



COMPTROLLER'S INVESTIGATIVE REPORT

Wilson County Judicial Commission

September 25, 2020

Justin P. Wilson
Comptroller of the Treasury



DIVISION OF INVESTIGATIONS



JUSTIN P. WILSON
Comptroller

JASON E. MUMPOWER
Deputy Comptroller

September 25, 2020

Mayor Randall Hutto and
County Commissioners
228 East Main Street
Lebanon, TN 37087

Ladies and Gentlemen:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Wilson County Judicial Commission, and the results are presented herein.

Copies of this report are being forwarded to Governor Bill Lee, the State Attorney General, the District Attorney General of the 15th Judicial District, certain state legislators, and various other interested parties. A copy of the report 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 that reads "Justin P. Wilson".

Justin P. Wilson
Comptroller of the Treasury

JPW/MLC

INVESTIGATIVE REPORT

Wilson County Judicial Commission

The Office of the Comptroller of the Treasury investigated allegations of malfeasance related to the Wilson County Judicial Commission. This investigation was initiated after Wilson County officials reported suspected abuse of reported time worked. The investigation was limited to selected records for the period January 1, 2018, through October 6, 2018. The results of the investigation were communicated with the Office of the District Attorney General of the 15th Judicial District.

BACKGROUND



The Wilson County Judicial Commission administers oaths, determines probable cause, issues search and arrest warrants, juvenile petitions, orders of protection, and search warrants, sets bonds and court appearance dates, and signs misdemeanor citations. The Judicial Commission Office is located adjacent to the Wilson County Criminal Justice Center in Lebanon, Tennessee, and is open 24-hours a day, 7-days a week, 365-days a year. The Judicial Commission Office is accessed using a keyless entry system and a key fob. The office staff consists of nine judicial

commissioners that are supervised by the Chief Judicial Commissioner, all of whom are appointed by the Wilson County Commission. The Chief Judicial Commissioner is a full-time, salaried position, and as such, accrues vacation leave and sick leave monthly.

RESULTS OF INVESTIGATION

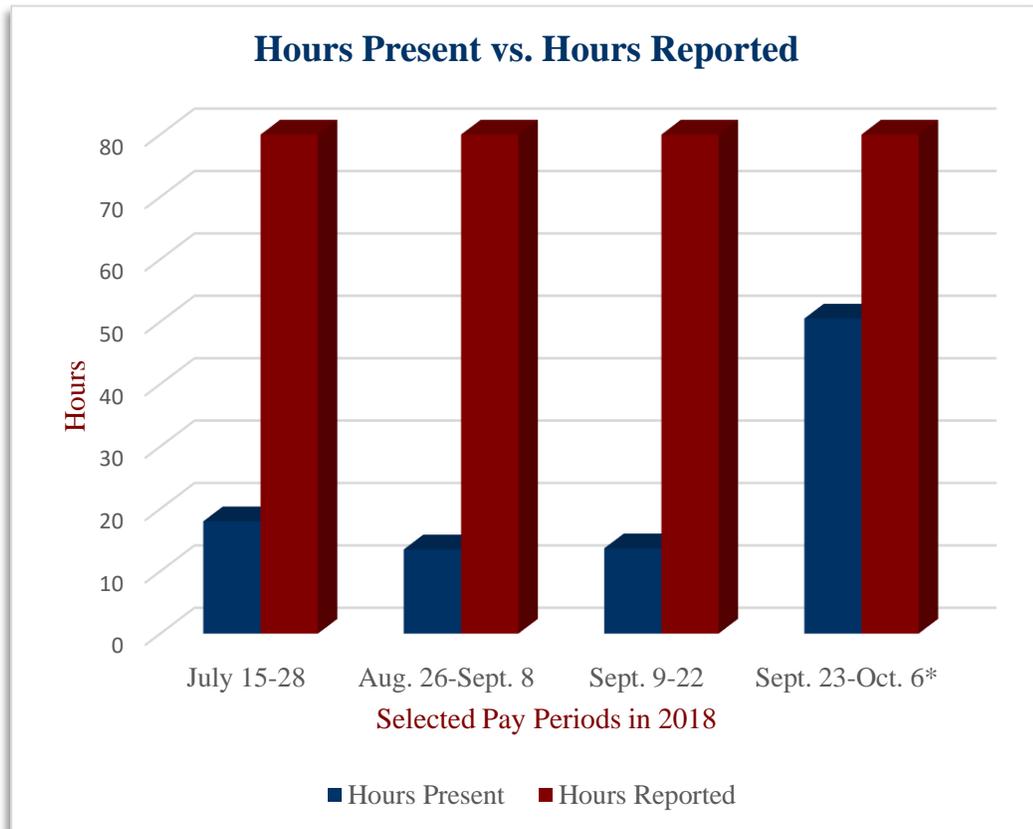
1. THE CHIEF JUDICIAL COMMISSIONER RECEIVED PAY TOTALING AT LEAST \$17,603 BY FALSELY REPORTING TIME WORKED

