

Investigative Report

# Parks Employee Misused City Bicycle & IT Equipment

December 2022



A Parks & Recreation Department employee named Eric Bowers misused City property, including a bicycle and two computer monitors, by taking these items when he moved to another City department. Bowers kept the items in his private possession for about two months.

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Cover: Zilker Park with City Skyline, Parks & Recreation Dept., September 2022

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## Allegation

In June 2022, we received a concern that a former Parks & Recreation Department employee named Eric Bowers had taken a City bicycle for personal use. According to the informant, Bowers obtained the bicycle from a state resale facility in March 2022.

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## Background

The Parks & Recreation Department (PARC) seeks to “provide diverse programs and experiences to the public by creating sustainable natural spaces and public places.”

Eric Bowers worked at PARC from 2018 through mid-2022, most recently as a recreation programs specialist in PARC’s Athletic Office. Bowers had an assigned City credit card during his tenure at PARC. In June 2022, Bowers transferred to the Austin Convention Center Department, where he was a sales manager. Bowers returned to PARC in August 2022.

A Texas state government agency operates a resale facility in East Austin. An interlocal agreement between this agency and the City permits City employees to obtain surplus items for official use. While a City employee is required to present a City credit card when they obtain items, in practice, according to resale facility staff, the agency doesn’t charge City employees’ credit cards in these “transfer” transactions if the City has a positive credit balance. Instead, the agency deducts an item’s value from the City’s credit balance.

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# Investigation Results Summary

Eric Bowers, a Parks & Recreation Department employee, misused City property, including a bicycle and two computer monitors, for about two months. Bowers obtained these items from a state resale facility, took them from his office when he left PARD, and kept the items in his private possession. The bicycle was in his home and the monitors were in his car. Bowers returned the items to PARD in August 2022 after we interviewed him. In addition, Bowers made several statements that appear to have been misleading during the interview.

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## Finding 1 Bowers misused City property

### *Investigation Criteria:*

No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public, or to the extent that facilities, equipment or supplies are allowed to be used in a limited or de minimis manner in accordance with City policy.

*City Code § 2-7-62 Standards of Conduct (J)*

*See Investigation Criteria for details*

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Bowers misused a City bicycle, and two City-owned computer monitors, by taking them from City premises when he transferred from PARD to the Convention Center in June 2022.

In March 2022, Bowers obtained a bicycle with an original sale price of \$500 from the state resale facility. The bicycle was paid for with the City's credit account at the surplus facility. Bowers confirmed this in an interview. Bowers and his supervisor said Bowers understood the bicycle was City property, as it was intended for Athletics Office staff to get around the sports fields along South Pleasant Valley Road. Bowers's supervisor said they rode the bicycle a few times but added that it mostly stayed in Bowers's PARD office until he left the department.

According to the informant, Bowers said he planned to take the bicycle home and fix it up and either sell it or keep it for personal use. While we confirmed Bowers took the bicycle home, we did not find evidence that Bowers attempted to sell the bicycle.

**Exhibit 1: City Bicycle**



Source: OCA, August 2022

Bowers admitted taking the bicycle home shortly before leaving PARD in June 2022. Bowers said he planned to fix the bicycle at home and return

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*Investigation Criteria:*

FRAUD includes, but is not limited to: [...] the misappropriation of funds, supplies, or other City resources, through methods including, but not limited to theft, embezzlement, or misrepresentation.

*City Code § 2-3-5 Powers & Duties (A) (2)*

*See Investigation Criteria for details*

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it to PARD. He admitted he had not fixed the bicycle at the time of our interview, in August 2022. We confirmed the bicycle was in working condition shortly after speaking with Bowers.

Additionally, Bowers admitted that he also used the City's credit account to obtain two computer monitors from the state resale facility. According to Bowers's supervisor, Bowers said he bought the monitors with personal funds while he worked at a different PARD office. Bowers acknowledged the monitors were in his car at the time of our interview.

