

**City of Detroit**  
**Office of Inspector General**  
**2014 3<sup>rd</sup> Quarter Report**

(July 1, 2014 – September 31, 2014)



October 6, 2014

### Office of Inspector General Complaints

The OIG received a total of 77 complaints during the 3<sup>rd</sup> Quarter of 2014.

### Office of Inspector General Initiated Cases

The OIG initiated 87 investigations in the 3<sup>rd</sup> Quarter. The investigations involved 13 different departments or agencies. The Human Resources Department had a much higher number of cases associated with it because of the ongoing unemployment insurance fraud investigation which the OIG is conducting in cooperation with the department and the State of Michigan. The number of cases should not be taken as an indication of a continuing problem within that particular department, but rather as evidence of their partnership in the effort.

Department/Agency	# of Investigations
City Council	1
Retirement System	4
Police	3
Public Works	2
Finance	3
Fire	1
General Services	1
Human Resources	63
Municipal Parking	1
Planning & Development	2
Public Lighting	1
Transportation	1
DWSD	4
<b>Total</b>	<b>87</b>

### Office of Inspector General Closed Cases

A case is considered closed once an OIG file manager completes their investigation and the Inspector General approves a finding. The OIG closed 30 cases during the 3<sup>rd</sup> Quarter. The following is a brief summary of cases closed during the quarter.

#### 2013-0002

Complainant alleged that two former City of Detroit employees were collecting disability payments while actively working for the city. One employee received approximately \$38,000 in improper payments. The other employee received approximately \$8,600. Both employees were discharged when the fraud was discovered. The OIG investigation led to felony charges being filed against the employees in the 36<sup>th</sup> District Court. (Exhibit A)

#### 2013-DA-0057

Complainant alleged that a public servant in the Municipal Parking Department engaged in two instances of improper contracting. The Office of Inspector General found no supporting evidence for one of the allegations. However, the Office of Inspector General found the second allegation involving the use of imprest funds was valid in that funds had been committed outside of established policy. The public servant resigned prior to the conclusion of the case.

**2013-DC-0069**

Complainant engaged OIG in discussions surrounding the appropriate role for Public Lighting Authority board members in the contract procurement process. Complainant made no specific allegation of fraud, abuse, waste or corruption.

**2014-CC-0020**

Complainant alleged that an escheated pension check belonging to a retiree was stolen by a former Finance Department contractual employee. Information regarding the theft was submitted to Detroit Police Department and is still under investigation.

**2014-CA-0021**

Complainant alleged that a Department of Public Works contractor received payment for work that was inadequate and careless. The complainant stated they would supply documents to support this allegation and did not. The OIG found no independent evidence to support the complainant's allegation.

**2014-CA-0024**

Complainant alleged the Police and Fire Pension System engaged in abusive conduct by denying his claim for a duty disability retirement. The OIG determined that the allegation was without merit and closed the case.

**2014-DF-0061**

Complainant alleged that hundreds of residential properties under the control of the Police and Fire Retirement System had been improperly transferred and that a City of Detroit contractor intentionally misrepresented the ownership of properties purchased by the complainant. The OIG investigation did not substantiate the allegation.

**2014-NA-0070**

OIG determined that a public servant fraudulently collected unemployment benefits while working full-time for the City of Detroit. The OIG investigation led to criminal charges being filed against the public servant in the 36<sup>th</sup> District Court. (Exhibit B)

**2014-DF-0090**

Complainant alleged that a DWSD public servant who had received a duty disability retirement was not in fact disabled and was working for another employer. The Office of Inspector General could not substantiate the allegations because of lack of evidence provided by the complainant.

**2014-NA-0091**

Complaint alleged that the Detroit Water and Sewerage Department overpaid a contractual employee working on two separate contracts at the same time. The Office of Inspector General found no evidence supporting the allegation.

**2014-DA-0113**

OIG determined that a public servant fraudulently collected unemployment benefits while working full-time for the City of Detroit. The OIG investigation led to criminal charges being filed against the public servant in the 36<sup>th</sup> District Court. (Exhibit C)

**2014-NA-0114**

OIG determined that a public servant fraudulently collected unemployment benefits while working full-time for the City of Detroit. The OIG investigation led to criminal charges being filed against the public servant in the 36<sup>th</sup> District Court. (Exhibit D)

**2014-NA-0124**

OIG determined that a public servant fraudulently collected unemployment benefits while working full-time for the City of Detroit. The OIG investigation led to criminal charges being filed against the public servant in the 36<sup>th</sup> District Court. (Exhibit E)

**2014-DA-0125**

Complainant alleged that a Detroit Retirement System employee engaged in abuse by purposely tampering with the lawful administration of his pension benefits. The OIG investigation did not substantiate the allegation.

**2014-DA-0126**

Complaint and result was identical to 2014-DA-0125.

**2014-NA-0128**

Complainant alleged that Emergency Manager Kevyn Orr engaged in abusive conduct by failing to honor complainant's request for information he claimed to need in order to make an informed decision regarding his vote on proposed changes to the pension systems. The OIG investigation did not substantiate the allegation.

**2014-NA-0174**

Complainant alleged that she was unable to get assistance from the Buildings, Safety Engineering & Environmental Department to inspect the living conditions of the apartment she rented. The Office of Inspector General found no evidence supporting complainant's allegations. However, the OIG contacted the department director to advise him that the rental property in question had not gone through the rental registration process and had not obtained a Certificate of Compliance.

**2014-DW-0175**

Complainant alleged that public servants in the Detroit Police Department and Budget Department did not process reimbursement or payment requests in a timely or efficient manner. The Office of Inspector General found no evidence supporting complainant's allegations of fraud, abuse, waste, or corruption.

**2014-0176**

Complainant alleged that public servants in the Buildings, Safety Engineering and Environmental Department had received payments in exchange for ignoring certain building code violations. The Office of Inspector General found no evidence supporting complainant's allegations.

