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# Inspector General's Mid-Year Report of Activity

*for Fiscal Year 2017*

July - December 2016

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Montgomery County Maryland  
Office of the Inspector General

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### ***A Message from the Inspector General***

Each year, the Office of the Inspector General publishes a number of formal reports, which are publically released and detail significant findings and recommendations. During the first half of fiscal year (FY) 2017, this office completed four reports and one Preliminary Inquiry Memo (PIM).

- Follow-up Report on Managing Alcohol Inspections by the Department of Liquor Control
- Advisory Memorandum: Healthcare Billing Practices by the Department of Health and Human Services
- Preliminary Inquiry Memorandum: Lawrence Court Halfway House Meal Provision to Residents
- Report of Montgomery County Information Systems Security
- Advisory Memorandum: Communication of Building Permit Information to SDAT

Of those reports, all except one were made publicly available. The fourth report contains information that provisions of the Maryland Public Information Act prevent us from distributing and making publicly available. Summaries of each will be presented in our Annual Report of Activity which is expected to be issued at the conclusion of FY 2017.

The Office of the Inspector General also routinely responds to complaints and conducts proactive inquiries that do not result in formal reports. During the first half of FY 2017 our office received 34 new complaints and closed 41 complaints including matters carried over from the prior year. This Mid-Year Report of Activity presents summaries of the results of some of these unpublished activities which concluded during the first half of FY 2017.

Although most of those efforts did not result in OIG reports, each had an outcome, some of which were significant. For example, we developed initial evidence indicating that a County employee competed in a professional football championship game in the summer of 2016 while receiving workers' compensation benefits for an injury that the employee claimed created an inability to perform normal work duties. The subsequent full investigation and hearing process found that the employee's need for medical treatment was not causally related to the reported injury sustained while on duty. This resulted in a cost avoidance of approximately \$64,000. Additionally, we have several examples of our work with the County Ethics Commission to further ethical accountability, and several examples of coordinating with the County Office of Internal Audit to research and resolve problems.

Synopses of those and other preliminary inquiries and referrals are presented in the body of the attached report.

**Mid-Year Report of Activity for Fiscal Year 2017**  
**Unpublished Activities Between July 1, 2016 and December 31, 2016**  
**Montgomery County Maryland Office of the Inspector General**

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### Summaries of Unpublished Preliminary Inquiries

*(It is OIG policy to respond to Complainants with the results or conclusions on each matter. In each of the following summaries, we have done so, unless the complaint was anonymous.)*

#### *Preliminary Inquiry: Income Tax Offset Credit*

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OIG-16-079

**Complaint Summary:** The Maryland Office of Legislative Audits forwarded to the OIG a complaint regarding the Montgomery County Department of Finance’s administration of the Income Tax Offset Credit (ITOC) program. Previously, the OIG received a related complaint asserting that the County should deny the Income Tax Offset Credit to those homeowners who do not have an approved homestead property tax credit (HTC) form on file with the State.

**Outcome:** OIG staff reviewed relevant County Code sections and found that the section governing the ITOC states that “an eligible taxpayer is any homeowner who qualifies for a homestead property tax credit under Maryland Code, Tax-Property Article, Section 9-105, or any successor provision”<sup>1</sup> but also states that “a taxpayer need not file an application to receive the credit.”<sup>2</sup> While the County Code states that no application is needed to receive the ITOC, to receive the HTC, relevant State law states, “[t]o qualify for the credit under this section, a homeowner shall submit an application for the credit[.]”<sup>3</sup>

Following the OIG’s receipt of the complaint, the County Council’s Governmental Operations and Fiscal Policy (GO) Committee discussed the ITOC and specifically addressed the idea that some citizens believe that the law requires people to file the form for the HTC, stating that they are the owner occupant of their homes, in order to receive the ITOC, although the County has not interpreted the law that way. The GO Committee decided that: (1) taxpayers should not be required to file the application for the HTC in order to receive the ITOC, and (2) legislation should be submitted that would clarify this.

Additionally, a representative of the County Attorney’s office stated that he does not believe that the State legislation enabling the County ITOC would allow the County to require that a person submit the form for the HTC in order to qualify for the ITOC.

As of the date of our review, this matter was being vetted by County government officials. The OIG will continue to follow ITOC developments. The outcome of our inquiry was provided to the Office of Legislative Audits in a letter responding to its referral.

