

The Criminal and the Civil in Workplace Investigations

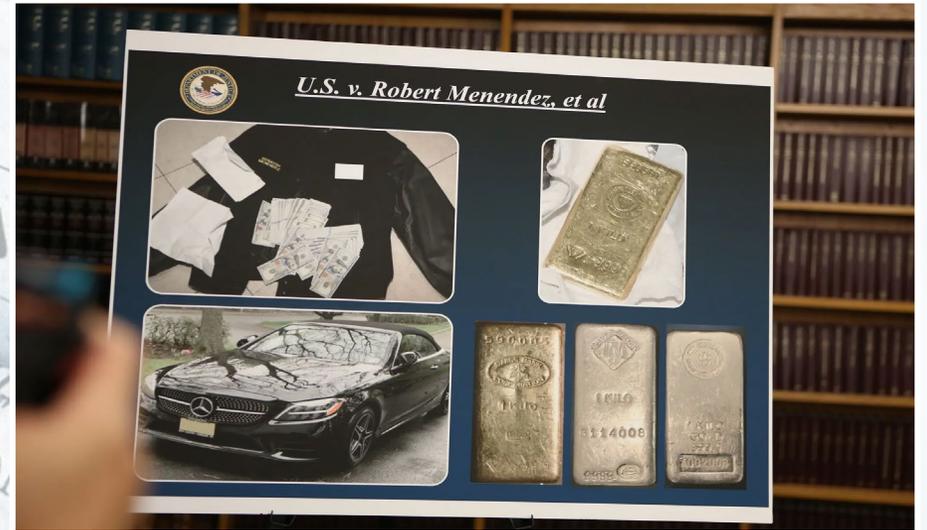
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“I'm gonna tell you
somethin' real simple and
short. Money talks in
this business and
bullshit walks.”



Congressman Michael O. (Ozzie) Myers (D-Pa.) receiving
a cash payment of \$50,000 on August 22, 1979.
Recorded on an FBI wiretap.



Disgraced Former L.A. Pol Mark Ridley-Thomas Asks Appellate Court to Reverse Convictions

The former City Councilmember was convicted of fraud and bribery for scheming to obtain benefits for his son from a USC Dean, which led a federal judge to call him a “shakedown” artist

LA

MICHELE MCPHEE · NOVEMBER 22, 2024 (UPDATED: AUGUST 21, 2025)



Former Los Angeles City Councilmember José Huizar, speaking at a 2018 news conference, was incarcerated Monday at a Santa Barbara County prison. (Kent Nishimura / Los Angeles Times)



