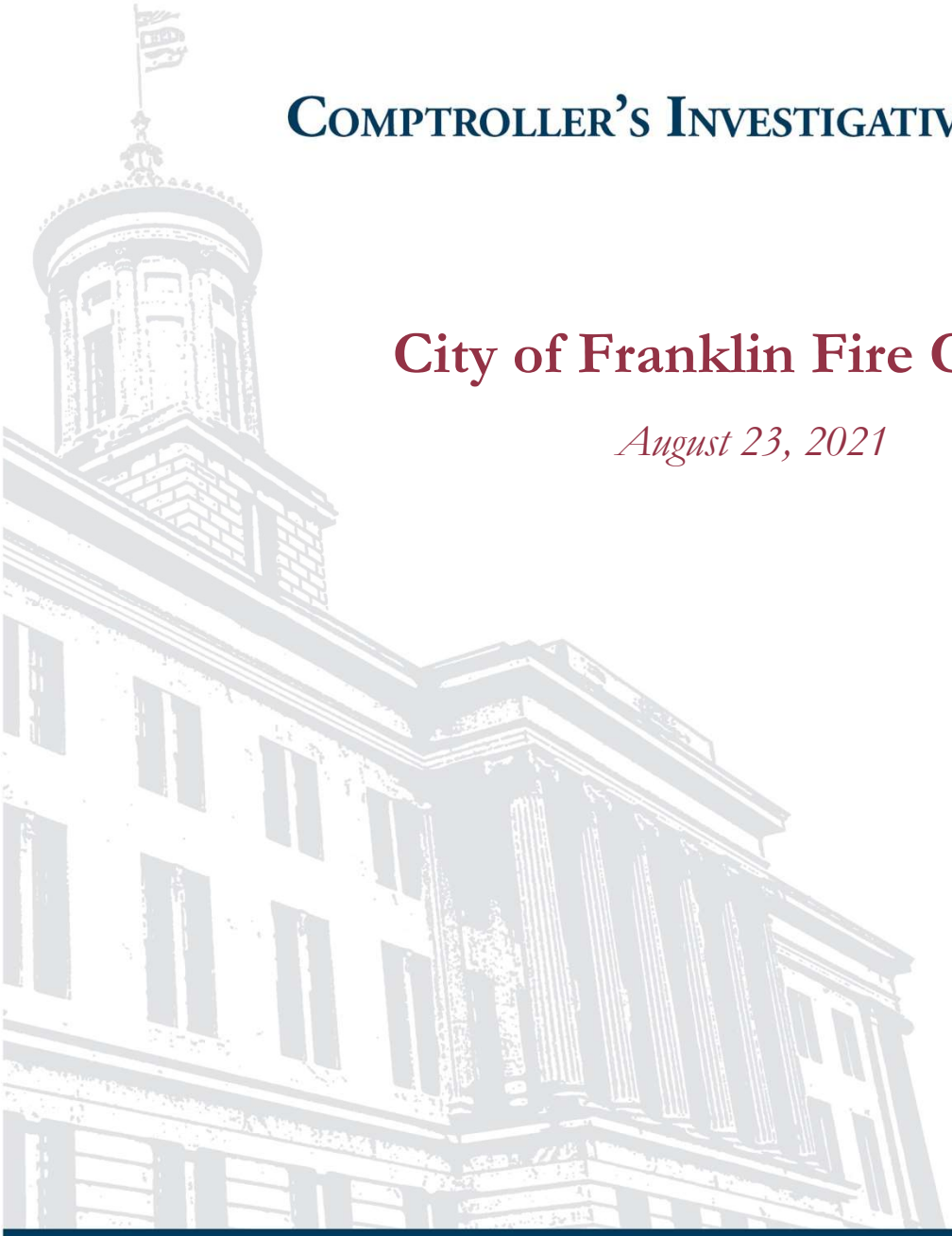

Comptroller's Investigative Report

City of Franklin Fire Chief

August 23, 2021

Jason E. Mumpower
Comptroller of the Treasury

Division of Investigations

Jason E. Mumpower
Comptroller

August 23, 2021

City of Franklin
City Administrator Eric Stuckey
109 3rd Avenue S #103
Franklin, TN 37064

and

City of Franklin Board of Mayor
and Aldermen
109 3rd Avenue S #103
Franklin, TN 37064

