



# CITY OF SMITHVILLE

**Comptroller's Investigative Report**  
July 25, 2018

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**Justin P. Wilson, Comptroller**





JUSTIN P. WILSON  
*Comptroller*

JASON E. MUMPOWER  
*Chief of Staff*

July 25, 2018

Mayor and Members of the Board of Aldermen  
City of Smithville  
104 East Main Street  
Smithville, TN 37166

Ladies and Gentlemen:

The Office of the Comptroller of the Treasury, in conjunction with the Tennessee Bureau of Investigation, conducted an investigation of selected records of the City of Smithville, and the results are presented herein.

Copies of this report are being forwarded to Governor Bill Haslam, the State Attorney General, the District Attorney General, certain state legislators, and various other interested parties. A copy is available for public inspection in our office and may be viewed at <http://www.comptroller.tn.gov/ia/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin P. Wilson", is written over a light gray rectangular background.

Justin P. Wilson  
Comptroller of the Treasury

JPW/RAD

# INVESTIGATIVE REPORT

## City of Smithville

The Office of the Comptroller of the Treasury, in conjunction with the Tennessee Bureau of Investigation, investigated allegations of malfeasance related to the City of Smithville's employment of the mayor's relative.

### INVESTIGATIVE RESULTS

- **Mayor hired his son without board approval**

Without the knowledge or approval of the board of aldermen, in August 2017, Mayor Jimmy Poss created a part-time salaried position and hired his son, Anthony (Tony) Poss, to fill that part-time position at a weekly salary of \$300. The city paid \$8,100 to the mayor's son over the next six months.

Mayor failed to ensure compliance with city policy

City documents showed that Mayor Poss assigned the newly created position to the parks department, and neither advertised nor sought applications for the position. The mayor did not require his son to complete a standard application form for employment.

*The Smithville City Code*, Section 4-204, states: "All people seeking appointment or employment with the city shall complete a standard application form as provided by the municipal government. Employment applications shall be submitted to the treasurer's office during regular office hours only."

Mayor failed to seek required board approval

Mayor Poss failed to obtain board approval prior to creating the new job and prior to hiring his son to fill that position, as required by city policy and city charter. The mayor asserted to investigators that he was not required to bring part-time positions before the board for approval. A review of the city policy and city charter revealed that no such exception existed.

*The City of Smithville Personnel Policy*, Section J, states: "Pursuant to the City charter, the Mayor has the authority to hire, promote, demote, transfer, suspend, and remove all officers and employees of the City of Smithville with proper Board of Mayor and Alderman approval."

*The Charter for the City of Smithville*, Section 3.08, states: "The Mayor, or the City Administrator, if established by the Board, may, with approval of a majority of the Board, make appointments, promotions, transfers, demotions, suspensions, and removal of all employees."

Mayor violated city nepotism policy

The mayor violated the city nepotism policy by hiring and then supervising his son. Both the city administrator and the public works director were in positions that operationally should have placed them in a supervisory role over the employee in the new position. Both individuals told investigators, however, that Mayor Poss never instructed them to supervise his son and that they did not supervise his son.

The *City of Smithville Personnel Policy*, Section E, states:

City of Smithville shall not show favoritism in the recruitment or employment of municipal employees nor in supervision. Immediate family members of City officials, Mayor, and Department Heads shall not be employed by the City unless a clear business reason exists and the hire is approved by the Mayor.... no member of the same immediate family may work in the same department if one of the employees is in a supervisory or management position.

Lack of justification for or accountability of the position

According to the Mayor Poss, his son's job was to ensure that irrigation boxes at the city golf course were maintained to prevent water lines from freezing. His son was also to ensure the city's pool was kept at an adequate water level. The investigation revealed that both tasks described by the mayor were already being performed by the public works department and a city contractor. Also, although the mayor supervised his son's employment with the city, he did not require his son to maintain time and attendance records for the work he performed. The mayor advised investigators that he did not keep up with the hours his son spent each week performing the tasks. He further advised that his son was paid for the job, not a set number of hours. Tony Poss declined to meet with investigators about this matter.

These issues were referred to the local district attorney general. On July 23, 2018, the DeKalb County Grand Jury indicted Jimmy Poss on one count of Theft over \$2,500 and one count of Official Misconduct, and Anthony Poss on one count of Theft over \$2,500.