



*Thomas C. Cline*  
Thomas C. Cline  
Inspector General

## OFFICE OF INSPECTOR GENERAL CITY OF JACKSONVILLE

### REPORT OF INVESTIGATION CASE NUMBER: 2014-0001

ISSUE DATE: APRIL 6, 2016

*"Enhancing Public Trust in Government"*

---

### Secondary Employment Policy Enhancements Recommended To Avoid Conflicts of Interest

---

#### EXECUTIVE SUMMARY

The Office of Inspector General (OIG) received an anonymous complaint on October 18, 2014, alleging that Emmett "Dave" McDaniel, Chief of Mowing and Landscape Maintenance Division, Public Works, City of Jacksonville (COJ) had engaged in employee misconduct which included allegations of criminal activity. In November 2014, the complaint was referred to the Office of the State Attorney, Fourth Judicial District (SAO) due to allegations of violations relating to Florida Statutes 838.22, Bid Tampering and 838.022, Official Misconduct. Due to lack of evidence regarding bid tampering and official misconduct the SAO referred the matter back to OIG for administrative investigation in May 2015.

The anonymous complainant alleged the following:

- Chief McDaniel knowingly engaged in conduct giving J & D Maintenance (J & D) an unfair advantage over other vendors by providing J & D with other contractor bid and future bid information.
- A conflict of interest existed between Chief McDaniel and Tim Ricks, former COJ Public Works employee, with whom Chief McDaniel owned Horticut, a mowing and landscape maintenance business, and who was employed with J & D. Additionally, Chief McDaniel was engaged in additional secondary employment with Leslie Davidson, a former COJ Public Works employee.
- Chief McDaniel misused a COJ public vehicle for both personal use and for personal business (for profit) during work hours.

The allegations concerning bid tampering and official misconduct by Chief McDaniel were neither supported nor refuted (defined as insufficient evidence to prove or disprove the allegation), however the OIG investigation disclosed potential violations by Chief McDaniel of the current COJ Secondary Employment Policy effective May 2015, as well as former issuances. The OIG also identified deficiencies with the current Employee Services Secondary Employment Policy.

## ALLEGATIONS AND CONCLUSIONS

### Allegation (1):

**Chief McDaniel knowingly engaged in conduct giving J & D Maintenance (J & D) an unfair advantage over other vendors by providing J & D with other contractor bid and future bid information.**

### Governing Directives:

COJ Ordinance, Title V Administrative and Personnel- Chapter 126 - Procurement Code; COJ Procurement Manual (dated November 2007 and August 2013); COJ Ordinance, Title XVI- Judicial Code, Subtitle A-Offenses- Chapter 602-Jacksonville Ethics Code-Part 4-Conflicts of Interest, Section 602.401 Misuse of Position.

### Conclusions:

A review of procurement records revealed that since 2007, J & D received approximately \$14,046,270.51 in mowing and landscape contracts with COJ. Based upon records reviewed and statements obtained during this investigation, the allegations were *Neither Supported nor Refuted*.

The OIG reviewed J & D procurement records provided by Greg Pease, Chief of Procurement Division, Intra-Governmental Services, COJ relating to all solicitation, bidding and procurement records between J & D and COJ since January 1, 2007, summarized in the chart below:

Open Date	BID Number	Review Committee	Basis of Award	Number of BIDS Invited	Number of BIDS Rec'd	Selected Bidder
01/24/07	SC-0330-07	General Government Awards Committee (GGAC)	All or None	12	9	The two lowest bidders were rejected. J & D (third lowest bidder)
01/31/07	ESC-0353-07	Competitive Sealed Proposal Evaluation Committee (CSPEC)	The highest point accumulation based upon established criteria.	22	2	North Area awarded to-J & D, South Area awarded to-Blade Buster LLC
11/19/08	ESC-0302-09	Competitive Sealed Proposal Evaluation Committee (CSPEC)	The highest point accumulation and geographical service area based upon qualified proposer.	12	4	South Area awarded to J & D; North Area awarded to Valley Crest
01/23/13	SC-0437-13	General Government Awards Committee (GGAC)	Total lump sum base bid for each area to lowest responsive, responsible bidder.	19	2	South Area and North Area awarded to J & D (awarded to single contractor if cost savings is over 10%)
1/07/15	ESC-0319-15	Competitive Sealed Proposal Evaluation Committee (CSPEC)	The highest point accumulation and geographical service area based upon qualified proposer.	51	3	South Area awarded to J & D; North Area awarded to Valley Crest

