



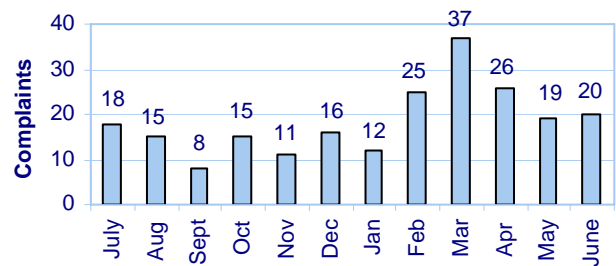
Whistleblower Program Annual Newsletter

FY 2005-06

In FY 2005-06, 57% of the complaints to the program were received via the Hotline, 28% via the online complaint form, and 14% by email or letter.

The Whistleblower Program received a total of 222 complaints during FY 2005-06. About a third were true whistleblower complaints—those alleging waste, fraud or abuse of City resources. Other contacts concerned general City services, non-government City issues, or were otherwise outside City jurisdiction.

FY 2005-06 Complaints Received By Month



Anyone who has a complaint may file it by calling the Whistleblower Hotline, completing an online web form, emailing the program, or in writing.

Below are examples of complaint allegations and investigation results from some of the 107 complaints closed during the period January 1, 2006 through June 30, 2006. (See the 2005-06 Mid-Year Report on our website for examples from the first half of FY 2005-06.)

Complaint Allegation

Allegation that several employees at a DPW location had used City time and resources to construct a home entertainment center.

Resolution

Investigation revealed the allegation had merit, and that three carpenters and one painter were involved in making a storage unit on City time and with DPW materials. Hearings were held, the employees were found culpable, and all will be subject to discipline under City and MOU rules.

Allegations of misuse of City vehicles.

- An SF Fire truck parked outside a business while a firefighter was inside ordering materials for personal use and crew waited outside.
- City car reported parked at a restaurant in Daly City between 12:00 – 1:00.
- City car observed making an illegal left turn.
- Firefighter admitted misuse and was counseled by his Deputy Chief and received a written warning.
- Vehicle assigned to Airport. Employees using City cars on City business are allowed regular lunch breaks.
- Vehicle assigned to Dept. of Parking & Traffic . Allegation denied by car user, but department has reminded their City car users to obey all traffic regulations.



43% of complaints were resolved within 72 hours.



Allegation that police officers performing traffic control for PG&E were being paid overtime by the department.

Allegation that a City resident is running an unregistered, unpermitted used car business out of his home.

Allegation that a business is abusing their sidewalk permit by selling items not related to those sold inside the business in violation of City law.

Allegation of illegal curb painting at four residential addresses.

Allegation that a City Supervisor accepted trips paid for by political action groups to various locations.

Allegation that a Department of Human

The City's Fleet Manager is responsible for investigating misuse of City vehicles. To report possible misuse, call 554-4856 or email fleet.management@sfgov.org.

Complaint determined not to have merit. Section 10B.2 of the City's Administrative Code requires PG&E, and any other private company including movie & TV productions, to pay the Police Department for officers' services (equivalent salary and administrative costs).

Investigation revealed the allegation had merit. A Notice of Violation was issued by the Planning Dept. Also, the Treasurer-Tax Collector's Office has required the owner to register his business and pay the appropriate fees and taxes.

Investigation determined the allegation did not have merit in that the items were, in fact, similar enough to some being sold inside; however, business was issued a Notice of Violation because they were exceeding the limits of their permit by using 50% more sidewalk space than allowed.

Investigation determined that complaint had merit. Owners were notified by the Dept. of Parking & Traffic of the procedure for requesting curb painting, and City painters grayed out the illegal curb painting.

Residential property owners and merchants may apply for a driveway red zone or color curb zone through DPT by calling the Color Curb Coordinator at (415) 701-4500. The fee schedule and application is online at http://www.sfgov.org/site/dpt_index.asp?id=13450-curb.

Investigation determined that complaint had no merit. Under the California Political Reform Act, payments for travel are considered gifts and therefore subject to the annual \$360 gift limit. However, certain types of travel are not subject to the gift limit but must be reported on a statement of economic interest. There are exceptions.

Investigation of allegations of misconduct by City elected officials, including conflict of interest, is conducted by the Ethics Commission complaint investigator. For more information see *The San Francisco Ethics Commission Manual On Governmental Ethics Laws* on the Ethics Commission's website or call them with questions at 581-2300.