Bowers denied taking the bicycle and computer monitors for personal gain, though he admitted taking City property and storing it in his house and car looked "fishy" and "shady." Bowers returned the bicycle and computer monitors, among other items, to PARD in August 2022 after we interviewed him.

By removing City property from City premises in June 2022 and keeping it in his private possession, Bowers violated the following portions of City Code:

- § 2-7-62 Standards of Conduct (J)
- § 2-7-62 Standards of Conduct (O)

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## Additional Observation

Bowers made several statements during our August 2022 interview that appear to have been misleading as they were contradicted by a witness or physical evidence.

First, Bowers claimed his supervisor gave him permission to obtain the bicycle. Bowers's supervisor denied this, adding that they were surprised to see Bowers brought a bicycle to the office. According to the supervisor, this happened a day after Bowers said he planned to visit the state resale facility to replace a broken keyboard.

Second, Bowers asserted that the bicycle was "inoperable" and said it was common knowledge among his PARD colleagues that the bicycle needed fixing. In contrast, Bowers's supervisor said the bicycle worked fine, adding that they rode it a couple of times. As noted above, we confirmed the bicycle was in working condition in August 2022.

Third, Bowers claimed his supervisor gave him permission to fix the bicycle and to take it home for this purpose. Bowers's supervisor denied both claims, noting that Bowers never told them he planned to fix the bicycle. Further, the supervisor said they would not have allowed Bowers to take the bicycle home because of City ethics rules regarding the use of City resources.

Finally, Bowers asserted that his supervisor saw him put the bicycle in his car. Bowers's supervisor denied this as well, adding that they would have stopped Bowers if they had observed him doing so.

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## Appendix A - Subject Response

The subject did not provide a response.



## Appendix B - Management Response



### MEMORANDUM

**TO:** Andrew Williams, Senior Investigator and Brian Molloy, Chief of Investigations  
City of Austin Office of the City Auditor

**THROUGH:** Kimberly A. McNeeley, M. Ed., CPRP, Director  
Austin Parks and Recreation Department

**FROM:** Jodi Jay, M.B.A., CPRP, Assistant Director  
Austin Parks and Recreation Department

**DATE:** December 9, 2022

**SUBJECT:** Draft Investigation Report IN22012

Jodi Jay, M.B.A.,  
CPRP  
Digitally signed by Jodi Jay, M.B.A.,  
CPRP  
Date: 2022.12.09 12:48:28 -06'00'

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The Austin Parks and Recreation Department (PAR) is in receipt of the draft investigation report regarding the allegations of Recreation Program Specialist, Eric Bowers, Parks Employee Misused City Bicycle & IT Equipment. Management concurs with the findings by the City of Austin Office of the City Auditor and will work with PAR Human Resources to review the report and take the appropriate actions.

Additionally, PAR will review and ensure all employees have taken and passed the most recent City of Austin Ethics Training regarding adherence with policies/procedures.

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# Investigation Criteria

## Finding 1

### City Code § 2-7-62 Standards of Conduct (J)

No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public, or to the extent that facilities, equipment or supplies are allowed to be used in a limited or de minimis manner in accordance with City policy.

### City Code § 2-7-62 Standards of Conduct (O)

A City official or employee may not engage in fraud or abuse, as defined in City Code Chapter 2-3 (City Auditor).

### City Code § 2-3-5 Powers & Duties (A)(2)(b)

FRAUD includes, but is not limited to: [...] the misappropriation of funds, supplies, or other City resources, through methods including, but not limited to theft, embezzlement, or misrepresentation.

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## Methodology

We took the following steps to accomplish our investigation objectives:

- Analyzed City and state records
- Reviewed information from open sources, including social media
- Interviewed the informant, witnesses, and the subject
- Examined the City property describe above
- Reviewed applicable City Codes and policies

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## CAIU Investigative Standards

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



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.

**City Auditor**

Corrie Stokes

**Deputy City Auditor**

Jason Hadavi

**Chief of Investigations**

Brian Molloy

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