timely manner. However, it does not have a mechanism in place to identify such occurrences. The notification requirements in Administrative Regulation 4053, section D, are not effective as the employee is required to report about his/her conviction and face possible termination from employment. This does not give the employee an incentive to self-report conviction. The City needs a better mechanism for identifying employee convictions on drug related charges.

The OIG recommends that the Department of Human Resources create standardized detailed policies to identify drug related convictions in a timely manner.

If you have any questions, please contact me at extension 5616.

Sincerely,



Umesh Dalal, CPA, CIA, CIG  
City Auditor/Inspector General

Cc: Mr. Byron C. Marshall, Chief Administrative Officer  
Mr. Stephen W. Harms, Interim DCAO, Human Services  
Ms. Joya Hayes, Director of Human Resources