

Office of the Inspector General

City of New Orleans

Report of Administrative Investigation

**Allegation of Neglect of Duty and Gross Negligence by
Malachi Hull, Deputy Director, Taxicab Bureau, Department of
Safety and Permits**

OIG-ID-11-0003-I

E. R. Quatrevaux
Inspector General

April 24, 2014

FINAL REPORT OF INVESTIGATION

11-0003-I

TITLE: Allegation of neglect of duty and gross negligence by Malachi Hull, Deputy Director, Taxicab Bureau, Department of Safety and Permits

DATE OF OCCURRENCE: Various

INVESTIGATED BY: Investigator Kristen Morales & Investigator Michael Centola

VIOLATIONS: Policy Memo No. 83(R) - Standards of Behavior for City Employees, and City Code Section 2-1120 (20) (a). **(Exhibits 1 - 2)**

ACTION TAKEN: Referral for administrative action to First Deputy Mayor and Chief Administrative Officer (CAO) Andrew Kopplin.

BASIS FOR INVESTIGATION

This administrative investigation was initiated based on a request from Andrew Kopplin, First Deputy Mayor and Chief Administrative Officer (CAO). The Office of Inspector General conducted a comprehensive review of the Taxicab Bureau's (TCB) operations, including but not limited to: a review of more than 1,200 files including personnel files and Certificate of Public Necessity and Convenience (CPNC) files; interviewing TCB personnel, City Hall employees, Taxicab Drivers, CPNC owners; a review of applicable policies and procedures; and a review of requirements as set forth in Chapter 162 of the New Orleans City Code.

EXECUTIVE SUMMARY

The City of New Orleans Taxicab Bureau (TCB) was established in 1932 for the purpose of regulating daily operations of taxi service within the City and enforcing requirements as set forth in Chapter 162 of the New Orleans City Code. The TCB collects hundreds of documents on a daily basis. It is essential that these documents are organized and maintained properly. The City depends on these documents, which include applications and renewal requests to collect revenue, take enforcement actions and make fiscally responsible decisions. Deputy Director (DD) Malachi Hull was responsible for ensuring that these files were properly organized

and maintained. The files were not properly organized or maintained due to DD Hull's neglect of duty.

TCB has employees designated as Investigators. These Investigators have limited authority and scope as set forth in Chapter 162 of the City Code. TCB Investigators have regular contact with Taxicab Drivers, Tour Guides and at times the general public. TCB Investigators, on at least two different occasions, used excessive force during separate incidents with a Tour Guide and a Taxicab Driver. On the first occasion, the TCB Investigator physically restrained a female Tour Guide by twisting her arm behind her back and then pushing her. He did this while trying to give her a citation to appear at an administrative hearing. The second occasion was when the TCB Investigator unjustifiably pepper sprayed a Taxicab Driver in the face, even though the Driver was walking away from him at the time. DD Hull was responsible for ensuring that the Investigators were properly trained and acted within the scope of their authority. The TCB Investigators were not properly trained; in fact they received relatively little training whatsoever. DD Hull neglected his duty and was grossly negligent in not providing proper oversight and in not ensuring that his personnel were properly trained. DD Hull's negligence directly impacted public safety.

NEGLECT OF DUTY, FAILURE TO PROPERLY MAINTAIN FILES, DOCUMENTS AND PUBLIC RECORDS

Between August of 2011 and February of 2012, the Office of Inspector General (OIG) reviewed approximately 500 Certificate of Public Necessity and Convenience (CPNC) files. OIG Investigators found that approximately 400 CPNC owners (80%) paid incorrect (lesser) amounts in fees and fines owed to the City of New Orleans. OIG Investigators found that the City did not collect the proper amount of fees and fines in the areas of CPNC fees, inspection fees, and drivers' fees, resulting in the loss of revenue. OIG Investigators also found approximately 100 non-negotiated payments, in the form of money orders or cashiers checks, attached to documents in the CPNC files. It should be noted that DD Hull was made aware of the aforementioned on numerous occasions by an OIG Investigator; however, he still failed to address the situation. An OIG Investigator discovered that a CPNC owner owed the City \$62,370 in transfer fees. On September 6, 2011, the OIG Investigator notified DD Hull by email and provided the supporting documentation. DD Hull was also advised that the \$62,370 only represented the first 6 months of 2011 and he should review

previous years to determine if additional monies were owed to the City. It was also recommended that DD Hull review the CPNC renewable fees, inspection fees and delinquent fees to determine if additional monies were owed to the City. DD Hull was contacted by an OIG Investigator on numerous occasions between September 2011 and February 2012 regarding the collection of monies owed; however, he failed to act. On March 6, 2013, DD Hull collected \$62,370, approximately 18 months after being notified in writing by the OIG. DD Hull failed to review the other 1600 CPNCs to determine if fees and fines have been properly accessed and collected. **(Exhibits 3 - 5)**

OIG Investigators also found that most of the CPNC files reviewed were not complete and pertinent documents were missing. OIG Investigators found CPNC documents under desks, behind desks, behind file cabinets, in the storage room, in two different recycling bins, in the employee break room and filed in the wrong CPNC files. On at least one occasion that the OIG is aware of, an Orleans Parish Assistant District Attorney was unable to locate documents needed for trial. An OIG Investigator found the documents needed for this case under a TCB employee's desk. DD Hull was made aware of the chaotic file maintenance on numerous occasions; however, he never acted to address the situation. **(Exhibit 6)**

NEGLECT OF DUTY, GROSS NEGLIGENCE, FAILURE TO ENSURE PUBLIC SAFETY, FAILURE TO PROPERLY MANAGE PERSONNEL, LYING TO OIG

On November 9, 2013, an incident occurred involving Senior TCB Investigator Wilton Joiner and Tour Guide Operator Wendy Bosma. DD Hull was physically present and personally observed the incident. Joiner was attempting to issue a citation to Bosma for her to appear at an administrative hearing. Joiner took possession of Bosma's Tour Guide permit. Bosma objected and grabbed the permit out of Joiner's hand. Joiner then physically assaulted Bosma and twisted her arm behind her back while forcing the upper part of the front of her body onto a parked vehicle. Joiner let her up and then put his hands on Bosma and pushed her in the direction of the sidewalk. This incident was captured on video.

On October 23, 2013, an incident occurred involving Senior TCB Investigator Ronnie Blake and Taxicab Driver Emmanuel Esterlin. Blake was called to the scene to issue citations to Taxicab Drivers who were parked illegally. Blake placed his hands on Esterlin and pushed him towards the side of a building. Esterlin then swung at Blake with his fist and missed. Esterlin then walked away. Blake and Esterlin engaged in

further conversation and then Esterlin again walked away from Blake. Blake, from a position behind Esterlin, reached his left hand around Esterlin's head and discharged pepper spray into Esterlin's face. This incident was captured on video.

In these two incidents, the use of force by Joiner and Blake was both excessive and unjustified. Joiner was attempting to issue an administrative citation; he was not physically attacked; nor was he defending himself in any manner. No law enforcement official, federal, state, or local, has the authority to physically try to enforce an administrative citation. DD Hull was actually on scene yet he did nothing to stop this from happening or continuing. DD Hull had a duty to attempt to stop Joiner from physically assaulting Wendy Bosma. Joiner's use of force was beyond the scope of his authority and was potentially an illegal act. Blake was also attempting to issue an administrative citation; was not physically attacked; nor was he defending himself in any manner, at the time he used force. In fact, the video clearly shows Emmanuel Esterlin walking away from Blake, posing no threat or danger to Blake, when Blake pepper sprayed him. Blake's use of force was beyond the scope of his authority and was potentially an illegal act.

DD Hull was interviewed by OIG Investigators on December 5, 2013. DD Hull stated that on November 9, 2013, Joiner detained Wendy Bosma, "based on his (Joiner's) previous training." DD Hull also stated that he thought Joiner was "operating in the normal course of his duties." DD Hull believed that the physical confrontation was "excessive" as he thought about it at the time of the interview in December 2013; at the time of the incident in November he did not believe it to be excessive. DD Hull stated that at some prior time, TCB Investigators had carried "batons, handcuffs, and mace" on their persons. DD Hull stated, "I assume they have had training for it." DD Hull said that he believed that Chapter 162 of the Ordinance gave his Investigators "arrest powers." He added, "only folks that went through training could arrest." OIG Investigators specifically asked DD Hull if TCB Investigators had arrest powers to which he replied, "today no, yesterday some, and only the ones who went through training." DD Hull advised that he reviewed his employees' files when he first started with the Taxicab Bureau in June of 2011. He then said he did not review any employee's file for the next year and a half. The next time he reviewed an employee file was "after the Joiner incident on November 9, 2013." DD Hull advised that there were no written operations policies for TCB Investigators. He said that he did not write an Operations Manual because he "did not have the time." DD Hull said that

after the Blake incident on October 23, 2013, he learned of the “lack of training for the first time.” **(Exhibit 7)**

OIG Investigators reviewed Joiner and Blake’s personnel files. No applicable training has been documented nor has any applicable training been referred to. DD Hull stated that he was told by Blake that Blake had received training provided by the Harbor Police, on one occasion, date unknown, sometime prior to Hurricane Katrina. On December 19, 2013, OIG Investigators contacted the Chief of the Harbor Police. After an extensive search of their computer records, paper records, and verbally asking Police Instructors, the Harbor Police Chief said that no training was given to Joiner or Blake. Even if Blake and Joiner received training on one occasion approximately 11 years ago, this would be insufficient. Physically detaining and/or arresting someone, and using a baton, handcuffs, or pepper spray are acts so intrusive that they require current training and supervision. All Law Enforcement agencies conduct mandatory yearly training, wherein legal and constitutional issues are addressed. Safety issues are also addressed for the Officer as well as for the public. DD Hull had a duty and a responsibility to ensure that his personnel had the required training and that he provided the proper oversight, including drafting an Operational Manual detailing the proper procedures. DD Hull also lied to the OIG about his knowledge of their lack of training, as shown below. **(Exhibit 8)**

On December 5, 2013, DD Hull lied to OIG Investigators when he said that on October 23, 2013, he first learned of the TCB Investigators’ lack of training. On June 13, 2011, DD Hull emailed the Superintendent of the NOPD and requested training for his Investigators. On July 27, 2011 and August 05, 2011 DD Hull sent follow up emails to the Superintendent of the NOPD “following up to our request for assistance.” On August 22, 2011, the Commander of the NOPD Training Academy emailed DD Hull at the request of the Superintendent inquiring about the type of training DD Hull was requesting. Two members of the NOPD Training Academy met with DD Hull and DD Hull requested that NOPD provide arrest, handcuffing, and report writing training to the TCB Investigators. Approximately a few weeks after this meeting, NOPD advised DD Hull that they could not provide the requested training because the TCB personnel did not have enforcement powers. On October 12, 2011, DD Hull emailed the NOPD Deputy Superintendent and stated, “a couple of months back we requested training and getting special police officer powers. Our staff needs the proper training to meet these standards.” On October 20, 2011, DD Hull emailed Deputy Mayor Michelle Thomas and stated, “our Investigators

currently do not have police powers to stop these vehicles while they are moving.” On October 25, 2011, DD Hull emailed the NOPD Training Academy Commander “information regarding our staff.” The email contained language from Chapter 162-48. The NOPD never provided training to the TCB Investigators and DD Hull was aware of this. As early as June of 2011, DD Hull was aware that his Investigators did not have any training nor any “special police powers.” DD Hull personally tried, on at least five different occasions, four emails and at least once in person, to get his personnel training. DD Hull tried and failed to get them the requisite training. He then allowed Joiner and Blake to act as if they had “special police powers.” DD Hull purposely allowed Joiner and Blake to continue to arrest, detain and pepper spray individuals without proper training, thereby endangering the public. **(Exhibits 9-15)**

CONCLUSIONS

As the Deputy Director of the Taxicab Bureau, Malachi Hull failed in his duty and responsibility to ensure that all Taxicab Bureau files were properly organized and maintained. DD Hull failed to ensure that pertinent documents were accurately placed and maintained in the appropriate files. He failed in his responsibility to ensure that the City of New Orleans collected the appropriate Taxicab related revenue. DD Hull failed to take corrective action costing the City of New Orleans an unknown amount of money in uncollected fees and fines.

DD Hull failed in his duty and responsibility to ensure that the TCB Investigators had the proper training, direction, and supervision. DD Hull failed to produce an Operations Manual for the Investigators. DD Hull’s gross negligence in this matter directly led to two separate physical assaults by TCB Investigators on a Tour Guide and a Taxicab Driver. Due to DD Hull’s gross negligence and neglect of duty he failed to ensure public safety. (It should be noted that the two Taxicab Bureau Investigators acted without justification and then lied about their actions. Both have been terminated. DD Hull’s actions in no way mitigate or absolve the two Investigators of their personal responsibility.)

DD Hull lied about his knowledge of the TCB Investigators lack of training. On at least five separate occasions, DD Hull contacted the New Orleans Police Department and attempted to get the Investigators the proper training and “special police powers.” Every attempt failed. The NOPD would not provide the training, nor grant them “special police powers” because Taxicab Bureau Investigators did not qualify nor were they eligible to receive this training or obtain “special police powers.” DD Hull

clearly knew that, as early as October of 2011, TCB Investigators did not have the proper training. He tried but failed to get them training and then he allowed the Investigators to operate as if they had the training and “special police powers.” The two incidents documented in this report, involving a Tour Guide and a Taxicab Driver, were facilitated by DD Hull’s gross negligence and neglect of duty.