Our investigation disclosed the following deficiencies:

- A. From July 15, 2018, through July 28, 2018, and from August 26, 2018, through October 6, 2018, the Chief Judicial Commissioner (Chief Commissioner) received pay, totaling at least \$6,209.70 by falsely reporting at least 224 hours he did not work. The Chief Commissioner reported he worked a total of 320 hours during the above-noted periods and was subsequently paid for the 320 hours. However, video surveillance indicated he

was present at the Judicial Commission Office for only 96 of the 320 reported hours he reported. [Refer to Exhibit 1.] The Chief Commissioner was present on average approximately 3.5 hours each day he was on site at the Judicial Commission Office. Additionally, the Chief Commissioner failed to use vacation or sick leave to account for the hours he was not present.

Exhibit 1



**A Wilson County official stated to investigators that he spoke with the Chief Commissioner about his time and attendance, likely contributing to the increased hours present during this pay period.*

- B. From January 1, 2018, through July 14, 2018, and from July 29, 2018, through August 25, 2018, the Chief Commissioner was paid at least \$11,393.89 by falsely reporting at least 416 hours he did not work. Based on the Judicial Commission Office keyless access records, the Chief Commissioner failed to show up for work at all for at least 52 days during this 160-day period. The Wilson County Employee Handbook states:

Any day that an employee does not show up for work at all will be charged as a full day (8 hours) of absence, whether vacation, compensatory, or sick time.

Based on Wilson County's employee policy, the Chief Commissioner should have deducted a full day, 8 hours of leave, for each absence. However, on these 52 days, the

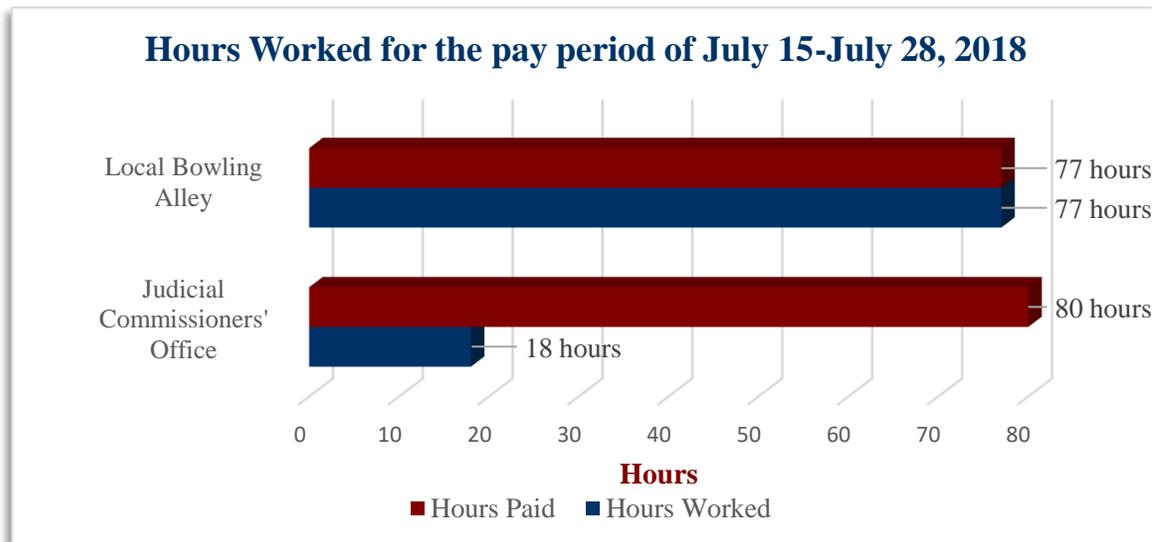
Chief Commissioner failed to use leave of any kind. The resulting compensation for 416 hours of leave not taken for the 52 days totals at least \$11,393.89. Investigators did not have video surveillance for the entirety of the 108 days the Chief Commissioner claimed to be present for work during this period to determine if the Chief Commissioner worked full 8-hour days, which could have resulted in additional falsely reported hours.