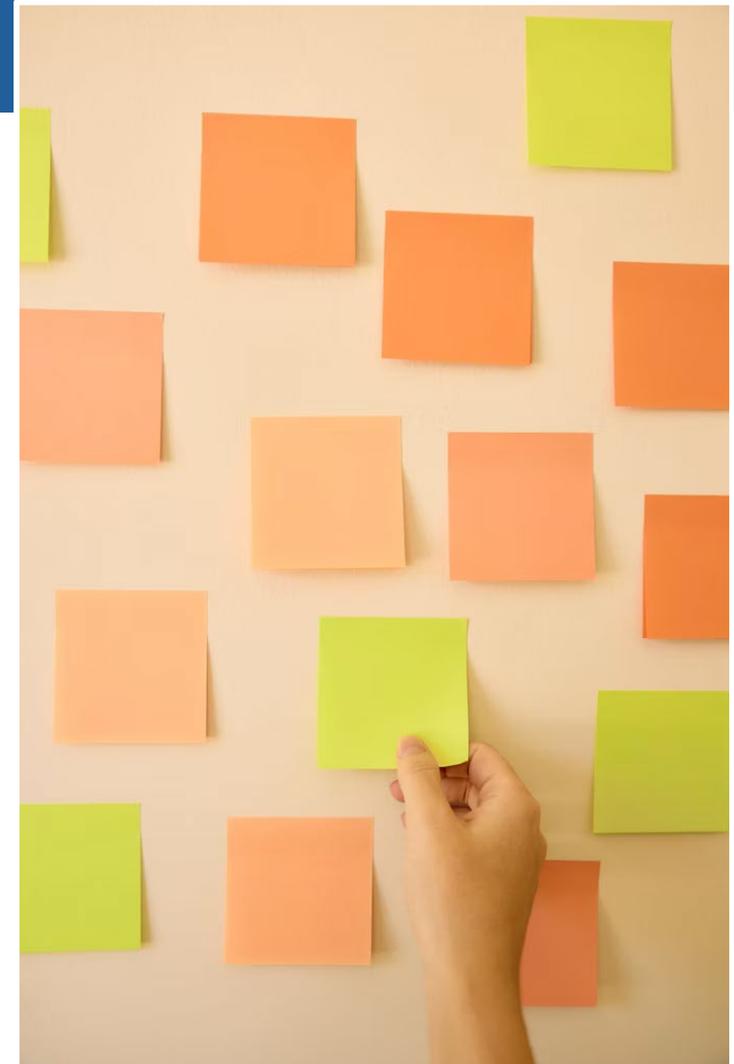
Mark Ridley-Thomas in 2015

A federal appellate panel heard arguments Thursday but made no ruling in former Los Angeles County veteran politician [Mark Ridley-Thomas' bid to overturn his fraud and bribery convictions](#) connected to a pay-to-play scheme that prosecutors say bought his son a spot at the University of Southern California.

In arguments before the U.S. 9th Circuit Court of Appeals in Pasadena, Alyssa Bell, a lawyer for [Ridley-Thomas](#), asserted that guilty verdicts for bribery and honest services fraud should not be allowed to stand.

Objectives

- A workshop training
- Types of cases
- No magic wand
- Steps-
 - Evaluate the case
 - Decide on the team
 - Getting into the weeds
- Legal considerations
- When to “call the cops”



Types of cases

- Contracting
 - Contract steering
- Procurement fraud
- Bribery
- Parking placards
- Campaign Finance fraud
- Inspectors- housing, health, building, restaurants.
- False statements
- Conflicts of Interest
- Misuse of government funds/ resources
 - Expense account fraud
 - Using staff for personal services
- Employee theft
- Embezzlement
- Other public corruption/favors – you name it.



Significant Cases

- To the multi-million dollar
- Kickbacks for large contracts to provide security equipment
 - Family member works for the selected contractor
- UC Regent conflict of interest



