



Report on Investigation of Alleged Theft of City Wood and Misuse of City Resources

July 2019 (Amended in January 2021)

NOTE: The names of certain individuals have been redacted from this report pursuant to Massachusetts General Laws, Chapter 4, Section 7 (26) (c).

Office of Internal Audit

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THE CITY OF SPRINGFIELD, MASSACHUSETTS

July 29, 2019 (Amended on February 16, 2021¹)

Mr. William E. Mahoney
Director of Human Resources and Labor Relations
Human Resources Department
City of Springfield, MA
36 Court Street
Springfield, MA 01103

RE: *Alleged Theft of City Wood and Misuse of City Resources*

Mr. Mahoney,

We conducted an investigation of alleged theft of city wood and misuse of city resources by [REDACTED], a foreman of the Forestry division of the Parks department. We received the allegation on the fraud hotline and from Patrick Sullivan, Director of Parks, Recreation, and Building Management. We did not find sufficient evidence to support the claim that the taking of city wood constituted theft. However, we were able to substantiate the allegation that [REDACTED] misused city resources for personal activities and recommend that the city take appropriate action as deemed necessary. The results of our findings are detailed in the enclosed report.

Respectfully submitted,

Yong Ju No, CPA

Enclosure

¹ Investigative Report on Alleged Theft of City Wood and Misuse of City Resources was amended to correctly reference Massachusetts General Law 268A, Section 23 and to correct the date to June 4, 2019 from March 31, 2019 in the Scope and the same from June 4, 2018 in Finding 1.



Allegation

In August 2018, the Office of Internal Audit (OIA) received an allegation on the fraud hotline that [REDACTED] a foreman at the Forestry division (Forestry) of the Parks, Recreation and Building Management department (PRBM), is stealing city property and using city resources in doing so. Specifically, the informant alleged the information as summarized below:

- It was alleged that [REDACTED] steals logs that belong to the city by loading them, using city equipment, onto [REDACTED] truck during his shift hours, and that afterwards, [REDACTED] sells the logs, and the two individuals split the profits. [REDACTED] is a former employee of the PRBM.

On October 30, 2018, the OIA received a text message from a Forestry employee that [REDACTED] was stealing wood with [REDACTED] on that day.

On February 22, 2019, the OIA received allegations of fraud at Forestry from two individuals on the fraud hotline. Both callers alleged that [REDACTED] is stealing city wood from the facilities yard of the Parks department (facilities yard) during his shift with [REDACTED], and that they split the profits from the sale of the wood. One caller claimed that the theft of wood usually occurs Tuesday, Wednesday, and Thursday between 1:30 p.m. to 3:30 p.m., and the other called claimed theft occurs between 1:30 p.m. to 3:00 p.m.

On June 4, 2019, the Mayor's office and the Human Resources department received an allegation of fraud at Forestry, among other things. It was alleged that [REDACTED] was taking city wood and loading it onto [REDACTED] truck, using a city owned log truck while on city time. Pictures of the malfeasance were provided. This information was communicated to Patrick Sullivan, Director of the PRBM, and the OIA for review.

Background

Forestry is responsible for the care of public shade trees in Springfield. Its activities include, among other things, routine trimming and hazard tree removal. Forestry collects shrubs, brush, and logs throughout Springfield and delivers them to a vendor for disposal. Forestry also stores logs at the facilities yard of the Parks department.

Objective

The primary objective of this investigation was to determine whether credible evidence exists to suggest that theft occurred and city resources were inappropriately used. The investigation is predicated on the allegations of improprieties by [REDACTED] as a Forestry employee.

Scope

Our review covered the period from March 1, 2018 to June 4, 2019.

Methodology

To accomplish our objective, we performed the following procedures:

- Reviewed applicable city ordinances and Massachusetts General Laws;
- Reviewed applicable union contracts for affected employees;
- Deployed a hunting camera by the log storage area in the facilities yard of the Parks department and reviewed footage;
- Conducted background research;
- Interviewed employees in the Parks department;

- Interviewed individuals involved in obtaining wood from the facilities yard;
- Reviewed overtime records at Forestry;
- Reviewed logging activity logs at Forestry;
- Obtained witness testimony from the deputy director of the Parks department; and
- Performed other tests deemed as necessary.

Investigation Results

We found evidence to indicate that [REDACTED], a foreman of Forestry, misused city resources for personal activities.

We did not find sufficient evidence to support the claim that the taking of city wood constituted theft.

Update

In 2019, the City disciplined the employee, which the employee contested through their union. In 2021, the matter was settled by both the City and employee.