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<sup>1</sup> Montgomery County Code § 52-11B(b)

<sup>2</sup> Montgomery County Code § 52-11B(d)

<sup>3</sup> Md. Tax-Property § 9-105(d)(6)(i)

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#### *Preliminary Inquiry: Former Montgomery County Police Officer Pleads Guilty to Perjury and Workers' Compensation Fraud*

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OIG-16-080

**Complaint Summary:** The OIG opened a preliminary inquiry in response to a Baltimore City OIG report concerning a former officer of the Montgomery County Police Department (MCPD). OIG staff learned that on October 16, 2014, the officer pled guilty to perjury and workers' compensation fraud for conduct tied to his former employment as a Baltimore City Police Officer.

The Baltimore City OIG report stated that the former Baltimore City officer retired on disability pension in November 2007 as a result of injuries sustained during a motor vehicle accident while on duty working for Baltimore City. In May 2008, the former Baltimore City officer was sworn in as an officer for the Towson University Police Department. In September 2008, despite his active employment at Towson University, the officer testified at a workers' compensation hearing related to his employment as a Baltimore City officer, that he had been unable to work since his earlier injury with the Baltimore City Police Department. This conduct was the basis of the officer's October 2014 perjury and workers' compensation fraud convictions.

**Outcome:** Our preliminary inquiry was intended to obtain information regarding the individual's employment with Montgomery County and the events leading up to the Baltimore City OIG investigation.

We learned that the former officer was hired by MCPD in July 2010. According to a representative of MCPD, during the hiring process, MCPD contacts previous employers and determines the reason for resignation or termination. However, if the reason provided for leaving a previous employer is a disability, MCPD does not inquire as to the details of that disability.<sup>4</sup> Instead, each MCPD officer is required to attend a physical provided by the Office of Human Resources, Office of Occupational Medical Services (OMS). It is expected that OMS will make a determination regarding whether the prospective candidate is fit for duty at MCPD. Based on the described MCPD hiring process, MCPD would not be expected to know the details of the Baltimore City policies and procedures related to disability retirements or what injury or illness caused Baltimore City to determine that it was appropriate to grant the former officer a disability retirement.

In July 2013, the officer filed a workers' compensation complaint regarding an injury sustained while working for Montgomery County. During the course of managing that claim, an employee of the Montgomery County Attorney's Office conducted legal research and found that the officer previously received a large workers' compensation award related to his work at Baltimore City. The officer was questioned under oath regarding the matter and admitted that he was receiving

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<sup>4</sup> A representative of MCPD stated that they believe that it may be a HIPPA violation to ask for details regarding an applicant's medical records.

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disability payments from Baltimore City. As a result, in June 2014, the Montgomery County Attorney's Office referred the matter to the Baltimore City OIG, who subsequently prosecuted the former officer for his false testimony and conduct during 2008. During the October 2014 court proceedings, the officer's attorney stated that the officer agreed to resign his position with Montgomery County. The individual is no longer employed by the County.

Based on our limited review of the MCPD hiring process, it appears that reasonable procedures would have been followed in hiring the individual. OIG staff determined that no further inquiry was required.

#### *Preliminary Inquiry: DHHS Billing at Rollins Avenue Behavioral Health Facility*

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OIG-16-100

**Complaint Summary:** The OIG received a complaint detailing the following allegations regarding the Department of Health and Human Services (DHHS) Behavioral Health facility located at Rollins Avenue:

1. DHHS Rollins Ave. has "literally stopped billing" insurance.
2. There is a lack of necessary group therapy (PTSD, sexual assault, etc.) at the facility, which may result in a high dropout rate.
3. The Medication Assistance Treatment Program (MAT) for opiate recovery has only 30 participants, when it is funded for 100 participants.
4. Only 2 out of 10 therapists at the facility are properly completing health records for patients, including timely submission of patient notes.

**Outcome:** OIG staff met with the DHHS Chief Operating Officer (COO) to discuss this complaint. The DHHS COO explained that the DHHS Outpatient Addictions program at Rollins Avenue had experienced "deep-seated problems with personnel and other things" which had become evident during the recent transition to an electronic billing system. Since that time, DHHS has spent time addressing these issues including hiring additional staff, providing extra resources, and funding an organizational climate<sup>5</sup> study to assess the problems.