The records review was unable to prove or disprove if J & D had an unfair advantage over other vendors.

The OIG interviewed the following individuals pursuant to a review of the procurement records:

**Statement of Greg Pease, Chief of Procurement Division, Intra-Governmental Services, COJ**

Chief Pease stated J & D, one of the larger vendors in Jacksonville, had been awarded a significant portion of the COJ mowing contracts. Chief Pease stated that any recommendations for award involving J & D that came to his (Pease) office were a result of “clean bidding process.”

**Statement of Shamika Baker, former Jacksonville Small and Emerging Business (JSEB) Administrator, Equal Business Opportunity, COJ**

Ms. Baker advised that she participated in the contract/bid process with various COJ departments/divisions and the Procurement Division. Ms. Baker stated J & D was a former JSEB participant and was considered a success story as they had grown into one of the largest mowing and landscape maintenance companies in Jacksonville. Ms. Baker knew Chief McDaniel professionally and could not provide any specific information regarding Chief McDaniel giving J & D an advantage over other vendors.

**Statement of Tim Ricks, former Maintenance Worker II, Ground Maintenance, Public Works, COJ**

Mr. Ricks stated that he was currently employed part-time with J & D as a Quality Control Inspector. Mr. Ricks knew Chief McDaniel professionally and as a personal friend. Mr. Ricks stated that Chief McDaniel had never relayed to him any bid information derived from other vendor bids. Mr. Ricks stated he never received or relayed any vendor bid information to anyone at J & D that would benefit J & D over any other mowing and landscape vendors while employed with COJ, or subsequent to leaving COJ. Mr. Ricks was employed with the COJ during 1980 to 2013.

**Statement of Rodney Evans, co-owner of J&D Maintenance, Jacksonville, FL**

Mr. Evans stated J & D had been awarded mowing and landscape maintenance contracts from various COJ departments and divisions over the last twenty (20) years. Mr. Evans knew Chief McDaniel professionally and stated neither Chief McDaniel nor anyone else had ever provided him (Evans) with information about other COJ vendors' bids at any time. Mr. Ricks had been employed by J & D, as a part-time Quality Control Inspector since 2014. He only knew Mr. Ricks professionally. Mr. Evans stated his company makes approximately 6 million dollars a year and it was not worth losing that kind of money over illegal activity.

**Statement of Emmett McDaniel, Chief of Mowing and Landscape Maintenance Division, Public Works, COJ**

Chief McDaniel has been employed with the COJ since May 1999, and became Chief in April 2014. Chief McDaniel knew Mr. Evans professionally and stated J & D had submitted bids on

multiple projects with the COJ. Chief McDaniel stated he had never given J & D any advantage over other vendors during the bidding process.

Chief McDaniel stated Mr. Ricks reported directly to him from 1999 to 2006, during the time he held the position of Landscape Superintendent. Chief McDaniel stated he was personal friends with Mr. Ricks. Chief McDaniel stated he never released any vendor bid information to Mr. Ricks or anyone else.