Based on the information above, DD Hull is in violation of CAO Policy Memorandum No. 83(R), particularly section II.f, *“Each employee, because of the job assignment, has certain required duties and must assume certain responsibilities. Each employee has a job to do and must do that job. Failure to perform these duties or take these responsibilities is neglect of duty.”* By lying to OIG Investigators, DD Hull violated City Code Section 2-1120 (20) (a), *“It shall be the duty of every city officer, employee, department, agency, board, commission, public benefit corporation, contractor, subcontractor, licensee of the city, and applicant for certification of eligibility for a city contract or program, to cooperate with the Office of Inspector General in any investigation, audit, inspection, performance review, or hearing pursuant to this chapter.”*

EXHIBIT LIST


- Exhibit 1: CAO Policy Memorandum Policy Memo No. 83R - Standards of Behavior for City Employees, effective July 17, 1989, revised October 28, 2013
- Exhibit 2: City Code Section 2-1120. Office of Inspector General (20)(a).
- Exhibit 3: September 06, 2011 email to Malachi Hull regarding CPNC transfer fees
- Exhibit 4: Receipt dated March 06, 2013 regarding Receipt of Payment from New Orleans Elite Cab
- Exhibit 5: March 02, 2012 email to Malachi Hull regarding CPNC fine and fees
- Exhibit 6: April 15, 2013 email to Malachi Hull regarding Observations of TCB
- Exhibit 7: December 05, 2013 OIG Memorandum of Interview : Malachi Hull
- Exhibit 8: Howard Schwartz email dated December 19, 2013 regarding Harbor Police Training
- Exhibit 9: June 13, 2011 email to Ronal Serpas regarding TCB training
- Exhibit 10: July 27, 2011 and August 05, 2011 email to Ronal Serpas regarding TCB training
- Exhibit 11: August 22, 2011 email from Bernell Nevil regarding training
- Exhibit 12: October 12, 2011 email to Darrell Albert regarding TCB training
- Exhibit 13: October 20, 2011 email to Michelle Thomas regarding TCB Investigators not having police powers
- Exhibit 14: October 25, 2011 email to Bernell Nevil regarding information on TCB employees
- Exhibit 15: February 18, 2014 OIG Memorandum of Interview : Bernell Nevil

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 83 (R)

October 28, 2013

TO: All Departments, Boards, Agencies and Commissions

From: Andrew D. Kopplin, First Deputy Mayor/CAO 

SUBJECT: **STANDARDS OF BEHAVIOR FOR CITY EMPLOYEES**

I. PURPOSE

The purpose of this memorandum is to revise the standards of behavior guidelines for City of New Orleans employees. Our goal is to provide efficient and courteous service to the public and each other in order to enhance the effectiveness of city government while maintaining the high standards of quality and professionalism necessary to project the best image possible. We are all dependent on each other to accomplish this mission. Our behavior should indicate our willingness to work and demonstrate the pride we have in our profession. The standards given below are to help us achieve our goal.

II. GENERAL STANDARDS

- a. An employee shall be courteous, civil, and respectful.
- b. An employee shall have patience with the public and with fellow employees.
- c. An employee shall not discriminate against or show partiality to any person in the course of work duties because of race, sex, orientation, ethnic background, religion, political party, age, handicap, sexual, or personal prejudice. No special treatment, partiality, or favoritism shall be given to anyone because of "connections" or relationship.
- d. An employee shall report for work at time assigned and remain on duty until the work hours are completed, except for standard, authorized breaks and lunch periods. Work hours shall be spent in productive work without time being wasted.
- e. An employee unable to report to work shall inform the supervisor as early as possible, before or at the beginning of the work shift. An employee unable to complete a shift shall notify the supervisor before leaving the job. Some departments have more specific policies which apply in their respective departments.

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- f. Each employee, because of the job assignment, has certain required duties and must assume certain responsibilities. Each employee has a job to do and must do that job. Failure to perform these duties or take these responsibilities is **neglect of duty.**
- g. An employee shall investigate complaints thoroughly, objectively, and fairly to protect the public, the employees, and the government. If a citizen is not satisfied, then the employee shall refer the person to the immediate supervisor or other higher authority. No one should be sent away without a resolution to their issue if another solution can be found. The supervisor may have greater authority to resolve the problem or more knowledge to find a solution. The citizen will be satisfied by realizing that every effort has been made to resolve their concern.
- h. Personal telephone calls shall be kept to a minimum and shall be brief in duration. If possible, personal telephone calls should be made during breaks and lunch time, and in an area that is not used by the public.
- i. An employee shall not watch television, play games, or read for recreation during work hours.
- j. An employee shall not conduct any personal business which causes neglect or inattention to work duties.
- k. An employee shall not read newspapers during work hours except as a part of a specific assignment received in writing or as part of research in preparing an assignment.
- l. An employee shall not loiter in the hallways or other parts of the work place.
- m. Employees shall not conduct meetings in the passageways. Meetings shall take place at a work station or in a meeting room. If an employee meets someone in the hallway and a conversation begins, the people should move quickly to a work station or office to continue the conversation.
- n. Employees shall be encouraged to leave the work place or go to an authorized lounge area during the duty periods for lunch and breaks. Employees shall not eat in work areas in sight of the public. Eating should be done in eating areas.
- o. City property shall be used only for the purpose for which it was intended. Employees shall exercise care in the use of any city property and equipment, including vehicles, and promptly report to the immediate supervisor any damages, loss or theft. Use of City property is for work related purposes and not for personal benefit. Employees shall not use City supplies or office machines for personal business.

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October 28, 2013

- p. An employee shall be financially responsible for City property issued, assigned, loaned or under his/her immediate control if the property is damaged or lost through the employee's negligence. Listed are several examples an employee may be deemed negligent such as: an employee failing to follow a manufacturer's or department's instructions for the use or care of equipment, using equipment for a purpose for which it was not intended, failure to return property to its place of safekeeping. Disciplinary action may include a fine or reimbursement paid directly to the department or through payroll deduction. **Please refer to Policy Memorandum No. 109 – Regulations Pertaining to Assignment, Usage and Care, and Return of City Property by Employees.**
- q. An employee shall not accept or solicit a valuable gift from any person, business, or organization for personal benefit. If an employee questions what is valuable, a supervisor, Civil Service or the Ethics Review Board should be consulted.
- r. Solicitations by City employees, without permission, in City facilities and on City property are prohibited at all times.
- s. City of New Orleans will not tolerate retaliation or threat of retaliation against those who make disclosures of actual or perceived misconduct. Acts or threats of retaliation in response to such disclosures may subject the person retaliating to disciplinary action, up to and including termination.

III. CUSTOMER SERVICE ETTIQUETTE STANDARDS

- a. An employee shall identify himself by name whenever serving anyone, unless the situation prevents such an identification. An employee shall courteously give his name to anyone who asks.
- b. When answering the telephone, an employee should give the name of the office, the employee's name and ask, "May I help you?"
- c. If a telephone caller asks for someone who is not available, the caller should be asked, "Would you like to leave a message or May I get someone else to assist you or would you like to be transferred to voicemail?"
- d. Any person who is not a member of the immediate work group, when entering the work place shall be greeted by the first available employee and asked, "May I help you?" Fellow workers and the public shall be treated with courtesy at all times.

IV. HEALTH AND SAFETY STANDARDS

- a. An employee shall not drink alcoholic beverages while at work or come to work under the influence of intoxicants or with the odor of intoxicants on their breath.
- b. An employee shall not use illegal substances during work hours or come to work under the influence of illegal substances.
- c. The sale, purchase, or possession of illegal substances at the work site is prohibited. Supervisors should be notified if an employee's work performance could be affected by the use of authorized prescription drugs.
- d. An employee shall adhere to the requirements of the smoking ordinance, the Health Department rules and regulations on smoking, and **Policy Memorandum No. 76, Smoking**, while on the job.
- e. An employee is expected to be a law abiding member of the community at all times including off duty work hours.
- f. An employee shall not bring or carry dangerous weapons while on duty or while on City property. Prohibited weapons include: clubs, explosive weapons, firearms, blades or any other objects regardless of designed purpose used with the intent of causing malicious threat, inflicting bodily injury or otherwise bearing assault or damage on body or property. **Exception: Employees who are required to carry weapons in the performance of their official duties and those authorized to carry weapons in an off duty capacity while working other employment shall be exempt from this policy.**
- g. An employee shall use sick leave only for the employee's personal illness, or personal injury, or death in the immediate family, as defined in the City Civil Service Rules. Sick leave cannot be used if a friend or family member is ill; annual leave is to be used for this purpose.

V. USE OF SOCIAL MEDIA AND SOCIAL NETWORKING STANDARDS

This section applies to new media, social media, Web 2.0 technologies, digital media and emerging media such as public and private blogs (BlogSpot) or internet-based comment pages (Nola.com), micro-blogs (Twitter), video sharing (You Tube or Vimeo), photo sharing (Flickr, SmugHug, or Webshots), wikis (WikiiSpaces, PBwiki, SocialText or Wetpaint}, social networking sites (Facebook, MySpace, Google+), web syndication (RSS, Atom, weblogs, vlogs, podcasts}, internet-based bulletin boards (fo.rums), newsgroups (Usenet) chat rooms (Meebo, Chatroulette, or Tinychat), content aggregators

(mash-ups or portals), multiplayer online games (EverQuest, WoW, Happy Farm, Second Life, IMVU), and other forms of virtual or digital communications.

- a. The way we present ourselves and portray our colleagues affects the public's opinion of employees as City employees. If subject matter relates to City policies, City business, or other City workplace issues, City employees are responsible for maintaining compliance with **CAO Memorandum No. 110 regarding Media Advisory Procedures, and also No. 61 (R) on Internet Use & Access Authorization.**
- b. The City respects the rights of City employees to use social media as a medium of self-expression, but with online communications becoming more of a participatory action the lines between the public and the private, personal and professional are being blurred. As public servants, City employees may be perceived as representatives of the City of New Orleans and as such must at all times conduct themselves appropriately and consistently with the City's values and professional standards.
- c. To guide online conversations and social media postings City employees should:
 - Avoid the offensive. Do not post any defamatory, libelous, vulgar, obscene, abusive, profane, threatening, racially and ethnically hateful, or otherwise offensive or illegal information or material.
 - Unclassified employees, unless specifically authorized to do so, shall not use the position as a City employee to promote opinions, products or causes. Classified employees are prohibited by Civil Service Rule XIV and State Constitution, Article X to use the position as a City employee to promote opinions, products or causes unless explicitly permitted in Section 3.1 of said rule.
 - Do not post non-public information pursuant to the law.
 - Do not post any information that would infringe on privacy or legally protected rights of others.

VI. VIOLATIONS OF STANDARDS

Employee violations of a standard of behavior as set forth in this memorandum may subject the employee to disciplinary action and possible termination of employment. The City of New Orleans endorses the use for both classified and unclassified employees of progressive disciplinary action. The suggested progression is verbal warning, written warning, suspension, demotion of

circumstances warrant and termination. The implementation of disciplinary measures shall be at the discretion of a supervisor and/or the appointing authority.

VII. IMPLEMENTATION

Each employee is to sign a copy of the attached receipt acknowledging their receipt of this policy. The signed receipt is to be kept in the employee's personnel folder located in the department. New employees are to be issued a copy of this policy upon hire. Enforcement of this policy shall begin at date of hire. These standards may be amended as necessary. Departments are encouraged to develop additional standards tailored to specific department situations.

VIII. INQUIRIES

Questions regarding this policy should be addressed to the Chief Administrative Office, Employee and Labor Relations Division at (504) 658-8613.

ADK/PMRC/rth

Attachment

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT

I, _____, have received the Standards of Behavior for City Employees (Policy Memorandum No. 83 (R)). I understand that if I do not follow these standards, disciplinary action may be taken against me.

Date _____

Employee Signature _____

Updated 10/28/13
ADK/PMRC/rth

ARTICLE XIII. OFFICE OF INSPECTOR GENERAL (OIG)

City Code Sec. 2-1120. Office of Inspector General

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(1) Creation of the city Office of Inspector General . Pursuant to section 9-401 of the Home Rule Charter of the city, this article establishes the city office of inspector general, which includes the independent police monitor division. The authority and duties of the independent police monitor division are established in section 2-1121. [amended by MCS 24950, eff. July 12, 2012; added reference to IPM].

(2) Purpose. The purpose of this section is to establish a full-time program of oversight to prevent and detect fraud, waste and abuse, and to promote efficiency and effectiveness in city programs and operations. This oversight includes audits, criminal and administrative investigations, inspections and evaluations, and monitoring. The scope of oversight activities includes all entities subject to the jurisdiction of the Office of Inspector General, as set out in paragraph (12).

(3) Appointment.

(a) Appointing authority and procedure.