2. THE CHIEF JUDICIAL COMMISSIONER WORKED AT A LOCAL BOWLING ALLEY DURING HIS SHIFT AS A JUDICIAL COMMISSIONER

The investigation revealed that on occasion, the Chief Commissioner worked at a local bowling alley during his shift at the Judicial Commission Office. While the Judicial Commission Office is open 24-hours a day, 7-days a week, and the Chief Commissioner had the ability to work different shifts, he told investigators that he typically came in for his shift at the Judicial Commission Office around 5:15 am, Monday through Friday. He further stated he did not work weekend shifts at the Judicial Commission Office because he had a second job on the weekends at a local bowling alley. According to bowling alley time records from January 1, 2018, through October 6, 2018, the Chief Commissioner worked at the local bowling alley over 80 hours on Monday through Friday, overlapping the shift he would have been working at the Judicial Commission Office.

According to video surveillance from July 15, 2018, through July 28, 2018, the Chief Commissioner was present for only 18 hours at the Judicial Commission Office. However, he reported time worked and was paid his full salary as though he had worked 80 hours. Notably, during this same two-week period, the Chief Commissioner recorded and was paid for working at the local bowling alley for 77 hours. The Chief Commissioner failed to use leave for the 62 hours he did not work at the Judicial Commission Office while working at the local bowling alley. [Refer to Exhibit 2.]

Exhibit 2



The Chief Commissioner admitted to investigators that he forgot to use leave for a week in May 2018 while he was working at the bowling alley. He made no mention of the additional days in July or other months in which he did not use leave while working at the bowling alley during his typical commissioner shift.

Summary of Time Falsely Reported and Related Compensation by the Chief Judicial Commissioner			
1.A.	Time Falsely Reported: July 15-28, 2018, and August 26-October 6, 2018	224 hours	\$ 6,209.70
1.B.	Time Falsely Reported: January 1-July 14, 2018, and July 29-August 25, 2018	416 hours	<u>11,393.89</u>
Total		<u>640 hours</u>	<u>\$17,603.59</u>

The Chief Commissioner was solely responsible for the reporting of his time to the Wilson County Finance Department, including reporting any vacation or sick leave.

The Chief Commissioner admitted to investigators that during the period from August 2018 through October 2018, he was absent “noticeable hours” from his normal scheduled hours at the Judicial Commission Office to take care of family obligations. The Chief Commissioner also stated to investigators that there were times when he would leave the office to run personal errands for an hour or two. Initially, the Chief Commissioner told investigators that most of his work was done in the office, but he later stated that he would do some of his work outside of the office, such as approving the staff schedule and answering questions over the phone. Further, investigators were unable to determine what judicial commissioner work, if any, the Chief Commissioner was conducting off-site.

The Chief Commissioner submitted his retirement with Wilson County effective August 25, 2020. Upon retirement, the Chief Commissioner forfeited 380 hours of vacation leave and 2,688 hours of sick leave valued at \$86,569.

INTERNAL CONTROL AND COMPLIANCE DEFICIENCIES

Our investigation revealed deficiencies in internal controls and compliance, some of which contributed to the ability of the Chief Commissioner to falsely report his time worked without prompt detection. These deficiencies included:

Deficiency 1: Officials failed to provide adequate oversight regarding actual hours worked and hours reported

Wilson County officials failed to provide adequate oversight of the Chief Commissioner's work hours and attendance. Officials did not review and did not confirm the accuracy of the Chief Commissioner's time sheets to ensure they accurately reflected his time worked, thereby allowing the Chief Commissioner to falsely claim, and be paid for, time not worked.

Deficiency 2: The Chief Commissioner failed to ensure the other judicial commissioners properly confirmed their time reported

The Chief Commissioner failed to ensure the other judicial commissioners were reviewing their respective time sheets. The Chief Commissioner used pre-signed, photocopied time sheets to complete and submit other judicial commissioners' time sheets to the Wilson County Finance Department. Judicial commissioners were not provided their time sheets prior to submission to ensure accuracy of time worked and leave taken. Judicial commissioners should be provided their time sheets for review to ensure the accuracy of reported hours worked as well as leave taken. The judicial commissioners should sign their time sheets affirming the accuracy of the records prior to the Chief Commissioner's submission to the Finance Department.

Wilson County officials indicated they have corrected or intend to correct these deficiencies.