Ladies and Gentlemen:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the City of Franklin Fire Chief, 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 21st 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,

Jason E. Mumpower
Comptroller of the Treasury

JEM/MLC

INVESTIGATIVE REPORT

City of Franklin Fire Chief

The Office of the Comptroller of the Treasury investigated allegations related to the former City of Franklin Fire Chief Ronald Garzarek. The Comptroller's Office initiated the investigation pursuant to information received from the City of Franklin and was limited to a review of records from July 1, 2019, through June 30, 2020. The results of the investigation were communicated with the Office of the District Attorney General of the 21st Judicial District.

BACKGROUND

The City of Franklin Fire Department (department) provides fire protection and other emergency services to the citizens and businesses in the city. The department is led by a fire chief, whose office is at city hall, and he reports directly to the city administrator. The department has eight fire halls and multiple vehicles including fire trucks and SUVs. The city's fleet management personnel maintain and service the department's vehicles. Garzarek was appointed fire chief in September 2004 and was assigned a city-owned vehicle for use to conduct department business and commute to and from his residence. In March 2020, due to the COVID-19 pandemic, the city transitioned most personnel, including Garzarek, to remote work-sites. Personnel worked from home, and meetings were held via video conference.

RESULTS OF INVESTIGATION

- **FORMER FIRE CHIEF RONALD GARZAREK LOGGED EXCESSIVE MILEAGE IN HIS CITY-OWNED 2016 CHEVROLET TAHOE WITHOUT AN APPARENT BUSINESS PURPOSE**

  During the period from February 27, 2020, through March 16, 2020, Garzarek used a city-issued vehicle to drive 3,350 miles in 13 business-days. A review of Garzarek's calendar and conversations with city personnel revealed no apparent business purpose for the excessive amount of mileage driven.

Under established city policy, "[t]he take-home vehicle should be used primarily for commuting and city-related business. While the employee is officially authorized to use the vehicle for personal use, employees are not to use city vehicles for other than de minimis (sic) personal use." City policy does not define *de minimus* use, but the distance from Garzarek's home in Franklin to his workstation at city hall was only 3.4 miles. The calculated distance from Garzarek's home to city hall, then to each of Franklin's eight fire stations, and back to his home was 48.2 miles. Interviews with several department personnel indicated that it was very rare for Garzarek to visit any of the fire halls, and that most of his duties required for him to be at city hall.

Garzarek logged odometer readings each time he purchased fuel for his assigned vehicle at an authorized fuel vendor, and from February 27, 2020, through March 16, 2020, Garzarek logged 3,350 miles, an average of approximately 257 miles per business day. **(Refer to Exhibit 1.)** The city's fuel vendor reports the time, date, and location of each fuel purchase on its statements. The city's fuel vendor statement revealed that Garzarek did not use the city fuel card for any purchases during the 3,350 miles driven.

Exhibit 1

VEHICLE#: 9408 2016CHV TAHOE 307472			71590	- Beginning odometer					
115 FAIRGROUNDS ST, FRANKLIN	02/01/20	01:00P	70087	*****	E10	20.600	1.7310	35.66	ROCKY GARZAREK
115 FAIRGROUNDS ST, FRANKLIN	03/16/20	07:05P	74940	*****	E10	19.300	0.9422	18.18	ROCKY GARZAREK
VEHICLE TOTALS: 3350 Miles @ 83.96 MPG and 0.02 Cost/Mile						39.90		53.84	

City gasoline usage statement indicating 3,350 miles driven by Garzarek

During his tenure as fire chief, Garzarek attended out of state training conferences throughout the year. He flew to some of these conferences and drove his city-issued vehicle to others. Garzarek had no conferences scheduled to which he drove during the period from February 27, 2020, through March 16, 2020, to account for the 3,350 miles driven. Records showed that during the period between February 1, 2020, and February 27, 2020, Garzarek logged 1,503 miles in his city-issued vehicle. During that period, he drove to a conference in Tuscaloosa, Alabama and the approximate roundtrip distance for that trip was calculated to be 500 miles. There was no explanation for the remaining 1,000 miles driven during the month of February.