**2014-DA-0177**

Complainant alleged that a member of the Board of Police Commissioners abused his authority by improperly using his City of Detroit credentials to gain entry into a private apartment building for purposes unrelated to his official duties. There was insufficient evidence to sustain this allegation. However, the OIG made recommendations to the Board of Police Commissioners (BOPC) related to the development of a policy to prevent the misuse of city credentials. The BOPC accepted the OIG's recommendations. (Exhibit F)

**2014-DW-0180**

Complainant alleged that the Blight Authority did not complete a massive blight cleanup in the Brightmoor neighborhood despite claiming to have done so. OIG did field work to investigate the areas of concern. The complainant retracted the allegation after receiving additional information from the Mayor's Office.

**2014-DF-0183**

Complaint alleged a conflict of interest involving a public servant in the Media Services Division. The Office of Inspector General found no evidence supporting the allegation.

**2014-DF-0184**

Complaint alleged a conflict of interest involving a public servant in the Elections Office. A member of the public servant's immediate family had been the recipient of funds from a block grant fund awarded by the City of Detroit. The Office of Inspector General found no evidence supporting the allegation.

**2014-DF-0186**

Complaint alleged a conflict of interest involving a public servant in DWSD. The Office of Inspector General found no evidence supporting the allegation.

**2014-DF-0187**

OIG investigated a Public Lighting Department employee who allegedly stole City of Detroit equipment valued at over \$4,800 and who allegedly stole a department procurement card with which he made personal purchases totaling \$4,300. The OIG investigation led to the filing of 9 felony criminal counts against the employee. The employee has been terminated. (Exhibit G)

**2014-NA-0219**

Complaint alleged that the Planning and Development Department abused its authority by preventing a citizen from purchasing a vacant lot owned by the city and instead selling the lot to a church. The Office of Inspector General found no evidence supporting the allegation.

**2014-DA-0239**

Complainants alleged that members of the Fire Department executive staff engaged in abusive conduct against members of the EMS supervisory staff. The OIG closed the case without a finding after determining that the matter amounted to a labor dispute.

**2014-DA-0245**

Investigation involved an employee who improperly collected unemployment benefits while working for the City of Detroit. The fraudulently obtained benefits were ultimately paid by the City of Detroit. The OIG has recommended that the employee be terminated for misrepresenting himself to the State of Michigan Unemployment Insurance Agency to obtain unemployment benefits.

**2014-DA-0246**

Complainant alleged that public servants in the Municipal Parking Department issued tickets arbitrarily for residents and guests parking in front of a particular residential building. The OIG determined that a "No Parking" sign had been vandalized and removed from in front of the building. There was no misconduct on the part of the department. The "No Standing" sign was replaced.

**2014-DA-0271**

Complainant alleged that multiple Detroit Retirement System employees engaged in abuse by refusing to honor a court order relating to his pension and health benefits. The case was referred to the City of Detroit Ombudsperson.

STATE OF MICHIGAN 36 JUDICIAL DISTRICT 3RD JUDICIAL CIRCUIT District Court ORI: MIB20095J	COMPLAINT FELONY Circuit Court ORI: MIB21095J	DISTRICT: CIRCUIT: CTN: 98-14900797-01 AG ORI: MIB20025A
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THE PEOPLE OF THE STATE OF MICHIGAN v		Victim or complainant: STATE OF MICHIGAN UNEMPLOYMENT INS AGENCY
KHADIJAH KARIMA AHMAD 15861 WASHBURN STREET DETROIT, MI 48238		Complaining Witness S/A CHARLES BRADLEY S/A MARK KACHAR
Co-defendant(s)		Date: On or about 01/01/2007 - 02/28/2012
City/Twp/Village DETROIT	County in Michigan Wayne	Defendant SID
Charge(s) See Below	STATE OF MICHIGAN, COUNTY OF WAYNE	Defendant DOB 8/21/1971
	The complaining witness says that on the date above and at/or in the City of Detroit, the defendant, contrary to law,	Maximum Penalty See Below

STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date above and at/or in the City of Detroit, the defendant, contrary to law,

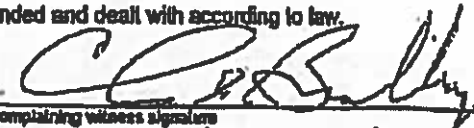
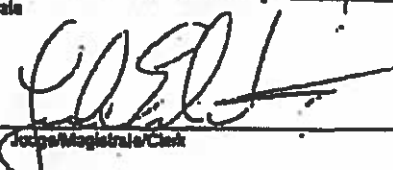
**COUNT 1: : FALSE PRETENSES - \$20,000.00 OR MORE BUT LESS THAN \$50,000.00**  
did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$20,000 or More but Less Than \$50,000; contrary to MCL 750.218(5)(a). [750.2185A].  
**FELONY:** 15 Years and/or \$15,000.00, or 3 times the value of the money or property involved, whichever is greater.

**COUNT 2: INSURANCE - FRAUDULENT ACTS**  
did prepare an oral or written statement knowing or believing that it would be presented by or to an insurer or an agent of an insurer, knowing that it contained false information concerning a fact material to an insurance claim, and did so intending to injure, defraud, or deceive; contrary to MCL 500.4511(1). [500.45111]  
**FELONY:** 4 Years and/or \$50,000.00, and shall be ordered to pay restitution

**COUNT 3 UNEMPLOYMENT COMPENSATION FRAUD - FALSE STATEMENT/MISREPRESENTATION - LOSS OF \$1,000 TO \$25,000**  
did make a false statement or representation knowing it to be false in order to obtain or increase a benefit or other payment under the Michigan Employment Security Act for herself, the amount improperly obtained, being \$1,000 or more but less than \$25,000; contrary to MCL 421.54(b)(8)(A). [421.54BIIA]  
**MISDEMEANOR:** 4 times the amount of fraud and 1 Year, or community service for up to 1 Year but not to exceed 2,080 hours, or a combination of imprisonment and community service not to exceed 1 Year

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on <u>7/15/14</u> by: <u>DM Hart</u> Date	 Complaining witness signature
Denise M. Hart (P46127) Assistant Attorney General Michigan Department of Attorney General Criminal Division 3030 W. Grand Blvd. Cadillac Place, Suite 10-200 Detroit, MI 48202 313-468-0180	Subscribed and sworn to before me on <u>7/15/14</u> Date
<input type="checkbox"/> Security for costs posted	 Judge/Magistrate/Clerk
	<u>41X 49</u> Bar no.