1. In the case of a vacancy in the position of Inspector General, the Ethics Review Board shall be responsible for appointing a new Inspector General.
 - a. The appointing authority shall convene within 60 days of a vacancy in the position of Inspector General to initiate the selection process for a new Inspector General.
 - b. The appointing authority shall conduct a nationwide search to fill the position of Inspector General.
 - c. Appointment of an Inspector General shall be by an affirmative vote of a majority of all the authorized membership of the appointing authority.
 - d. The chairperson of the appointing authority may appoint an Interim Inspector General to serve until such time as a successor Inspector General is appointed.
 - i. The eligible candidates for Interim Inspector General are: an existing First Assistant Inspector General, Deputy Inspector General, or other Office of Inspector General management personnel.
 - ii. The appointing authority may, by a majority vote of all of its members, overrule the chairperson's appointment and appoint an alternative eligible candidate as Interim Inspector General.
2. The appointing authority shall approve the Inspector's General's annual salary each year at a meeting of its board.

(b) Qualifications for appointment.

1. In considering a candidate for the position of Inspector General, the appointing authority shall evaluate and consider any and all qualifications that are relevant to the position of Inspector General, including, but not limited to:
 - a. The candidate's integrity;
 - b. The candidate's potential for strong leadership;
 - c. The candidate's demonstrated experience and/or ability in accounting, auditing, finance, law, management analysis, public administration, investigation, criminal justice administration, or other closely related fields;
 - d. The candidate's demonstrated experience and/or ability in working with local, state and federal law enforcement agencies and the judiciary; and

- e. Any other qualifications deemed relevant by the appointing authority.
- 2. The appointing authority's decision to appoint a particular candidate shall not under any circumstances be based in any part upon the candidate's age, gender, race, sexual orientation, religious affiliation or political affiliation.
- 3. A qualified candidate for Inspector General shall be a person who:
 - a. Holds a bachelor's degree from an accredited institution of higher education;
 - b. Possesses demonstrated knowledge, skills, abilities and experience in conducting audits, investigations, inspections, and performance reviews; and
 - c. Has at least five years of experience in any one, or a combination, of the following fields:
 - i. As an Inspector General;
 - ii. As a federal law enforcement officer;
 - iii. As a federal or state court judge;
 - iv. As a licensed attorney with experience in the areas of audit or investigation of fraud, mismanagement, waste, corruption, or abuse of power;
 - v. As a senior-level auditor or comptroller; or
 - vi. As a supervisor in an Office of Inspector General or similar investigative agency.
- 4. A highly qualified candidate shall be a qualified candidate who:
 - a. Has managed and completed complex investigations involving allegations of fraud, waste, abuse, illegal acts, theft, public corruption, deception or conspiracy; or
 - b. Holds an advanced degree in law, accounting, public administration, or other relevant field.
- 5. The Inspector General shall obtain professional certification as a certified Inspector General within one year of appointment. Such certification shall be paid for by the Office of Inspector General .

(c) Term of office.

- 1. The Inspector General shall be appointed for a term of four years, which term shall begin when the Inspector General begins employment with the city.
- 2. The Inspector General may be reappointed to subsequent four year terms at the discretion of the appointing authority.

(d) Restrictions on appointment.

- 1. A former or current elected official or employee of New Orleans city government, including a former or current elected official or employee of governmental entities that receive funds directly or indirectly from the city or its citizens, may not be appointed Inspector General within four years following the end of such individual's period of service. This restriction shall not prohibit the reappointment of an Inspector General currently holding the position of New Orleans Inspector General.
 - a. Notwithstanding the foregoing restriction, employees of the Office of Inspector General who have served in the office for two or more years may be immediately eligible for appointment to the position of Inspector General.
- 2. A former or current elected official or employee of the state or its political subdivisions may not be appointed Inspector General within four years following that individual's period of service.

3. The Inspector General shall not hold, nor be a candidate for, any elective office while Inspector General, or for four years thereafter. The Inspector General shall not hold office in any political party or political committee, nor shall he/she participate in any political campaign of any candidate for public office, nor make any campaign contribution or campaign endorsement, while Inspector General.

a. An officer or employee of the office of the Inspector General shall not hold, or be a candidate for, any elective office while an officer or employee, or for four years thereafter. An officer or employee of the office of the Inspector General shall not hold office in any political party or political committee, or participate in any political campaign of any candidate for public office, or make any campaign contribution or campaign endorsement, while an officer or employee of the Office of Inspector General .

(4) Removal from office. Following a public hearing by the appointing authority, the Inspector General may be removed from office for cause by an affirmative vote of two-thirds of the entire authorized membership of the ethics review board, which must then publicly report the reasons for removal to the city council.

(a) Causes for removal may include abuse of power or authority; conviction of a state or federal felony; entry of a guilty or nolo contendere plea to a state or federal felony charge; discrimination; ethical misconduct in office; unprofessional conduct; or other acts tarnishing the integrity of the Office of Inspector General .

(5) Resources.

(a) Pursuant to section 9-401(3) of the Home Rule Charter of the city, the Office of Inspector General shall be funded by an annual appropriation by the city council as part of the city's operating budget.

(b) The Office of Inspector General shall prepare and transmit an annual operating budget to the chief administrative officer, identifying in the budget all proposed expenditures for the following fiscal year.

(6) Organizational placement.

(a) The office of the Inspector General shall be considered a city law enforcement agency for the purposes of this chapter, but shall not be a police force.

1. Pursuant to section 4-502(2)(a) of the Home Rule Charter of the city, upon the request of the Inspector General, the superintendent of police shall deputize investigative employees of the Office of Inspector General with limited police powers. Such deputies shall not be granted arrest power, and shall be deputized solely for the purpose of carrying out the duties of the Office of Inspector General and only in connection with the investigation of a matter within the purview of the Office of Inspector General .

(b) The Office of Inspector General shall be at all times operationally independent from the legislative and executive branches of the city government, including the Council of the City of New Orleans, and the office of the mayor.

1. "Operationally independent" shall be defined as "not prevented, impaired, or prohibited from initiating, carrying out, or completing any audit, investigation, inspection or performance review."

2. For the purposes of performing the duties, powers, and functions of this section, legal counsel may be retained by the ethics review board who may, upon request of the Office of Inspector General , provide legal advice and representation on behalf of the Office of Inspector General.

(c) The Office of Inspector General is authorized and encouraged to work cooperatively with the ethics review board in carrying out its functions and duties as laid out in this section.

1. Upon request of the Ethics Review Board, the Office of Inspector General may conduct preliminary inquiries or investigations on behalf of the Ethics Review Board.

(7) Records disclosure. All records of the office of inspector general shall be exempt from public disclosure and shall be considered confidential, unless it is necessary for the inspector general to make such records public in the performance of his or her duties. Unauthorized disclosure of information by the inspector general or any employee of the office of inspector general is subject to review and disciplinary action by the appointing authority. The office of inspector general is subject to all state laws concerning public records. [amended by MCS 24950, eff. July 12, 2012].

(8) Reporting the results of Inspector General findings.

(a) Upon completion of any audit, evaluation or investigation, the Office of Inspector General shall report the results of its findings and any recommendations to the ethics review board.

(b) Prior to concluding an audit or evaluation report, which contains findings as to the person or entity which is the subject of the audit or evaluation, the Office of Inspector General shall provide the affected person or entity with an internal review copy of the report. Such person or entity shall have 30 days from the transmittal date of the report to submit a written explanation or rebuttal of the findings before the report is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report.

(c) This section shall not apply when the Inspector General, in conjunction with a district attorney, attorney general, or United States Attorney, determines that supplying the affected person or entity with such report would jeopardize a pending criminal investigation.

(d) This section shall not apply when, upon completion of any audit, evaluation or investigation, the Inspector General determines that:

1. There was no criminality, but rather employee misconduct;
2. The affected individual was presented with the allegations, and had an opportunity to rebut; and
3. Making the report public could jeopardize confidentiality of sources and means.

(9) Annual reports. The Inspector General shall report annually to the ethics review board on the activities of the Office of Inspector General for the preceding calendar year.

(a) Such report shall be submitted no later than March 31 and shall include information on all matters undertaken, costs incurred, costs recovered, matters concluded, and any results. The report shall also describe accomplishments of the Office of Inspector General .

(b) Copies of the report shall be provided to the city council and the office of the mayor upon completion, and to any other entity subject to the jurisdiction of the Inspector General upon request.

(c) Upon issuance, members of the media and the public shall be promptly advised of the issuance of the report. A copy of the report shall be made available to the public on the Office of Inspector General 's website.

(10) Authority. The Office of Inspector General is authorized to engage in the following specific functions:

- (a) Audit, evaluate, investigate, and inspect the activities, records, and individuals with contracts, subcontracts, procurements, grants, agreements, and other programmatic and financial arrangements undertaken by city government and any other function, activity, process, or operation conducted by city government.
- (b) Audit the efficiency and effectiveness of city government operations and functions and conduct reviews of city government's performance measurement system.
- (c) Review the reliability and validity of the information provided by city government performance measures and standards.
- (d) Initiate such investigations, audits, inspections, and performance reviews of city government as the Inspector General deems appropriate.
- (e) Receive complaints of fraud, waste, abuse, inefficiency, and ineffectiveness from any source and investigate those complaints that the Inspector General deems credible.
- (f) Engage in prevention activities, including, but not limited to, the prevention of fraud, waste, abuse, and illegal acts; review of legislation; review of rules, regulations, policies, procedures, and transactions; and the supplying, providing, and conducting of programs for training, education, certification and licensing.
- (g) Conduct joint investigations and projects with other oversight or law enforcement agencies, including, but not limited to, the district attorney, attorney general, and the United States Attorney.
- (h) Issue reports and recommend remedial actions to be taken by the city council, the office of the mayor, or municipal departments or agency heads to overcome or correct operating or maintenance deficiencies and inefficiencies identified by the Office of Inspector General .
- (i) Issue public reports as set forth in subsections (8) and (9).
- (j) Monitor implementation of recommendations made by the Office of Inspector General and other audit, investigative, and law enforcement agencies.
- (k) Establish policies and procedures to guide functions and processes conducted by the Office of Inspector General .
- (l) Require reports from the office of the mayor, city council, or city departments, agencies, boards, commissions, or public benefit corporations regarding any matter within the jurisdiction of the Office of Inspector General .
- (m) File a complaint with the ethics review board or state board of ethics upon detecting a potential violation of any state ethics law or city ethics ordinance or code.
- (n) Attend all city meetings relating to the procurement of goods or services by the city, including meetings involving third-party transactions.
 - 1. The Office of Inspector General may pose any questions and raise any concerns at such meetings consistent with its functions, authority and powers of the Office of Inspector General .
 - 2. The Office of Inspector General shall be notified in writing prior to any meeting of a selection or negotiation committee relating to the procurement of goods or services.

The required notice shall be given as soon as possible after a meeting has been scheduled, but in no event later than 24 hours prior to the scheduled meeting.

a. An audio recorder or court stenographer may be utilized to record any selection or negotiation committee meetings attended by the office of the Inspector General.

(o) Assist any city department, agency, board, commission, public benefit corporation, the office of the mayor, the city council, any city council member, or the governing body of any agency, board, commission, or public benefit corporation, upon request, with implementation of any suggested legislation or legislative policy. In such an event, the Inspector General may assign personnel to conduct, supervise, or coordinate such activity.

(p) Do all things necessary to carry out the functions and duties set forth in this section, including promulgate rules and regulations regarding the implementation of responsibilities, duties and powers of the Office of Inspector General .

(11) Duties.

(a) When efficiency problems are noted, the Inspector General has an affirmative duty to provide a standard of efficient practice to the unit in question, and assess whether adequate resources are available for implementation of a program. This may be done in the form of a public letter or other appropriate vehicle.

(b) The Office of Inspector General shall maintain information regarding the cost of investigations and cooperate with appropriate local, state, and federal administrative and prosecutorial agencies in recouping such costs from nongovernmental entities involved in willful misconduct. The Office of Inspector General shall also work with state and federal prosecutorial agencies to maximize the recovery of the costs of investigation and funds lost as a result of willful misconduct by nongovernmental authorities.

(c) Upon discovering credible information of corruption, fraud, waste, abuse or illegal acts in carrying out his duties and responsibilities as Inspector General, the Inspector General shall report to the district attorney, or the United States Attorney, or other appropriate law enforcement agency.

(d) Duties to refer matters.

1. Whenever the Inspector General has reasonable grounds to believe there has been a violation of federal or state law, the Inspector General shall refer the matter to the district attorney, the United States Attorney or other appropriate law enforcement agency.

a. After referring the matter to an appropriate law enforcement agency, the Office of Inspector General may assist the law enforcement agency in concluding any investigation.

2. When the Inspector General has reason to believe he must recuse himself from a matter, because of a potential conflict of interest, the Inspector General shall refer such matter to the district attorney, the United States Attorney or other appropriate law enforcement agency.

3. The Inspector General shall refer audit, investigative, inspection, or performance review findings to the ethics review board, the state board of ethics, or to any other federal, state or local agency he deems appropriate.

(e) The Office of Inspector General shall submit any proposed changes to its governing policies to the city council for review and acceptance.

(12) Powers.

