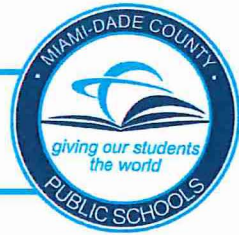
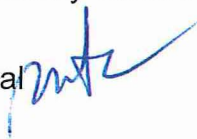




Mary T. Cagle
Inspector General
Office of the Inspector General for Miami-Dade County Public Schools



To: Alberto Carvalho, Superintendent, Miami-Dade County Public Schools
Hon. Chairwoman Perla Tabares Hantman
and Members, Miami-Dade County School Board

From: Mary T. Cagle, Inspector General 

Date: May 29, 2015

Subject: OIG Final Report of Investigation - *Unauthorized Use of M-DCPS Vehicle to Travel Home During Work Hours*
SB-1415-1003

Attached please find the above-captioned OIG Final Report of Investigation. The investigation concerned allegations regarding Miami-Dade County Public School (M-DCPS) employee, Urbano Diaz de Villegas' unauthorized use of M-DCPS vehicle to travel home during work hours without authorization. The OIG investigation substantiated these allegations.

This report, as a draft, was provided to Mr. Diaz de Villegas for his review and written response. A courtesy copy of the draft report was also provided to the Superintendent. A written response was not received from Mr. Diaz de Villegas.

This report is being provided to the M-DCPS Administration and the School Board for whatever action is deemed appropriate.

Attachment

cc: Walter J. Harvey, School Board Attorney, Miami-Dade County Public Schools
Jose Montes de Oca, Chief Auditor, Miami-Dade County Public Schools
Individuals previously provided with the draft report

MIAMI-DADE COUNTY PUBLIC SCHOOLS OFFICE OF THE INSPECTOR GENERAL
OIG FINAL REPORT OF INVESTIGATION
Unauthorized Use of M-DCPS Vehicle to Travel Home During Work Hours

INTRODUCTION & SYNOPSIS

This investigation was predicated on a complaint alleging that Urbano Diaz de Villegas was traveling home in a County vehicle and spending considerable time at home during work hours. The complaint also alleged that Mr. Diaz de Villegas may be stealing fuel from his employer as he was observed pouring fuel into his own personal vehicle from a red plastic fuel container that he transported home in his work truck.

The investigation determined that Mr. Diaz de Villegas is an M-DCPS employee (not a County employee). The allegation that Mr. Diaz de Villegas traveled home in a work-assigned vehicle during the work day was substantiated. The OIG was unable to substantiate the second allegation that he may be stealing fuel.

OIG JURISDICTIONAL AUTHORITY

Pursuant to an Interlocal Agreement between Miami-Dade County and the School Board, the OIG has the authority to investigate M-DCPS affairs; to audit, inspect and review past present, and proposed programs, accounts, records, contracts and transactions; to require reports and the production of records from School Board members and School District officials; and to report our findings and make recommendations to the School Board and Superintendent.

INDIVIDUAL COVERED IN THIS REPORT

Urbano Diaz de Villegas is an employee of the Facilities Operations, Maintenance Division (FOM) of M-DCPS. He has been employed by the School District since 2004 and for the past eight years has held the position of Painter Foreman. He is currently assigned to work out of Maintenance Service Center 1¹ (MSC-1), where he supervises 9 to 10 painters working in the Northwest quadrant of the County. Mr. Diaz de Villegas (for the periods covered by this report) resided at 845 S.W. 148th Place, Miami, FL.

RELEVANT GOVERNING AUTHORITIES

Policies and procedures, rules and responsibilities covering FOM staff are found in the *Maintenance Employee's Handbook*. As it pertains to driving M-DCPS vehicles, the *Handbook* expressly states that, "Vehicles WILL NOT be used for personal business, i.e., going home for lunch, to the bank, to visit a doctor, to travel to a job interview, or to any point to conduct personal business of any kind." (*Handbook*, page TR:21)

¹ M-DCPS has four Maintenance Service Centers throughout the County that provides the day-to-day maintenance needs for all District-owned and leased facilities. MSC-1 is located at 12525 Northwest 28th Avenue, Miami, FL 33166, which is 23 miles away from Mr. Diaz de Villegas' former residence.