14060672

STATE OF MICHIGAN  
53 JUDICIAL DISTRICT  
3RD JUDICIAL CIRCUIT

COMPLAINT  
FELONY

DISTRICT:  
CIRCUIT:  
CTN: 88-14900790-01  
MRB #:

THE PEOPLE OF THE STATE OF MICHIGAN

Victim or complainant:  
STATE OF MICHIGAN  
UNEMPLOYMENT INS  
AGENCY

SHARNISE ALEXIS NULL JONES  
21894 GABLES DR  
EAGLE CREEK, MI 48044

Complaining Witness  
S/A CHARLES BRADLEY  
S/A MARK KACHAR

Co-defendant(s)

Date: On or about  
06/01/2009 - 12/31/2012

City/Twp/Village  
DETROIT  
County in Michigan  
Wayne  
Defendant SID

Defendant DOB  
4/14/1982

Charge(s)  
See Below

Maximum Penalty  
See Below

STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date above and at/or in the City of Detroit, the defendant, contrary to law,

**COUNT 1: FALSE PRETENSES - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00**  
did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.218(4)(a). [750.2184A]  
**FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.**

**COUNT 2: INSURANCE - FRAUDULENT ACTS**  
did cause an oral or written statement to be presented to an insurer or an agent of an insurer, knowing that it contained false information concerning a fact material to an insurance application, and did so intending to injure, defraud, or deceive; contrary to MCL 500.4511(1). [500.45111]  
**FELONY: 4 Years and/or \$50,000.00, and shall be ordered to pay restitution**

**COUNT 3: UNEMPLOYMENT COMPENSATION FRAUD - FALSE STATEMENT/MISREPRESENTATION - LOSS OF \$1,000 TO \$25,000**  
did make a false statement or representation knowing it to be false in order to obtain or increase a benefit or other payment under the Michigan Employment Security Act for herself, the amount improperly obtained, being \$1,000 or more but less than \$25,000; contrary to MCL 421.54(b)(II)(A). [421.54BIIA]  
**MISDEMEANOR: 4 times the amount of fraud and 1 Year, or community service for up to 1 Year but not to exceed 2,080 hours, or a combination of imprisonment and community service not to exceed 1 Year**

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on 6-18-14 by: \_\_\_\_\_  
Date  
Tru bert  
Dana M. Hart (P45127)  
Assistant Attorney General  
Michigan Department of Attorney General  
Criminal Division  
3030 W. Grand Blvd. Cadillac Place, Suite 10-200  
Detroit, MI 48202  
313-458-0180  
 Security for costs posted

[Signature]  
Complaining witness signature  
Subscribed and sworn to before me on 7-03-2014  
Date  
[Signature]  
Judge/Magistrate/Clerk



140606 72

STATE OF MICHIGAN  
53 JUDICIAL DISTRICT  
3RD JUDICIAL CIRCUIT

COMPLAINT  
FELONY

DI.RICT:  
CIRCUIT:  
CTN: 96-14800790-01  
MRP #:

THE PEOPLE OF THE STATE OF MICHIGAN

Victim or complainant  
STATE OF MICHIGAN  
UNEMPLOYMENT INS  
AGENCY

SHARNISE ALEXIS NULL JONES  
21894 GALES DR  
BACOMB, MI 48044

Complaining Witness  
S/A CHARLES BRADLEY  
S/A MARK KACHAR

Co-defendant(s)

Date: On or about  
06/01/2009 - 12/31/2012

City/Twp/Village	County in Michigan	Defendant SID
DETROIT	Wayne	

Defendant DOB  
4/14/1982

Charge(s)  
See Below

Maximum Penalty  
See Below

STATE OF MICHIGAN, COUNTY OF WAYNE

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**FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the money or property involved, whichever is greater.**

**COUNT 2: INSURANCE - FRAUDULENT ACTS**  
did cause an oral or written statement to be presented to an insurer or an agent of an insurer, knowing that it contained false information concerning a fact material to an insurance application, and did so intending to injure, defraud, or deceive; contrary to MCL 500.4511(1). [500.45111]  
**FELONY: 4 Years and/or \$50,000.00, and shall be ordered to pay restitution**

**COUNT 3: UNEMPLOYMENT COMPENSATION FRAUD - FALSE STATEMENT/MISREPRESENTATION - LOSS OF \$1,000 TO \$25,000**  
did make a false statement or representation knowing it to be false in order to obtain or increase a benefit or other payment under the Michigan Employment Security Act for herself, the amount improperly obtained, being \$1,000 or more but less than \$25,000; contrary to MCL 421.54(b)(i)(A). [421.54B11A]  
**MISDEMEANOR: 4 times the amount of fraud and 1 Year, or community service for up to 1 Year but not to exceed 2,080 hours, or a combination of imprisonment and community service not to exceed 1 Year**

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on 6-18-14 by: TruBERT  
Date

Derise M. Hart (P45127)  
Assistant Attorney General  
Michigan Department of Attorney General  
Criminal Division  
3030 W. Grand Blvd. Cadillac Plaza, Suite 10-200  
Detroit, MI 48202  
313-455-0180