At the time of our inquiry, it appeared that DHHS was aware of and addressing the issues outlined by the complainant. The DHHS COO confirmed that billing had been suspended for this particular program as DHHS felt that certain employees' clinical notes were not reliably robust enough to bill for services. Another factor in the DHHS decision to suspend billing was a lack of

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<sup>5</sup> An organizational climate refers to the conditions within an organization as viewed by its employees. The word climate usually describes the practices involved in communication, conflict, leadership and rewards. Definition obtained from reference.com website. See <https://www.reference.com/world-view/definition-organizational-climate-2bf667a32c01bab6>, last accessed on January 20, 2017

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required groups. DHHS stated that it was contemplating reassigning certain staff to fix the problems and reinstate billing.

During, this fiscal year, the OIG subsequently engaged in and issued a separate, more comprehensive review of DHHS medical billing practices (see *Healthcare Billing Practices OIG Report #17-002*).

#### *Preliminary Inquiry: Germantown Library*

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*OIG-17-008*

**Complaint Summary:** A complainant reported several experiences at the Germantown Library that he believed constituted a violation of law as well as waste, fraud, or abuse, including:

1. The elevator, which has not worked periodically, did not have a posted inspection sticker, although such posting is required by law. The complainant believed the certificate expired 8 months ago.
2. The rest rooms are consistently out of order and are not fixed in a timely manner.
3. A staff member was punched in the face by a 15-year-old patron.

The OIG determined that managerial issues and non-systematic quality of service complaints such as those alleged in allegations 2 and 3 were not topics to be addressed by our office. A limited preliminary inquiry was initiated to address the alleged elevator issue.

**Outcome:** OIG staff contacted the Chief Elevator Inspector, Safety Inspection-Division of Labor and Industry for the State of Maryland. The Chief Elevator Inspector reported that the elevator in question had last been inspected in February 2016. During that inspection, a maintenance issue was identified and a work order was issued. Since that time, a re-inspection had been requested and the library was awaiting that inspection which should have resulted in a new certificate if the listed issues had been addressed.

The Chief Elevator Inspector clarified that not seeing a certificate or seeing an expired certificate was not an indication of the working ability of the unit. Elevators identified to have egregious safety issues are taken out of service. The Chief Elevator Inspector opined that the library appeared to be taking the proper steps to address the identified issues, a re-inspection had been scheduled, and he was not concerned with the status of the elevator at the time. Based on the Chief Elevator Inspector's statements, the OIG determined that the matter did not warrant further attention by our office.



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#### *Preliminary Inquiry: Reported Illegal Dumping by County Employee*

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OIG-17-016

**Complaint Summary:** The OIG received a complaint reporting that over the past few months the complainant repeatedly witnessed someone in a County Vehicle dumping garbage in the woods behind East Village in Montgomery Village. The complainant reported that she and/or a neighbor witnessed the dumping a few times a month over a period of approximately five months.

**Outcome:** OIG staff determined that the identified vehicle was assigned to the Department of Environmental Protection (DEP). OIG staff contacted DEP, which assisted in investigating the allegations. It was confirmed that a County employee parked a County vehicle in East Village neighborhood of Montgomery Village and entered the woods. However, we were unable to validate that any garbage was dumped illegally.

The identified area was checked and no trash bags or larger trash items were found. Additionally, the County employee who drove the vehicle stated that he parked in the neighborhood several times after work hours to walk on the trail in the woods, but denied disposing of any waste there. DEP reported that the County employee driving the vehicle would be counseled that he is not to use the County vehicle during non-work hours for personal or non-work related activities.



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#### *Preliminary Inquiry: Possible phishing attempt using Alert Montgomery*

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OIG-17-020

**Complaint Summary:** A complainant reported that he received an email that appeared to be from Alert Montgomery but might be a fraudulent phishing attempt. The complainant reported that he received an email which indicated it was from Alert Montgomery but originated from a non- County server. ([conf-1370903652@everbridge.net](mailto:conf-1370903652@everbridge.net))

The email stated:

*\*THIS IS A MESSAGE FROM ALERT MONTGOMERY\**

*On Nov 14, Alert Montgomery is removing old accounts who have no(t) signed up to the new system. You are receiving this message because you have not yet signed up.*

*To register for a new account, go to [www.alert.montgomerycountymd.gov](http://www.alert.montgomerycountymd.gov) and click on "Sign Up".*

*If you value this service, please click "1=YES", otherwise click "2=NO".*

**Outcome:** OIG staff determined that the link contained in the email received by the complainant appeared to take the user to the Alert Montgomery website but actually redirected to <https://member.everbridge.net/index/1332612387832009#/>. The link directed the user to log in to their Alert Montgomery account.

