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# OC FRAUD HOTLINE ACTIVITY REPORT TO THE BOARD OF SUPERVISORS

Items Referred Out

Insufficient Information

For the Period January 1, 2011 thru June 30, 2011



36

1

Fraud Hotline Activity Summary:	
Carry-over Cases	3
Actionable Complaints	21
Items Under Investigation or Pending	6
Completed or Closed Investigations	18
Substantiated	3
Unsubstantiated	15

AUDIT NO: 1103-A REPORT DATE: OCTOBER 18, 2011

**Director**: Dr. Peter Hughes, MBA, CPA, CIA, CFE, CFF Deputy Director: Eli Littner, CPA, CIA, CFE Senior Audit Manager: Alan Marcum, MBA, CPA, CIA, CFE

#### **RISK BASED AUDITING**

GAO & IIA Peer Review Compliant - 2001, 2004, 2007, 2010

AlCPA American Institute of Certified Public Accountants Award to Dr. Peter Hughes as 2010 Outstanding CPA of the Year for Local Government

GRC (Government, Risk & Compliance) Group 2010 Award to IAD as MVP in Risk Management



2008 Association of Local Government Auditors' Bronze Website Award





GAO & IIA Peer Review Compliant - 2001, 2004, 2007, 2010

**Providing Facts and Perspectives Countywide** 

**RISK BASED AUDITING** 

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OC Fraud Hotline (714) 834-3608

## Letter from Peter Hughes, CPA



#### **Transmittal Letter**



Audit No. 1103-A October 18, 2011

**TO:** Members, Board of Supervisors

Chairman Bill Campbell, Supervisor 3<sup>rd</sup> District

Vice Chairman John Moorlach, Supervisor 2<sup>nd</sup> District

Supervisor Janet Nguyen, 1<sup>st</sup> District Supervisor Shawn Nelson, 4<sup>th</sup> District Supervisor Patricia Bates, 5<sup>th</sup> District

FROM: Dr. Peter Hughes, CPA, Director

Internal Audit Department

**SUBJECT:** Orange County Fraud Hotline Activity

We have completed our report concerning the operation of the Orange County Fraud Hotline. The Bylaws of the Orange County Audit Oversight Committee, Section VI.c., Scope of Committee's Authority and Objectives, delegates to the Internal Audit Department fraud policy activities, which includes the operation of the Fraud Hotline. This report is for the period of January 1, 2011 through June 30, 2011. The attached report includes a statistical summary of Hotline activities for the first six months of 2011 and background information on the Hotline process.

We would like to acknowledge the professionalism and cooperation extended to us by the management of the various County agencies/departments during our Hotline investigation process. As always, I remain available to answer any questions you may have. Please contact me directly or Eli Littner, Deputy Director at 834-5899 or Alan Marcum, Senior Audit Manager at 834-4119 if we can be of any assistance.

#### **Attachments**

cc: Members, Audit Oversight Committee
Thomas G. Mauk, County Executive Officer
Foreperson, Grand Jury
Darlene J. Bloom, Clerk of the Board of Supervisors

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Audit No. 1103-A

October 18, 2011

TO: Members, Board of Supervisors

Chairman Bill Campbell, Supervisor 3<sup>rd</sup> District

Vice Chairman John Moorlach, Supervisor 2<sup>nd</sup> District

Supervisor Janet Nguyen, 1<sup>st</sup> District Supervisor Shawn Nelson, 4<sup>th</sup> District Supervisor Patricia Bates, 5<sup>th</sup> District

FROM: Dr. Peter Hughes, CPA, Director,

Internal Audit Department

SUBJECT: Orange County Fraud Hotline Activity

Below is the OC Fraud Hotline activity for the period January 1, 2011 through June 30, 2011. For detail about our hotline process, please see Exhibit A.