#### **Allegation (2):**

**A conflict of interest existed between Chief McDaniel and Tim Ricks, former COJ Public Works employee, with whom Chief McDaniel owned Horticut, a mowing and landscape maintenance business, and who is employed with J & D. Additionally, Chief McDaniel was engaged in additional secondary employment with Leslie Davidson, a former COJ Public Works employee.**

#### **Governing Directives:**

COJ Ordinance, Title XVI Judicial Code, Subtitle A – Offenses, Chapter 602 – Jacksonville Ethics Code, Part 4 - Conflicts of Interest, Subpart A – Conflicting Relationships, Sect. 602.403 parts (a-f) Moonlighting provisions. (Ord. 97-890-E. §; Ord. 2007-329-E. § 3; Ord. 2014-457-E. § 1.) Human Resources Directive No. 0519 – Secondary Employment Policy, September 1, 2010, Employee Services Directive No. 0519 – Secondary Employment Policy, May 8, 2015.

#### **Conclusions:**

The OIG verified that Chief McDaniel owned Horticut LLC, a mowing and landscape maintenance business with Mr. Ricks between 2006 and 2009, through the Florida Division of Corporations. Employee Services, COJ was unable to locate a Secondary Employment form relating to Chief McDaniel's secondary employment with Horticut for the period of 2006 through 2009.

The OIG verified that Chief McDaniel owned Boardwalker LLC, with Ms. Davidson between 2013 and 2014, through the Florida Division of Corporations. Employee Services, COJ was unable to locate a Secondary Employment form relating to Chief McDaniel's secondary employment related to Boardwalker, LLC for either Chief McDaniel or Ms. Davidson.

Based upon records reviewed and statements obtained during this investigation, the allegations of secondary employment between Chief McDaniels and Mr. Ricks, as well as between Chief McDaniel and Ms. Davidson was *supported*, however, the complainant's specific allegations of conflict of interest were *not supported*.

Based upon a review of the current COJ policy, Employee Services Directive No. 0519 – Secondary Employment Policy, dated May 8, 2015 (and prior policy requirements effective September 2010), Chief McDaniel is in non-compliance with the Secondary Employee policy.

Chief McDaniel did not update the secondary employment form when he was appointed Chief in 2014, nor is there a record of secondary employment related to Boardwalker, LLC on file with the COJ.

Additionally, per a review of COJ Ordinance, Title XVI Judicial Code, Subtitle A – Offenses, Chapter 602 – Jacksonville Ethics Code, Part 4 - Conflicts of Interest, Subpart A – Conflicting Relationships, Sect. 602.403 parts (a-f) Moonlighting provisions: city employees are prohibited from having non-city employment:

- (a) if that employment could reasonably be expected to impair independence in judgment or performance of City duties;
- (b) city employees are prohibited from having an interest in a non-city business that is “in substantial conflict with the proper discharge of his or her duties”;
- (c) all city employees are required to disclose any non-city employment;
- (d) all city employees are required to file such disclosure with the City Ethics Office (with a copy delivered to both the Human Resources Chief and the employee’s department head;
- (e) all city employees are required to update that disclosure as information changes; and
- (f) all city employees must obtain approval prior to engaging any work not with the city (employees appointed by the Mayor must obtain approval from the Mayor or his designee, employees appointed by the City Council must obtain approval from the Council President, or his designee.

**Statement of Pat Mayes, Administrative Aide, Employee Services, COJ**

Ms. Mayes advised that part of her job duties included maintaining Secondary Employment “hard copy” forms, as well as the Secondary Employment Excel spreadsheet, which listed employees who were approved for secondary employment.

Ms. Mayes reviewed Secondary Employment records submitted by Chief McDaniel, and provided copies of two (2) Secondary Employment forms for Chief McDaniel. Upon review of these forms, Ms. Mayes stated one secondary employment form was dated in May 2013 for secondary employment at the Home Depot. The other secondary employment form was dated in November 2013, for Chief McDaniel’s self-employment as President of Dave McDaniel, a landscape maintenance company. Both Secondary Employment forms appear to be approved by Jim Robinson, former Director of Public Works, COJ.

Ms. Mayes stated that she reviewed Secondary Employment records and did not find any forms submitted by Mr. Ricks or Ms. Davidson.