Security for costs posted

Charles Bradley  
Complaining witness signature

Subscribed and sworn to before me on 7-03-2014  
Date

[Signature]  
Judge/Magistrate/Clerk

Active

Exhibit C  
2014-0113

14 06857

STATE OF MICHIGAN 36th JUDICIAL DISTRICT 3RD JUDICIAL CIRCUIT	36th JUDICIAL DISTRICT FELONY	DISTRICT: CIRCUIT: CTN: 06-14900794-01 MSP #:
District Court ORI: M1820365J	Circuit Court ORI: M1821095J	AG ORI: M1820025A

THE PEOPLE OF THE STATE OF MICHIGAN						Victim or complainant.
v						
DARLENA DARNELL BUFORD 9931 ALLEN POINTE DR ALLEN PARK, MI 48101						STATE OF MICHIGAN UNEMPLOYED INS AGENCY
						Complaining Witness S/A CHARLES BRADLEY S/A MARK KACHAR
Height:	Weight:	Hair Color:	Eye Color:	Race: Unknown	Sex: F	Date: On or about 02/01/2001 - 08/31/2012
City/Twp./Village DETROIT	County in Michigan WAYNE	Defendant SID				Defendant DOB 6/6/1981
Charge(s) See Below						Maximum Penalty See Below

STATE OF MICHIGAN, COUNTY OF WAYNE  
To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating:

**COUNT 1: UNEMPLOYMENT COMPENSATION FRAUD - FALSE STATEMENT/MISREPRESENTATION - \$25,000 OR MORE**  
did make a false statement or representation knowing it to be false in order to obtain or increase a benefit or other payment under the Michigan Employment Security Act for herself, the amount improperly obtained, being \$25,000 or more; contrary to MCL 421.54(b)(ii)(B). [421.54B(1)(B)]  
**FELONY:** 4 times the amount of fraud and 2 Years, or community service for up to 2 Years but not to exceed 4,160 hours, or a combination of imprisonment and community service not to exceed 2 Years

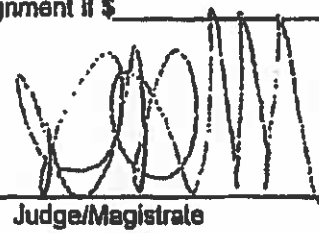
Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

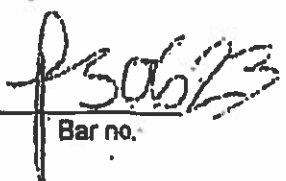
Upon examination of the complaining witness, I find that the offense(s) charged has/have been committed and that there is probable cause to believe that defendant committed the offense(s). THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I order you to arrest and bring defendant before the 36 District Court immediately.

The defendant may be released before arraignment if \$ \_\_\_\_\_ is posted as interim bail

by \_\_\_\_\_  
Date  
7/7/14

(SEAL)

  
\_\_\_\_\_  
Judge/Magistrate

  
\_\_\_\_\_  
Bar no.

Date

Exhibit D  
2014-0114

14-060857

STATE OF MICHIGAN 39 JUDICIAL DISTRICT 3RD JUDICIAL CIRCUIT	STATE OF MICHIGAN <b>FELONY</b>	DISTRICT: CIRCUIT: C.M. 96-14900/95-07 MSP #: AG ORI: M1820025A
District Court ORI: M1820365J	Circuit Court ORI: M1821095J	

THE PEOPLE OF THE STATE OF MICHIGAN

v

QUENTIN MARCEL ALLEN  
20208 ROSELAWN  
DETROIT, MI 48221

Victim or complainant:

STATE OF MICHIGAN  
UNEMPLOYMENT INS  
AGENCY

Complaining Witness  
S/A CHARLES BRADLEY  
S/A MARK KACHAR

Date: On or about  
01/01/2008 - 03/31/2012

Defendant DOB  
8/11/1980

Maximum Penalty  
See Below

Height:	Weight:	Hair Color:	Eye Color:	Race:	Sex: M
City/Twp./Village DETROIT	County in Michigan WAYNE	Defendant SID			
Charge(s) See Below		Maximum Penalty See Below			

STATE OF MICHIGAN, COUNTY OF WAYNE

To any peace officer or court officer authorized to make arrest: The complaining witness has filed a sworn complaint in this court stating:

**COUNT 1: UNEMPLOYMENT COMPENSATION FRAUD - FALSE STATEMENT/MISREPRESENTATION - \$25,000 OR MORE**

did make a false statement or representation knowing it to be false in order to obtain or increase a benefit or other payment under the Michigan Employment Security Act for himself, the amount improperly obtained, being \$25,000 or more; contrary to MCL 421.54(b)(1)(B). [421.54B(1)(B)]

**FELONY:** 4 times the amount of fraud and 2 Years, or community service for up to 2 Years but not to exceed 4,160 hours, or a combination of imprisonment and community service not to exceed 2 Years

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

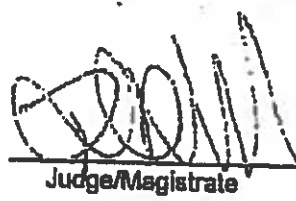
Upon examination of the complaining witness, I find that the offense(s) charged has/have been committed and that there is probable cause to believe that defendant committed the offense(s). THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I order you to arrest and bring defendant before the 36 District Court immediately.

The defendant may be released before arraignment if \$ \_\_\_\_\_ is posted as interim bail

by \_\_\_\_\_  
Date

7/7/14  
Date

(SEAL)

  
Judge/Magistrate

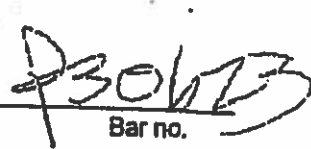
  
Bar no.

