



COMPTROLLER'S INVESTIGATIVE REPORT

Greene County Highway Department

January 6, 2021

Justin P. Wilson
Comptroller of the Treasury



DIVISION OF INVESTIGATIONS



JUSTIN P. WILSON
Comptroller

JASON E. MUMPOWER
Deputy Comptroller

January 6, 2021

Mayor Kevin Morrison and
County Commissioners and
Road Superintendent Kevin Swatsell
204 N. Cutler Street
Suite 206
Greeneville, TN 37745

Ladies and Gentlemen:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Greene County Highway Department, 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 3rd 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

Greene County Highway Department

The Office of the Comptroller of the Treasury investigated allegations of malfeasance related to the Greene County Highway Department. The investigation was limited to selected records for the month of August 2019. The results of the investigation were communicated with the Office of the District Attorney General of the 3rd Judicial District.

BACKGROUND



Greene County is in Northeast Tennessee with a total area of 624.11 square miles and has approximately 1,210 miles of roads. The Greene County Highway Department (department) is responsible for maintaining the county's roads and bridges. The department operates under the direction and control of an elected road superintendent who serves a four-year term. The highway department is subject to the Tennessee County Uniform Highway Law codified in *Tennessee Code Annotated*, Section 54-7-101 et seq.

RESULTS OF INVESTIGATION

- **THE ROAD SUPERINTENDENT AUTHORIZED DEPARTMENT PERSONNEL TO USE DEPARTMENT EQUIPMENT TO OBTAIN DONATED FILL DIRT FROM PRIVATE PROPERTY OWNED BY A DEPARTMENT EMPLOYEE, WHICH CREATED THE POTENTIAL FOR ADVERSE PUBLIC PERCEPTION AND RISK OF ABUSE**

The road superintendent authorized department personnel using department equipment to obtain donated fill dirt from a department employee's personal property. A Greene County road became heavily damaged after a flood in February 2019, and the department needed fill dirt to rebuild and repair the road. The road superintendent found a local landowner willing to sell the needed fill dirt to repair the road for \$40 per truck load, but a department employee offered to donate fill dirt from his property at no cost to the county. In August 2019, the road superintendent authorized the use of department personnel and equipment to remove 106 truckloads of fill dirt from the highway department employee's property to repair the flood damaged road at no cost to the county. **[Refer to Exhibit 1.]** The road superintendent told

investigators that the department neither fixed nor improved the employee's property when they obtained the fill dirt.

Exhibit 1

GREENE COUNTY HIGHWAY DEPARTMENT
795 Hal Henard Road P. O. Box 548
Greeneville, TN 37745
(423) 798-1747 Office (423) 798-1746 Fax

██████████, ROAD SUPERINTENDENT

THIS AGREEMENT, BY GREENE COUNTY HIGHWAY DEPARTMENT, PARTY OF THE FIRST PART, AND ██████████, PARTY OF THE SECOND PART.

WITNESSETH:

THAT WHEREAS, THE PARTIES OF THE SECOND PART AGREE TO LET THE PARTY OF THE FIRST PART BORROW UP TO 10,000 C.Y. OF MATERIAL.

WE WAIVE ANY CLAIM OF INCIDENTAL DAMAGES.

THIS THE 1 DAY OF Aug., 2017.

~~PARTIES OF THE SECOND PART:~~

██████████

Fill dirt agreement with department employee

Investigators obtained available historical satellite images of the department employee's personal property from Google Earth Pro for April 2017 [Refer to Exhibit 2], before the fill dirt was obtained, and for October 2019 [Refer to Exhibit 3], after the fill dirt was obtained.

Additionally, investigators visited and inspected the highway department employee’s personal residence. The satellite images and the physical inspection indicate that the highway department employee’s personal property was not significantly improved by the highway department’s removal of the fill dirt. Finally, investigators spoke with the Greene County Property Assessor, who advised that there was a slight improvement to the property, but he did not believe there was enough change to impact the valuation.

Exhibit 2



April 2017 Property Image

Exhibit 3



October 2019 Property Image

Both the county mayor and county attorney told investigators they became aware of this arrangement after the fact. Furthermore, public meeting minutes for the county commission from February 2019 through March 2020 provided no indication that the road superintendent consulted with or sought approval from the county commission before going forward.

In this case, there is nothing to suggest that the road superintendent or any other department employee derived any personal benefit from the arrangement; to the contrary, the evidence suggests that the county benefitted by saving at least \$4,240 it would otherwise have had to pay for fill dirt. The use of department owned equipment to remove material for a county highway repair project, from property owned by a department employee, under the circumstances presented here, however, created an appearance of impropriety. Indeed, the situation here could reasonably foster a public perception of preferential treatment or other wrongdoing by public officers and employees. Government officials hold a position of public trust and therefore must strive to hold themselves and their employees to the highest standards. Officials should not engage in any action, whether specifically prohibited by statute, regulation, or policy, which might result in or create the appearance of private gain, preferential treatment, or impeding government efficiency.

Due to the potential for adverse public perception and the increased risk for abuse, extra precautions should be taken whenever county equipment is used on private property, particularly the private property of county officials or employees. The road superintendent should consult with the county attorney and the county commission before undertaking any such arrangements.