Finding Number	Finding	Finding Description	Investigation Criteria
1.	Misuse of City Resources	<p>According to written testimony from Peter Krupczak, Deputy Director of the Parks department, when interviewed on June 5, 2019 by Patrick Sullivan and he, ██████████ admitted to the following:</p> <ul style="list-style-type: none"> • He provided logs to ██████████ and an employee with the Sheriff's department (██████████) by loading them onto their vehicles. • According to ██████████, he did so to save the city money, as Parks department would not have to pay to dispose of the wood. <p>During this meeting, it was conveyed to ██████████ that neither the Parks department nor Parks Commission authorized ██████████ to give away the logs [Exhibit 1].</p> <p>On June 7, 2019, when interviewed by the OIA, Patrick Sullivan and Peter Krupczak, ██████████ admitted to the following:</p> <ul style="list-style-type: none"> • He would obtain wood at the facilities yard of the Parks department from ██████████. • ██████████ would assist him by cutting the logs and loading them onto his truck. • He would get wood a couple of times a year from the facilities yard. • This practice has been going on for 32 years. • He stores the wood at his home, which is used as firewood, and has about 2 years' worth, some of which came from sources other than the facilities yard. <p>Pictures of ██████████ home were obtained from the internet (Google) and are included as Exhibit 2. The pictures in Exhibit 2 depict firewood stored at ██████████ home as well a parked truck similar to the one in Exhibit 4 which shows city wood being loaded onto a truck at the facilities yard.</p> <p>On June 7, 2019, when interviewed by the OIA, Patrick Sullivan, and Peter Krupczak, ██████████ admitted to the following:</p> <ul style="list-style-type: none"> • He has been getting seasoned, hard wood, which he uses as firewood, from the facilities yard of the Parks department for 1 year and 2 months. • He would call ██████████ to obtain the wood, and that ██████████ would load the wood onto his trailer using the city's load truck. • He obtain the wood around 3:30 p.m. to 3:45 p.m. (during ██████████ shift hours). <p>On October 30, 2018, the OIA received a text message from a Forestry employee alleging that ██████████ was taking logs with ██████████ on that day. We saw 3 footages, which were recorded on October 30, 2018 from 2:34 p.m. to 2:35 p.m., from 3:16 p.m. to 3:17 p.m., and from 6:31 p.m. to 6:32 p.m., that appeared to corroborate the allegation. The first</p>	<p>MGL, Section 268A, Section 23 - A municipal employee may not use his official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals.</p> <p>City Ordinance Section 38-6, Use of City-owned property - No City official, City employee or City contractor shall engage in or permit the unauthorized use of City-owned property or any other property being held by the City for public purposes.</p>

Finding Number	Finding	Finding Description	Investigation Criteria
		<p>footage appeared to show a city load truck moving logs at the facilities yard; the second footage appeared to show [REDACTED] measuring logs; and the last footage appeared to show that logs that were present in the earlier footages were now missing – see Exhibit 3 for pictures from footages. We asked Alex Sherman, City Forester, to review Exhibit 3 and determine the amount of logs that appeared to be taken and the approximate value. According to Alex Sherman, the logs that were apparently taken amounted to approximately half a cord to a cord with an approximate value of \$50.00 to \$100.00.</p> <p>On June 4, 2019, Patrick Sullivan, through the Mayor’s office, and William Mahoney, Director of Human Resources and Labor Relations, contacted the OIA to indicate that they received an allegation, among other things, of fraud involving [REDACTED]. It was alleged that [REDACTED] was stealing city wood with [REDACTED]. Patrick Sullivan provided pictures, which the accuser had provided, of [REDACTED] loading a log, with a city load truck, onto [REDACTED] truck [Exhibit 4].</p> <p>The unauthorized distribution of city wood to individuals by [REDACTED] and the use city equipment while on city time in doing so appear to constitute violations of the city’s ethics ordinance and Massachusetts ethics law as described under the Investigation Criteria section.</p>	

Exhibit 1
Statement by Peter Krupczak dated 7/16/19

From: Krupczak, Peter

Sent: Tuesday, July 16, 2019 12:46 PM

To: No, Yong

Cc: Sullivan, Pat

Subject: [REDACTED]

On June 5, 2019, Pat Sullivan and I sat with [REDACTED] regarding an issue that was brought to our attention from a 5/16/19 letter to Mr. Sullivan from former employee [REDACTED]

[REDACTED] complaint referenced [REDACTED] loading wood from city property onto private vehicles.

At the 6/5/19 meeting, [REDACTED] admitted loading the wood onto [REDACTED] (a former employee) vehicle and onto a Sheriff's Department employee's (assigned to Forest Park) vehicle. [REDACTED] stated that this was wood that the city would have to pay to have processed and he felt he was saving the city money by getting it off-site.

