



**CUYAHOGA COUNTY
AGENCY OF INSPECTOR GENERAL**

REPORT OF INVESTIGATION

CASE NUMBER: INVEST-000415

SUBJECT(S) INFO:
Name: Joseph Militello
Position: Administrative Assistant
Department: Board of Revision

SOURCE OF REFERRAL: County Employee

METHOD OF REFERRAL: Direct E-mail

INITIATED: March 8, 2012

DATE OF REPORT: May 7, 2012

ALLEGATION(S)

Joseph Militello ("Militello") is spending excessive time during regular working hours smoking and listening to the radio in a vehicle that is parked in the Huntington Park Garage ("Huntington Garage").

AUTHORITY

- Cuyahoga County Agency of Inspector General Ordinance Section 2(c):
 - *The Inspector General is hereby appointed to conduct examinations under Section 2.05 of the County Charter and shall, therefore, have all such rights and duties to investigate fraud,...abuse,...misfeasance... without interference or pressure from any other Public Official or Employee.*

COMPLAINT SUMMARY

Complainant observed a white sedan (License: [REDACTED]) parked on level 4 of the Huntington Garage every morning for several weeks. The male occupant was seen smoking and listening to the radio in his vehicle during regular working hours. Subsequent observation of the vehicle revealed that the occupant was Militello.

BACKGROUND

Militello was initially hired by the Cuyahoga County Auditor's Office ("Auditor's Office") on November 3, 2009. Militello was laid off by the Auditor's Office on December 24, 2010. On December 27, 2010, Militello was re-hired by the County as a Clerk for the Board of Revision (\$19.72/hour - \$41,017.60/annual). In May 2011, all employees of the Board of Revision were required to re-apply for their positions. As a result of this application process, Militello was reassigned to the position of Administrative Assistant 1 for the Board of Revision (\$17.10/hour - \$35,568.00/annual) effective September 26, 2011. Militello remains in this position.

INVESTIGATIVE SUMMARY

Identification of Subject and Initial Observation

Subsequent to receiving the request, Agency of Inspector General ("AIG") staff observed a vehicle matching the description provided by Complainant. AIG staff member Matthew Hawes ("Hawes") recognized the occupant as being an employee of the former Auditor's Office. AIG staff determined that the occupant was Militello by referring to the Employee Photo Album of the former Auditor's Office.¹

Initial surveillance by AIG staff indicated that Militello remained in his vehicle in the Huntington Garage well beyond 8:30 a.m., the normal starting time for County employees. Based on this observation, it was determined that further investigation was warranted.

Time Records Review

As an initial screen for potential timesheet fraud, payroll² and parking garage³ records from January 9, 2012 through April 13, 2012 were compared for discrepancies. Parking records reveal that Militello parks his personal vehicle in the Huntington Garage. All "garage" references in this report are referring to Huntington Garage.

The following is a detailed summary of the dates between January 9, 2012 and April 13, 2012 where a discrepancy existed between the payroll records and the garage records⁴:

<u>DATE</u>	<u>DISCREPANCY</u>
1/11/12 Wednesday	Militello entered the garage at 8:34 a.m. Militello exited the garage at 4:09 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.
1/17/12 Tuesday	Militello entered the garage at 8:45 a.m. Militello exited the garage 4:16 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

¹ Relevant pages of Employee Photo Album attached as **Exhibit A**.

² Attached as **Exhibit B**.

³ Attached as **Exhibit C**.

⁴ A brief summary of all dates in 2011 where discrepancies exist is attached as **Exhibit H**.

1/18/12
Wednesday Militello entered the garage at 8:55 a.m. Militello exited the garage at 4:32 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

1/19/12
Thursday Militello entered the garage at 8:37 a.m. Militello exited the garage at 3:10 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

1/20/12
Friday Militello entered the garage at 8:30 a.m. Militello exited the garage at 12:39 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

1/23/12
Monday Militello entered the garage at 8:49 a.m. Militello exited the garage at 4:24 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

1/25/12
Wednesday Militello entered the garage at 8:27 a.m. Militello exited the garage 3:37 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

1/27/12
Friday Militello entered the garage at 8:51 a.m. Militello exited the garage 4:43 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/3/12
Friday Militello entered the garage at 8:42 a.m. Militello exited the garage 3:24 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/8/12
Wednesday Militello entered the garage at 8:30 a.m. Militello exited the garage 12:39 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/10/12
Friday Militello entered the garage at 8:29 a.m. Militello exited the garage 3:30 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/14/12
Tuesday Militello entered the garage at 8:44 a.m. Militello exited the garage 4:51 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/16/12
Thursday Militello entered the garage at 8:45 a.m. Militello exited the garage 4:45 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/17/12
Friday
Militello entered the garage at 8:30 a.m. Militello exited the garage 2:20 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/22/12
Wednesday
Militello entered the garage at 8:34 a.m. Militello exited the garage 1:39 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/28/12
Tuesday
Militello entered the garage at 8:42 a.m. Militello exited the garage 4:49 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