Note: Employee Services was unable to provide OIG with any directives or policies pertaining to Secondary Employment prior to 2010.



**Statement of Tim Ricks, former Maintenance Worker II, Ground Maintenance, Public Works, COJ**

Mr. Ricks stated in 2006, he owned Horticut, a mowing and landscape maintenance company with Chief McDaniel. (Florida Division of Corporations disclosed Horticut was active between 2006 and 2009.) Mr. Ricks stated in 2006, he submitted a Secondary Employment form for Horticut to "Human Resources" as per COJ policy. He did not maintain a copy of this form for his records.

**Statement of Emmett McDaniel, Chief of Mowing and Landscape Maintenance Division, Public Works, COJ**

Chief McDaniel stated between 2006 and 2008, he owned Horticut with Mr. Ricks, while employed as Landscape Superintendent with the city. Chief McDaniel stated if there was a COJ Secondary Employment policy in place at the time (2006 through 2008), then he submitted a Secondary Employment form for Horticut. Chief McDaniel stated he believed the policy was in place and that he submitted the COJ Secondary Employment form pertaining to Horticut. Chief McDaniel stated he previously reviewed his records and did not retain any copies of the Secondary Employment form regarding his secondary employment with Horticut.

Chief McDaniel stated that he knew Ms. Davidson as a personal friend. In 2013, he and Ms. Davidson owned Boardwalker LLC. Chief McDaniel stated he submitted a COJ Secondary Employment form regarding his secondary employment with Boardwalker LLC. He stated he would not jeopardize his COJ job by failing to submit a Secondary Employment form as required.

**Allegation (3):**

---

**Chief McDaniel misused a COJ public vehicle for both personal use and for personal business (for profit) during work hours.**

**Governing Directives:**

---

Executive Order 92-161 Public Motor Vehicle Safety, Certification and Operation (dated November 1992) Part 2. Allowed Use of Public Motor Vehicles, 2.01 and Executive Order No. 2015-4 Motor Vehicle Safety Policy (dated April 2015), Part 2- Use of Public Vehicles, 2.02 Private Use of Public Vehicles; COJ Ordinance, Title V Administrative and Personnel- Chapter 122 Public Property, Section 122.301- Private Use Prohibited.

**Conclusions:**

---

The OIG was unable to substantiate whether Chief McDaniel used his COJ public vehicle for both personal use and for personal business for profit during work hours as alleged by the complainant due to insufficient information provided in the initial complaint. Based upon records reviewed and statements obtained during this investigation, the information obtained **Neither Supported nor Refuted** the allegation.

The OIG reviewed Executive Order 92-161 Public Motor Vehicle Safety, Certification and Operation (dated November 1992) Part 2. Allowed Use of Public Motor Vehicles, 2.01 Section 122.301 Ordinance Code Quoted states:

Private use prohibited. No city officer or employee or any other person shall operate or use any motor vehicle owned or leased by the City or its independent agencies for private purposes or for purposes other than the performance of city business, duties or functions as determined by the Mayor.

Executive Order No. 2015-4 Motor Vehicle Safety Policy (dated April 2015), Part 2- Use of Public Vehicles, 2.02 Private Use of Public Vehicles states:

Unless permitted as described in 2.02(b) below, private use of Public Vehicles is prohibited under Section 122.301, *Ordinance Code*.

Pursuant to a review of an email dated February 23, 2016, from Dina Riddle, Financial and Administrative Manager, Administration, Public Works, COJ, indicated that the Information Technology Division provided her with a list of all Public Works vehicles that contained Global Positioning System. Ms. Riddle advised none of the Mowing and Landscape Maintenance Division vehicles at present contained GPS tracking devices.

**Statement of Emmett McDaniel, Chief of Mowing and Landscape Maintenance Division, Public Works, COJ**

Chief McDaniel stated he has never used his assigned COJ public vehicle for personal use or personal business for profit during work hours or outside of his work hours.