#### 1. Statistical Summary

The Internal Audit Department received 58 complaints during the reporting period. IAD received 19 allegations by phone, letter or in person; 36 allegations by email; and 3 allegations by the outside service (non-business hours). These calls are categorized in Table 1.

Table 1	
Summary of Compla	ints
Actionable Calls	21
Referred Calls	36
Insufficient Information	1
Total Hotline Calls	58

#### 2. Types of Complaints

Cases opened during the period concerned complaints of possible employee misconduct, e.g., 1) time abuse; 2) drug/alcohol abuse on the job; 3) using County vehicles for non-business purposes; 4) driving County vehicles in an unsafe manner; 5) violation of County procurement policies; 6) unfair hiring practices; 7) income spiking; 8) inadequate separation of duties; 9) employee not disseminating required information; 10) contractors misconduct of non-performance and embezzlement; and 11) complaints regarding agency/department processes.

When complaints involve issues beyond the jurisdiction of the County of Orange, they are referred to appropriate non-County agencies. Hotline callers alleging welfare fraud were referred to the County District Attorney for action.

#### Audit Highlight

During January 1, 2011 through June 30, 2011, the OC Fraud Hotline received 58 new complaints of improper activities, of which 36% were opened for investigation, 62% were redirected to other agencies and one closed due to insufficient information.



Table 2 identifies the total number of cases opened during this period and details complaint type.

Table 2				
Types of Complaints				
Actionable Calls				
Employee Misconduct	18			
Contractor Misconduct	3			
Total Cases Opened	21			
Referred Calls				
Welfare Fraud	18			
Non-County	10			
Referred to other County Departments	8			
Total Complaints Referred Out	36			
Insufficient Information	1			
Total Hotline Calls	58			

#### 3. Status of Complaints

Table 3 below summaries the status of complaints for the period January 1, 2011 through June 30, 2011.

Table 3						
Status of Complaints						
Investigation				Closed Findings		
ACTIONABLE	Prior		Still			Not
CALLS	Period	New	Open	Closed	Substantiated	Substantiated
Employee	3	18	6	15	2	13
Contractor		3		3	1	2
Total	3	21	6	18	3	15

#### **Complaints Substantiated**

In the 3 cases where the allegations were substantiated, the individual cases dealt with:

- 1) driving County vehicles in an unsafe manner;
- 2) unprofessional behavior by a manager towards his/her staff, and
- 3) quality issues with a contractor. In all cases in accordance with County policy practices and in consultation with appropriate County personnel, appropriate corrective action was taken.

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#### **EXHIBIT A**

#### **Background**

The Orange County Internal Audit Department (IAD) originally established and now runs the Orange County Fraud Hotline as part of its ongoing fraud detection and prevention effort. The Bylaws of the Orange County Audit Oversight Committee, Section VI.c., Scope of Committee's Authority and Objectives, delegates to the Internal Audit Department fraud policy activities, which includes the operation of the Fraud Hotline. The Hotline was first established September 1, 1994, and after a short period of inactivity during the bankruptcy, was reinstated May 3, 1996, and enhanced and improved in December 2004. The establishment of a Hotline is a best business practice for both private and governmental entities. The County encourages employees to resolve concerns through their normal administrative channel whenever possible. However, the OCIAD Fraud Hotline provides an alternative reporting and investigating avenue to ensure that concerns about possible wrong doings in our County government are properly addressed.

#### **Types of Complaints**

The Hotline is intended for County employees, vendors, and the public to report suspected fraud or misuse of County resources by vendors, contractors, or County employees. Violations of County policy are also reported. Fraud is an intentional act that results in the misstatement of financial records or theft of the County's assets. The misuse of County resources would include, for example the use of a County computer to run an outside business. In instances when non-County callers use the Hotline, their complaints are also processed.