OIG staff discussed the matter with the Operations Chief for the County Office of Emergency Management and Homeland Security (OEMHS) and determined that the email referenced in the complaint was legitimate but did contain a typographical error. The website included in the email should have been <http://alert.montgomerycountymd.gov>, not [www.alert.montgomerycountymd.gov](http://www.alert.montgomerycountymd.gov). OEMHS advised OIG that they intended to email those affected to correct the faulty website provided.

The Operations Chief explained that the County identified approximately 96,000 Alert Montgomery accounts which were registered on the old system. They were in the process of notifying account holders and requesting that they re-register on the new system. Alert Montgomery users who did not re-register would see their accounts retired on November 14, 2016. Everbridge is a County contractor hired to assist in the transition which is why the email came from [conf-1370903652@everbridge.net](mailto:conf-1370903652@everbridge.net) rather than a County email address. This also explained why the link provided in the email redirected to everbridge.net.

Based on the information provided by the Operations Chief, the OIG determined that the email was legitimate, and no phishing attempt had occurred.

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##### *Preliminary Inquiry: DHHS Employment Support Services Contract*

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OIG-17-021

**Complaint Summary:** The OIG received a complaint alleging that a contracted manager under a Department of Health and Human Services (DHHS) Employment Support Services contract was not following County regulation or the terms of the contract in managing the program. The complainant, a former employee of the DHHS contractor, claimed that her former manager, (1) violated HIPPA by allowing personal client data to be viewed by the public, and (2) failed to comply with specific contract stipulations regarding DHHS client services, quality assurance, and contracted employee training.

**Outcome:** OIG staff identified the DHHS contract referenced in the complaint and interviewed the DHHS Program Manager responsible for the administration of the contract. The DHHS Program Manager stated that her staff had previously received a similar complaint regarding the contractor and investigated the allegations. The DHHS Program Manager explained that her staff found no evidence of a HIPPA violation or a failure to meet the contract stipulations and determined the allegations to be unfounded.

OIG staff obtained a summary of DHHS's investigation and findings and relevant supporting documentation. The OIG reviewed the documents presented by DHHS and determined that DHHS's reported actions and conclusions appeared reasonable.

##### *Preliminary Inquiry: Operator of County Vehicle Drove Erratically*

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OIG-17-025

**Complaint Summary:** The OIG received a complaint alleging that an individual operating in what the complainant believed to be a County government vehicle was driving erratically (cutting in and out of traffic) on Route 27 in Damascus. The provided license plate number ended in "CG".

**Outcome:** OIG staff contacted the Fleet Division of the Department of General Services and learned that the identified vehicle was personally owned and did not belong to the County government. OIG staff confirmed that the tags for county vehicles contain "LG" or "MG".

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#### *Preliminary Inquiry: Poor Supervision at Montgomery County Public Schools*

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OIG-17-028

**Complaint Summary:** The OIG received a complaint from a Montgomery County resident concerning the walkout/demonstration staged by Montgomery county students in response to the recent 2016 presidential election. The resident alleged that Montgomery County Public Schools (MCPS) neglected its duties by not preventing the walkout/demonstration and allowing students to leave their schools without supervision; denying student educational opportunities; and not exploring the roles of teachers and parents in either encouraging the students' actions or assisting them in some fashion by perhaps furnishing signs and even leading the effort.

**Outcome:** OIG staff conducted a limited review of the media's presentation of the events. We found that the media reports on the students' actions and MCPS superintendent's response to those actions were inconsistent with the complainant's contentions. We found that the news accounts made no mention of any role by parents, teachers, or administrators in encouraging the actions of the students, participating in the demonstration, or furnishing signs. In a press release, the superintendent indicated that MCPS did not encourage the demonstration, stated that students absent from their classes would be marked as unexcused, and reminded students of MCPS regulations which allow for peaceful demonstrations on school grounds that would allow for adequate supervision.