Exhibit E  
2014-0124

STATE OF MICHIGAN 36 JUDICIAL DISTRICT 3RD JUDICIAL CIRCUIT District Court ORI: MI820395J	COMPLAINT FELONY Circuit Court ORI: MI821095J	DISTRICT: CIRCUIT: CTN: 98-14900787-01 AG ORI: MI820026A
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THE PEOPLE OF THE STATE OF MICHIGAN v		Victim or complainant: STATE OF MICHIGAN UNEMPLOYMENT INS AGENCY
KHADIJAH KARIMA AHMAD 15861 WASHBURN STREET DETROIT, MI 48238		Complaining Witness S/A CHARLES BRADLEY S/A MARK KACHAR
Co-defendant(s)		Date: On or about 01/01/2007 - 02/28/2012
City/Twp./Village DETROIT	County in Michigan Wayne	Defendant SID 6/21/1971
Charge(s) See Below		Maximum Penalty See Below

STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date above and at/or in the City of Detroit, the defendant, contrary to law,

**COUNT 1: : FALSE PRETENSES - \$20,000.00 OR MORE BUT LESS THAN \$50,000.00**  
did, with the intent to defraud or cheat, make or use a false pretense to obtain from a person money, personal property, or the use of an instrument, facility, article, or other valuable thing or service, having a value of \$20,000 or More but Less Than \$50,000; contrary to MCL 750.218(5)(a). [750.2185A].  
**FELONY: 15 Years and/or \$15,000.00, or 3 times the value of the money or property involved, whichever is greater.**

**COUNT 2: INSURANCE - FRAUDULENT ACTS**  
did prepare an oral or written statement knowing or believing that it would be presented by or to an insurer or an agent of an insurer, knowing that it contained false information concerning a fact material to an insurance claim, and did so intending to injure, defraud, or deceive; contrary to MCL 500.4511(1). [500.45111]  
**FELONY: 4 Years and/or \$50,000.00, and shall be ordered to pay restitution**

**COUNT 3 UNEMPLOYMENT COMPENSATION FRAUD - FALSE STATEMENT/MISREPRESENTATION - LOSS OF \$1,000 TO \$25,000**  
did make a false statement or representation knowing it to be false in order to obtain or increase a benefit or other payment under the Michigan Employment Security Act for herself, the amount improperly obtained, being \$1,000 or more but less than \$25,000; contrary to MCL 421.54(b)(h)(A). [421.54BIIA]  
**MISDEMEANOR: 4 times the amount of fraud and 1 Year, or community service for up to 1 Year but not to exceed 2,080 hours, or a combination of imprisonment and community service not to exceed 1 Year**

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

The complaining witness asks that defendant be apprehended and dealt with according to law.

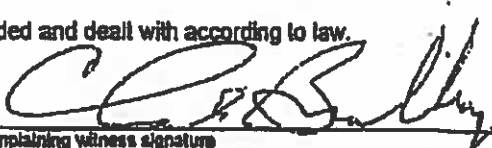
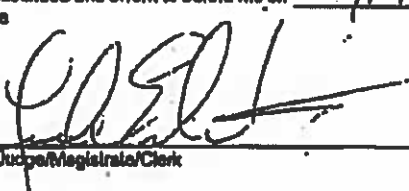
Warrant authorized on <u>7/15/14</u> by: <u>DM Hart</u> Date	 Complaining witness signature
Denise M. Hart (P48127) Assistant Attorney General Michigan Department of Attorney General Criminal Division 3030 W. Grand Blvd. Cadillac Place, Suite 10-200 Detroit, MI 48202 313-458-0180 <input type="checkbox"/> Security for costs posted	Subscribed and sworn to before me on <u>7/15/14</u> Date  Judge/Registrar/Clerk 41K 89 Bar no.

Exhibit F  
2014-0177

**CITY OF DETROIT**  
**OFFICE OF INSPECTOR GENERAL**  
**OIG CASE # 2014-0177**

**AUGUST 13, 2014**



**JAMES W. HEATH**  
Inspector General

## **I. Introduction**

The Office of Inspector General (OIG) opened an investigation on June 12, 2014 after receiving a complaint alleging that Detroit Police Commissioner Willie Burton improperly used his city issued badge to gain entry into an apartment building for the purpose of political campaigning. The OIG concludes that there is insufficient evidence to substantiate the complainant's allegation.

## **II. Office of Inspector General Authority & Jurisdiction**

The Office of Inspector General was established by the 2012 Charter of the City of Detroit. Its purpose is to ensure honesty and integrity in City government by rooting out waste, abuse, fraud, and corruption. The powers and duties of the Inspector General extend to the conduct of any Public Servant and City agency, program or official act, contractors and subcontractors providing goods and services to the City, business entities seeking contracts or certification of eligibility for city contracts and persons seeking certification of eligibility for participation in any city program.<sup>1</sup> As a member of the City of Detroit Board of Police Commission, Mr. Burton is a Public Servant as defined by the Charter, and falls under the jurisdiction of the OIG.<sup>2</sup>

## **III. Investigation Summary**

### **A. Complaint**

On June 11, 2014 Detroit Board of Police Commissioner attorney Aliyah Sabree forwarded a complaint from a private citizen involving Commissioner Burton to the OIG. The complainant<sup>3</sup> suspected that Commissioner Burton had improperly used his city issued badge to gain entry into a private apartment complex for the purpose of political campaigning.

### **B. Board of Police Commissioners**

In November 2013, Willie Burton was elected to represent the 5<sup>th</sup> District on the City of Detroit Board of Police Commissioners (BOPC). Commissioner Burton assumed office on January 1, 2014. The BOPC has supervisory control and oversight of the Police Department as set forth in the Charter of the City of Detroit.<sup>4</sup> The BOPC is composed of eleven members. Seven are elected and four are appointed by the Mayor. BOPC members are not paid a salary,

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<sup>1</sup> 2012 Detroit City Charter Section 7.5-305

<sup>2</sup> Detroit City Charter Sec. 2-105(A)(27) – Public Servant means the Mayor, members of City Council, City Clerk, appointive officers, any member of a board, commission or other voting body established by either branch of City government or this Charter and any appointee, employee or individual who provides services to the City within or outside of its offices or facilities pursuant to a personal services contract.