2/29/12
Wednesday
Militello entered the garage at 8:44 a.m. Militello exited the garage 1:36 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

3/2/12
Friday
Militello entered the garage at 8:24 a.m. Militello exited the garage 3:08 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

3/9/12
Friday
Militello entered the garage at 8:40 a.m. Militello exited the garage 3:33 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

3/12/12
Monday
Militello entered the garage at 8:25 a.m. Militello exited the garage 3:59 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

3/15/12
Thursday
Militello entered the garage at 8:37 a.m. Militello exited the garage 3:01 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

3/16/12
Tuesday
Militello entered the garage at 8:46 a.m. Militello exited the garage 2:09 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

3/20/12
Monday
Militello entered the garage at 8:30 a.m. Militello exited the garage 1:15 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

3/21/12
Thursday
Militello entered the garage at 8:28 a.m. Militello exited the garage 3:18 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

4/4/12
Wednesday Militello entered the garage at 8:45 a.m. Militello exited the garage 2:24 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

4/5/12
Thursday Militello entered the garage at 8:41 a.m. Militello exited the garage 4:39 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

4/6/12
Friday Militello entered the garage at 8:45 a.m. Militello exited the garage 5:02 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

4/10/12
Tuesday Militello entered the garage at 8:41 a.m. Militello exited the garage 4:57 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

4/12/12
Thursday Militello entered the garage at 8:45 a.m. Militello exited the garage 5:02 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

4/13/12
Friday Militello entered the garage at 8:57 a.m. Militello exited the garage 4:48 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

4/19/12
Thursday Militello entered the garage at 12:15 p.m. Militello exited the garage 5:24 p.m. Payroll records indicate that Militello worked continuously from 8:30 a.m. to 4:30 p.m.

In light of the significant number of discrepancies, it was determined that direct surveillance of Militello's daily behavior was warranted

Surveillance

The Agency of Inspector General conducted surveillance to document when Militello reported for the start of his shift. The following is a brief summary of the observations:

Tuesday April 3, 2012

- 8:30 a.m. Start time that Militello listed on his MyHR time sheet.
- 8:34 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.
- 9:15 a.m. Militello observed entering the Cuyahoga County Administration Building ("Administration Building").

Wednesday April 4, 2012

- 8:30 a.m. Start time that Militello listed on his MyHR time sheet.
- 8:45 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.
- 9:10 a.m. Militello observed crossing Lakeside Avenue towards the Administration Building.⁵
- 2:09 p.m. Footage from security camera verifies that Militello exited the Administration Building through the Lakeside Avenue exit.⁶
- 2:24 p.m. According to garage records, Militello exited the Lakeside Avenue entrance of the garage.
- 4:30 p.m. Stop time that Militello listed on his MyHR time sheet.

Thursday April 5, 2012

- 8:30 a.m. Start time that Militello listed on his MyHR time sheet.
- 8:39 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.⁷
- 9:02 a.m. Militello observed crossing Lakeside Avenue towards the Administration Building.⁸

Friday April 6, 2012

- 8:30 a.m. Start time that Militello listed on his MyHR time sheet.
- 8:44 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.⁹
- 9:07 a.m. Militello observed sitting on stone structure at corner of Lakeside Avenue entrance to the garage.¹⁰
- 9:11 a.m. Militello observed entering the Administration Building.¹¹

⁵ See Exhibit D.

⁶ See Exhibits E and F.

⁷ See Exhibit G.

⁸ See Exhibit H.

⁹ See Exhibit I.

¹⁰ See Exhibit J.

¹¹ See Exhibit K.

Tuesday April 10, 2012

- 8:30 a.m. Start time that Militello listed on his MyHR time sheet.
- 8:39 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.¹²
- 9:11 a.m. Militello observed sitting on stone structure at corner of Lakeside Avenue entrance to the garage.¹³
- 9:13 a.m. Militello observed crossing Lakeside Avenue towards the Administration Building.¹⁴

Thursday April 12, 2012

- 8:30 a.m. Start time that Militello listed on his MyHR time sheet.
- 8:43 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.¹⁵
- 9:19 a.m. Militello observed crossing Lakeside Avenue towards the Administration Building.¹⁶

Friday April 13, 2012

- 8:55 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.¹⁷
- 9:00 a.m. Start time that Militello listed on his MyHR time sheet
- 9:19 a.m. Militello observed walking out of the garage towards Lakeside Avenue.¹⁸
- 9:26 a.m. Militello observed entering the Administration Building.

