

OFFICE OF THE INSPECTOR GENERAL CITY OF BALTIMORE



Isabel Mercedes Cumming
Inspector General

Investigative Report Synopsis

OIG Case # 22-0023-I

Issued: August 22, 2023



OFFICE OF THE INSPECTOR GENERAL
Isabel Mercedes Cumming, Inspector General
City Hall, Suite 635
100 N. Holliday Street
Baltimore, MD 21202



August 22, 2023

Dear Citizens of Baltimore City,

The mission of the Office of the Inspector General (OIG) is to promote accountability, efficiency, and integrity in City government, as well as to investigate complaints of fraud, financial waste, and abuse.

The Office of the Inspector General (OIG) received a complaint alleging a Department of Housing and Community Development building inspector engaged in corruption with a contractor to approve a Use and Occupancy (U&O) permit for a residential building. The OIG was unable to substantiate the complaint. However, while investigating the allegations, the OIG learned of two areas of concern that may benefit from further DHCD management review.

POTENTIAL BRIBES

The OIG learned that DHCD building inspectors are generally the sole City representative on-site with a contractor or property owner present during their inspections. Building Inspectors are not required to submit any documentation to a supervisor for approval before passing or failing an inspection.

The investigation revealed that, according to two inspectors, contractors had offered money or gift cards during inspections. A building inspector (Building Inspector 1) detailed a recent incident when an unknown contractor attempted to give them an envelope containing multiple \$100 bills, suggesting it was for lunch. Building Inspector 1 refused the offer and documented the incident in their inspection notes. Another inspector (Building Inspector 2) described an incident when a contractor gave them money after an inspection. Building Inspector 2 stated they reported it to a manager but was informed that they could keep the money because it was under an allowable dollar limit. However, Building Inspector 2 was uncertain if a written policy exists for DHCD to support this guidance.

The OIG spoke with a DHCD supervisor (DHCD Supervisor) and reviewed policy documents for inspection and permit procedures but could not locate any formal guidance for Building Inspectors for reference when an offer of money or gift occurs. Any money or gifts accepted by a Building Inspector intended for their personal use from a contractor could be subject to criminal penalty under the Maryland Code §9-201, Bribery of a Public Employee.

BUILDING INSPECTOR DISCRETION

Regarding the level of discretion that Building Inspectors have when inspecting a property, the DHCD Supervisor said that Building Inspectors can pass a U&O inspection if minor items still need to be completed, such as a missing handrail or a step that needs repair. The DHCD Supervisor and multiple Building Inspectors reported an inspector's discretion is limited and not applicable to safety items. The OIG reviewed the International Property Maintenance Code (IPMC) standard for handrails and guardrails, which is incorporated in the City of Baltimore's Building, Fire, and Related Codes. Building Inspectors also utilize a checklist during U&O inspections to document if steps and stairways have handrails where needed.

REPORT FRAUD, WASTE AND ABUSE

HOTLINE: 443-984-3476/800-417-0430 EMAIL: OIG@BALTIMORECITY.GOV WEBSITE: OIG.BALTIMORECITY.GOV

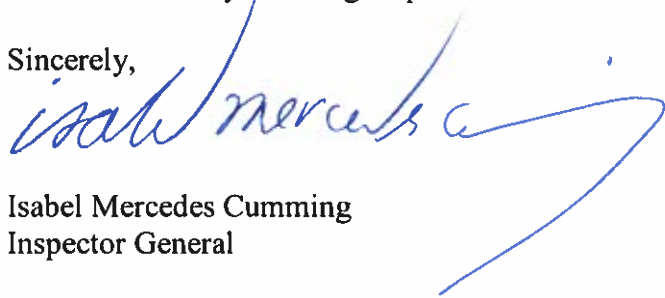
This public synopsis is only a summary of a more comprehensive report of investigation submitted to the appropriate City management official

According to the DHCD Supervisor, there is no policy detailing an inspector's discretion, but Building Inspectors would still need to return to the property later and follow up on the minor repair. The DHCD Supervisor confirmed the follow-up would be informal and not documented. However, several Building Inspectors said they or other inspectors would accept photos for some repairs. An experienced building inspector (Building Inspector 3) asserted they would still fail a property for a missing handrail because the property owner or the inspector could forget to complete a follow-up if it is initially approved.