<sup>3</sup> The Office of Inspector General protects the confidentiality of complainants unless they agree to have their identity made public. In this instance, the complainant has not done so.

<sup>4</sup> 2012 Detroit City Charter Sec. 7-802

nor do they possess law enforcement authority of any kind. However, they are issued a badge and identification card which identifies them as members of the BOPC.

### **C. Documents Reviewed**

- 2012 Charter of the City of Detroit
- Sign in sheets for Washington Boulevard Building
- Video footage from the lobby of the Washington Boulevard Building

### **D. Interviews**

OIG staff interviewed the following individuals during the investigation:

- Complainant
- Willie Burton, Police Commissioner
- Dee Davis, President of "United Tenants Council of Councils"
- Kathy Marshall, building manager for Washington Boulevard Apartments, 234 State St
- Aliyah Sabree, Council for the Board of Police Commissioners
- Scott Sergison, building manager for Elmwood Park Plaza
- Jesscia Taylor, Chairperson for the Board of Police Commissioners

### **E. Complainant's Statement**

Complainant is the president of a tenant council in the Washington Boulevard Apartments, a senior citizen facility. As such, he schedules events for building residents. On May 29<sup>th</sup> Commissioner Burton contacted complainant and explained that he was calling on behalf of Wayne County Executive Robert Ficano to inquire about scheduling a time when Mr. Ficano could speak to tenants about his candidacy for re-election. Complainant agreed to make arrangements for Mr. Ficano to speak to the tenants; however, he declined Commissioner Burton's offer to have the campaign sponsor a dinner and a movie for tenants. Complainant agreed to post a flyer in the building advertising the speaking engagement.

On June 8<sup>th</sup> Commissioner Burton called Complainant and asked permission to deliver his own flyers to the building. Complainant told Commissioner Burton he was not available to receive the flyers, nor let him into the building. However, on June 9, 2014, he discovered that flyers announcing a dinner and a movie with Robert Ficano were posted throughout the building and under tenants' apartment doors. Complainant checked the visitor's log sheet at the front door, but did not see where Commissioner Burton had signed in, so he assumed that he had used his city issued identification to gain entry into the building. According to the Complainant, Commissioner Burton did not respond to his inquiry about whether he had delivered the flyers.

### **F. Police Commissioner Willie Burton**

On June 18, 2014, OIG Investigator Jackson and OIG Deputy Inspector General Kamau Marable interviewed Commissioner Burton. Commissioner Burton described himself as a

“generalist”<sup>5</sup> and listed Robert Ficano as one of his clients. Commissioner Burton acknowledged possessing a BOPC identification and badge, but indicated that he has never used them to gain entry into a locked or restricted building for any reason other than the performance of his official duties. He stated that he had not been given any particular direction concerning the appropriate use of the badge and identification and was unaware of an official policy concerning BOPC credentials. Commissioner Burton refused to answer specific questions relating to whether he had entered the Washington Blvd Apartments for the purpose of distributing campaign materials.

#### **IV. Analysis**

##### **A. Commissioner Burton’s membership on the Board of Police Commissioners does not preclude him from working as a “Generalist.”**

Commissioner Burton is free to perform professional work outside of his duties as a police commissioner. This includes engaging in political activities. In fact, the Charter seems to contemplate that members of the BOPC will hold jobs since it specifically precludes them from receiving salaries, retirement benefits, health benefits, or other fringe benefits as compensation for their service.<sup>6</sup> However, BOPC members are Public Servants as defined by the Charter and are precluded from engaging in employment which is in conflict with their official duties.<sup>7</sup> For instance, since commissioners have jurisdiction over police affairs, it would be improper for a commissioner to vote for or against a proposed Police Department contract in which he or she had a personal or outside professional interest. In the case of Commissioner Burton, it does not appear that his advocacy on behalf of Mr. Ficano conflicts with his official duties.

##### **B. There is no evidence that Commissioner Burton abused his authority to gain entrance into the building**

As this office has discussed in the past, a public servant who inappropriately displays or presents his city issued credentials abuses his authority.<sup>8</sup> Badges or identification cards which appear to bestow law enforcement privileges on the bearer are particularly susceptible to abuse because of the effect they might have on the general public.

There is no direct evidence that Commissioner Burton misused his city credentials to enter the Washington Blvd apartments. The front door security at the building consists of an unlocked outer door leading to a vestibule with a tenant buzzer system and a locked inner door which leads to a security counter. Upon entering the first door, a guest is required to buzz a tenant’s apartment to have the second door opened. A tenant is able to unlock the door from their apartment by pressing a button. The guest must then pass a security desk, which is generally staffed by a building employee who normally requests that the guest sign the visitor’s log. Complainant assumed that Commissioner Burton “badged his way into” the building after noticing that someone had posted the campaign event flyers throughout the building and failing to find his name on the visitor’s log.

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<sup>5</sup> The term “generalist” as used by Commissioner Burton appears to be synonymous with “political consultant”

<sup>6</sup> 2012 Detroit City Charter Sec. 7-802

<sup>7</sup> 2012 Detroit City Charter Sec. 2-106.1(2)(d)

<sup>8</sup> OIG # 2014-DA-0006 (June 19, 2014)



Commissioner Burton was adamant that he has never used BOPC credentials to gain admission to any building. Inexplicably, he refused to answer direct questions about whether he entered the Washington Blvd Apartments to deliver campaign materials. However, the OIG reviewed video footage from June 8, 2014, the same day on which the complainant believes the flyers to have been delivered. The video shows a man who appears to be Commissioner Burton entering the Washington Blvd Apartments at approximately 8:13pm. The person entered the front door of the building carrying a white plastic bag, pressed a buzzer on the intercom system, and proceeded through the second door once it was unlocked. A security guard stopped the man. He then removed a wallet from his back pocket and showed the contents to the security guard, who allowed him to proceed after seeing the contents of the wallet.<sup>9</sup> The same man can be seen leaving the building approximately a half an hour later. Someone inside of the building must have buzzed the man in prior to his interaction with the security guard. Whoever it was did so without seeing a BOPC badge.