¹² See Exhibit L.

¹³ See Exhibit M.

¹⁴ See Exhibit N.

¹⁵ See Exhibit O.

¹⁶ See Exhibit P.

¹⁷ See Exhibit Q.

¹⁸ See Exhibit R.

Friday April 25, 2012

- 8:49 a.m. According to garage records, Militello entered the Lakeside Avenue entrance of garage.
- 9:00 a.m. Start time that Militello listed on his MyHR time sheet
- 9:15 a.m. Militello observed crossing Lakeside Avenue towards the Administration Building.¹⁹

Friday April 26, 2012

- 9:00 a.m. Start time that Militello listed on his time sheet
- 9:08 a.m. Militello observed entering the Lakeside Avenue entrance of the garage.
- 9:31 a.m. Militello observed walking out of the garage towards Lakeside Avenue.²⁰
- 9:34 a.m. Militello observed crossing Lakeside Avenue towards the Administration Building.²¹

INTERVIEWS

Kathryn Maher (Deputy Administrator for Board of Revision - temporary) – 4/25/12

Kathryn Maher (“Maher”) has been employed with Cuyahoga County since March 15, 1999. Maher’s employment classification is Justice Affairs Manager, but she is currently “on loan” to the Board of Revision as its Deputy Administrator. Maher began her assignment with the Board of Revision in March of 2011.

Maher states that her direct supervisor Martin Murphy is on an extended leave of absence and that she is responsible for supervising the thirty-nine (39) employees of the Board of Revision. Due to her current workload, Maher finds it difficult to directly supervise the large number of employees. Additionally, the employees are allowed to flex their work times and break times as long as department services are not disrupted and providing they work the required forty (40) hour workweek.

¹⁹ See Exhibit S.

²⁰ See Exhibit T.

²¹ See Exhibit U.

Militello is an Administrative Assistant assigned to the Appeals section of the Board of Revision. His primary duties involve preparing letters responding to taxpayers that have filed appeals. His current job assignments do not require him to perform any off site work.

Maher does not usually see Militello report for work or leave for the day because his work space can not be seen from her office. At this time, Maher has no reason to believe that Militello is not reporting for work at the times reflected on his timesheet.

Karen Campbell (Human Resources Specialist) – 5/4/12

Karen Campbell ("Campbell") is the Human Resources Specialist assigned to the Fiscal Office and Board of Revision. Campbell was asked to review Militello's confidential medical file to determine whether there were any medical or other type of leave issues that would explain Militello's attendance patterns. Campbell stated that her review failed to reveal any requests for medical or other type of leave that would explain Militello's behavior.

CONCLUSION AND RECOMMENDATIONS

After a careful review of the evidence collected in this investigation, it is our opinion that there is sufficient evidence to indicate that Militello has engaged in, and is currently engaging in, a pattern of consistent egregious falsification of his timesheet and theft of County time. Militello is consistently arriving at work after his reported start time and leaving work prior to his reported end time.²² Militello's submittal of fraudulent time sheets allowed him to receive compensation for the time he spent away from the worksite.


Accordingly, it is our recommendation that this matter be referred to the County Executive for disciplinary action up to and including termination. In addition, this matter should be referred to the County Prosecutor's Office for review for potential criminal prosecution.

In addition, the flagrant nature of Militello's time abuse raises significant questions about the adequacy of management oversight at the Board of Revision. Despite the fact that Militello was missing from work on average of several hours per week, management staff routinely approved Militello's timesheet without question. In addition, Militello received "3" ratings for every section on his 2011 performance review²³, including the "dependability" section. Militello's personnel file contains no documentation of any concern relating to his attendance.

²² Militello's payroll and garage records also revealed ten (10) days in 2012 where Militello reported eight (8) hours of work but did not enter or exit the garage. These dates, however, are not included in the AIG's findings due to a lack of evidence regarding Militello's actual whereabouts on those dates.

²³ Attached as **Exhibit V**.

In light of this, we recommend that the AIG request a 60-day response letter from the Fiscal Officer, Wade Steen, addressing his efforts to address the issues identified above.



Mark Cutright
Investigator



Matthew Hawes
Deputy Inspector General

Approval as to conclusions and recommendations:



Najlah K. Byrd
Inspector General

5/7/12
Date