The OIG wrote to the complainant and requested that he provide information regarding the basis for the conclusions drawn in his complaint. The resident's response indicated that he had no particular knowledge of what role MCPS teachers or administrators played in the events. Rather, the complainant indicated that he had relied on news accounts of the demonstrations as a basis for his assertions.

Based on the foregoing, we determined that no further action was warranted.

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### Summaries of Unpublished Referrals to Other Entities

*(It is OIG policy to respond to Complainants with the results or conclusions on each matter. In each of the following summaries, we have done so, unless the complaint was anonymous.)*

#### *Referral: Poor Service from MC311*

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*OIG-16-011*

**Complaint Summary:** A complainant stated he had been trying to reach someone in the Department of Housing and Community Affairs (DHCA) but could only reach MC311, which had not addressed his request. The complainant reported that he was trying to renew a license and after the online system crashed twice, he tried to reach someone at DHCA on the phone. He reached MC311 and after having to wait ten minutes, told them his issue. The complainant said it took the MC311 person a long time to understand the situation, and the caller believes the MC311 person was not very well trained and/or not well-informed about DHCA. He was told that MC311 would get back to him in 3-4 days, but they failed to follow-up within the stated timeframe.

The complainant expressed concern that DHCA appeared to have no working direct phone number and routed all of their calls to MC311. He believed this was a problem for residents, as it makes it difficult for them to call and get help. The complainant reported that he had a similar experience with another unidentified County department.

**Outcome:** Although we determined that this and a number of similar complaints the OIG has received should be addressed, the issues raised primarily dealt with MC311's service quality, which is generally not part of the OIG mission. However, the Deputy Inspector General asked the County Office of Internal Audit (IA), to consider MC311 as a topic of review. The Internal Auditor subsequently identified MC311 as a likely audit area for 2018 in their current Multi-Year Internal Audit Plan.

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#### *Referral: Hiring of former DOT Manager by County contractor*

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OIG-16-058

**Complaint Summary:** The OIG was alerted to the possibility that a County contractor's employment of a former County employee who, during his County employment, significantly participated in activity between the contractor and the County might violate the County Ethics Law. The OIG was copied on an email from the County Ethics Commission (Ethics) to the County Attorney and the Director of the County's Department of Transportation (DOT). Ethics asked the two offices to look into the propriety of a County contractor's hiring of a former Chief of the County's Division of Highway Services. Ethics was asked for an opinion regarding the matter by the County contractor.

Section 19A-13(b) of the Public Ethics Law prohibits a former public employee from entering into any employment understanding or arrangement with any person or business if the public employee significantly participated in any procurement or other contractual activity concerning a contract with the person or business, unless the Ethics Commission grants a waiver of the restriction.

**Outcome:** The OIG did not participate substantively in the matter, but monitored the outcome of the work conducted by the County Attorney and DOT. It was found that in March 2015, a DOT manager briefed the former Chief of the County's Division of Highway Services about several procurement issues including the need to extend a DOT contract with the subject contractor beyond its normal expiration date. Because the former Chief of the County's Division of Highway Services did not object to the information presented in the briefing, the manager felt empowered to proceed along the course of action he presented. In the County Attorney's Opinion, the former Chief of the County's Division of Highway Services' tacit approval constituted significant participation in the matter.

The former Chief of the County's Division of Highway Services retired from County service in October 2015. In January 2016, he requested a waiver from the Ethics Commission, to allow him to work for the contractor despite his limited participation in the contract. The former Chief of the County's Division of Highway Services stated that his proposed work with the company would not create a conflict of interest as it focused on projects outside the County. DOT concurred with the waiver request because the Director did not believe the proposed employment was "likely to create an actual conflict of interest." Based on this information the waiver was granted.

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##### *Referral: MPDU Fraud*

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OIG-16-083

**Complaint Summary:** A complainant called the OIG to report that a man who rents a Moderately Priced Dwelling Unit (MPDU) apartment and receives a rental subsidy based on his limited income is not reporting the income of all the residents in the apartment. The caller stated that a woman who is earning additional income is also living there, but her income has not been reported. The caller believed that their combined incomes should disqualify them from the subsidy.

