

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