A comparison with other months' activities drew attention to the number of miles driven in February and March 2020. For example, records showed that Garzarek drove the vehicle from Franklin to two conferences in August 2019: one in Atlanta, Georgia, and one in Orange Beach, Alabama. The total roundtrip distance from Franklin to the hotels Garzarek used in those cities was 1,400 miles, and the total documented miles driven for that month was approximately 1,700 miles. In contrast, Garzarek drove more than 3,350 in 13 business days, when there was no known business purpose for the mileage. There was no explanation for the more-than-double number of miles driven in February and March 2020 than what was driven to conferences in the two noted states in August 2019.

- **FORMER FIRE CHIEF RONALD GARZAREK WORKED REMOTELY OUT OF STATE WITHOUT AUTHORIZATION**

The City of Franklin went into a state of emergency due to the COVID-19 pandemic in March 2020, and city employees, including Garzarek, began working remotely. On March 17, 2020, Garzarek informed his administrative assistant by email that he would be "working remotely until further notice" and that he was available via "phone and laptop." Garzarek took vacation leave on March 19, 20, and 23, 2020, to travel out of state for personal matters. Garzarek resumed work on March 24, 2020, and he did not take any type of leave thereafter. City officials stated that while working remotely, he was present for all requisite video conference meetings for the city's department leaders. Additionally, department personnel stated to investigators that Garzarek was available to them via phone.

Certain department personnel under his supervision became aware that he was working out of state, but Garzarek led them to believe that he was authorized to do so. However, Garzarek's supervisor stated he was unaware Garzarek was working out of state, and no approval had been given for him to work remotely out of state.

When city officials became aware that Garzarek had worked remotely out of state, they scheduled a formal meeting for June 16, 2020, to discuss this issue with him. In a May 29, 2020, meeting, Garzarek told city officials that he had traveled to Alabama and then traveled to Florida in mid-March. Garzarek stated that he spent time in Alabama and Florida and came back to Franklin on one occasion. In follow-up conversations, Garzarek stated that he could have been back to the city within eight hours of being notified of a "major emergency."

Additionally, there were concerns that Garzarek had taken his city-issued vehicle while working out of state without his supervisor's knowledge or permission during the COVID-19 pandemic. Investigators were unable to determine the exact nature and extent of his use of the vehicle during the time in question.

Garzarek resigned from his position effective June 16, 2020.

In August 2021, the Williamson County Grand Jury indicted Ronald Garzarek on one count of Official Misconduct.

The charges and allegations contained in the indictment are merely accusations of criminal conduct, and not evidence. The defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt and convicted through due process of law.

INTERNAL CONTROL AND COMPLIANCE DEFICIENCIES

The Comptroller's investigation revealed the following deficiencies in internal control and compliance, some of which contributed to the fire chief's ability to use the city-owned, take-home vehicle for excessive mileage and to work out of state without proper authorization:

Deficiency 1: City of Franklin officials failed to ensure compliance with the city's policies regarding city-owned, take-home vehicles.

City officials failed to ensure compliance with the city's vehicle policies. According to the city's Human Resources Manual, "No employee shall use or authorize the use of City…equipment, or other resources for private gain or advantage to himself/herself or any other private person or group." The city's Travel and Expense Policy states, "The traveler is responsible for seeing that the vehicle is used properly and only for acceptable business." City officials did not adequately monitor the mileage recorded on Garzarek's assigned vehicle. As a result, Garzarek excessively drove a city-owned vehicle without an apparent business purpose. Garzarek drove over 4,000 miles in February and March 2020. Further, his March 2020 mileage was more than three times the mileage recorded on any other vehicle of its class in that time. Routine monitoring by management is necessary to ensure any abuse of city assets is promptly detected.

Deficiency 2: City of Franklin officials failed to ensure that records of proper authorization for travel were retained.

Based on activity on his purchasing card, Garzarek attended at least two out-of-town conferences in August 2019. Travel authorization documents were on file for one of those conferences, while no authorization documents could be located for the other conference. Retaining supporting documentation in compliance with city policy helps to ensure that only approved travel is incurred by city personnel.

City officials indicated that once they became aware of Garzarek's absence, they immediately took action to determine whether he had violated city policies. City officials stated they have corrected these deficiencies.