

Investigative Report

Austin Fire Department Employee Accepted Gifts from Subordinate

April 2020



We found evidence that Michelle Tanzola, Public Information and Marketing Program Manager, at Austin Fire Department, accepted gifts from her direct report.

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Cover: Aerial view of downtown Austin, iStock.com/RoschetzkyStockPhoto

Allegation

While investigating an Austin Fire Department employee for potential misuse of City resources, our office learned that the employee's supervisor accepted two gifts in the form of free family photography sessions from the employee. Based on this information we opened a case.

Background

Austin Fire Department (AFD) is "committed to creating safer communities through prevention, preparedness and effective emergency response." Michelle Tanzola is a Public Information and Marketing Program Manager in AFD. Her role involves public relations, social media content development, and marketing for the department. She manages three employees.

Investigation Results Summary

We found evidence that Michelle Tanzola accepted gifts from one of her direct reports. Specifically, Tanzola's employee, who is a professional photographer, took free family photos for Tanzola and her family on two occasions, in 2017 and in 2018.

Finding Accepting gifts from a subordinate

Tanzola has three direct reports, one of whom is a photographer. During a previous investigation, we learned that the employee did professional freelance photography outside of his City duties. During an interview with that AFD employee, we learned that the employee had taken two free family photography sessions for Tanzola in November 2017 and November 2018 as a favor. According to the employee, the photo sessions were roughly 15 to 20 minutes, and he did not spend much time editing them afterwards. The offers or requests came up during an informal conversation with his supervisor, Tanzola. The photos were taken outside of work, during the weekend. The employee stated that the session was done for free. He also noted that his prices varied by the type of work and how complex the project is; for example, he might charge \$50 to \$100 for someone's headshots.

We found a copy of one of the 2017 photos on the employee's City-issued computer. We also found a copy of one of the photos taken in 2018 in an email sent to Tanzola by the employee.

When interviewed, Tanzola admitted that her employee, the photographer, offered to take photos of her family and that she accepted. Tanzola provided specific dates, November 6, 2017, and November 18, 2018, for when those sessions took place. She also admitted that she did not pay for either photography session, and stated the longer of the two sessions took approximately 30 minutes.

On December 24, 2018, a new gift policy went into effect for City employees. However, given that both photo sessions happened prior to the policy change, the previous gift policy applies. The previous policy prohibits any gift or favor that may reasonably tend to influence the receiver in the discharge of their official duties

Tanzola, as the direct supervisor of the photographer, has official City duties that include completing the employee's performance reviews and managing the employee's day to day work. It is reasonable that receiving two free photography sessions, which have more than a nominal value, could improperly influence a supervisor when assigning work to their direct report or evaluating that employee's work performance.

The updated gift policy put in place after these incidents expressly accounted for the inherent problems associated with supervisors receiving gifts from those they supervise. While allowing for some employee gifts and favors, it explicitly prohibits supervisors from accepting gifts from those they supervise. The only exception to this prohibition is gifts

voluntarily given at times of personal significance or at a time when gifts are traditionally given, and the value is fairly appropriate for the occasion. Here the photo sessions were provided on November 6 and November 18, and at no point during their interviews did Tanzola or the employee describe the sessions as holiday gifts. The employee expressly described it as “doing a favor.” Similarly, the November 2018 email between the employee and Tanzola where the photos were shared makes no mention of the session or photos being a holiday gift. However, after her interview, Tanzola emailed our office and indicated she considered the sessions a holiday gift and noted this exception from the new gift policy.

Given the reporting relationship between Tanzola and her employee, one could reasonably expect two photography sessions provided at no cost to Tanzola to influence her in the discharge of her duties as the employee’s supervisor.

Tanzola’s acceptance of a gift from her direct report appears to constitute a violation of the following criteria:

- City Code §2-7-62(G): Solicitation/Acceptance of a Gift or Favor (Prior to 12/24/18)

Appendix A - Subject Response

There was nothing dishonest or nefarious here, nor was there any attempt to curry favor or preferential treatment. There was also no attempt to hide the photos in question nor who took them; in fact, they were on public display with the photographer receiving credit, as there was no reason not to do so.

Contrary to the deliberate use of the loaded word, “admitted”, by the Auditor’s Office (rather than another word, such as “stated”) and their insinuation that my e-mail after the interview had some sort of dubious purpose, I stand by my assertion that the timing of the photos made them a gift. It’s a common practice across the City and within policy for co-workers to exchange holiday gifts in the spirit of the season, and for that matter, birthday and/or work anniversary gifts as well.

If the same offer was made to me today, would I accept it? No, as I believe the seven months of taxpayer time and money the Auditor’s Office wasted on this would have been better spent elsewhere.



Appendix B - Office of City Auditor's Response to Subject Response

We have reviewed the subject's response. We believe our findings stand.

Appendix C - Management Response

REVISED response Investigation Draft Report (IN19017)



Paulsen, Ronnelle

To ● Eletu-Odibo, Temitope; ○ Baker, Joel; ○ Vires, Rob
Cc ● Molloy, Brian

↩ Reply

↩ Reply All

→ Forward



Tue 3/31/2020 1:20 PM

Good afternoon-

Ms. Tanzola and her manager have discussed the investigation findings. They reviewed the details of what was an ethics violation in the past, compared to the current gift policy, as well as the general concept of favoritism and supervisor/subordinate boundaries. Ms. Tanzola did not hide any of the questioned behavior that occurred well over a year ago, and the Fire Chief is convinced she now has a clear understanding of the current gift and ethics policies. As a result of the investigation, Ms. Tanzola received an oral counseling and no further discipline will be pursued.

Thank you,

Ronnelle Paulsen

Assistant Director
Austin Fire Department
512.974.5315



Investigation Criteria

Finding

City Code § 2-7-62 – STANDARDS OF CONDUCT: GIFT OR FAVOR (Prior to 12/24/2018)

(G) No City official or employee shall accept or solicit any gift or favor, that might reasonably tend to influence that individual in the discharge of official duties or that the official or employee knows or should know has been offered with the intent to influence or reward official conduct.

Methodology

To accomplish our investigative objectives, we performed the following steps:

- Reviewed applicable City Code and policy;
- Conducted background research;
- Interviewed AFD employee;
- Reviewed computer and email data;
- Interviewed the subject.

CAIU Investigative Standards

Investigations by the Office of the City Auditor are considered non-audit projects under the Government Auditing Standards and are conducted in accordance with the ethics and general standards (Chapters 1-3), procedures recommended by the Association of Certified Fraud Examiners (ACFE), and the ACFE Fraud Examiner's Manual. Investigations conducted also adhere to the quality standards for investigations established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), and to City Code.

The Office of the City Auditor, per City Code, may conduct investigations into fraud, abuse, or illegality that may be occurring. If the City Auditor, through the Integrity Unit, finds that there is sufficient evidence to indicate that a material violation of a matter within the office's jurisdiction may have occurred, the City Auditor will issue an investigative report and provide a copy to the appropriate authority.

In order to ensure our report is fair, complete, and objective, we requested responses from both the subject and the Department Director on the results of this investigation. Please find attached these responses in Appendix A and C.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve city services. We conduct investigations of allegations of fraud, waste, or abuse by City employees or contractors.

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