OIG investigators were not able to interview the security guard who was on duty on the evening of June 8, 2014. The guard worked for a private security firm which the building no longer uses. However, the building manager, Kathy Marshall, questioned the guard prior to the termination of the contract. According to Ms. Marshall, the guard had no independent recollection of the incident. He neither remembered any interaction with Commissioner Burton, nor anyone presenting BOPC or law enforcement type credentials to gain admission to the building.

## **V. Conclusion and Recommendations**

The available evidence does not support a conclusion that Commissioner Burton abused his authority by misusing his BOPC credentials. The complaint which led to the initiation of this case was based upon an assumption on the part of the complainant. The lack of direct evidence supporting the allegation precludes the Office of Inspector General from substantiating it.

However, the question of abuse presented by the complaint deserves a response. The BOPC should adopt a policy outlining the appropriate use of BOPC credentials. While this is an appropriate policy for all city departments, it has particular importance for BOPC members because the credentials they receive can more easily be mistaken for actual law enforcement identification. (Attachment A). The Office of Inspector General requires that staff members sign a form governing the use of city issued identification materials. (Attachment B). Other cities across the nation have similar procedures. Setting clear guidelines for the use of the credentials issued to BOPC members and staff will hopefully aid in preventing future abusive actions.

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<sup>9</sup> During this interview with OIG staff, Commissioner Burton indicated that he routinely carries his BOPC badge and identification in his personal wallet along with his other personal effects.

**Attachment A**





# Detroit Police Department

**Picture  
here**

**Commissioner**

TITLE

**John Doe**

NAME



Attachment B

**CITY OF DETROIT  
OFFICE OF INSPECTOR GENERAL**

James W. Heath, Esq.  
Inspector General

**BADGES AND CREDENTIALS POLICY**

**I. Introduction**

The OIG issues badges and/or credentials to employees as a means of identification for use in connection only with official duties. This policy outlines procedures for the safeguarding of badges and credentials against misuse.

**II. Purpose**

The purpose of this policy is to ensure that badges and credentials are appropriately managed and used only in connection with official duties.

**III. Policy**

Depending on their position, OIG employees designated by the Inspector General shall be assigned a badge and a badge number. All OIG employees will be issued credentials which include the employee's photograph.

**A. Use**

1. OIG badges and/or credentials are issued for purposes of identification and shall be displayed only in connection with official duties. A badge and/or credentials may be used only by the person to whom they are issued and only for authorized official use. Authorized official use includes, but is not limited to: identification at an interview, identification during surveillance, or to gain access to City facilities for the purpose of conducting official OIG business.
2. Possession of an OIG badge and/or credentials does not connote law enforcement or peace officer status or authority and does not constitute authority to carry firearms.
3. OIG employees may not alter or change the officially issued credentials in any way including, but not limited to, affixing any unauthorized item or writing to it.

**B. Misuse**

Unauthorized use or misuse of the badge and/or credentials may result in discipline, up to and including discharge. The following is a non-exhaustive list of improper uses:



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Inspector General**

1. Displaying the badge and/or credentials to a law enforcement officer in hopes of affecting his or her behavior (e.g. to get out of a ticket, an arrest, or other law enforcement action);
2. Displaying the badge and/or credentials at a place of business in order to gain access at a reduced cost or no cost, or to receive any other privileges not available to the general public or a government employee;
3. Displaying the badge and/or credentials for personal reasons or when use of a law enforcement or civilian identification card is required or appropriate;
4. Failure to take appropriate care to secure, or maintain control of, badge and/or credentials.

**C. Loss/Theft of Badge and/or Credentials**

1. Each OIG employee to whom an OIG badge and/or credentials is assigned shall make every reasonable effort at all times to prevent theft or loss of such items.
2. Upon determining that either a badge or credentials is missing, an OIG employee must immediately notify the Inspector General and provide a written report of the circumstances surrounding the disappearance.
3. The Inspector General shall verify the facts surrounding the loss and make a determination whether or not the loss of the badge and/or credentials was avoidable. If the loss is determined to have been unavoidable, a replacement badge and credentials shall be issued to the OIG personnel at no cost. If the loss is determined to have been reasonably avoidable and/or caused by the employee's negligence, the OIG employee will be required to pay the replacement cost.
4. Avoidable loss of a badge or credentials may be considered as grounds for disciplinary action.
5. In the case of all lost badges, a report will be made to an appropriate law enforcement agency so that the badge number can be included in NCIC for national tracking purposes.



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**D. Damaged/Worn Badges or Credentials**

Damaged or severely worn OIG badges or credentials shall be turned in and replacements shall be issued.

**E. City Property**

All OIG badges and/or credentials are property of the City of Detroit and must be immediately relinquished upon request of a supervisor or at the termination of employment.

**Employee Acknowledgement:**

I, \_\_\_\_\_ acknowledge that I have read  
OIG Employee

And will abide by the Office of Inspector General's Policy on Badges and Credentials.