(a) The Office of Inspector General shall have access to all records, information, data, reports, plans, projections, matters, contracts, memoranda, correspondence, audits, reviews, papers, books, documents, computer hard drives, e-mails, instant messages, recommendations, and any other material of the city council, office of the mayor, all city departments, agencies, boards, commissions, public benefit corporations or of any individual, partnership, corporation, or organization involved in any financial capacity or official capacity with city government that the Inspector General deems necessary to facilitate an investigation, audit, inspection, or performance review. This includes any and all information relative to the purchase of supplies and services or anticipated purchase of supplies and services from any contractor by any city department, agency, board, commission, or public benefit corporation, and any other data and material that is maintained by or available to the city which in any way relates to the programs and operations with respect to which the Inspector General has duties and responsibilities.

(b) The Inspector General may request information, cooperation, and assistance from any city department, agency, board, commission, or public benefit corporation. Upon receipt of a request for such information, cooperation, and assistance from the Inspector General, each person in charge of any city department, or the governing body of any city agency, board, commission, or public benefit corporation shall furnish the Inspector General or his authorized representative with such information, cooperation, and assistance.

(c) The Office of Inspector General shall have direct and prompt access to all employees of the city, including, but not limited to, any elected official, deputy mayor, or head of any city department, agency, board, commission, or public benefit corporation.

(d) At all times, the Office of Inspector General shall have access to any building or facility that is owned, operated or leased by the city or any department, agency, board, commission or public benefit corporation of the city, or any property held in trust to the city.

(e) No subpoena is required for the information or documents mentioned in this paragraph. All information and documents are to be provided upon written request from the Office of Inspector General.

(13) Professional standards. Standards for initiating and conducting audits, investigations, inspections, and performance reviews by the Office of Inspector General will conform to the Principles and Standards for Offices of Inspectors General (Green Book) promulgated by the Association of Inspectors General. The Office of Inspector General shall develop an operations manual available to the public that contains principles based on these standards.

(14) Physical facilities. The city shall provide the ethics review board and the Office of Inspector General with office space, which shall be located in close proximity to, but not within, city hall. The city shall also provide the ethics review board and the Office of Inspector General with sufficient and necessary equipment, office supplies, and office furnishings to enable the ethics review board and the Office of Inspector General to perform their functions and duties.

(15) Organizational structure.

(a) The Office of Inspector General and the ethics review board shall have the power to establish personnel procedures and procurement procedures for their respective offices. The Office of Inspector General and the ethics review board shall have the power to appoint,

employ, contract, and remove such assistants, employees, consultants, and personnel, including legal counsel, as deemed necessary for the efficient and effective administration of the activities of their respective offices.

(b) The Office of Inspector General shall include, but not be limited to, a division of criminal investigations, a division of audit, a division of inspections, and a division of performance review.

(16) External review of the Office of Inspector General .

(a) Completed reports of audits, inspections and performance reviews, and public reports of investigation, shall be subject to an annual quality assurance review by a third-party advisory committee, known as the quality assurance review advisory committee for the Office of Inspector General .

1. The quality assurance review advisory committee for the Office of Inspector General shall include a representative appointed by the city council, who shall serve as chair of the committee; a representative appointed by the office of the mayor; and a representative appointed by the ethics review board.
 - a. The committee shall be renewed annually, although representatives may be reappointed at the discretion of the appointing entities.
 - b. The chair shall be responsible for:
 - i. Providing each committee member with materials for the annual review;
 - ii. Setting a public meeting at which the committee will present its written review. The public meeting shall take place after the publication of the OIG's annual report mandated by subsection (9), but before May 31;
 - iii. Presenting the committee's written review to the Office of Inspector General at least 15 calendar days prior to the date of its public meeting.
 - c. Committee members must be domiciled in Orleans Parish.
 - d. A committee member may not hold any elective or appointed position with the city nor any other government or political party office, nor be employed by any entity that is subject to review by the Office of Inspector General. Additionally, a member may not have held any of these positions within two years before appointment to the committee.
2. As the entity being reviewed, the Office of Inspector General does not participate on the committee, but will provide full cooperation, including access to all completed reports. The Inspector General will appear before the committee at its annual public meeting.

(b) The Office of Inspector General shall be subject to peer review by the Association of Inspectors General every three years. Such peer review shall be paid for by the office of the Inspector General. When completed, the Association of Inspectors General shall submit its recommendations and findings of such peer review to the Inspector General. The office of the Inspector General shall comply with the recommendations of the peer review within 90 days, provided that the recommendations and findings are accepted and approved by the ethics review board. Copies of the written report resulting from this peer review shall be furnished to the ethics review board, city council, and office of the mayor. This report shall also be made available to the public, when such process is completed.

(17) Annual work plan. The Inspector General shall present to the ethics review board an annual work plan for the ensuing calendar year. The plan shall be submitted no later than September 1 of each year and shall include:

- (a) Risk assessment criteria used in establishing the work plan;
- (b) A schedule of projects and anticipated completion dates; and
- (c) Quality assurance procedures planned for implementation.

(18) Subpoena power.

(a) For purposes of an investigation, audit, inspection, or performance review, the office of the Inspector General may administer oaths and affirmations, subpoena witnesses, compel their attendance and testimony under oath, take evidence, and require the production of any records which the Inspector General deems relevant or material to an investigation, audit, inspection or performance review.

(b) In the performance of its duties, the office of the Inspector General may compel the attendance of witnesses to be deposed under oath or the production of public and private records by issuing a subpoena. The subpoena may be served by certified mail, return receipt requested, at the addressee's residence or business address, or by representatives appointed by the Office of Inspector General .

1. The procedure for obtaining approval of such a subpoena shall be in accordance with the requirements of state law.
2. Any subpoena for production of private records shall be in compliance with all applicable constitutionally established rights and processes.
3. Any request for financial records in the possession or under the control of a bank pursuant to this chapter is subject to and shall comply with the requirements and procedures of R.S. 6:333.

(c) Any person or entity that is the subject of a subpoena issued by the Office of Inspector General may challenge the sufficiency or scope, or both, of the subpoena by filing a protective order or motion to quash in the Orleans Parish Civil District Court.

(d) If a person or entity refuses to comply with a subpoena issued by the Office of Inspector General , the Orleans Parish Civil District Court may issue an order requiring the person or entity to appear before the court to show cause why an order should not be issued ordering such person to comply with the subpoena.

1. Any costs and attorney's fees incurred [by] the Office of Inspector General may be taxed against the person who failed or refused to comply with the terms of the subpoena.

(19) Reserved.

(20) Cooperation.

(a) It shall be the duty of every city officer, employee, department, agency, board, commission, public benefit corporation, contractor, subcontractor, licensee of the city, and applicant for certification of eligibility for a city contract or program, to cooperate with the Office of Inspector General in any investigation, audit, inspection, performance review, or hearing pursuant to this chapter.

(b) It shall be the duty of every city officer, employee, department, agency, board, commission, public benefit corporation, contractor, subcontractor, and licensee of the city to report to the Office of Inspector General any instance of fraud or abuse.

(c) With the exception of those contracts specified in subsection (1) of this paragraph, every city contract and every contract amendment where the original contract does not include this statement, and every bid, proposal, application or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain the following statement:

"It is agreed that the contractor or applicant will abide by all provisions of City Code § 2-1120, including, but not limited to, City Code § 2-1120(12), which requires the contractor to provide the Office of Inspector General with documents and information as requested. Failure to comply with such requests shall constitute a material breach of the contract. In signing this contract, the contractor agrees that it is subject to the jurisdiction of the Orleans Parish Civil District Court for purposes of challenging a subpoena."

1. The provisions of subparagraph (c) shall not apply to contracts with other government agencies or to contracts where the city is the recipient of funds.

(d) Any employee, appointed officer or elected official of the city who violates any provision of this chapter shall be subject to discharge or such other discipline as may be specified in an applicable collective bargaining agreement, in addition to any other penalty provided in the City Charter or ordinances.

(21) *Allegations by public employees.* The Office of Inspector General may receive and investigate allegations or information from any public employee concerning the possible existence of any activity constituting fraud, waste, abuse, and illegal acts. The Office of Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the written consent of said employee, unless the Inspector General determines such disclosure is necessary and unavoidable during the course of the investigation. In such event the employee shall be notified in writing at least seven days prior to such disclosure. Any employee who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to the Office of Inspector General, unless the complaint was made or information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(M.C.S., Ord. No. 22444, § 1, 11-2-06; M.C.S., Ord. No. 22553, § 1, 3-1-07; M.C.S., Ord. No. 22888, § 1, 11-1-07; M.C.S., Ord. No. 24395, § 1, 4-28-11)

From: Kristen Morales
Sent: Tuesday, September 06, 2011 4:54 PM
To: Malachi Hull
Cc: Frederick Boyd
Subject: FYI: Gekker - CPNC Transfer Fee

Malachi,

Based on the financials alone, there was a significant increase in Duplicate Permits. It has been identified that the fee for a transfer of CPNCs to Gekker is incorrect. On approximately 189 CPNC transfers in 2011, Gekker was improperly charged \$20.00 instead of the \$350.00 required by City Ordinance. Please be advised that this is a rough estimate and does not capture 2009, 2010, or June 2011 - current.

BFY	ANN CPNC RNL	DUP DR PRMT
2000	\$331,048.00	\$2,615.00
2001	\$306,200.00	\$820.00
2002	\$256,032.00	\$1,165.00
2003	\$290,522.00	\$1,720.00
2004	\$318,450.00	\$1,210.00
2005	\$307,270.00	\$1,230.00
2006	\$265,410.00	\$390.00
2007	\$263,610.00	\$650.00
2008	\$303,520.00	\$660.00
2009	\$323,900.00	\$4,320.00
2010	\$318,350.00	\$6,645.00
2011	\$314,900.00	\$3,795.00
Grand Total	\$3,599,212.00	\$25,220.00

Kristen M. Morales, CFE
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CITY OF NEW ORLEANS
Mitchell J. Landrieu, Mayor

MITCHELL J. LANDRIEU
MAYOR

JARED E. MUNSTER
DIRECTOR

March 6, 2013

RECEIPT

From: Malachi S. Hull, Deputy Director

To: New Orleans Elite Cab (Yevgeniy Gekker)

Re: Receipt of Payment

This is to acknowledge the receipt of payment of \$62,370.00. The payment is being made for the difference of \$330.00 for 189 CPNC transfers that took place between 2010 and 2011.

Yevgeniy Gekker by Edie Koonce
Yevgeniy Gekker

MSH
Malachi S. Hull
Deputy Director

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

**CASHIER'S CHECK**

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

25-3

440

Date 03/06/2013

Remitter

NEW ORLEANS ELITE CAB CORP.

Pay: SIXTY TWO THOUSAND THREE HUNDRED SEVENTY DOLLARS AND 00 CENTS**Pay To The** CITY OF NEW ORLEANS
Order Of

\$ *****62,370.00 ***

Drawer: JPMORGAN CHASE BANK, N.A.*Michael Andrews*Senior Vice President
JPMorgan Chase Bank, N.A.
Columbus, OH

From: Kristen Morales
Sent: Friday, March 02, 2012 5:35 PM
To: Malachi Hull
Cc: Howard Schwartz; William Bonney
Subject: CPNC Fine and Fee Break Out
Attachments: 607 fines and fess.xls

Malachi,

This is for your reference. I picked a random CPNC# to audit and identify the fines and fees assessed by the Taxicab Bureau. This may be helpful when assessing fines/fees in the future.

Summary:

- TOTAL COLLECTED BY THE TAXICAB BUREAU VIA ACCELA: \$1370.00
- TOTAL **NOT** COLLECTED BY THE TAXICAB BUREAU: \$6859.00

*Keep in mind this CPNC# did not have as many transfers as most other CPNC#'s

Please see the attached spreadsheet for additional details. If you have any questions, please feel free to contact me at your convenience.