#### Operates 24/7

The Hotline is monitored live for calls twenty-four hours a day, seven days a week. IAD staff monitor the telephone during business hours and contracted Hotline service professionals monitor the telephone during non-business hours. Callers can leave anonymous information or identify themselves. The Hotline telephone system also provides the callers with a list of Hotline numbers for reporting frauds that are not handled by the County Fraud Hotline such as Welfare Fraud. In processing Hotline calls that are not handled and monitored by IAD such as Welfare Fraud and calls for non-County agencies, IAD refers the caller to the appropriate Hotline, e.g., Social Services Agency Welfare Fraud Hotline, for their investigation. In these cases, IAD logs the calls in the Hotline Control Log, but IAD does not perform any review or monitoring. Hotline reporting can also be made through our web page on the internet. We have created a "Virtual Hotline Form" where an individual can remain anonymous.

#### Other Hotline Process Enhancements

In addition to IAD enhancing its website to assist anyone wishing to report fraud, other improvements include information on Whistleblower Protection and other Fraud Hotline phone numbers. In addition to IAD maintaining the Orange County Fraud Hotline, other agencies/departments also maintain hotlines. For example, Social Services Agency maintains the Welfare and Child Abuse Hotlines, CEO/Risk Management maintains the Workers' Compensation and Insurance Fraud Hotlines, and the District Attorney maintains the Consumer Fraud and Economic Fraud Hotlines.



#### **Processing Hotline calls**

- 1. The IAD staff and the contracted service professionals prepare the Hotline Information Form which aides in the capturing of needed information.
- 2. The IAD staff and the outside service professional assign a unique Hotline control number.
- 3. All calls received are recorded into the Hotline Control Log.
- 4. The IAD staff and the contracted service professionals provide the completed Hotline Information Form (by hard copy and email respectively), to the Hotline Senior Audit Manager.
- 5. The Senior Audit Manager reviews the specifics of the allegation and prepares a letter detailing the complaint.
- 6. The Internal Audit Department Director and Deputy Director review the information and a formal Hotline Action Request with all relevant information is routed directly by the Director to the agency/department head to acknowledge receipt of the Hotline Action Request within five working days. Depending upon the facts of each allegation, IAD may conduct its own on-site visit and review. The Director, Deputy Director or Senior Audit Manager will discuss with senior management the allegation and the approach, and the status of the agency/departments investigation and determine a course of action for an IAD review if considered warranted by IAD.
- 7. The agency/department head, to which cases are referred, are required to provide a written report of the investigative steps, the results of the investigation, and corrective action taken.
- 8. The Senior Audit Manager along with the Director or Deputy Director, upon receipt of the written report from the agency/department head, reviews the report to determine if appropriate action was taken.
- 9. If the Director is satisfied with the investigation and results, the Hotline case is closed and a closeout letter is sent to the agency/department head. If the Director is not satisfied further action will be proposed.

#### **Communicating the Existence of the Hotline**

The existence of the IAD Fraud Hotline is communicated in the following ways:

- All County employees are alerted bi-weekly in the OC Employee Portal (Pay Stub Application).
- Postings in the monthly CEO County Connection newsletter.
- Fraud Hotline posters are displayed in each County department.
- A link on the County and IAD web pages.
- Word of mouth by IAD staff and other County employees.

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#### **Hotline Trend Analysis**

Detailed is the trend analysis on summary of complaints, status of complaints and closed results.

	2009	%	2010	%	2011 Six Months Ending June 30	%	
Summary of Complaints							
Actionable Items	25	32%	42	27%	21	36%	
Items Referred Out	47	59%	102	66%	36	62%	
Insufficient Information	7	9%	10	7%	1	2%	
Total Hotline Allegations	79	100%	154	100%	58	100%	
Carry-Over Cases	11		7		3		

Status of Complaints and Closed Results							
Items Under Investigation or Pending	6		8		6		
Substantiated	6	20%	10	24%	3	17%	
Not Substantiated	24	80%	31	76%	15	83%	
Total Closed	30	100%	41	100%	18	100%	

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