Investigation revealed employee had, in fact,

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| <p><i>Complainants may report, for example, bribery; fraud; campaign irregularities; falsification of records; malfeasance; coercion; deliberate neglect to perform a duty; someone ordering a City employee to deliberately violate a law; or gross misconduct.</i></p> | <p>Services employee was observed removing eight chairs from a DHS worksite. Complainant was concerned employee had taken the chairs home.</p> | <p>taken the chairs home. They were being replaced with new chairs and the employee mistakenly thought she had permission from her supervisor to take the chairs. Subject has been warned concerning removal of City property and chairs have been returned.</p> |
| | <p>Complaint regarding spreading graffiti vandalism on at least a dozen addresses on Clementina and Folsom Streets, including neglect by property owners in failing to clean off the graffiti.</p> | <p>The Department of Public Works investigated this complaint and sent notices to the property owners some of whom have removed the graffiti on their buildings. Second notices were sent to others. If upon reinspection this month owners have not removed the graffiti, they will be turned over to the City Attorney, as per the Graffiti Ordinance. For a couple of addresses, DPW is trying to determine who owns the buildings.</p> |
| | <p>Allegation that a Public Utilities Commission employee is working half time but being paid as if full time.</p> | <p>By law, private property owners are responsible for abating graffiti on their property. Complainants may call DPW's 28-CLEAN hotline (282-5326) to report graffiti, including that on private property. DPW has an explanation of the City's Graffiti Ordinance, including the procedure for abatement, on their website at http://www.sfgov.org/site/sfdpw_page.asp?id=32790. The compelling force in this legislation is that DPW may obtain a court order to perform the cleanup themselves and bill the owner. Owners who fail to pay the bill are subject to collection procedures including a lien on their property.</p> |
| | <p>Allegation that an Airport employee may be operating a business on City time.</p> | <p>Complaint found to be without merit. Investigation showed employee is taking earned paid time off to care for his critically ill wife.</p> <p>The Family Medical Leave Act allows employees, with certification from a doctor, to take intermittent leave (paid or unpaid) or work a reduced schedule to care for an ill family member.</p> |
| | <p>Allegation that a City-employed doctor in charge of treatment of patients with AIDS at San Francisco General Hospital also owned a company which buys out insurance policies from terminally ill people, constituting a conflict of interest.</p> <p>Allegation that a portion of a grant paid</p> | <p>Investigation revealed the complaint had minor merit in that employee had some minimal misuse of her City telephone and email. Employee was counseled and reminded about appropriate use of City resources.</p> <p>Investigation found complaint without merit in that the doctor has not worked at SF General for many years and the company he was alleged to own went out of business in 1997.</p> <p>The Controller's Office conducted an audit of</p> |

by the City to a local non-profit for a project with the Department of Elections was being used for political activities in violation of City law.

Allegation that a non-profit agency was receiving grant funds from the Department of Public Health for a program of substance abuse counseling at a local high school but not providing adequate services.

Six complaints were received regarding changes of ownership of San Francisco properties that may not have been reported to the Assessor-Recorder's office.

the contract and determined the allegation was without merit. The funds were being used appropriately to educate the public on ranked choice voting. This function was what the grant was specifically funded to do, and the tasks being performed were directly related to the grant.

Investigation determined the complaint had merit in that the department had previous difficulties with the performance of program duties under the grant and a review had identified many areas of non-compliance. The program was asked to improve compliance and documentation. Around the time of our complaint, a decision to modify the contract was made by DPH. The non-profit agency decided to close the program and laid off the staff. About 18 clients were transitioned to other programs.

In March 2006, Assessor-Recorder Phil Ting announced an incentive program under which whistleblowers could receive as much as \$500,000 in reward money for tips leading to the detection of companies that have failed to report changes of ownership on their San Francisco properties. The Controller's Office Whistleblower Program has agreed to receive these reports through our complaint process. They are then forwarded directly to the Assessor-Recorder's Office for investigation.

Whistleblower Hotline
554-CITY

Hotline Hours

M, W, Th, F 9:00 – 5:00
T 10:30 – 5:00

Online

www.sfgov.org/whistleblower

E-mail

whistleblower@sfgov.org

Postal mail

Whistleblower Program
c/o Controller
City Hall – Room 316
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102

How We Investigate Complaints

The law that created the Whistleblower Program requires us to investigate and otherwise attempt to resolve complaints except for those which:

- 1) another City agency is required by federal, state, or local law to adjudicate, *(i.e., a complaint alleging welfare fraud is investigated by the Department of Human Services; and issues involving campaign finance misconduct fall under the jurisdiction of the Ethics Commission)*
- 2) may be resolved through a grievance mechanism established by collective bargaining agreement or contract, *(we refer complainants to their MOUs for their appropriate grievance and appeal process)*
- 3) involve allegations of conduct which may constitute a violation of criminal law *(when we receive these, we refer them directly to the police or District Attorney).*

We also attempt to locate an appropriate complaint agency for complainants when their issue is outside City control.