Kris

Kristen M. Morales, CFE
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kmorales@nolaoig.org



CPNC TRANSFER FEES				
Ordinance	Item	Qty	Amount	Comment
Section 162-324 Processing Fee	RUDOLPH M THOMAS: [REDACTED] TO YEVGENIY GEKKER:NEW ORLEANS CARRIAGE CAB, NEW ORLEANS, LA 70125 TRANSFER DATE: MARCH 17, 2010 (NOT DOCUMENTED VIA ACCELA) CHECK STILL ATTACHED TO PAPERWORK	1	\$ 350.00	March 17, 2010
Section 162-324 Processing Fee	YEVGENIY GEKKER:NEW ORLEANS CARRIAGE CAB, NEW ORLEANS, LA 70125 TO YEVGENIY GEKKER NEGRITO TAXI INC, 4431 EUPHROSINE STNEW ORLEANS, LA DUPLICATE CPNC CERTIFICATE FEE CHARGED RATHER THAN CPNC TRANSFER FEE (\$350.00-\$20.00)	1	\$ 330.00	January 27, 2011
Money Not Collected by the Taxi Cab Bureau \$680.00				

CPNC RENEWAL FEES				
Ordinance	Item	Qty	Amount	Comment
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses YEAR: 2005	1	\$ 150.00	YEAR: 2005
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses YEAR: 2006	1	\$ 150.00	YEAR: 2006
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses YEAR: 2007	1	\$ 150.00	YEAR: 2007
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses YEAR: 2010	1	\$ 150.00	YEAR: 2010
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses Late Fee FEBRUARY 2010 LATE FEE	1	\$ 150.00	FEBRUARY 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses Late Fee MARCH 2010 LATE FEE	1	\$ 150.00	MARCH 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses APRIL 2010 LATE FEE	1	\$ 50.00	APRIL 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses MAY 2010 LATE FEE	1	\$ 50.00	MAY 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses JUNE 2010 LATE FEE	1	\$ 50.00	JUNE 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses JULY 2010 LATE FEE	1	\$ 50.00	JULY 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses AUGUST 2010 LATE FEE	1	\$ 50.00	AUGUST 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses SEPTEMBER 2010 LATE FEE	1	\$ 50.00	SEPTEMBER 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses OCTOBER 2010 LATE FEE	1	\$ 50.00	OCTOBER 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses NOVEMBER 2010 LATE FEE	1	\$ 50.00	NOVEMBER 2010 LATE FEE
Section 162-1664 Renewal Application	CPNC Renewal - Limos, Vans, Cabs, Buses DECEMBER 2010 LATE FEE	1	\$ 50.00	DECEMBER 2010 LATE FEE
Money Not Collected by the Taxi Cab Bureau : \$1350.00				

CPNC INSPECTION (VEHICLE) FEES				
Ordinance	Item	Qty	Amount	Comment
Section 162-195 Sub Section 1 Fees	Inspection 2005	1	\$ 100.00	YEAR: 2005
Section 162-195 Sub Section 1 Fees	Inspection 2006	1	\$ 100.00	YEAR: 2006
Section 162-195 Sub Section 1 Fees	Inspection 2007	1	\$ 100.00	YEAR: 2007
Section 162-195 Sub Section 1 Fees	Inspection 2007	1	\$ 100.00	YEAR: 2008
Section 162-195 Sub Section 1 Fees	Inspection 2008	1	\$ 100.00	YEAR: 2009
Section 162-195 Sub Section 1 Fees	Inspection 2009	1	\$ 100.00	YEAR: 2009
Section 162-195 Sub Section 1 Fees	Inspection 2010	1	\$ 50.00	YEAR: 2010
Section 162-379 Special Inspections.	Special Inspection (Rudolph Thomas)	1	\$ 55.00	Equipment Change
Section 162-386 Delinquency penalty	Special Inspection (New Orleans Carriage Cab)	1	\$ 55.00	Equipment Change
Section 162-386 Delinquency penalty	Special Inspection (Negrito)	1	\$ 55.00	Equipment Change
Section 162-386 Delinquency Penalty	Late Inspection Fee (365 Days) Years: 2005-2009	1	\$ 3,650.00	Five Years of Late Fees
Section 162-386 Delinquency Penalty	Late Inspection Fee (182.5 Days) Years: 2010	1	\$ 364.00	2010 Inspection Late Fees
Money Not Collected by the Taxi Cab Bureau: \$4829.00				

Total Not Collected by the Taxi Cab Bureau: \$6859.00

FEES COLLECTED BY TAXICAB BUREAU				
Fee Item	Fee	Record Date	Record Time	Record By
CPNC Renewal - Limos, Vans, Cabs, Buses (enter 1)	\$150.00	October 3, 2004	04:12:02 PM	MCENTINEO
CPNC Renewal - Limos, Vans, Cabs, Buses (enter 1)	\$150.00	January 19, 2007	12:01:21 PM	JUNES
CPNC Renewal - Limos, Vans, Cabs, Buses (enter 1)	\$150.00	April 1, 2008	12:59:25 PM	CSPEAKS
CPNC RE-INSTATEMENT FEE (enter 1)	\$500.00	December 30, 2009	12:24:16 PM	KFORTUNE
CPNC Renewal - Limos, Vans, Cabs, Buses (enter 1)	\$150.00	December 30, 2009	12:24:16 PM	KFORTUNE
Inspection (enter 1)	\$50.00	January 14, 2010	09:17:27 AM	RBLAKE
DUPLICATE CPNC CERTIFICATE	\$20.00	January 27, 2011	12:59:08 PM	BBYRD
CPNC Renewal - Limos, Vans, Cabs, Buses (enter 1)	\$150.00	January 27, 2011	12:59:08 PM	BBYRD
Inspection (enter 1)	\$50.00	August 12, 2011	03:00:59 PM	CPILOT

MONEY COLLECTED BY THE TAXICAB BUREAU VIA ACCELA: \$1370.00

From: Kristen Morales
Sent: Monday, April 15, 2013 11:18 AM
To: Malachi Hull
Cc: Jared E. Munster; Howard Schwartz
Subject: Observations Of Taxicab Bureau

Malachi,

On Friday April 12, 2013 I was at the Taxicab Bureau locating CPNC records when I made several observations that I would like to bring to your attention.

First, I would like to say that B.BYRD and T.WIMBERLY both stayed after their scheduled shifts in order to assist in locating CPNC information. I sincerely appreciate both employees going above and beyond to assist the Office of the Inspector General.

I was in the process of identifying how a taxi vehicle is inspected and where those records would be maintained (since they are not in the CPNC file folder).

B.BYRD and T.WIMBERLY walked me through the process, using the example of SHEICHO DELBAR (Cab Driver who was recently shot and killed). My understanding is at the time of the murder, DELBAR was driving CPNC# 177. According to Lama, an inspection was conducted by B.BYRD on January 02, 2013 and "failed" due to No GPS, No Camera, No Top light, and No Silent Alarm. A re-inspection was conducted on January 08, 2013 by J. CARMOUCHE with a "pass". To further the due diligence, B.BYRD and T.WIMBERLY advised that a log was created every time the camera equipment was tested. On January 08, 2013 08:59:28 J.CARMOUCHE tested the camera equipment.

*Lama also had on file that S.DELBAR was driving on CPNC# 991 – at some point. Please be advised that CPNC # 991 had "passed" an inspection on September 18, 2012, however has not returned for the 6 month re-inspection which would have been due in February 2013.

Some Observations:

1. It took an excessive amount of time to locate CPNC / Vehicle information. I recommend that the Inspectors at the stations have scanners with them so that they can scan the inspection sheets upon completion of the inspection. Further,
2. Storing of Public Records. Drivers Files, Tests, CPNC Files, Transfer Information, Historical Information, etc. are located throughout the department in a number of rooms and storage areas. I can't stress enough how critical it is for public records to be stored and maintained appropriately. It is vital for your staff to organize files by CPNC and by Drivers Permit. It became evident that when I made an attempt to locate transfer information, I had to check with several staff members and several rooms to locate records – which were never found.
3. Scanners are not being utilized for their recommended purposes. When I questioned why the scanners were not being used, I was advised that they were not trained on how to use them and how to scan documents into Lama. A training session should hopefully resolve this issue, but please note that it is imperative that the scanners currently in the department be utilized so that all information is readily available

4. In order to identify the previous owner of a CPNC Ms. Brownfield had to use a system pre-Accela, called "Passport" to locate this information. Is it possible that Passport information can be married into the Lama System?

If you have any questions or concerns please feel free to contact me at your earliest convenience. * I am also willing to dedicate some of my time (with approval from my IGID) to help organize the files.

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MEMORANDUM OF INTERVIEW

On 12/05/13, Investigator Kristen Morales and Investigator Michael Centola of the City of New Orleans Office of Inspector General (OIG) contacted Malachi Hull, Deputy Director (DD), Safety and Permits, at his office in City Hall, 1300 Perdido Street. DD Hull was aware of the identities of the OIG personnel and he was told that the OIG was conducting an administrative investigation. DD Hull was also told that he was compelled to answer all questions relative to official business; he then provided the following information:

January 13, 2013 Incident

DD Hull advised that when he was made aware of an incident that took place on January 13, 2013 (OIG NOTE: incident involving Taxicab Bureau Investigator (TCI), Ronnie Blake on the hood of a moving taxicab) he contacted the OIG to notify them of this incident. He stated that after this incident he sat down with the TCIs, specifically, Blake to advise them not to put their life in danger, "that it was not worth it." DD Hull said that he "assumed" that TCIs had arrest powers. DD Hull was not given any direction from the administration, however was told to read the Ordinances pertaining to the Taxicab Bureau. When DD Hull had his introductory meeting with his new staff, June 2011, they referenced Standard Operating Procedures (SOPs) but DD Hull never followed up with the staff to locate the SOPs. He was aware that Ann Duplessis, Former Deputy Mayor of the City of New Orleans, sent notification to all staff in the TCB that no one was allowed to carry firearms.

DD Hull stated that he does not remember the follow-up conversation, from Blake's January 2013 incident, with the OIG (OIG NOTE: the follow up conversation was with, Investigator Kristen Morales and Assistant Inspector General, Howard Schwarz) and the items discussed, including the fact that the TCIs had no arrest authority.

October 23, 2013 Incident

An incident on October 23, 2013 involving Blake and Taxicab Driver (TCD) Emmanuel Esterlin would have called for a citation being issued at the scene, according to DD Hull, however, the citation was issued at a later date because Esterlin was arrested and taken to the hospital. DD Hull stated that this is normal business practice to issue citations at a later day, "they do it all the time." When the TCB receives complaints from customers / citizens, (OIG NOTE: DD Hull provided the example - customer over charged) the TCB conducts their investigation. If the allegations are substantiated they will call the TCD in to the TCB and cite them. Further, DD Hull said that he will see violations on the street and he will contact a TCI and have the driver come to the TCB to be cited for the violation.

DD Hull said that on the day of this particular incident, October 23, 2013, he was on his way to the TCB Inspection Station (OIG Note: TCB Inspection Station located at 13400 Old Gentilly Rd) with newly appointed Deputy Chief Administrative Officer Operations, Ava Rogers, when he heard Blake requesting help. They started hearing calls on the TCB radio that officer needs assistance so they turned back around and contacted 911 to advise them of the TCB radio call.

DD Hull stated that he was unaware if a TCD is required to get out of the vehicle in order to be cited by a TCI. DD Hull advised that in a meeting that they had with the Law Department, Blake stated that they are trained to ask the driver to get out of the vehicle and to cite the driver if he or she does not get out of the vehicle. According to DD Hull, the offense for not complying with a TCI is Section 162-446. (OIG NOTE: New Orleans Code of Ordinances Section 162-446 *Driver's good conduct* states; "No person to whom a driver's permit has been issued under the provisions of this article shall interfere with, impede, obstruct the legal operation of or intentionally damage any vehicle or its equipment authorized to operate under the provisions of this chapter; nor shall any person threaten, abuse, insult, provoke, interfere with, impede or obstruct any passenger, prospective passenger or any other person in connection with operations under this chapter.") DD Hull said that the code does not state that but it was the way the TCI were trained. He said that if the OIG had additional questions relating to drivers good conduct, to speak directly with the TCI. DD Hull was not aware that Esterlin complied with Blake's request to turn over his permit, when DD Hull arrived on the scene of the incident.

DD Hull said that Kent Wilkins, Director for Security at the Hyatt Hotel (location of incident) recently provided the TCB with a witness statement and it was completely different from what he originally stated at the scene of the incident. The Law Department requested Blake write a statement and that is where DD Hull learned of the SOPs and lack of training for the first time.

DD Hull said that he called Esterlin in to the TCB in order to cite him for the activity on October 23, 2013. DD Hull did not want Blake to deal with Esterlin, so DD Hull spoke with him directly. DD Hull explained to Esterlin that the TCB watched the video of the incident and that he saw Esterlin swing first. He did not realize Esterlin was arrested until the day he came into the office. Esterlin told DD Hull that he was arrested so DD Hull requested that he bring in his paperwork. DD Hull advised Esterlin that it was not his fault the incident happened and if he has been arrested or charged with any crime then his license is suspended. DD Hull said Chapter 241-242 states they can pull a license "for a prescription of offenses." He was unaware what Esterlin's charges were but still advised him that his license would be suspended. DD Hull advised Esterlin that Blake would not press charges against him after speaking with Blake. Blake said he did not know why he did what he did but that Esterlin was a good guy. DD Hull offered to find Esterlin a job because Esterlin indicated that he was not sure how he was going to support his family. He recommended Esterlin get with "Job One." DD Hull advised that they do this with everyone who is in a similar situation to Esterlin. The first TCD the TCB ever assisted was K-man Mitchell. According to Hull, his background check listed an arrest and conviction, to which Mitchell served 8 years. (OIG NOTE: New Orleans Code of Ordinances Section 162-242 - *Prescription for certain offenses* states; "(a)Applicants for a driver's permit or CPNC or renewals thereof shall not have been convicted of any felony other than those listed in section 162-241, or the offense or equivalent offense of pandering, prostitution, soliciting for prostitution, or illegal possession or use of a controlled dangerous substance, as set forth in R.S. 40:961, et seq., within five years of the date of filing an application; nor shall the applicant have served any part of a sentence therefore within five years before the date of filing such application. (b)Applicants for a driver's permit or CPNC or renewals thereof shall not have been convicted of any offense under the laws of this state or any other state or of the United States for the offense or equivalent offense of operating a vehicle while intoxicated within five years of the date of filing the application, nor shall the applicant have served any part of a sentence therefore within five years before the date of filing such application.")

November 09, 2013 Incident

DD Hull stated that he checks on "his folks" regularly to see how they are doing and frequently monitors the radios. The check up is not an evaluation; that in fact it is just a checkup.

Joiner had been doing the evening shift for about four weeks because another TCI, Stacy Warren, had been out sick.

