

Investigative Report

Communications & Public Information Office: Misuse of City Resources

October 2017



We found evidence that Yasmin Wagner, Public Information and Marketing Corporate Manager, Communications and Public Information Office, misused City resources for non-City purposes relating to her non-City duties as a school board trustee. Wagner does not receive financial compensation from the school district for serving as a trustee.

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Allegation

In February 2017, the Office of the City Auditor received an allegation that Yasmin Wagner, a Public Information and Marketing Corporate Manager in the Communications and Public Information Office, misused City resources for her role and responsibilities as a school board trustee, on City time.

Background

The mission of the Communications and Public Information Office is “to provide communications consultation, tools, and resources that enhance the City’s engagement with residents and employees so that they can make informed decisions and actively participate in City government.”

Yasmin Wagner works as a Public Information and Marketing Corporate Manager in the Communications and Public Information Office. Wagner began working for the City in January 2015. Wagner’s responsibilities include, among other tasks, developing corporate communications plans and strategies, developing and implementing policy, and managing a team of content specialists that work on strategy, maintenance, and governance of the City’s website.

Wagner serves as a local school board trustee. She was appointed to fill a trustee vacancy in September 2015 and elected to the position in November 2016. Wagner’s responsibilities as a trustee include participating in, among other tasks, supervising the superintendent and audit department, approving the budget, setting the tax rate, monitoring expenditures and establishing policies for operating the district. Wagner’s trustee position is voluntary and she does not receive financial compensation from the school district.

Investigation Results Summary

We found evidence that Yasmin Wagner, Public Information and Marketing Corporate Manager, Communications and Public Information Office, misused City resources for her role and responsibilities as a school board trustee.

Finding Misuse of City Resources

Wagner admitted to using City resources, specifically her City-issued computer and the City's printer for her trustee work. She stated that she has a school board-issued laptop but occasionally uses her City computer for trustee responsibilities. A forensic search of Wagner's City-issued computer revealed the evidence below.

At least 40 files on Wagner's City-issued computer were related to trustee work, some of which appear to have been edited on her computer. They included:

- a school board candidate questionnaire;
- an Application for Appointment to the Board of Trustees;
- drafts of Wagner's swearing-in speech as a trustee and of her biography that appears on the school district's website; and
- information related to the school district's budget and proposed projects.

A review of Wagner's internet browsing history from November 2016 to July 2017 revealed at least 370 visits to websites associated with her trustee duties. These include access to her social media account used exclusively for her trustee role and access to an email account created exclusively for her trustee role.

Wagner's browsing history also showed a substantial number of visits to the school district's website, but we were unable to confirm if they were solely for trustee responsibilities. When interviewed, Wagner stated that her visits to the school district's website were "more for the trustee work" than for other things.

A review of Wagner's City email account revealed two emails related to her trustee duties. When interviewed, Wagner explained that she maintains a separate email account specifically for trustee purposes, and any trustee-related emails sent from her City email account were sent accidentally. However, in one of these emails it appears that Wagner created a document on her City computer, edited it, saved, and then emailed it to her personal email account.

Wagner also admitted to using a City printer on approximately 30 occasions to print trustee-related documents.

Wagner admitted that she should not have used her City computer for trustee purposes but stated it was done during her lunch, or before or

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."

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

See Investigation Criteria Section for More Details

after her City work hours. However, Wagner's browsing history showed trustee-related web browsing during what she described as her City work hours.

Wagner appears to have disclosed, and received approval from the City, for her position as a trustee; however, she was instructed in a 2015 email from the City, to "not use any City resources (City computer, phone, email, work time, etc.) for purposes of your... School Board service... [or] for campaign purposes." Additionally, Wagner attended the City's annual ethics training every year since she began her City employment in 2015. The trainings contained a video scenario addressing misuse of City resources.

Wagner's misuse of City resources for her trustee duties appears to constitute a violation of the following criteria, as detailed in the Investigation Criteria section:

- City Code § 2-7-62 Standards of Conduct – (J)
- City Code § 2-7-62 Standards of Conduct – (O)
- Administrative Bulletin 98-06: Acceptable Internet Use
- City Personnel Policy – (G) Use of City Resources

Appendix A - Subject Response

Response to Investigation Number: IN17006

I have endeavored in my professional life to provide the best possible service to my community, whether that is in my role as a City employee or as an AISD trustee. Juggling two very demanding roles has necessitated careful balancing to address the responsibilities of both roles with fidelity, often over the course of working days that can extend to 16 hours or more. I have never abused my time commitment to the City but have at times worked some unconventional hours with the approval of my management and as an exempt employee to be able to address all of my City responsibilities.

As stated in the report, my work as an AISD trustee is not compensated and it also reflects the City's encouragement of employee volunteerism in neighborhood schools. My trustee role is a volunteer position that comes with a great deal of responsibility to stay on top of critical issues which can at times be unexpected. I have always been very proactive and explicit in notifying my management about any situations in which my two roles may intersect and I am very careful to never engage in a conflict of interest by always abstaining from AISD decisions that are in any way connected to City business.

Yasmin Wagner

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

We have reviewed the Subject Response. We believe our findings stand.

Appendix C - Management Response

MEMORANDUM

TO: Nathan Wiebe, Chief of Investigations
Office of the City Auditor

CC: Ray Baray, Chief of Staff

FROM: Doug Matthews, Chief Communications Director

RE: Management Audit Response re: Yasmin Wagner

DATE: October 11, 2017

Management concurs with the need to maintain a clear separation between personal/civic and professional duties and will address these findings appropriately with Ms. Wagner.

I do feel that Ms. Wagner has made good faith efforts to maintain that separation in terms of her time and attendance; however it is clear that we must reiterate that the requirements and policies apply equally to the use of City technology and resources.

Investigation Criteria

Finding

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.”

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.”

Administrative Bulletin 98-06: Acceptable Internet Use

“Unacceptable use can be defined generally as activities that do not conform to the purpose, goals, and mission of the department and to each user’s job duties and responsibilities.”

City Personnel Policy – (G) Use of City Resources

“Employees are prohibited from using City facilities, equipment, supplies, employee time, or any other City resource for personal use, except to the extent that such resources are available to the public. City resources which may not be used by employees for personal use include, but are not limited to, the following: computers, internet accounts, e-mail and voice mail systems, telephones, facsimile machines, copiers, postage machines, vehicles, office space, desks, and filing cabinets. These resources are dedicated to City business, and City Management shall have full access to both the resources and any contents thereof at all times. Employees have no legitimate expectation of privacy when using these resources. Department Directors may allow employees limited use of telephones for local calls while ensuring that the operational needs of the department are being met.”

Methodology

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

- reviewed applicable City Code and policy;
- conducted background research;
- interviewed department personnel;
- analyzed City email data using keyword searches;
- conducted a forensic review of subject's computer files and usage; and
- 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 quality standards established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE), Quality Standards for Investigations, 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 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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