**Outcome:** The OIG referred the matter to the County Department of Housing and Community Affairs (DHCA). DHCA reported that its staff checked the property's management to learn about the status of the resident's lease. During recertification, the resident signed a certified statement indicating that the woman named in the complaint is not living in the residence and the property manager was satisfied that he was telling the truth and approved the lease for another year. DHCA indicated that based on the signed statement and the property manager's recertification, County MPDU staff at DHCA consider this matter closed.

##### *Referral: Fraud in Section 8 Housing*

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OIG-16-095

**Complaint Summary:** The OIG received a complaint alleging that a tenant in the Section 8 housing program has not reported all of her income or of the total number of people living in her unit. The complainant reported that the tenant had reported false information for the past two years, including during a very recent recertification. The complainant alleged that three additional, unreported adults live in the unit and provided names for the alleged unreported inhabitants.

**Outcome:** The OIG referred the matter to the Montgomery County Housing Opportunities Commission (HOC), who investigated the issues but was unable to substantiate any of the allegations.

HOC reported that during the most recent inspection of the unit, HOC found no signs that there were more people living in the unit than reflected on the lease. Additionally, during an August 2016 recertification process the resident reported an increase in income, resulting in an increase in rent. HOC reported that based on these facts, they were unable to find any evidence of an unauthorized guest or unreported income.

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#### *Referral: County Employees and Retirees Inappropriately Dropped from Insurance Rolls*

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OIG-16-101

**Complaint Summary:** The OIG received a complaint alleging that active and retired Montgomery County employees who participate in County group insurance plans are often unexpectedly dropped from the insured rolls.

The complainant believed that the reason participants are often dropped may be the County's method of communicating with insurance carriers. The complainant explained that various health, dental, and vision insurance carriers request that the County provide them monthly updates of participants whose status changed (i.e., marriage, divorce, death, dependents reaching age 26, etc.). However, rather than provide information for only the specific participants with a status change, the County sends each carrier a new file each month containing information for all participants. The complainant believes that this is much harder for the carriers to process than a file with the status changes only and is likely a contributing factor to the dropped participants. The complainant stated that she had brought the matter up with management over the years, but the problem persists.

**Outcome:** The OIG referred the matter to the Office of Internal Audit (IA) as a potential topic for review. As a result, IA staff contacted MC311, which collects information regarding Office of Human Resources customer calls. Although MC311 was able to provide information regarding the number of calls received about dropped insurance, they were unable to report original (first-time) calls and how many were repeat callers. Thus, IA could not determine the magnitude of the potential problem. As part of its research, IA spoke with a representative of the Office of Human Resources and a Program Manager in the Department of Finance, who IA staff learned was interested in addressing this matter.

IA staff were told that the following steps would be taken to address the issue raised in the OIG complaint:

1. To better track the magnitude of the issue, MC311 will add a code (or codes) to its recordkeeping to differentiate between first-time and repeat complaints regarding dropped group insurance participants.
2. By the beginning of calendar year 2017, the Office of Human Resources intended to do a major clean-up of its group insurance rolls to be sure they are correct.

IA agreed to monitor these steps until they are implemented, and to inform the OIG of the status as each one changes.



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##### *Referral: Abuse of Housing Subsidy*

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OIG-17-001

**Complaint Summary:** The OIG received correspondence reporting multiple allegations regarding tenants of a property owned by the Montgomery County Housing Opportunities Commission (HOC). The anonymous complainant alleged that two families resided in the residence which violates HOC voucher rules. It was also alleged that one occupant failed to provide HOC with accurate information regarding his income and has been verbally and possibly physically abusive to other residents of the unit.

**Outcome:** The OIG referred the matter to the HOC, which investigated the issues and ultimately issued a termination letter to the HOC voucher-holder for the residence. The voucher-holder is appealing the decision and scheduled for an informal hearing with HOC and an independent third-party hearing officer during early 2017. The hearing officer will hear testimony from both sides and decide whether the resident may stay in the HOC voucher program.

##### *Referral: Possible Elder Abuse*

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OIG-17-002

**Complaint Summary:** A complainant contacted the OIG and reported that the care her grandmother is receiving from her Department of Health and Human Services (DHHS)-provided home health aide was poor in quality. The complainant reported that the assigned aide, an employee of Home Care Partners, a DHHS contractor, is often late or absent from work. Additionally, the complainant stated that hours of service have recently changed without adequate notice or consideration, and her grandmother has recently experienced uncharacteristic bruising.