On the evening of 11/9/13 DD Hull was in his personal vehicle and decided to do a routine check on Joiner. DD Hull contacted Joiner on his cell phone and requested his location. He met Joiner at the corner of Royal and Governor Nicholls. DD Hull stated that when he approached Joiner, Joiner said "glad you see what we see," "there were folks everywhere." DD Hull parked down the block on Governor Nicholls and started walking toward the tours and took a picture. There were at least four (4) groups including Tour Guide Operator, Wendy Bosma's tour group. Bosma's tour group was the first group DD Hull encountered. He said that he did not know which way the tour groups were going. DD Hull said that tours were all within fifty (50) feet of each other. He does not know which group would be in violation if he walked up on all the tours. He said if a group was already there and if another tour guide group walked up and they were less than fifty (50) feet, the second tour group would be in violation. DD Hull said that if tour groups were passing each other they would not be in any violation of the fifty (50) foot rule. DD Hull said that the TCIs are not equipped with any measuring instruments. DD Hull said that Allen Yrle, Chief Traffic Engineer, Department of Public Works, sent him an email with the width of the streets in the French quarter and they are twenty (22) feet apart. This email was sent on to the TCIs (OIG NOTE: This email was sent to DD Hull on October 28, 2013)

DD Hull described the photo that he took that evening; he said that Bosma's group is across from Joiner. Joiner is in a florescent vest in the photo. (OIG NOTE: A copy of the photo was provided by DD Hull to the OIG)

DD Hull said that the TCB does not want TCIs to engage the Tour Guides during their speeches. Joiner approached Bosma and asked her for her permit. DD Hull was not close enough to hear the conversation but Joiner was aware that DD Hull was there. Once Bosma was approached by Joiner, she immediately took out her phone, however, did provide the permit to Joiner. The back of Joiner is to DD Hull and the face of Bosma is toward DD Hull.

(OIG NOTE: DD Hull stated that did not hear the conversation between Joiner and Bosma, when Joiner first approached Bosma. It was later explained to him that Bosma had recorded some video with her cell phone and this was shown to him by one of the New Orleans Police Department (NOPD) officers. DD Hull said the video was a recording of the block they were on with no other tours on the street.)

Bosma walked to the corner, turned toward her group and told them that she can't finish the tour because "that guy just took my permit." The whole Tour Group turned towards Joiner and started to shout at him saying that it was not right that he took her permit. The Tour Group shouted "give her her permit back." DD Hull said that "three caucasian males" were in Joiner's face and the crowd had surrounded both DD Hull and Joiner. The Tour Group requested to see Joiner's badge. The tour group continued to yell towards Joiner, "you all need a warrant."

DD Hull said all the persons on the tour group were drinking. DD Hull gave Joiner a direct order to "stop talking to the crowd" and "call NOPD." Joiner walked off into the street and DD Hull tried to deescalate the crowd. DD Hull said the next thing he knew Bosma was on the car. DD Hull said that he was still talking to one of the larger gentleman who was on the tour, when all of a sudden she was on the car, he did not see how she got on the car. DD Hull described him as a short, heavy set caucasian male. DD Hull said that he did hear Bosma screaming. DD Hull advised that Joiner was detaining her, but he was not sure why. Joiner was saying "permit permit." DD Hull said it "seemed like he was detaining her based on the way he had her," and repeatedly asked for her permit. DD Hull stated that Sidney Smith owner of Haunted History tours then pulled out his camera started to record the streets and "getting folks excited".

DD Hull said Joiner had her detained based upon his previous training. He was operating in the normal course of his duties from his understanding. DD Hull felt that the physical confrontation was "excessive" now, but at the time of the incident "no." DD Hull said that he does not have an answer when it comes to a protocol being in place, if a TCI is assaulted or battered.

DD Hull advised that there are emails and statements from persons who witnessed the incident, including Joiner, Bobby Whidden resident on Governor Nicholls, and one other resident, name unknown (NU), who stays across the street. He stated that the law department would have them, if not more. All of this information would have been passed along to Ava Rogers, Deputy CAO.

DD Hull stated he emailed Joiner's statement to Rogers. He concurred with what Joiner put in his statement. He still agrees with the Joiner's statement. He has no reason to believe that it is not accurate.

DD Hull said that Joiner emailed his statement to him, cc'd Karen Thibodeaux, Deputy Director of the TCB and TCI Ronnie Blake. DD Hull advised that he did not write a report on the incident that occurred on 11/9/13.

DD Hull said that Joiner did not arrest Bosma on 11/9/13. The only information that he has from Joiner from the incident on 11/9/13 is; his trip sheet and emailed statement. DD Hull said the TCB has not made any arrest. He said an arrest means they would "go to OPP and then be processed." (OIG NOTE: OPP stands for Orleans Parish Prison). DD Hull said that he "did not authorize" Joiner to; "Detain, Arrest, Push, or Restrain Wendy Bosma," however he did authorize Joiner to "approach her." Joiner did not say why he was detaining her, the only thing that DD Hull heard was Joiner say "permit, permit."

DD Hull said he took no steps to ensure Bosma's medical needs were met because it was his understanding that once NOPD was on the scene they would call EMS (OIG NOTE: EMS stands for Emergency Medical Services). DD Hull did not make any medical request for her once NOPD took over the scene. DD Hull had no interaction with anyone except, an NOPD officer and a cab driver that was up against the wall.

Linda Martin

DD Hull said that he assigned Blake to train new TCI Linda Martin. This assignment was not in writing, it was a verbal command. DD Hull said that he did not know how Martin obtained her TCI

uniform "you would have to ask her." DD Hull went on to say that "his folks" get a uniform allowance and then they go to the uniform shop. He does not have a guideline or policy on how they are to obtain uniforms. He said when he worked in Atlanta (OIG Note: DD Hull was formerly the Bureau Director for the City of Atlanta) they would just go to the uniform shop and have an account and spend it there.

DD Hull did not speak to Martin about the incident involving Blake and Esterlin on October 23, 2013. He advised that Martin wrote an email and "scanned it to folks." He does not know where she typed this email, did not direct her/require her to give a statement and does not know if anyone told her to write one.

DD Hull stated that he did not provide Martin with a training manual and that he does not have a training manual. TCB gave Martin the "SOPs on Jazzy Drivers, Work Rules, Ordinances, CPNCs, Driver Permits and administrative polices from Safety and Permits."

Administrative Hearing

Sidney Smith, owner of Haunted History Tours requested to be present at an administrative hearing on one of his employees (Name Unknown) that was previously cited by Joiner. DD Hull said that it was at his direction that he did not allow Smith into the hearing because Smith was not a witness and had previously threatened Joiner. DD Hull could not recall who called him about the request for Smith to be present, either the hearing officer or one of the TCIs. DD Hull said that he has never had to make this decision before, as he has never received this type of question before.

Tom Shlosman Complaint

DD Hull received complaints from private attorney Tom Shlosman detailing several allegations about TCIs Blake and Joiner. DD Hull said that he did not refer this complaint to the OIG because he sent it to the law department, specifically, Sharonda Williams, City Attorney, and cc'd Dan McNamara, Assistant City Attorney, and possibly Rogers. DD Hull said he wanted to see how the law department wanted to handle it.

DD Hull said that he received emails from Council Members with allegations/ complaints. One of the complaints came from Rob Lawrence, private citizen. Lawrence had concerns as to why TCB enforcement had "picked up" in the French Quarter. DD Hull met with Lawrence on a Friday and after the meeting Lawrence understood why enforcement had "picked up" based on DD Hulls explanation.

DD Hull said that he did, "forwarded" and he "responded to" emails communicated by council members. Additionally, DD Hull emailed the proper personnel, "any allegations relating to the TCB."

During a discussion about complaints received from Luke Siddall, private citizen, DD Hull advised that he did not interview Luke Siddall, surrounding the complaints.

When DD Hull interviewed Blake and Joiner regarding the allegations, he said he did not take notes of the interview with either Blake or Joiner. DD Hull said that he does not recall if he interviewed them on the same day since they were on different shifts. DD Hull stated that he was instructed by City Attorney Williams and Assistant City Attorney for Civil Service Elizabeth Robins to sit down and interview Blake and Joiner. DD Hull typed up what he discussed with Blake and Joiner and then had each one of

them confirm it via email. He asked them specifically "do you carry a firearm" and both responded "No I don't carry a firearm".

DD Hull said that the TCB and the Law Department were moving towards outsourcing the investigation to the OIG. DD Hull said that he spoke with Assistant Inspector General Howard Schwartz about the complaints from Shlosman. DD Hull advised he did not write a report of this event.

Policy

DD Hull said that he has "done nothing" regarding the research/ due diligences regarding the authority of the TCB. He did look in the personal files of his employees when he first got there. He recalls seeing a firearm certification form in Joiner's file. DD Hull said that he believed that the TCB vehicles had emergency equipment on them, "not on his watch." The removal of the emergency equipment was requested through EMD. DD Hull said that he is not sure if EMD removed the emergency equipment. He did not follow up with the request. He went on to say that he has not discussed the taxicab bureau's authority and policies with "nobody."

When discussing Guided Tours, DD Hull advised that there is no code that allows for leniency when it comes to the "50ft" rule concerning Tour Guide Operators (OIG NOTE: New Orleans Code of Ordinances Sec. 30-1489 *Walking tour guide rules and regulations* states; "During a tour narration, tour groups shall maintain a distance of 50 feet from another tour group."). There is also no internal policy. DD Hull said the TCIs do not give a warning of potential ordinance violations, "If they are in violation, they get a citation." DD Hull advised that this also applies to the 10:00pm curfew. If it's past 10:00pm the TCIs will issue a citation if the tour is still being conducted. (OIG NOTE: New Orleans Code of Ordinances Sec. 30-1489 *Walking tour guide rules and regulations* states; "All tour groups shall be disbanded by 10:00 p.m. nightly. Garden District tours shall be concluded by 6:00 p.m. nightly.")

DD Hull said that the TCIs are not equipped with any measuring devices to determine distance between Tour Groups. DD Hull advised that the reason for the increased enforcement is due to increased complaints and following up with complainants, residents and council members. He even sat down with Council Member Jackie Clarkson and private citizen, Bobby Whiddon.

While discussing the length of time for a tour DD Hull said there really is not a set time, but if the Tour Operators are standing at a spot too long, TCIs will ask them to move. DD Hull advised that the TCB has the authority to move them along "based on what the code says," although he acknowledged that the code does not specify any restrictions on the length of time for a tour.

DD Hull said that the TCB did not purchase pepper spray or handcuffs but the City of New Orleans gives uniform allowance and they get the equipment that they need. DD Hull advised that he does not tell them what they can and cannot purchase, there is no set equipment list, and he did not create one.

DD Hull's reason/justification for promoting Ronnie Blake is due in part because of Xavier Cabo, Project Manager for Mayor Landrieu's Innovation Delivery Team. Cabo was assigned to the TCB to make the TCB run better. In the process of Cabo putting the organizational chart together, he advised DD Hull that the chart needs to be more efficient. According to DD Hull, Cabo recommended that the TCB create a Supervisor position. DD Hull looked at who they had and determined that Blake was the most qualified

because he takes initiative. DD Hull did not look at previous performance evaluations; however, he did look at the amount of time "folks" served at the TCB.

The last time DD Hull reviewed his employee's files was after the Joiner incident on 11/09/13. Prior to that, it was when he first started with the TCB in June 2011.

The last training that was offered by DD Hull was the State Ethics Training. He advised that Terrance Wimberley, TCI, also went to a training offered by the FBI to fulfill his continuing education credits for his Certified Fraud Examiner's license.

DD Hull said that the reason for ignoring the emailed request on October 21, 2013 by the OIG, was because, "nothing was sustained at that time" and there was a shortage of personnel at the TCB. DD Hull said he did forward the email to Andy Kopplin, First Deputy Mayor and Chief Administrative Officer, City Attorney Williams and Deputy CAO Rogers, "if she was there at the time." (OIG NOTE: Email dated 10/21/13 to DD Hull from Investigator Morales. Emails states; *"Malachi, I have received additional complaints against Investigator Wilton Joiner. Some statements were very alarming, including... 'I feared for my life,' and 'He intimidated me.' Is it possible for you to assign another Investigator in the field, until these complaints/allegations have been thoroughly investigated? The concern is for the public and public safety.'*")

DD Hull said that his policy regarding "details" is that he did not like the word "details". In the past they referred to them as "special event details," i.e.: Voodoo fest, Essence fest, Jazz fest and Bayou Bogaloo fest. DD Hull advised that it is "not in the course of their duties" – special event details. DD Hull said the event holders are requesting taxi cab stands, "if that is what you want to call it-" private citizens pay them, they do not get paid for these events from the city. If TCIs were to get hurt while performing these "special events" that are paid for by private citizens he is not sure who's insurance it would go under but assumed it would go under the City of New Orleans. DD Hull said that he has not set a rule of standards or policies in regards to special events details.

DD Hull stated that there are no written operations policies for TCIs, in the field and at the inspection station, however they do have an inspections checklist.

DD Hull stated that TCIs "today, cannot" carry handguns, cuffs, mace/pepper spray. They are no longer able to carry after the incident with Joiner. DD HULL said that in the past, the TCIs had carried them before, specifically, Armament Systems Procedures Inc (ASP) batons, handcuffs and mace. DD Hull said "I assume they have had training for it."