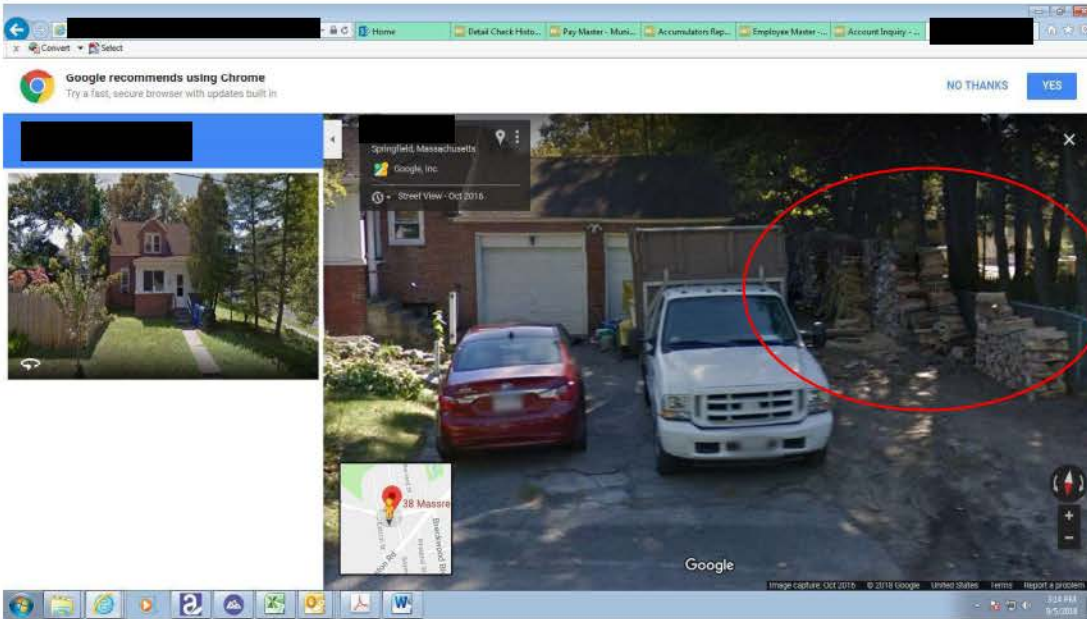
Mr. Sullivan told [REDACTED] at this point that he was being placed on paid administrative leave pending an investigation into this matter.

Neither the Department of Parks, Buildings, and Recreation Management nor the Park Commission have given permission to an employee to give away park wood.

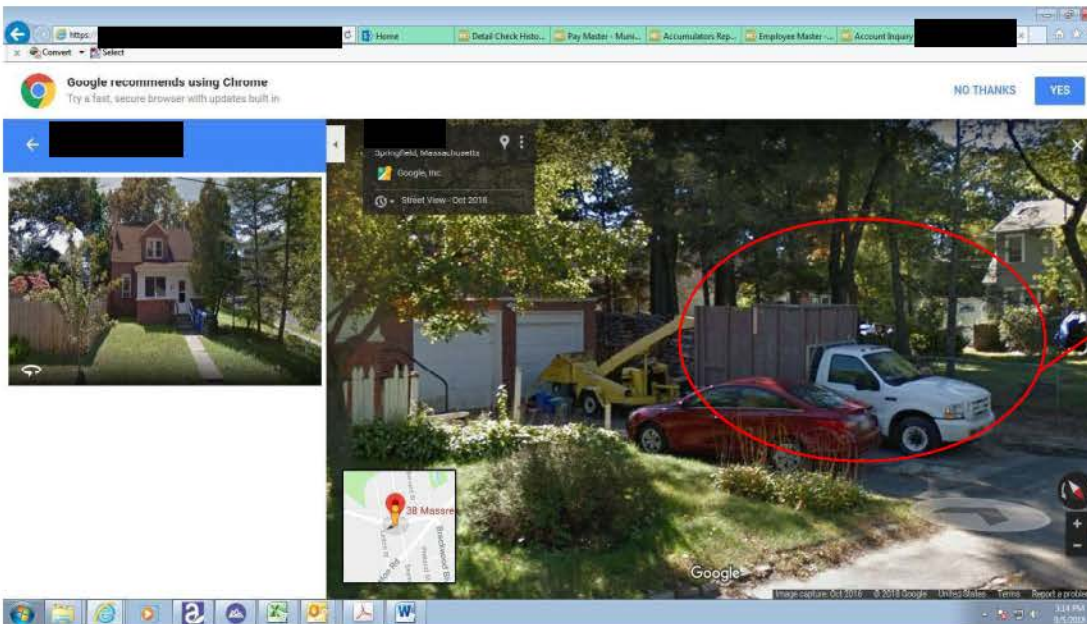
Peter Krupczak

Exhibit 2 Pictures of [REDACTED] Home

SOURCE: Google.



Firewood stored onsite.



Truck similar to the one in Exhibit 4.

Exhibit 3

Pictures from Footages on 10/30/2018



SOURCE: Hunting camera placed on site at the facilities yard by the OIA. Full footage available upon request.

City load truck moving logs.



A person who appears to be [REDACTED] measuring logs.

Exhibit 3 (continued)
Pictures from Footages on 10/30/18



Missing logs that were present in the above pictures on page 7.

Exhibit 4
Pictures of City Wood Being Loaded onto
A Private Truck

SOURCE: Patrick Sullivan, Director of PRBM, who received them from a former employee of Forestry.

Truck similar to the one depicted in Exhibit 2.



Exhibit 4 (Continued)
Pictures of City Wood Being Loaded
onto a Private Vehicle

City load truck loading logs onto a truck similar to the one depicted in Exhibit 2.