INVESTIGATIVE FINDINGS

The OIG recommends DHCD require Building Inspectors to report any bribery attempts to the OIG immediately when they occur. In addition, DHCD developing a formal reporting and documentation process for inspectors when an attempted bribe occurs would assist with protecting an inspector's integrity and increasing awareness among DHCD Building Inspectors of a potentially corrupt contractor. The OIG also suggests DHCD management review and determine if formal guidelines should be created for the discretion used by Building Inspectors on minor items.

Sincerely,



Isabel Mercedes Cumming
Inspector General

CC: Hon. Brandon M. Scott, Mayor of Baltimore City
Hon. Nick Mosby, Baltimore City Council President
Hon. Bill Henry, Baltimore City Comptroller
Honorable Members of the Baltimore City Council
Hon. Ebony Thompson, Acting Baltimore City Solicitor

**Department of Housing and
Community Development
Response
Case # 22-0023-I**



Memorandum

TO: Isabel Mercedes Cumming, Inspector General
FROM: Alice Kennedy, Housing Commissioner
DATE: July 31, 2023
SUBJECT: Response to Management Alert OIG Case: 22-0023-I

DHCD has responded with the due urgency and seriousness related to management alert 22-0023-I.

Upon review, DHCD determined that guidance around reporting bribery attempts from customers should be provided to the entire agency. Many employees are involved in business interactions with the public. This includes actions such as, but not limited to, processing permits, performing building inspections, issuing code violations, the acquisition and disposition of property, providing rehab services, legal filings and awarding grants.

Working with the City Law Department, DHCD has put the following guidance in place around attempted bribery of agency employees. All employees will receive the attached memo, which reminds staff of the City's ethics code related to gifts and bribery. Employees are to report any bribery attempts to their immediate supervisor, the Deputy Commissioner for their division and also the Office of the Inspector General.

At this time, this has been issued as guidance to employees. Issuing it as an official policy requires review by the Department of Human Resources, the Office of the Labor Commissioner and negotiations with the unions. DHCD staff are represented by either the City Union of Baltimore or the Managerial and Professional Society. DHCD will be evaluating if this needs to be issued as an official policy, and if so, will take the aforementioned steps needed for implementation.

Currently building inspectors are required to complete a checklist for all Use and Occupancy inspections. Deputy Commissioner for Permits and Litigation Jason Hessler is working on a memo for building inspectors that will address when and where and how an inspector's discretion can be used. We will provide a copy of this memo when it is completed.

Should you have any questions or concerns or need for further explanation from DHCD, I can be reached via telephone at 410-382-5803.

CC: The Honorable Brandon M. Scott, Mayor
Ebony Thompson, Acting City Solicitor
Stephen Salsbury, Deputy City Solicitor
Faith Leach, Chief Administrative Officer
Simone Johnson, Deputy Chief Administrative Officer
Justin Williams, Deputy Mayor
Scott Davis, Chief of Staff; DHCD
Theo Ngongang, Chief Operating Officer; DHCD
Felicia Knight-Davis, Chief Human Resources Officer; DHCD
Jason Hessler, Deputy Commissioner; DHCD



Memorandum

TO: All DHCD Staff
FROM: Alice Kennedy, Housing Commissioner
Department of Housing and Community Development
DATE: August 10, 2023
SUBJECT: Attempted Bribes

DHCD employees frequently interact with community members in business interactions. This includes actions such as, but not limited to, processing permits, performing building inspections, issuing code violations, the acquisition and disposition of property, providing rehab services, legal filings and awarding grants.

Unfortunately, third-parties may attempt to bribe DHCD employees to ensure a positive outcome. "Bribery" is the offering, giving, receiving, or soliciting of something of value for the purpose of influencing an action or the discharge of official duties by a public official.

City of Baltimore employees are not permitted to accept bribes. Accepting a bribe is not only a violation of Baltimore City Ethics Law that will lead to termination of employment, accepting a bribe is a crime that may lead to criminal charges.

Baltimore City Ethics Law, established under Article 8 of the Baltimore City Code, governs the economic and regulatory relationships between Baltimore City employees and those who have dealings with Baltimore City.

Baltimore City Ethics Law prohibits public servants from soliciting or facilitating the solicitation of a gift. There are some specifically listed exceptions in the code to when a gift can be accepted. However, all DHCD personnel shall understand that money or other items of monetary value, such as a meal, offered in relation to performing any City service is not permitted and does not fall under the gift exception.

If you are approached with an attempted bribe, immediately report that attempt to your immediate supervisor, copying the Deputy Commissioner for your division and the Office of the Inspector General at oig@baltimorecity.gov.

Brandon M Scott, Mayor Alice Kennedy, Housing Commissioner