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INVESTIGATION

Case Initiation & Investigative Methodology

This investigation was predicated on a complaint alleging that Urbano Diaz de Villegas, was traveling home in a County vehicle and spending a considerable time at home during work hours. Specifically, the complaint alleged that Mr. Diaz de Villegas, who resided at 845 S.W. 148th Place, Miami, FL, is seen coming home between the hours of 11 am and 2 pm in a white County pick-up truck (government-issued license plate number 193821). (Exhibit 1) Further, the complaint alleged that Mr. Diaz de Villegas was observed on various occasions taking a red plastic fuel container from the bed of the work pickup truck and placing the container in the garage of his residence. The complainant later observed him pouring the contents, from what appeared to be the same container, into the fuel tank of his personal vehicle. (Exhibit 2)

The OIG investigation identified Mr. Diaz de Villegas as an M-DCPS Maintenance employee. The OIG interviewed several of Mr. Diaz de Villegas' supervisors concerning his work schedule and obtained information from the M-DCPS Transportation Department concerning the vehicle driven by Mr. Diaz de Villegas, including SunPass Transponder Activity and fuel consumption reports. Mr. Diaz de Villegas' was also interviewed by OIG Special Agents. The investigation substantiated the first allegation about traveling home during the work day, but was unable to substantiate that Mr. Diaz de Villegas was stealing fuel and pouring it into his own personal vehicles.²

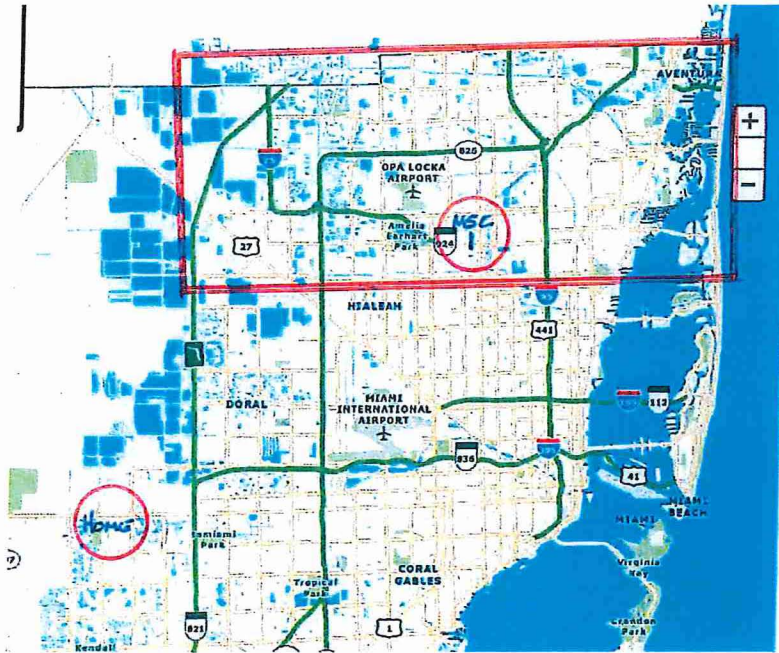
This investigation was conducted in accordance with the *Principles and Standards for Offices of the Inspector General, Quality Standards for Investigations*, as promulgated by the Association of Inspectors General.

² While the OIG could not substantiate the theft allegation, the claim is not unfounded. In addition to the complainant's testimony of what he/she observed, M-DCPS fuel consumption records for Vehicle #102885, driven by Mr. Diaz de Villegas, show notable discrepancies. In particular, this truck consumes more fuel than similar M-DCPS trucks of the same make, model and year. Vehicle #102885 is equipped with a Vehicle Information Transmitter (VIT) system, which tracks how much fuel is pumped into the vehicle. The VIT system, however, can be bypassed by placing the fuel pump nozzle and the fuel container close to the vehicle's gasoline tank intake. This enables employees to fill up containers without having to use a separate gasoline card. The fuel, however, will be recorded by the VIT as being pumped into that vehicle.

According to the *Vehicle Miles per Gallon and Employee Report (Vehicle Report)* for the one-year period of 2/26/13 to 2/26/2014, Vehicle #102885's average fuel usage calculation was 8.1 MPG. In comparison, the average fuel usage for two other M-DCPS maintenance vehicles (same make, model, and year) driven by other employees during the same one-year period was 12 MPG and 11.9 MPG.

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Unauthorized Use of M-DCPS Vehicle to Travel Home During Work Hours

Unauthorized Travel Home During Work Hours



The license tag number provided in the complaint is registered to an M-DCPS 1994 Ford Ranger Pickup Truck (Vehicle #102885), which Mr. Diaz de Villegas drives on a regular basis. The figure to the left depicts the location of Mr. Diaz de Villegas home in relation to the service area of MSC-1. The SunPass reports³ for the transponder permanently affixed to the front windshield of Vehicle #102885 show between April 22, 2013 and August 22, 2014, the vehicle traveled through the westbound SunPass lanes of State Route 836 (SR-836) at

SW 97th Avenue, SW 107th Avenue, and SW 137th Avenue a total of 6 times. This transponder was also recorded traveling eastbound on SR-836 on the same SunPass lanes a total of 21 times, indicating that this vehicle traveled to and from the direction and general vicinity of Mr. Diaz de Villegas' residence a total of 23 times, in the middle of the day.⁴ The transponder recorded Mr. Diaz de Villegas traveling through the SunPass closest to his home at various times including as early as 10:28 a.m. on one day and as late as 1:19 p.m. on another. (See OIG Schedule 1 for an analysis of SunPass travel.)