**X**

\_\_\_\_\_  
OIG Employee

Badge #

OIG Identification

38TH DISTRICT COURT DETROIT  
3rd Judicial CircuitCOMPLAINT  
FELONY

The People of the State of Michigan

vs  
RUDOLPH WASHINGTON 82-14717963-01Exhibit G  
2014-0187Offense Information  
Police Agency / Report No. 14062799  
82DPIA IA-PI 14-23  
Date of Offense  
05/12/2014  
Place of Offense  
9449 GRINNELL, DETROIT  
Complainant or Victim  
CITY OF DETROIT  
Complaining Witness  
INFO & BELIEF

## STATE OF MICHIGAN, COUNTY OF WAYNE

The complaining witness says that on the date and the location stated above, the defendant, contrary to law,

**COUNT 1: EMBEZZLEMENT - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00 FROM A NON-PROFIT OR CHARITABLE ORGANIZATION**

being an agent, servant, or employee of City of Detroit Public Lighting Dept, a non-profit corporation or charitable organization, did convert to his/her own use and/or take or secrete with intent to convert to his/her own use, without the consent of his/her principal, a Mastercard credit card, money, or personal property of his/her principal, having a value of more than \$1,000.00 but less than \$20,000.00, that came into the defendant's possession or under the defendant's charge or control by virtue of his/her relationship with the principal; contrary to MCL 750.174(5)(c). [750.1745C]

FELONY: 10 Years and/or \$15,000.00, or 3 times the amount embezzled, whichever is greater. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See *Southern Union Co. v United States* 567 U.S. \_\_\_\_; No. 11-94 (2012)**COUNT 2: LARCENY BY CONVERSION - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00**

did, being a person to whom GE Street Lamp Luminaries (8) and four foot fluorescent light bulbs (96) had been delivered, embezzle or fraudulently convert to his/her own use and/or secrete with intent to embezzle that property, which belonged to City of Detroit Public Lighting Dept, the value of the property was \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.362. [750.3623A]

FELONY: 5 Years and/or \$10,000.00, or 3 times the value of the property stolen, whichever is greater (see MCL 750.356(3)(a)). To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See *Southern Union Co. v United States* 567 U.S. \_\_\_\_; No. 11-94 (2012)**COUNT 3: LARCENY - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00**

did commit the offense of larceny by stealing GE Street Lamp Luminaries (8) and four foot fluorescent light bulbs (96), that belonged to City of Detroit Public Lighting Dept, the value of the property stolen was \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.356(3)(a). [750.3563A]

FELONY: 5 Years and/or \$10,000.00, or 3 times value of property stolen, whichever is greater. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See *Southern Union Co. v United States* 567 U.S. \_\_\_\_; No. 11-94 (2012)**COUNT 4: STOLEN PROPERTY - RECEIVING AND CONCEALING - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00**

did buy, receive, possess, conceal, or aid in the concealment of GE Street Lamp Luminaries (8) and four foot fluorescent light bulbs (96), stolen, embezzled, or converted property, knowing or having reason to know or reason to believe that the property was stolen, embezzled, or converted, and the value of the property was \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.535(3)(a). [750.5353A]

FELONY: 5 Years and/or \$10,000.00 or 3 times the value of the property, whichever is greater. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See *Southern Union Co. v United States* 567 U.S. \_\_\_\_; No. 11-94 (2012)

**COUNT 5: STOLEN PROPERTY - RECEIVING AND CONCEALING - \$1,000.00 OR MORE BUT LESS THAN \$20,000.00**

did buy, receive, possess, conceal, or aid in the concealment of various items purchased with Mastercard ending with 70-254, stolen, embezzled, or converted property, knowing or having reason to know or reason to believe that the property was stolen, embezzled, or converted, and the value of the property was \$1,000.00 or more but less than \$20,000.00; contrary to MCL 750.535(3)(a). [750.5353A]

**FELONY: 5 Years and/or \$10,000.00 or 3 times the value of the property, whichever is greater. To impose a fine of 3 times the value, the defendant must admit the amount, or it must be determined by the trier of fact at trial. See Southern Union Co. v United States 567 U.S. \_\_\_\_; No. 11-94 (2012)**

**COUNT 6: LARCENY IN A BUILDING**

did, commit the crime of larceny in a an office, located at 9449 Grinnel, Detroit by stealing a Mastercard credit card; contrary to MCL 750.360. [750.360]

**FELONY: 4 Years and/or \$5,000.00**

**COUNT 7: FINANCIAL TRANSACTION DEVICE - STEALING/RETAINING WITHOUT CONSENT**

did, steal, knowingly take or knowingly remove a financial transaction device from City of Detroit Public Lighting Dept, the deviceholder and/or knowingly retain, knowingly possess, knowingly secrete or knowingly use a financial transaction device without the consent of City of Detroit Public Lighting Dept, the deviceholder; contrary to MCL 750.157n(1). [750.157N1]

**FELONY: 4 Years and/or \$5,000.00**

**COUNT 8: FINANCIAL TRANSACTION DEVICE - ILLEGAL SALE/USE**

did, use a financial transaction device knowing the device to have been obtained or held under circumstances proscribed under MCL 750.157n and/or 750.157p; contrary to MCL 750.157q. [750.157Q]

**FELONY: 4 Years and/or \$5,000.00**

**COUNT 9: FINANCIAL TRANSACTION DEVICE - POSSESSION**

did, have in possession, or under control, or receive from another person, a financial transaction device issued by Mastercard and/or Comerica Park, with the intent to use, deliver, circulate or sell the same, or to permit, cause or procure the same to be used, delivered, circulated or sold, knowing such possession, control or receipt to be without consent of the deviceholder; contrary to MCL 750.157p. [750.157P]

**FELONY: 4 Years and/or \$5,000.00**

Upon conviction of a felony or an attempted felony court shall order law enforcement to collect DNA identification profiling samples.

The complaining witness asks that defendant be apprehended and dealt with according to law.

Warrant authorized on	9/9/14	by:
	<i>CC</i>	
	Date	
Kelly Marsh Casper P89012		

*M. L. Smith*  
 Complaining witness signature

Subscribed and sworn to before me on 9/9/14  
 Date

*C. Smith*  
 Judge/Magistrate/Clerk

Bar no. P55978

Judge: *C. Smith*