



City of Tarpon Springs, Florida

324 East Pine Street
Post Office Box 5004
Tarpon Springs, Florida 34689-5004
(727) 938-3711
www.ctsfl.us

September 15, 2023

To: Mayor, Vice-Mayor, and Commissioners

From: Mark G. LeCouris, City Manager

Subject: Agenda Item 12 – Receive and Approve Internal Audit Report

Recommendations:

These are my recommendations to the Board of Commissioners in reference to the Audit of the Building Development Department by the Internal Auditor, Billy Poulos.

Recommendation 1.

Findings #3 - #9. Approve the Internal Audit Report for Findings 3 through 9.

While I do not at this time fully agree with certain elements of these findings, I believe our new Building Official, Dave Gilson, can evaluate and work with Mr. Poulos on these for the next 6 months to one year.

Recommendation 2.

Finding #2. Do not approve Finding #2 unless all implications of guilt are eliminated.

One of the issues with Finding #2 is that I was not immediately notified when the Business Filing and Business website of Mr. Powell was discovered. A date was not shown in the Audit. It would have definitely been something to immediately investigate, an investigation which would give due process to Mr. Powell. The timing of the disclosure left no time to carry this investigation out properly.

My biggest concern for the Board of Commissioners and our Attorney is the statement in the audit "The director has violated every element of the Outside Employment Rule." The elements that follow this statement give the appearance that Mr. Powell is already guilty without any investigation with proper evidence conducted considering due

process for the employee. It is for these reasons that I do not recommend that you approve this finding unless all implications of guilt are eliminated.

Recommendation 3.

Finding #1. I do not recommend your approval of Finding #1 until further investigation is done in a manner to be decided by the Board of Commissioners.

My statement to the Board of Commissioners is that I believe Finding #1 should be further investigated by each member of the Board of Commissioners or any of our three City Attorneys as to the true factual elements in this audit finding. It should also be investigated to ensure the information in Finding #1 meets the Code of Ethics of Auditors, specifically:

- a. The use of a balanced approach.
- b. Application of the Rules of Conduct which include Integrity, Objectivity and Competency.

I assure the Board of Commissioners that an investigation/inquiry on alleged facts of Finding #1 could be done in less than 3 hours talking to four people, not including myself: Jane Kniffen, HR Director; Ron Harring, Finance Director; Dave Gilson, Building Official; and, Meagan Araya, Floodplain/Emergency Management Coordinator. Ms. Araya will have the most information for you since she worked in the Building Department for over 9 years.

The way this finding is written, if approved, would have a major effect on the morale of Department Directors and other City Employees for the reasons which will be seen when the entire story is told. I do not plan to go "toe to toe" with my fellow Charter Official at our Board meeting on September 19th. I am asking for fundamental fairness for our former Building Official, Kevin Powell, who gave great service to our City, especially during the challenging time of Covid. He deserves the respect he has earned serving this City, only being subjected to this audit because he postponed his retirement for the benefit of this City and its citizens.

Please endorse all three recommendations that I have proposed.