



# 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

March 5, 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 arrested on multiple counts of grand larceny.

## **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. Also, the City Code section 2-231 requires the OIG to conduct investigations of alleged wrongdoing.

## **Background**

With limited exceptions based on barrier crimes, the City does not have a policy prohibiting the hiring of individuals who have been convicted of a felony. Administrative Regulation 4.14 states criminal conviction records shall be considered as only one aspect of the recruitment assessment process, except when the position (based on nature of the job) is prohibited from having a criminal record.

## **Findings**

The investigator found that the subject DSS employee was arrested in December 2011, on two counts of grand larceny, a felony in the State of Virginia. The employee purchased furniture from a rent-to-own business, failed to make payment for it, and subsequently moved from the address on record to an unknown location. The business filed a complaint on the employee for failing to pay for furniture in excess of \$5,000.

A review of public records also revealed the employee was convicted of arson prior to his employment with the City. A timeline of pertinent events is below:

- June 2003 - the subject was arrested for arson property damage of \$200 or more.
- February 2004 - the subject plead guilty to arson property damage of \$200 or more. He was sentenced to five years of incarceration with the Virginia Department of Corrections, with all but 45 days suspended. He also received five years probation and restitution.
- December 2004 - the subject submitted an employment application with DSS, but failed to answer the question about a conviction of a felony. DSS management

stated a background check was performed in 2004, but they could not find the documentation to support this claim. The relevant public court records described the above conviction and stated that the subject was actually charged with arson for setting his vehicle on fire. A thorough search would have identified the misrepresentation by the subject.

- April 2005 – Despite the above deficiency on his application, the subject was hired by DSS as a Benefits Program Specialist.
- January 2007 - the DSS employee resigned his employment with the City.
- September 2010 – the individual was re-hired for a temporary position as a Benefits Program Specialist with DSS. On the employment application, he had disclosed his conviction of a felony for burning trash instead of arson. DSS management also stated that because the individual listed a felony conviction on his application in 2010, it was sent to the Deputy Director and the Director of DSS for additional approval. It is not clear which information the Deputy Director reviewed prior to approval of the subject's hiring to the City's employment.
- March 2011 – The employee was hired to a permanent position with DSS as a Benefits Program Specialist.
- December 2011 – The OIG notified DSS that the employee was charged with a felony and they promptly took appropriate action by placing the employee on leave without pay.
- February 2011 – The employee was found guilty in court, but the charge was reduced to a misdemeanor.

### **Conclusion**

The OIG finds the allegation to be substantiated. The OIG recommends that the Department of Human Resources create standardized detailed policies that govern the selection process for candidates with criminal backgrounds. Enhancing these procedures will enable the City to make more uniformed and consistent decisions when considering potential candidates for City employment.

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  
Dr. Carolyn Graham, DCAO, Human Services  
Ms. Joya Hayes, Interim Director of Human Resources