DD Hull said that he has never seen Blake or Joiner carry a gun holster on their belts.

DD Hull said that he thinks there is a description for Supervisor Taxicab Investigator. He said that the description is in Blake's possession and he should have a copy on him. DD Hull said that Blake was given a copy of the description for Supervisor Taxicab Investigator when he accepted the new position.

DD Hull said that he did not write an Operations Manual because, "he did not have the time, reform stuff, dealing with the IG's office, dealing with court lawsuits, and day to day operations. They started when he first got there but then went straight to reforms."

DD Hull said that Chapter 162 gives his TCIs arrest powers. He thinks its "Chapter 162-48 b." That is what he read and saw. DD Hull said "only folks that went through training could arrest." He advised that Wimberley went through the most training.

DD Hull said that he did not discuss arrest powers with anyone until after Joiner's incident on 11/09/13.

When asked what exactly can a TCI do, DD Hull said, "today the roles are to go to the inspection station, investigate complaints from the office; however, they cannot do any field enforcement." DD Hull went on to say that before it was different, "they would do inspections, street inspections, they could walk up and cite folks, they could detain folks, and they would detain someone who is not permitted."

When asked what powers TCIs have, DD Hull stated, "today everything except for arrest powers and they cannot detain." They can issue citations. "Right now their power is to do nothing." DD Hull said TCIs can inspect inside vehicles for vehicle registration documents as the code allows them to do random inspections. The code says "they can go into the interior of a vehicle." If the TCD refused or is not in the car, the TCI would call NOPD.

DD Hull said that he, "never thought about it" in relation to TCI using their personal phones to conduct city business or taking photos of citizens. DD Hull pointed out that the TCIs use photos for their TCB hearing. DD Hull wants them to have evidence but he did not specify, work or personal.

When asked if TCIs have arrest powers DD Hull stated that today "no" yesterday "some" and only the ones who went through training. DD Hull stated that Blake said that he went through Harbor Police training and Joiner had the NOPD training and they went through training before Katrina and they "lost some of the paperwork."

When asked if TCIs have search and seizure authority DD Hull stated "today, before and after no," because he does not see them, "seizing stuff." Trip sheets would be confiscated if the TCD is not in the car or if the "TCD runs off."

When asked if citizens have constitutional rights DD Hull responded "I think everyone has constitutional rights, not just citizens." DD Hull said he knows this because "the golden rule, treat others how you would like to be treated." He also "knows that we have a US Constitution, I could not tell you what it says, but there is one."

International Association of Transportation Regulators (IATR)

DD Hull was asked questions pertaining to the IATR. DD Hull provided the following answers;

DD Hull's role with the IATR, "today is board of directors, past president, and board member." DD Hull said that his other roles with the IATR were president, past president, and vice president. DD Hull said that he received the Regulator of the Year award for 2012. He did not receive any awards by the IATR; he did receive the Bureau of Governmental Research (BGR) award in September 2013 and the "Champion of Tourism" for 2013 from the New Orleans Convention and Visitors Bureau. DD Hull said

that he has not received any money from the IATR; however, they have "paid/compt" for the conference fees, airfare, and hotel for DD Hull to attend. He said that the IATR gave him a "clear apple" in 2009. (OIG NOTE: The apple is from Tiffany and Company.) DD Hull said that he has received "nothing" of value from any Vendor / Third Party Contractor. DD Hull said that his trip to Canada (IATR Conference), he went in 2011, 2012, and 2013, the IATR has paid for all of his conferences. DD Hull said the IATR paid for the trip and travel expenses to IATR conference held in Canada. DD Hull said he completed the Ethics forms for these trips. The IATR has been paying for Hull to attend since 2010. DD Hull said that the City of New Orleans pays for his membership (\$550.00). He went to "Day on the Hill" with the IATR in 2012. The city did provide him with City per-dieum. DD Hull said that he has no outside employment. He also said that he has not had outside employment since he has been employed with the City of New Orleans.

DD Hull said that he has not earned any other monies outside of his position with the City of New Orleans; however he did receive a check for \$1000.00 from the BGR award.

DD Hull said that he has a consulting business that is domiciled in Atlanta but he has not done anything with it. He has not earned any income from it. He has no other financial interests and no joint ventures.

Office of Performance and Accountability, specifically Oliver Wise set 600 citations as a goal for the TCB. It was a management statistic and they decided to set it as a goal. Today, they are trying to figure out how you get a "good eight (8) hours out of folks," they are going to look at what revenue does and may follow the same path. DD Hull said the number 600 started with what they did the previous year and advised that they did not have full staff and that once he did, the numbers would increase. No quota has ever been established. DD Hull said they have never been "quota driven."

From: Howard Schwartz
Sent: Thursday, December 19, 2013 2:16 PM
To: Kristen Morales; Michael Centola
Subject: Harbor Police Training

On 12/19/2013, Harbor Police Chief Bobby Hecker advised that Wilton Joiner and Ronnie Blake have never received any training from the Harbor Police at any time.

From: Ronal W. Serpas <rwserpas@nola.gov>
Sent: Sunday, June 19, 2011 10:59 AM
To: Malachi Hull
Cc: Jane E. Varnado; Marlon A. Defillo; James P. Treadaway; Kirk M. Bouyelas
Subject: RE: Malachi Hull

Welcome aboard. Please feel free to call upon our department if we can be of any assistance.

-----Original Message-----

From: Malachi Hull
Sent: Mon 6/13/2011 4:17 PM
To: Ronal W. Serpas
Subject: Malachi Hull

Chief Serpas:

Good Afternoon. My name is Malachi Hull, and I have assumed the role of Deputy Director for the Department of Safety and Permits. I just wanted to take a moment to let you know that I look forward to meeting with you in the near future to get your thoughts and suggestions on how we can improve the for hire vehicle services for the city of New Orleans. In addition, I'm interested in working with your training instructors to improve training issued to our enforcement personnel. This training can include verbal judo/conflict resolution, report writing, etc. Finally, I would like to discuss how we could put some community oriented policing initiatives in place.

My top focus will always be public safety and driver safety. I believe that there is a direct correlation between the two. For example, each driver assaulted and/or murdered impacts New Orleans' overall crime numbers. In addition, not having taxicab stands in key locations, like clubs, bars, etc increases the number of individuals driving under the influence. Also, if a driver does not feel safe, he/she won't service certain areas of the city which can lead to more individuals walking to and from the store, etc making them easy targets for robbery. In Atlanta, we implemented a community oriented policing strategy, where the vehicle for hire operators attended the citizen's police academy to improve the relationship with the police department and the industry. The program was a 2 hour per week, 9 week program that taught drivers how to identify crimes, report them, and avoid being victims of crimes. This program gave us over 3,500 additional individuals' eyes and ears on the streets to help reduce crime.

I look forward to working with you to make New Orleans a safer city.

Ready to serve,

Deputy Director Malachi S. Hull, MBA

Department of Safety and Permits

Taxicabs and For Hire Vehicle Bureau

504-658-7170 - Office

504-658-7213 - Fax

"Leaders are the ethics teachers of the organization whether they intend to teach or not. Their actions send signals, and their omissions send signals. What signal are you sending your organization?"

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From: Ronal W. Serpas <rwserpas@nola.gov>
Sent: Friday, August 05, 2011 9:56 AM
To: Malachi Hull
Cc: Ronal W. Serpas; Jane E. Varnado; James P. Treadaway
Subject: Re: Request for Assistance

Yes. We are still reviewing and will be back in touch.

RWS

On Aug 5, 2011, at 5:37 AM, "Malachi Hull" <mhull@nola.gov> wrote:

Chief Serpas:

Good Morning. This is a follow up to our request for assistance. Have you had an opportunity to review the request?

Ready to serve,

Deputy Director Malachi S. Hull, MBA

Department of Safety and Permits

Taxicab and For Hire Vehicle Bureau

504-658-7182 - Direct

504-658-7213 - Fax

"Leaders are the ethics teachers of the organization whether they intend to teach or not. Their actions send signals, and their omissions send signals. What signal are you sending your organization?"

<image002.jpg>

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From: Malachi Hull
Sent: Wednesday, July 27, 2011 11:17 AM
To: Ronal W. Serpas
Cc: Jane E. Varnado
Subject: Request for Assistance

Chief Serpas:

Good Morning. I'm sorry that we did not have the opportunity to meet today; however, I understand the day to day dynamics that police departments face. Please find our request for assistance attached for your review.

Thank you for your time and assistance.

Ready to serve,

Deputy Director Malachi S. Hull, MBA

Department of Safety and Permits

Taxicab and For Hire Vehicle Bureau

504-658-7182 - Direct

504-658-7213 - Fax

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<image003.jpg>

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From: Bernell M. Nevil
Sent: Monday, August 22, 2011 2:07 PM
To: Malachi Hull
Cc: James P. Treadaway; Ronal W. Serpas
Subject: Taxi's on Patrol

Correction

Mr. Hall,

Commander James Treadaway, who serves as the Chief of Staff, and I have been directed by Superintendent Serpas to meet with you to discuss and analyze exactly what you are requesting from the NOPD in terms of providing assistance in improving your staff's training as well as discuss your interest in creating a community oriented policing initiative called Cabbie's on Patrol (COPS). We are available to meet with you this week and have cleared our calendar to meet with you in the Small Conference room in the Superintendent's Office, located at 715 South Broad Street, either on **Wednesday, August 24, 2011, at 3:30 pm** or **Friday, August 26, 2011, at 1:00pm**.

Please determine which date works best for your schedule and advise. We look forward to meeting with you soon.

Commander Bernell M. Nevil, Jr.
New Orleans Police Department
Education, Training, and Recruitment Division
4600 Paris Avenue
New Orleans, Louisiana 70122
504.658.6650, (Office)
504.658.6675 (Fax)
504.312.1966 (Cell)
bmnevil@nola.gov

From: Bernell M. Nevil
Sent: Monday, August 22, 2011 2:02 PM
To: Malachi Hull
Cc: James P. Treadaway; Ronal W. Serpas
Subject: FW: Taxi's On Patrol (TOPS)

Mr. Hall,

Commander James Treadaway, who serves as the Chief of Staff, and I have been directed by Superintendent Serpas to meet with you to discuss and analyze exactly what you are requesting from the NOPD in terms of providing assistance in approving your staff's training as well as discuss your interest in creating a community oriented policing initiative called Cabbie's on Patrol (COPS). We are available to meet with you this week and have cleared our calendar to meet with you in the Small Conference room in the Superintendent's Office, located at 715 South Broad Street, either on **Wednesday, August 24, 2011, at 3:30 pm** or **Friday, August 26, 2011, at 1:00pm**.

Please determine which date works best for your schedule and advise. We look forward to meeting with you soon.

Commander Bernell M. Nevil, Jr.
New Orleans Police Department
Education, Training, and Recruitment Division
4600 Paris Avenue
New Orleans, Louisiana 70122
504.658.6650, (Office)
504.658.6675 (Fax)
504.312.1966 (Cell)
bmnevil@nola.gov

From: James P. Treadaway
Sent: Monday, August 22, 2011 9:35 AM
To: Bernell M. Nevil
Subject: FW: Taxi's On Patrol (TOPS)

FYI -

From: Malachi Hull
Sent: Sunday, August 21, 2011 4:31 PM
To: James P. Treadaway
Subject: Fw: Taxi's On Patrol (TOPS)

From: Michael A. LeVasseur
Sent: Sunday, August 21, 2011 10:40 AM
To: Malachi Hull
Subject: Re: Taxi's On Patrol (TOPS)

My supervisor, Commander James Treadaway has taken the lead on any training in this area.

Please correspond with Commander Treadaway regarding training of taxicab drivers or taxicab bureau personnel.

Thx.

Sent from my BlackBerry Wireless Device

From: Malachi Hull
Sent: Thursday, August 18, 2011 03:59 PM
To: Michael A. LeVasseur
Cc: Karen M. Thibodeaux
Subject: RE: Taxi's On Patrol (TOPS)

Sgt.,

Good Afternoon. We are close to moving forward with the T.O.P.'s program. Can you please give me a timeline on when the class will be scheduled so I can communicate it to the Mayor's Office; then to the industry? Also, can you please forward me the applications so I can start having the individuals complete them?

In addition, we have a new industry of Pedicabs that will be hitting the streets soon. The company owners asked if NOPD could put on a training to teach their driver's about safety so they would reduce the opportunity of being robbed, etc. Also, does NOPD still have a bike registration program?

Ready to serve,

Deputy Director Malachi S. Hull, MBA
Department of Safety and Permits
Taxicab and For Hire Vehicle Bureau
504-658-7182 - Direct
504-658-7213 - Fax

"Leaders are the ethics teachers of the organization whether they intend to teach or not. Their actions send signals, and their omissions send signals. What signal are you sending your organization?"



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From: Michael A. LeVasseur
Sent: Tuesday, August 02, 2011 10:37 AM
To: Malachi Hull
Subject: Re: Taxi's On Patrol (TOPS)

Cool. Let me know if you need anything else.