### RECOMMENDED CORRECTIVE ACTIONS

1. Review the current COJ Secondary Employment policy to ensure that the COJ is protecting itself from potential conflicts of interests that may arise from employee secondary employment. OIG recommends strengthening the internal controls related to the Secondary Employment Policy, Directive No. 0519, effective May 8, 2015. Potential enhancements to the existing policy and procedures may include, but not be limited to, the following:
  - Establish a recurring protocol (annually, semi-annually etc.) to review and verify secondary employment forms of employees citywide;
  - The Chief of Employee Services, or their designee, will ensure that all Secondary Employee forms, updates and revisions that are compiled to the master list of city employees engaged in secondary employment is accurate and current; as well as clearly establishing to city employees the Employee Services designee who will serve as both the main point of contact for the City of Jacksonville and the repository for such forms;
  - Establish a system of notification for new employees at the time of onboarding and sign an acknowledgement of the Secondary Employment Policy;
  - Establish a system of notification for current employees to acknowledge the receipt of any new or modified Secondary Employment Policy;

- Establish a system whereby if there is a material change in the employees' job duties, responsibilities, or classification to ensure that secondary employment forms are updated and reviewed within 30 days of substantive change, for potential conflict of interest when the employee's position changes within the city, i.e. Civil Service to Appointed Official;
  - Establish a recurring expiration of all secondary employment forms;
  - Provide notice to all city employees that violations of the Secondary Employment policy may result in disciplinary action, up to and including termination and/or preventing rehire, if deemed appropriate; and
  - Establish procedures whereby any violations identified are reported to the Office of Ethics, Compliance and Oversight within 3 calendar days.
2. Initiate a comprehensive citywide review of all secondary employment forms and/or notices, to ensure accuracy, and compliance with existing COJ Ethics laws and COJ policies.
  3. Review the conduct of Chief McDaniel for potential conflict of interest and compliance with COJ Ordinance, Chapter 602, Ethics Code and existing Employee Services Directive number 0519, effective May 8, 2015.

#### IDENTIFIED, QUESTIONED, AND AVOIDABLE COSTS

**Identified Costs:** N/A

**Questioned Costs:** N/A

**Avoidable Costs:** N/A

#### MANAGEMENT COMMENTS

On March 24, 2016, the Chief Administrative Officer, Office of Mayor Lenny Curry, City of Jacksonville, FL was provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Report of Investigation within ten (10) calendar days. On April 4, 2016, a written response was received from the Office of Mayor Lenny Curry. The Mayor's office concurred that Chief McDaniel was in violation of the COJ's Secondary Employment Directive number 0519, effective May 8, 2015, and also concurred with our recommendations. The COJ has issued a revised Secondary Employment Policy, effective April 1, 2016. A copy of the response is attached in its entirety.

**This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.**





## OFFICE OF MAYOR LENNY CURRY

ST. JAMES BUILDING  
117 W. DUVAL STREET, SUITE 400  
JACKSONVILLE, FLORIDA 32202

TEL: (904) 630-1776  
FAX: (904) 630-2391  
[www.coj.net](http://www.coj.net)

**TO:** Thomas C. Cline  
Inspector General

**FROM:** Marlene Russell, Director Organizational Effectiveness *M Russell*

**DATE:** April 4, 2016

**SUBJECT:** Office of Inspector General  
Draft Report of Investigation, Case Number: 2014-0001

---

Based on the information provided in subject report from the Office of Inspector General, the Mayor's Office investigated the complaint and a response is provided below.

**Complaint:**

The Office of Inspector General (OIG) received an anonymous complaint on October 18, 2014, alleging that Emmett "Dave" McDaniel, Chief of Mowing and Landscape Maintenance Division, Public Works, City of Jacksonville (COJ) had engaged in employee misconduct which included allegations of criminal activity. In November, 2014, the complaint was referred to the Office of the State Attorney, Fourth Judicial District (SAO) due to allegations of violations relating to Florida Statutes 838.22, Bid Tampering and 838.022, Official Misconduct. Due to lack of evidence regarding bid tampering and official misconduct the SAO referred the matter back to OIG for administrative investigation in May 2015.