Francis Hoar, Administrative Director of Facilities Operations, was interviewed by the OIG. He explained that forepersons do not have permanently assigned vehicles or vehicle take-home privileges. They generally drive the same vehicle daily because they keep their work gear in the vehicles. Mr. Hoar also stated that MSC-1 maintenance workers are not allowed to leave their assigned jurisdiction unless they have prior approval from a supervisor. He further stated that in exceptional instances, MSC-1 maintenance worker may be asked to assist other MSCs and, as such, they would have to travel to locations outside of their zones.

Mr. Hoar advised that as a foreman, Mr. Diaz de Villegas is required to travel to locations where his subordinates are assigned to work. Mr. Hoar went on to indicate that

³ Florida's Turnpike Enterprise Transponder (aka SunPass) Activity Reports for Transponder ID# 102995220110 for the period January 1, 2013 through September 11, 2014.
⁴ Mr. Diaz de Villegas was recorded traveling westbound and eastbound on the same day a few times.

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Unauthorized Use of M-DCPS Vehicle to Travel Home During Work Hours

forepersons, as well as their subordinates, are required to complete a Daily Status Form⁵ for every job location they are assigned to work. Mr. Hoar provided copies to the OIG of the Daily Status Forms for those dates that Mr. Diaz de Villegas was suspected of traveling home in his work vehicle. (See OIG Schedule 1 for the location of the work assignments on those days where the SunPass transponder shows activity near Mr. Diaz de Villegas' residence.)

Edward Velez, Director of MSC-1, was also interviewed and added that in very rare occasions, perhaps 2 or 3 times per year, maintenance crews from his center are requested to assist other maintenance centers with projects. Mr. Velez also indicated that he was not aware that Mr. Diaz de Villegas was traveling home regularly during work hours.

Kent Statler, Mr. Diaz de Villegas' direct supervisor for the past two years, was interviewed. Mr. Statler stated that he was not aware that Mr. Diaz de Villegas was going home during work hours on a frequent basis. He stated that aside from allowing Mr. Diaz de Villegas to take care of personal issues maybe two to three times in the past, he does not remember ever giving him permission to go home as many times as is documented. Mr. Statler advised that the only disciplinary issue he has had with Mr. Diaz de Villegas is his failure to answer his work issued cell phone when he calls him.⁶

Edmond Willis, Mr. Statler's supervisor, was also interviewed. Mr. Willis went on to indicate that Mr. Diaz de Villegas was an employee that "managed to get the job done" and the only negative attribute about him was he (Diaz de Villegas) had difficulties answering his work cell phone whenever his immediate supervisor needed to get in touch with him. Mr. Willis indicated that this issue was later resolved after some counseling. Mr. Willis also stated that he has also been one of Mr. Diaz de Villegas' supervisors for the past eight years and as far as he could remember, he has never given Mr. Diaz de Villegas permission to go home during his lunch break.

Interview of Urbano Diaz de Villegas

OIG Special Agents interviewed Mr. Diaz de Villegas. Mr. Diaz de Villegas stated that during the past nine months, he may have travelled home during work hours perhaps at most five times and that each time he did so it was to pick up personal property he had left behind. Mr. Diaz de Villegas indicated that he went home because he either left his phone,

⁵ The Daily Status Form is used to document and record actual travel and labor hours for every tradesperson. This form must be completed entirely and accurately in order to properly document not only the tradespersons daily activities but to record those activities and their corresponding labor costs to the specific project where the work took place. Once properly completed and endorsed by the tradesperson, the daily status form becomes an official document thus creating an auditable representation of the tradesperson's activities.

⁶ Mr. Diaz de Villegas stated in his interview that he turned in his work issued cell phone because it was not working.

MIAMI-DADE COUNTY PUBLIC SCHOOLS OFFICE OF THE INSPECTOR GENERAL
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keys, license or identification, and each time he went home he was “in and out,” maybe ten minutes, and always had permission from Mr. Statler or Mr. Willis.