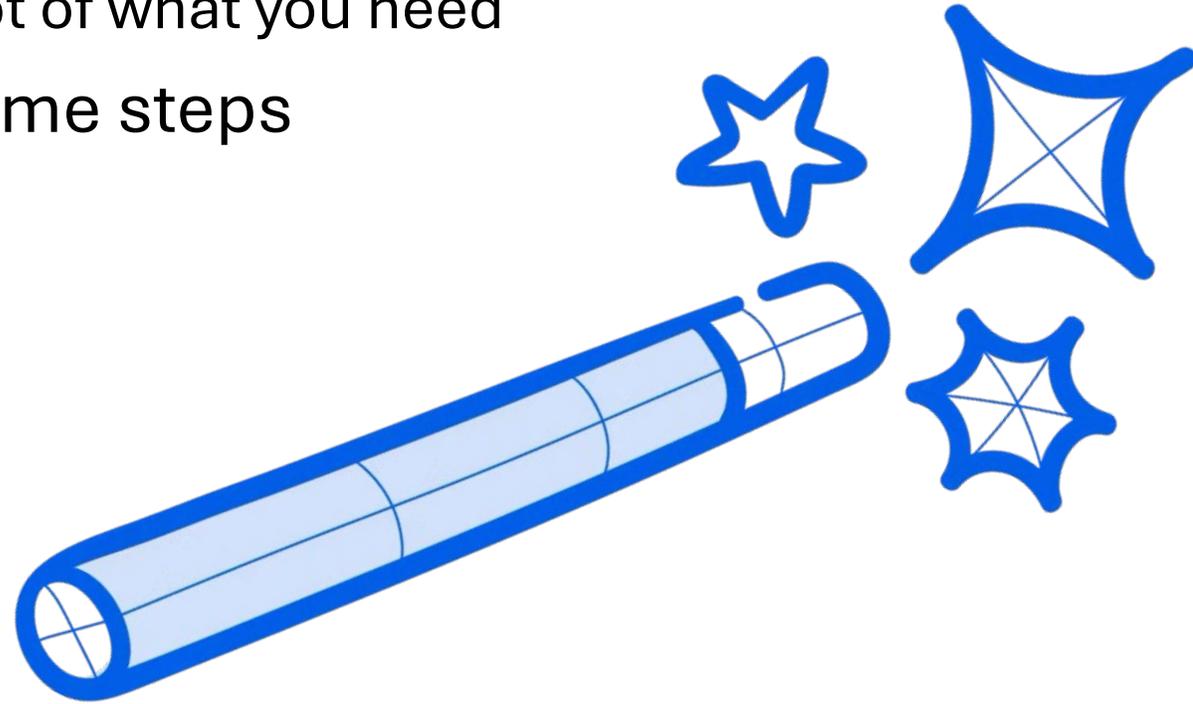
Elected or Appointed Officials

- Internal or external investigators/ Potential conflicts of Interests
- Know organization's protocols for investigating electeds or appointed officials
- Consulting with your organization's legal counsel.
- Alert to the politics swirling around.
- Public relations issues
- Criminal defense counsel



No magic wand required

- Don't be afraid.
 - These investigations are more accessible than you think
 - You already know a lot of what you need
- We will go through some steps



Legal issues

- In house HR/investigators- consult your counsel early and often
- *Lybarger/Garrity*- Fifth Amendment in public sector
- *Upjohn* warnings for attorneys
- Polygraph – what are your jurisdiction and your organization rules?
- Recording issues
- Documents obtained under “unusual circumstances.”



Investigation Step 1. Evaluate the case.

- What does your Spidey sense say?
- What is size/severity of the case?
- Who are the stakeholders who **can** be involved in case decisions?
 - Keep this group as limited as possible
- What are the organization's goals?
- Inventory the possible sources of information?
 - Records?
 - People?

CASE STUDY A Building Inspector

➔ Citizen complaint about building inspector of apartment complexes –

- Citizen Morris owns two apartment complexes in the city.
- Morris says City Inspector Sam Smith is writing up his apartment complex for minor violations like small amounts of standing water immediately after a rain.
- Smith has suggested several times that Morris should consider renting an open apartment to Smith's son, a student in nearby college.
- “He's a student, so you wouldn't charge too much, right?”

Discussion questions:

What are the first steps we take?

Who do we talk to?

What records to request?

Proposed plan – Case Study A

- Interview Citizen Morris and get copies of citations
- Talk with supervisor of Inspector about process of writing up for minor violations.
- Review records of Inspector's writeups.
- Citizen Morris won't name other building managers, so review records of other writeups for possible leads.



Investigation Step 2. Where to start?

- Start without tipping off bad actors
- Early “trusted” sources?
- Get as much paper as early as you can
- Witness selection
 - Start on the periphery
 - Understand the relationships
 - Who are friends and who are foes?

CASE STUDY B Facilities Manager

➔ A contractor reported that Facility Manager Bill Jones asked for payment after an injury, rather than reported the injury through his employer's workers' compensation process.

- Bill Jones has mostly unsupervised as Facility Manager at the Community Center for years, until recently a new Executive Director, Sarah Reed was hired.
- The Board of Directors told Sarah her predecessor had a very loose management style and they wanted her to tighten up.

CASE STUDY B continued

- While Bill off on a two-month medical leave, Sarah found his records were unorganized and permits and bid documents were improperly maintained. Bill's assistant reported Bill had not followed contracting and purchasing practices for years.
- Unhappy contractor reported Bill claimed faulty electrical panel installed by the contractor shorted out, "electrocuting" him. No WC claim submitted.
- Bill wanted check for \$2500 from a contractor for "injuries." Contractor wrote him a check.