The anonymous complainant alleged the following:

- Chief McDaniel knowingly engaged in conduct giving J&D Maintenance (J&D) an unfair advantage over other vendors by providing J&D with other contractor bid and future bid information.
- A conflict of interest existed between Chief McDaniel and Tim Ricks, former COJ Public Works employee, with who Chief McDaniel owned Horticut, a mowing and landscape maintenance business, and who was employed with J&D. Additionally, Chief McDaniel was engaged in additional secondary employment with Leslie Davidson, a former COJ Public Works employee.
- Chief McDaniel misused a COJ public vehicle for both personal use and for personal business (for profit) during work hours.

The allegations concerning bid tampering and official misconduct by Chief McDaniel were neither supported nor refuted (defined as insufficient evidence to prove or disprove the allegation), however the OIG investigation disclosed potential violations by Chief McDaniel of the current COJ Secondary Employment Policy effective May, 2015, as well as former issuances. The OIG also identified deficiencies with the current Employee Services Secondary Employment Policy.

**Response:**

**Allegation (1):** Chief McDaniel knowingly engaged in conduct giving J&D Maintenance (J&D) an unfair advantage over other vendors by providing J&D with other contractor bid and future bid information.

**Response:** As noted in the investigation report, the allegation has been reviewed by Greg Pease, Chief of Procurement Division and information was provided regarding the basis of award for contracts to J&D Maintenance since 2007. The records do not provide information to determine if the allegation is true or false. Five people were also interviewed by the OIG's Office and no one could validate if the allegation was true or false.

**Allegation (2):** A conflict of interest existed between Chief McDaniel and Tim Ricks, former COJ Public Works employee, with who Chief McDaniel owned Horticut, a mowing and landscape maintenance business, and who was employed with J&D. Additionally, Chief McDaniel was engaged in additional secondary employment with Leslie Davidson, a former COJ Public Works employee.

**Response:** As noted in the investigation report, the allegations regarding a conflict of interest could not be validated. We however, do agree that Chief McDaniel's is in violation of the City's Secondary Employment Directive 0519 Policy, Section A, dated May 9, 2015. Section A states that appointed officials and appointed employees are responsible for reporting proposed secondary employment falling within the scope of this policy. Such employment must be approved and the secondary employment must not commence prior to the Mayor/designee's approval. The City is in the process of revising the Secondary Employment Policy and process in which Chief McDaniel will be required to submit a new request for secondary employment and approved or denied by the Mayor's Office.

**Allegation (3):** Chief McDaniel misused a COJ public vehicle for both personal use and for personal business (for profit) during work hours.

**Response:** The report does not include any specific time period of the alleged vehicle abuse; therefore we have no way to validate the allegation. The investigation report could neither support nor refute the allegation.

**Recommended Corrective Actions**

The report also included the following recommended corrective actions:

1. Review the current COJ Secondary Employment policy to ensure that the COJ is protecting itself from potential conflicts of interests that may arise from employee secondary employment. OIG recommends strengthening the internal controls related to the Secondary Employment Policy, Directive No. 0519, effective May 8, 2015. Potential enhancements to the existing policy and procedures may include, but not be limited to the following:

- Establish a recurring protocol (annually, semi-annually, etc.) to review and verify secondary employment forms of employees citywide  
**Response:** The following annual renewal statement will be included in the revised policy - On an annual basis, January 31<sup>st</sup> of each year; all employees with approved Secondary Employment will be required to verify their information with Employee Services. Employees must send an email to laborrelations@coj.net stating there has been no change and they request their approval be extended for another year or follow the directions below to update their request. Any failure to follow this renewal process by the deadline will result in the immediate termination of the employee's Secondary Employment authorization.
- Ensure all Secondary employee forms, updates and revisions that are compiled to the master list of city employees engaged in secondary employment is accurate and current; as well as clearly establishing to city employees that Employee Services designee who will serve as both the main point of contact for COJ and the repository for such forms  
**Response:** Page 4 of the current policy includes a section for Updates of Approved Secondary Employment and we are adding the following statement to the revised policy regarding the contact information – Employee Services will serve as the main contact for secondary employment and the required forms.
- Establish a system of notification for new employees at the time of onboarding and sign an acknowledgement of the Secondary Employment Policy  
**Response:** The revised policy will include the following statement for new employees – New employees with the City of Jacksonville will receive a copy of the Secondary Employment Policy during their on-boarding session. At this time they will acknowledge receipt of the Secondary Employment Policy by signing the Policy Acknowledgement and Loyalty Statement. Any updates to the Secondary Employment Policy will be sent to each department, with an acknowledgement form, to distribute to all employees. The departments will return all signed acknowledgement forms to Employee Services.
- Establish a system of notification for current employees to acknowledge the receipt of any new or modified Secondary Employment Policy  
**Response:** The revised policy will include the statement - Any updates to the Secondary Employment Policy will be sent to each department, with an acknowledgement form, to distribute to all employees. The departments will return all signed acknowledgement forms to Employee Services.
- Establish a system whereby if there is a material change in the employees' job duties, responsibilities, or classification to ensure that secondary employment forms are updated and reviewed within 30 days of substantive change, for potential conflict of interest when the employee's position changes within the city, i.e. Civil Service to Appointed  
**Response:** There is current language in the policy regarding updates; however we are adding that employees must provide updates within 30 days of the change.
- Establish a recurring expiration of all secondary employment forms  
**Response:** The following statement will be added to the revised policy – On an annual basis, January 31<sup>st</sup> of each year, all employees with approved Secondary Employment will be required to verify their information with Employee Services. Employees must send an email to

laborrelations@coj.net stating there has been no change and they request their approval be extended for another year or follow the directions below to update their request. Any failure to follow this renewal process by the deadline will result in the immediate termination of the employee's Secondary Employment authorization.

- Provide notice to all city employees that violations of Secondary Employment policy may result in disciplinary action, up to and including termination and/or preventing rehire, if deemed appropriate

**Response:** The following statement regarding violations will be included in the revised policy - Not reporting secondary employment or any violations of the Secondary Employment Directive may result in disciplinary action, up to and including termination and/or preventing rehire, if deemed appropriate.

- Establish procedures whereby any violation identified are reported to the Office of Ethics, Compliance and Oversight within 3 calendar days.

**Response:** The following statement regarding identified violation will be included in the revised policy - Any violations identified are to be reported to the Office of Ethics, Compliance and Oversight within three (3) calendar days.

2. Initiate a comprehensive citywide review of all secondary employment forms and/or notices, to ensure accuracy, and compliance with existing COJ Ethics laws and COJ policies.

**Response:** As mentioned above, Employee Services is reviewing the Secondary Employment Policy and will ensure requests for secondary employment are reviewed and comply with directive.

3. Review the conduct of Chief McDaniel for potential conflict of interest and compliance with COJ Ordinance, Chapter 602, Ethics Code and existing Employee Services Directive number 0519, effective May 8, 2015.

**Response:** John Pappas, the Director of Public Works will review the conduct of Chief McDaniel and confirm there is no potential conflict of interest and that he is compliant with COJ Ordinance, Chapter 602, Ethics Code. Chief McDaniel will comply with the revised Employee Services Directive regarding Secondary Employment.

The Administration takes the complaints listed very seriously and has reviewed each allegation carefully and responded accordingly.

Please let us know if you have any questions.

cc: Sam E. Mousa, P.E., Chief Administrative Officer  
John Pappas, Director, Public Works Department  
File – Control 2014-0001