When told that the OIG had evidence that he had travelled at least 14 times since February, and approximately 24⁷ times since 2013 and that he remained at his residence for an extended period of time, Mr. Diaz de Villegas changed his statement and indicated that he could not remember that far back, but every time he went home he had permission from either Mr. Statler or Mr. Willis. However, if he was home longer than ten minutes, it was because he may have grabbed lunch while he was there and again reiterated that he always called for permission.

When confronted with the fact that his supervisor, Mr. Statler, informed us that he never gave him permission to go home as many times as he did, Mr. Diaz de Villegas then again changed his story and said that he would get permission from Mr. Willis because Mr. Statler never answered his phone. It should be noted that Mr. Willis stated during his interview that he never gave Mr. Diaz de Villegas permission to go home during his lunch break.

When questioned about the fuel container, Mr. Diaz de Villegas stated that when he or his painters need to fill a gas container to operate equipment he calls an attendant from the vehicle maintenance garage to activate a gas card. In the event of an emergency he or his painters place the gas container and the gasoline pump nozzle near his vehicle fuel intake to activate the gasoline pump, and fills up the container with fuel. When asked about taking the gas container from his work vehicle and into his residence, he denied doing so. However, when told that he was seen taking a gas container from his truck and into his home, Mr. Diaz de Villegas changed his story one more time and said if he was seen doing this, it was his gas can and gas he had purchased on the road to use on his boat. Mr. Diaz de Villegas adamantly denied stealing gas from M-DCPS.

RESPONSE TO THE DRAFT REPORT

This report, as a draft, was provided to Mr. Diaz de Villegas for his discretionary written response. The OIG did not receive a written response to the draft version of this report. The draft report was also provided to Francis Hoar, Administrative Director of FOM and the Office of the Superintendent, for informational purposes only.

CONCLUSION & RECOMMENDATIONS

The school board rules and policies that apply in this case are simple and straightforward. Maintenance vehicles are only to be driven to and from authorized work locations. Employees are prohibited from driving home for lunch or for any other personal reason. Mr. Diaz de Villegas ignored these rules and policies, and—by his own admission— used the maintenance vehicle to go home during work hours numerous times.

⁷ The SunPass report actually shows 23 times.

MIAMI-DADE COUNTY PUBLIC SCHOOLS OFFICE OF THE INSPECTOR GENERAL
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This report is being provided to the M-DCPS Administration and the School Board for whatever action is deemed appropriate.

**Miami-Dade County Public Schools
Office of the Inspector General**

**Composite
Exhibit 1**

Pictures of M-DCPS Vehicle Parked at Residence
(2 page)

SB1415-1003





Miami-Dade County Public Schools Office of the Inspector General

Exhibit 2

Picture of Mr. Diaz de Villegas Using a Red Container to Fuel His Personal Vehicle
(1 page)

SB1415-1003



Miami-Dade County Public Schools Office of the Inspector General

OIG Schedule 1

SunPass Transponder Activity & Daily Work Assignments
(4 pages)

SB1415-1003

OIG SCHEDULE 1

SunPass Transponder Activity for Vehicle #102885 and Daily Work Assignments for Urbano Diaz de Villegas

[----- SUNPASS RECORDED TRAVEL -----]

DATE	W/B SR 836 @ 97th AVE	W/B SR 836 @ 137th AVE	E/B SR 836 @ 137th AVE	E/B SR 836 @ 97th AVE	HOURS WORKED	LOCATION DOCUMENTED AS WORKING
8/22/2014			11:30:48	11:35:04	4	MSC ONE
					2	GREYNOLDS PARK ELEM.
					2	CHILES MIDDLE
8/11/2014	11:09:54	11:13:31	12:07:39	12:11:16	4	NT. TWIN LAKES ELEM.
					2	EDEL CUP K-8
					2	EUGENIA B THOMAS ELEM
7/23/2014				10:57:02		"NO DAILY STATUS FORM RECORDED"
7/18/2014			11:47:27	11:51:09	4	AVENTURA WATERWAYS K-8
					2	NT. TWIN LAKES ELEM.
					2	GREYNOLDS PARK ELEM.
6/3/2014		15:32:26*	*(W/B SR 836 @ 107th AVE)		2	PALM SPRINGS MIDD.
					2	JOHN I SMITH
					2	K-MART (KROP ANNEX)
					2	AMERICAN SR. HIGH
5/21/2014			12:44:31	12:48:21	2	CAROL CITY MIDD.
					2	HIALEAH GARDENS SR.
					2	K-MART (CROP ANNEX)
					2	AMELIA EARHART ELEM.
5/5/2014			10:41:44		2	OAK GROVE ELEM.
					1	LAKEVIEW ELEM.
					1	AVENTURA WATERWAYS
					2	M. KROP SR.
					2	EUGENIA B THOMAS ELEM.