**Outcome:** OIG staff identified the assigned DHHS contract administrator for the Home Care Partners contract and provided the DHHS contract administrator the details of the complaint. Additionally, the complainant was provided contact information for the DHHS contract administrator and notified that they would be the appropriate person to appropriately address this type of quality of service complaint.

The complainant was also provided contact information for and encouraged to reach out to Adult Protective Services regarding the bruises found on her grandmother.

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##### *Referral: Conflict of Interest in DHHS Manager's Outside Employment*

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OIG-17-006

**Complaint Summary:** The OIG received a complaint alleging that a manager in the Department of Health and Human Services (DHHS) Outpatient Addiction Services is also employed by Suburban Hospital, a County contractor. The complainant stated that the manager has not sought the required Ethics Commission (Ethics) approval for the outside employment. The complainant also asserted that the manager is aware that he needs approval, as he disciplined a subordinate for the same conduct.

**Outcome:** Ethics reported that they were already aware of the allegations. The employee recently sought outside employment approval, but only after Ethics pushed him to do so. Ethics confirmed that working for contractors of your County agency is prohibited unless a waiver is granted by the Commission. The employee was in the process of seeking a waiver to continue the outside employment.

##### *Referral: Montgomery County Firefighter Denied Workers' Compensation*

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OIG-17-007

**Complaint Summary:** The OIG received a complaint alleging that a current firefighter for the Montgomery County Fire and Rescue Service (MCFRS) was out on disability and receiving workers' compensation, yet competed in a professional football championship game in the summer of 2016. The MCFRS employee purportedly played under another person's name and wore a different jersey number to disguise participation.

OIG staff research found that the named MCFRS employee appeared on the current online roster for the team who played in the game referenced in the complaint. The name that the complainant reported that the MCFRS played under during the game appeared on the roster as well.

OIG staff located pictures of the game in a professional photographer's online album which include the player. In one of the pictures, it appeared that the name on the back of the jersey of the player has black tape over it.

The OIG found sufficient evidence that the events reported by the complainant may have occurred and referred the matter to the Montgomery County Division of Risk Management (Risk Management) for further investigation and appropriate resolution.

**Outcome:** Risk Management directed its claims service to employ the services of a surveillance firm to further investigate the allegation. It was confirmed that the injured worker participated in

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the championship game. Additional still photos and video were obtained of the game.

Risk Management told us that the serious nature of the injured worker's diagnosis would have precluded participation in the 2016 game, which occurred after the reported work-related injury was sustained. Therefore, the claim for lost wages and medical treatment was denied.

Following the claim denial, the injured worker continued to seek treatment. Therefore, a hearing was set before the Workers' Compensation Commission. The Commission found that the employee's need for medical treatment was not causally related to the accidental injury sustained on duty. The Commission further denied the employee the authorization for treatment. The Division of Risk Management estimates that denial of the claim has resulted in a cost avoidance of approximately \$64,000 for the County.

#### *Referral: Political Activity by Uniformed Police Officers*

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OIG-17-011

**Complaint Summary:** The OIG received a complaint alleging that in August 2016, two uniformed Montgomery County Police Officers were seen in a golf cart-like vehicle at the Montgomery County Fair, with a blue sign placed prominently on the front of the vehicle which read: "Marylanders for TRUMP." The complainant reported that he witnessed two other officers in a similar vehicle heading the other way, who stopped and said they liked the sign. The officers in the first vehicle offered them a similar sign, but they declined. The complainant believed that it was improper and asked whether it would be a violation of the Hatch Act<sup>6</sup> for Montgomery County Police Officers to promote political candidates while on duty and in uniform.

**Outcome:** The OIG referred the matter to the Ethics Commission (Ethics) for appropriate resolution. Ethics subsequently informed the complainant that while State and County employees are not subject to a Hatch Act equivalent, there are ethical principles and State and local statutes that prohibit a County employee's use of County time or equipment in furtherance of political activities.