Sent from my BlackBerry Wireless Device

From: Malachi Hull
Sent: Tuesday, August 02, 2011 10:36 AM
To: Michael A. LeVasseur
Subject: Re: Taxi's On Patrol (TOPS)

We will be revamping our entire training program that our drivers attend. Courtesy and proper attire will be covered in that training.

From: Michael A. LeVasseur
Sent: Tuesday, August 02, 2011 10:21 AM
To: Malachi Hull
Subject: Re: Taxi's On Patrol (TOPS)

We felt that the CPA would take up too much of your guys time.

We can focus on them and get them back on the street making money. Are you doing any courtesy training, enforcing proper attire?

Sent from my BlackBerry Wireless Device

From: Malachi Hull
Sent: Tuesday, August 02, 2011 10:17 AM
To: Michael A. LeVasseur
Subject: Re: Taxi's On Patrol (TOPS)

Sounds good. Thank you, Sgt.

From: Michael A. LeVasseur
Sent: Tuesday, August 02, 2011 10:16 AM
To: Malachi Hull
Subject: Re: Taxi's On Patrol (TOPS)

I'm in DC attending training. I sent your message to Commander Treadaway in Chief Serpas office.

I put together a three day training exclusively for drivers for hire.

- 1) Crime Prevention for Taxi's
- 2) What constitutes and crime & suspicious persons/activity
- 3) NOPD communications/protocols

Three classes, one evening per week, one hour per class. This way we can get more of your people trained and back on the street.

From: Malachi Hull
Sent: Tuesday, August 02, 2011 09:56 AM
To: Michael A. LeVasseur
Subject: Re: Taxi's On Patrol (TOPS)

Sgt.,

Good Morning. I was scheduled to meet with Chief Serpas last Wednesday, but something came up on his schedule. However, we did forward our request to him in writing.

Can you please follow up with him in regards to the COPs program. I've scheduled another industry meeting on August 17th and 18th. We would like to get the tentative schedule information out to them at that time.

Thank you for your time and assistance.

MH

From: Michael A. LeVasseur
Sent: Tuesday, July 12, 2011 02:27 PM
To: Malachi Hull
Subject: RE: Taxi's On Patrol (TOPS)

Understood. We just wanted to go in a different direction with the acronym because everyone uses "cops" to describe one thing or another they're doing. (COPS8, COPS2, DOJ COPS etc.)

Let me know when you are able to get on the chief's schedule. I'll make sure I'm free for the meet. Thx.

Sgt. Michael A. LeVasseur
Commander,
Crime Prevention Section/El Protector
New Orleans Police Department
715 South Broad St., Fourth Floor
New Orleans, Louisiana 70119
504-658-5590 Office
504-658-5591 Desk
malevasseur@cityofno.com
www.facebook.com/nopdcrimepreventionsection

Our goal is to increase neighborhood watch and provide progressive, professional training by educating the public. The Crime Prevention Section's purpose is to prevent and reduce crime and improve the quality of life for all citizens and businesses of the City of New Orleans.

The NOPD Crime Prevention Section has made crime prevention and community policing a way of life in New Orleans and the metro area. Our purpose is to be courteous, professional and dependable. We are committed to the safety and security of all citizens

From: Malachi Hull
Sent: Tue 7/12/11 2:20 PM
To: Michael A. LeVasseur
Subject: Re: Taxi's On Patrol (TOPS)

Sgt.,

Thank you for the follow up. I didn't move forward on it until I met with Chief Serpas to brief him on our plans. Due to our schedules, we have had to re-schedule.

I will reach out to his assistant today to get back on his schedule. As far as names, we would like to keep the acronym as COPs for Cabbies on Patrol.

I will reach out to you as soon as I meet with the Chief.

MH

From: Michael A. LeVasseur
Sent: Tuesday, July 12, 2011 02:16 PM
To: Malachi Hull
Subject: Taxi's On Patrol (TOPS)

Mr. Hull,

After speaking to you about sending drivers for hire to our citizen police academy I realized that space would be a major issue. Secondly, drivers for hire live on the amount of fares they transport per day and time would be an issue as well.

Because of this, I came up with a type of training for your guys. The training would run for three weeks. One day per week, one hour per day. Crime Prevention (My Office) would cover the following.

Risk Factors

The following factors put taxi drivers at risk:

- Working with the public
- Working with cash
- Working alone
- Working at night
- Working in high-crime areas

OSHA Recommendations

Safety measures and equipment for taxi drivers

Crime Prevention Recommendations for the Taxicab Driver

Crime prevention tips for taxi, limo and bus drivers.

We would have our communications division will discuss emergency/non-emergency protocols and our legal aspects instructor will discuss what constitutes a crime and suspicious activity.

I'm currently working on the next citizen police academy moving to a new location. Do you have a location in mind for the TOPS training?

Sgt. Michael A. LeVasseur
Commander,
Crime Prevention Section/El Protector
New Orleans Police Department
715 South Broad St., Fourth Floor
New Orleans, Louisiana 70119
504-658-5590 Office
504-658-5591 Desk
504-247-6253 Cell
malevasseur@cityofno.com
www.facebook.com/nopdcrimepreventionsection

Our goal is to increase neighborhood watch and provide progressive, professional training by educating the public. The Crime Prevention Section's purpose is to prevent and reduce crime and improve the quality of life for all citizens and businesses of the City of New Orleans.

The NOPD Crime Prevention Section has made crime prevention and community policing a way of life in New Orleans and the metro area. Our purpose is to be courteous, professional and dependable. We are committed to the safety and security of all citizens

From: Malachi Hull
Sent: Wednesday, October 12, 2011 11:00 AM
To: DARRELL K.ALBERT
Subject: Taxicab Bureau Request

DC Albert:

Good morning. I'm seeking your assistance on a three matters. A couple of months back, we forward Chief Serpas and Commander Treadaway a request to assist our staff with training and getting special police officer powers. In that time, I had an opportunity to meet with Commander Treadaway. We are trying to find out the status of our request. The New Orleans City Codes mandates that we enforce all requirements established in Chapter 162; but our staff needs the proper training to meet these standards.

Sec. 162-48. - Duties and responsibilities.

(a)

It shall be the duty of the taxicab and for hire vehicle bureau, under the direction of the director of the department of safety and permits, to see that all applications to own or operate taxicabs or other for hire CPNC licensed vehicles conform to all requirements established by this article and other articles of this chapter where applicable; and to certify that such requirements have been met; to execute all policies established; and carry out duties as may be assigned from time to time by the director of the department of utilities.

(b)

It shall be the primary responsibility of the taxicab and for hire vehicle bureau, under the direction of the director through designated enforcement agents, to enforce all of the provisions of this chapter relative to taxicabs and other for hire vehicles by either filing complaints with the supervisor of the taxicab and for hire vehicle bureau for appropriate administrative action or by arrest or filing proper charges against the offender

Secondly, we are seeking to enhance the communication between the Taxicab and For Hire Vehicle Bureau and NOPD in sharing information regarding the arrests or issuance of arrest summons of individuals engaged in taxicab or for hire business.

Sec. 162-50. - Police, municipal courts to assist.

All officers and members of the department of police and the municipal and criminal court personnel shall assist the taxicab and for hire vehicle bureau or enforcement agents in the necessary performance of their duty when so requested. The superintendent of police shall furnish the taxicab and for hire bureau with a monthly report of all arrests of persons engaged in the taxicab or transportation for hire business. The clerk of the municipal court shall promptly report daily in writing all convictions for violations in such court.

Finally, we are seeking a way to identify crimes committed against taxicab and for hire operators, whether they are in a for hire vehicle or through the job classification. Is that possible? Can COMSTAT assist in this?

In closing, I appreciate all your assistance. If there is anything that you need from us, please do not hesitate to call me at 504-329-2081.

Thanks, D.

Ready to serve,

**Deputy Director Malachi S. Hull, MBA
Department of Safety and Permits
Taxicab and For Hire Vehicle Bureau**

504-658-7182 - Direct
504-658-7213 - Fax

"Leaders are the ethics teachers of the organization whether they intend to teach or not. Their actions send signals, and their omissions send signals. What signal are you sending your organization?"



CITY OF NEW ORLEANS
Mickelle L. Landreaux, Mayor

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From: Michelle L. Thomas
Sent: Thursday, October 20, 2011 9:15 AM
To: Malachi Hull
Cc: Pura S. Bascos
Subject: Re: Party Buses

Is there a license that they can obtain? Are we licensing them? Or should we be moving toward eliminating them?

From: Malachi Hull
Sent: Thursday, October 20, 2011 08:57 AM
To: Michelle L. Thomas
Cc: Pura S. Bascos
Subject: RE: Party Buses

We are trying to get a detail scheduled with NOPD to address this. Our investigators, currently, do not have police powers to stop these vehicles while they are moving. Additionally, due to a shortage of personnel, these vehicles are normally operating during hours that we do not have coverage.

Ready to serve,

Deputy Director Malachi S. Hull, MBA
Department of Safety and Permits
Taxicab and For Hire Vehicle Bureau
504-658-7182 - Direct
504-658-7213 - Fax

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CITY OF NEW ORLEANS
Jefferson, Louisiana, 1804

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From: Michelle L. Thomas
Sent: Thursday, October 20, 2011 8:41 AM
To: Malachi Hull
Cc: Pura S. Bascos
Subject: Re: Party Buses

So what are we doing about them?

MT

From: Malachi Hull
Sent: Thursday, October 20, 2011 08:34 AM
To: Michelle L. Thomas
Cc: Pura S. Bascos
Subject: FW: Party Buses

FYI: Below is an email that was sent by one of our investigators.

The party buses are also a safety hazard as they have a generator strapped to the rear of the bus.

Ready to serve,

Deputy Director Malachi S. Hull, MBA
Department of Safety and Permits
Taxicab and For Hire Vehicle Bureau
504-658-7182 - Direct
504-658-7213 - Fax

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From: Wilton Joiner
Sent: Tuesday, October 04, 2011 12:03 PM
To: BILLY W. BYRD; CARLOS L. PICOT; Jeffrey L. Carmouche; STACY N. WARREN; Shontell A. Julian
Cc: Malachi Hull; Karen M. Thibodeaux; Terrence Wimberly
Subject: Party Buses

Please be advised that the "Party Buses" are illegal. They are charging in most cases per capita, or a flat rate. Please refer to Chapter VI-Federal Transit Administration, Department Of Transportation Part 604-Charter Service Title 49-Transportation, and (162-81), (162-151), (162-191) ALL violations should be written on a Municipal Summons and or Municipal Arrest.

Wilton Joiner, Sr. Taxicab Investigator
Dept of Safety & Permits
Taxicab and For Hire Vehicle Bureau
(504)658-7102 - Direct
(504)658-7213- Fax

I AM THE CITY OF NEW ORLEANS



CITY OF NEW ORLEANS

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From: Malachi Hull
Sent: Tuesday, October 25, 2011 10:41 AM
To: Bernell M. Nevil
Subject: FYI

Bernel:

Below is the information regarding our staff.

Sec. 162-48. - Duties and responsibilities.

(a)

It shall be the duty of the taxicab and for hire vehicle bureau, under the direction of the director of the department of safety and permits, to see that all applications to own or operate taxicabs or other for hire CPNC licensed vehicles conform to all requirements established by this article and other articles of this chapter where applicable; and to certify that such requirements have been met; to execute all policies established; and carry out duties as may be assigned from time to time by the director of the department of utilities.

(b)

It shall be the primary responsibility of the taxicab and for hire vehicle bureau, under the direction of the director through designated enforcement agents, to enforce all of the provisions of this chapter relative to taxicabs and other for hire vehicles by either filing complaints with the supervisor of the taxicab and for hire vehicle bureau for appropriate administrative action or by arrest or filing proper charges against the offender.

Ready to serve,

Deputy Director Malachi S. Hull, MBA
Department of Safety and Permits
Taxicab and For Hire Vehicle Bureau
504-658-7182 - Direct
504-658-7213 - Fax

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MEMORANDUM OF INTERVIEW

On 02/18/2014, Assistant Inspector General for Investigations (AIG) Howard Schwartz of the City of New Orleans Office of Inspector General (OIG), telephonically contacted Bernell Nevil, retired New Orleans Police Department (NOPD) Commander of the Training Academy. Mr. Nevil also served as a Lieutenant in the Public Integrity Division. He is currently employed by Entergy in the Security Division. Mr. Nevil was aware of the identity of AIG Schwartz and the purpose of the interview, he then voluntarily provided the following information:

Mr. Nevil advised that he was contacted by Malachi Hull, Director of the Taxicab Bureau for the City of New Orleans, sometime in 2011, regarding training. AIG Schwartz stated that he had reviewed several emails discussing this issue, between Mr. Hull and Mr. Nevil and the dates were in August of 2011. Mr. Nevil advised, "that sounds right." Mr. Nevil said that NOPD Superintendent Ronal Serpas instructed him and the Superintendents' Chief of Staff Commander James Treadaway, to meet with Mr. Hull to discuss his training needs. Mr. Nevil stated that he and Commander Treadaway did meet with Mr. Hull. Mr. Hull wanted NOPD to provide arrest, handcuffing, and report writing training to Taxicab Bureau personnel. Mr. Nevil said that NOPD never provided any training to Taxicab Bureau personnel. He believed that the Taxicab Bureau personnel did not have any enforcement powers and therefore, NOPD could not provide the requested training.