Discussion questions:

What are the first steps we take?

Who do we talk to?

What records to request?

Proposed Plan- Case Study B

1. Interview ED
2. Decide on scope and list of allegations
Focus on payment
3. Interview contractor re: payment
4. Review District contract and purchase practices
Find appropriate experts to assist

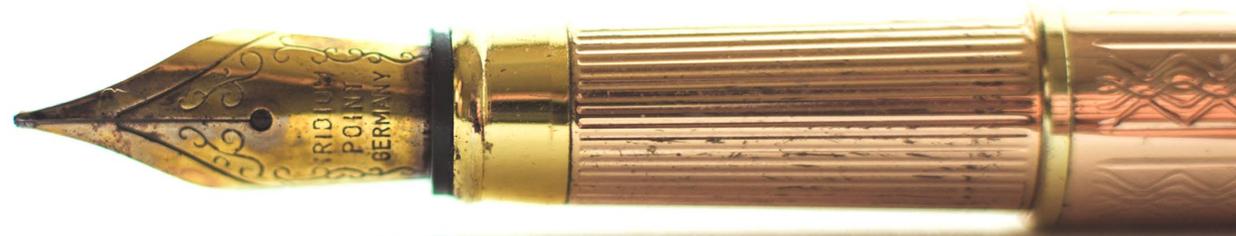


Investigation Step 3. Decide on the team.

- Factors for the decisions
 - Size of case / Type of claims
 - Organization's goals
 - Maintaining confidentiality (Who can you trust?)
- Related professionals (in-house or external)
 - Accountants/Auditors
 - Certified Fraud Examiner (CFE)
 - Municipal/County Counsel, Attorney General
 - Computer forensics

Investigation Step 4. Getting into the facts.

- Organization's goals will guide plan and approach
- Coordinate efforts with related professionals
- Beginning interviews with open-ended, nonleading questions.
- The investigation will only stay secret for so long



Role Play Scenario – The Client

Municipal transit agency with 1300 employees

- Cash collected in fare boxes on buses goes to a secured counting room daily. The counting room video surveillance but it does not always work.
- Accounting staff of 50 employees is predominantly Filipino as is department director, Javier Garcia.
- About 35% of the staff are Black, including the two middle managers.



Role Play Scenario – Initial Complaints

Two Complaints of Discrimination and Favoritism-

- Older Filipina accountant auditor complained that Director Garcia is relies upon a group two or three younger, female Filipinas. Accountant feels excluded.
- Black male middle manager complained that Garcia has begun excluding the two Black middle managers from routine meetings, and Garcia has an “inside” group of Filipinas.

Role Play Scenario- Third Complaint

Complaint of Favoritism-

- Filipina senior accountant-auditor in the counting room, Diwata Santos, reported Garcia has been visiting the counting room more frequently. His visits seem unnecessary.
- Garcia has been meeting with one or two more senior accounting staff in a separate room during his visits.
- She did not know the purpose of his visits, but she was not included.

Role Play Scenario – Fourth Complaint

Concern about Cash Handling-

- Santos returns with another complaint: Very concerned that practices in the counting room have been less stringent since Covid.
- Cash reports are not being double checked and are being handled exclusively by same senior staff who meet privately with Garcia.
- Thinks video surveillance cameras may not be working.
- As fare collection was suspended during Covid, no historical collection data available for comparison.

When to “call the cops”

- What do you know so far?
- What is your senior leadership’s perspective?
- “Front Page test”
- How will regulators/other government agencies assess employer’s response or nonresponse?



When to “call the cops” continued

- How to get law enforcement interested/active?
 - Politics, politics, politics
 - Silver Platter approach
- What if law enforcement takes no action?

A stack of papers is shown, with a blue banner across the middle. The banner contains the word "QUESTIONS?". The papers are slightly out of focus, but some text is visible on the edges, including "B3" and "countries have".

QUESTIONS?

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