Ethics stated that there was a question of whether the police officers witnessed by the complainant were working for the County at the time of the activities observed. Pursuant to the

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<sup>6</sup> The Hatch Act is a federal law passed in 1939 which limits certain political activities of federal employees, as well as some state, D.C., and local government employees who work in connection with federally funded programs. Obtained from the U.S Office of Special Counsel Website, last accessed on January 26, 2017. <https://osc.gov/Pages/HatchAct.aspx>

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County's collective bargaining agreement (CBA) with the police union, police are permitted to engage in uniformed security for private employers in the County. The practice of police engaging in outside employment in uniform has been justified as being in the public interest as it demonstrates a greater police presence than paid for by the taxpayer. In theory, in an emergency, these uniformed officers can invoke their police authority (as off duty police may engage, under certain circumstances, their police authority on a 24-hour basis).

Therefore, while the officers appeared to be working for the County by virtue of what they were wearing, Ethics explained that they may have been serving an outside employer and stated that the restrictions in the CBA would not clearly prohibit the activity identified by the complainant. Ethics agreed to add the concerns broached by the complainant to its list of concerns regarding Police outside employment for discussion with the County Council and County Executive.

#### *Referral: Fraudulent Housing Subsidy*

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OIG-17-013

**Complaint Summary:** The OIG received a complaint alleging that a recipient of a Montgomery County Housing Opportunities Commission (HOC) housing subsidy was falsely reporting that she had no income in order to continue receiving her housing subsidy. The complainant stated that two families were residing at the rental property, including two employed, male truck drivers. The complainant explained that the housing subsidy recipient's employed husband is not on the lease and neither is the second family.

**Outcome:** The OIG referred the matter to the HOC, who investigated the issues but was unable to substantiate any of the allegations.

#### *Referral: Abuse of Housing Subsidy and DHHS benefits*

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OIG-17-014

**Complaint Summary:** A Complainant reported that her nephew receives a Montgomery County Housing Opportunities Commission (HOC) voucher. She believed the terms of the voucher require him to be the sole resident of his apartment, but he has 4-5 people living with him. The complainant believed that her nephew also inappropriately receives food stamps from the Department of Health and Human Services (DHHS). The complainant previously spoke with a DHHS Counselor regarding the issue who told the complainant she would no longer discuss the matter and suggested the Complainant call the OIG.

**Outcome:** The portion of the complaint regarding the Housing Opportunity's Commission (HOC) voucher was referred to appropriate officials at HOC for appropriate investigation and

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resolution. We received a response from HOC indicating that the complainant's nephew was not a participant in any of their programs. The unit address provided was not a unit listed in any of their programs. The complainant was notified of the HOC findings.

OIG staff discussed the food stamp matter with the DHHS Counselor to whom the complainant previously spoke. The DHHS Counselor explained that in general terms, a person's eligibility for food stamps may not be affected by the number of residents in the home. If the applicant is separately responsible for the purchase of his own food, he may potentially qualify for benefits regardless of the income of other members of the household.

#### *Referral: Improper Charging of Ride On bus fares*

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OIG-17-026

**Complaint Summary:** The OIG received a complaint alleging that a Ride On bus (route 61 to Shady Grove) was improperly giving out free rides to citizens on October 31, 2016 at approximately 9:00 am. The complainant stated that he rode the bus and the driver placed his hand over the swipe box and told him he would not be charged. The complainant stated he witnessed approximately 11 other riders (both cash and swipe card offerors) who were told there was no charge.

During the complainant's ride only one person was charged, an Indian gentleman who asked for directions. Complainant did not know why this person was charged for the ride or why the other riders were not. Based on this person's payment it was clear to the complainant that the swipe box was in working order.

**Outcome:** The OIG discussed the matter with the County Office of Internal Audit (IA), which referred the allegations to the County Department of Transportation (DOT) Division Chief for Ride On bus services for further review and inquiry.

DOT reported that there were two drivers working that route at the time reported by the complainant. Both operators were interviewed and the video was reviewed and showed all passengers either using a "SmarTrip" card or putting their fare in the fare box. There was no video on either bus showing the operators putting their hands over the fare box or giving improper free rides.

We were unable to determine the cause of the discrepancies between the results of the DOT investigation and the characterization of events communicated by the complainant. DOT stated that it reviewed the policy with the bus operators to ensure that they are following fare policy and operating the bus in revenue service.