OIG SCHEDULE 1

SunPass Transponder Activity for Vehicle #102885 and Daily Work Assignments for Urbano Diaz de Villegas

[----- SUNPASS RECORDED TRAVEL -----]

DATE	W/B SR 836 @ 97th AVE	W/B SR 836 @ 137th AVE	E/B SR 836 @ 137th AVE	E/B SR 836 @ 97th AVE	HOURS WORKED	LOCATION DOCUMENTED AS WORKING
4/7/2014			13:09:36		4	PALM SPRINGS MIDD.
					2	EUGENIA B THOMAS ELEM.
					2	HIBISCUS ELEM.
4/1/2014	12:35:37	12:39:13	13:13:11	13:17:03	2	BISCAYNE GARDENS ELEM.
					2	EUGENIA B THOMAS ELEM.
					2	JOHN F KENNEDY MIDDLE
					2	PALM SPRINGS MIDDLE
3/31/2014			10:43:22		2	BISCAYNE GARDENS ELEM.
					2	CAROL CITY MIDD.
					2	WYCHE ELEM.
					2	NT. MIAMI SR.
3/18/2014			13:15:26	13:19:07	2	EDEL CUP ELEM.
					2	REEVES ELEM.
					2	NT. HIALEAH ELEM.
					2	NT. HIALEAH ELEM.
3/7/2014			10:56:46	11:00:42	2	OJUS ELEM.
					2	BISCAYNE GARDENS ELEM.
					2	JOHN I SMITH ELEM.
					2	JAN MANN OP CTR
2/18/2014			13:01:18	13:05:33	2	NATURAL BRIDGE ELEM.
					2	BENJAMIN FRANKLIN K-8
					2	BENJAMIN FRANKLIN K-8

OIG SCHEDULE 1

SunPass Transponder Activity for Vehicle #102885 and Daily Work Assignments for Urbano Diaz de Villegas

[----- SUNPASS RECORDED TRAVEL -----]

DATE	W/B SR 836 @ 97th AVE	W/B SR 836 @ 137th AVE	E/B SR 836 @ 137th AVE	E/B SR 836 @ 97th AVE	HOURS WORKED	LOCATION DOCUMENTED AS WORKING
2/10/2014				13:03:43	2	V. A. BOOME ELEM
					2	COUNTRY CLUB MIDD.
					2	NATURAL BRIDE ELEM.
					2	EUGENIA B THOMAS
1/15/2014			12:57:14	13:01:15	2	IVES ELEM.
					2	W. J. BRYANT ELEM.
					4	MIAMI LAKES TECH.
12/16/2013				12:35:42	2	EDEL CUP ELEM.
					2	JAN MANN OP CTR
					2	HIALEAH GARDENS SR.
					2	AMERICAN SR. HIGH
11/4/2013			12:51:03	12:55:09	2	MIAMI GARDENS ELEM.
					2	M. A. MILAM ELEM.
					2	AMERICAN SR. HIGH
					2	JOHN F KENNEDY MIDD.
10/18/2013	12:12:22	12:16:00	12:36:48	12:40:35		"NO DAILY STATUS FORM RECORDED"
9/11/2013				11:23:11	2	FRANKLYN ELEM.
					2	FRANKLYN ELEM.
					2	GRATIGNY ELEM
					2	LAKE STEVENS MIDDLE
8/26/2013		10:28:04			2	BRENTWOOD ELEM.
					2	NT. MIAMI BEACH SR.
					2	RAINBOW PARK ELEM.
					2	EDEL CUP ELEM.

OIG SCHEDULE 1

SunPass Transponder Activity for Vehicle #102885 and Daily Work Assignments for Urbano Diaz de Villegas

[----- SUNPASS RECORDED TRAVEL -----]

DATE	W/B SR 836 @ 97th AVE	W/B SR 836 @ 137th AVE	E/B SR 836 @ 137th AVE	E/B SR 836 @ 97th AVE	HOURS WORKED	LOCATION DOCUMENTED AS WORKING
8/8/2013			12:39:04	12:43:17	2	FLAMINGO ELEM.
					2	NT. MIAMI MIDDLE
					2	BISCAYNE ELEM.
					2	BUNCH PARK ELEM.
6/3/2013			12:32:12	12:36:31	2	WYCHE ELEM.
					2	GREYNOLDS PARK ELEM.
					2	HIBISCUS ELEM.
					2	DR. R.B. INGRAM ELEM.
4/22/2013		11:22:36	12:24:51	12:28:56	4	NORLAND SR. HIGH
					4	DR. R.B. INGRAM ELEM.