

Memorandum



CITY OF DALLAS
(Report No. 115-003)

DATE: April 8, 2015

TO: Honorable Mayor Michael S. Rawlings
Honorable Jerry Allen, Chairman – Budget, Finance & Audit Committee
Warren M.S. Ernst, City Attorney

SUBJECT: Investigative Report:
Department of Code Compliance – Theft by Employee

This report summarizes the results of an administrative investigation of a criminal allegation that Mr. Benjamin Ovalle, a Department of Code Compliance (CODE) Inspector, committed theft by promising a homeowner he would obtain a building permit in return for \$1,800 cash.¹

In December 2013, CODE Management reported to the Office of the City Auditor (Office) that they received information that a City of Dallas (City) citizen was upset that he was being required to obtain permits for construction work previously completed on his home because he had already “paid off” Code Inspectors to take care of the problems. One of the Code Inspectors was identified as Mr. Ovalle. This information led to another case, also involving Mr. Ovalle, which became the focus of a criminal investigation.

The Dallas Police Department – Public Integrity Unit (DPD-PIU) began its investigation of the allegations involving Mr. Ovalle in December 2013. In October 2014, DPD-PIU reported to the Office that it had filed a criminal case against Mr. Ovalle and was awaiting presentation of the case to the Dallas County Grand Jury. In February 2015, the Grand Jury indicted Mr. Ovalle for felony theft of property by a public servant. On March 2, 2015, the Dallas County District Attorney’s Office recommended dismissal of the criminal case because Mr. Ovalle made full restitution in the amount of \$1,800.

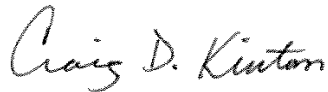
Subsequently, the DPD-PIU forwarded the complaint to the Office for administrative review. Based on the Office’s review of DPD-PIU’s investigation, the evidence supports that Mr. Ovalle’s actions violated the City Personnel Rules, specifically rules regarding dishonesty, theft, disturbance by intimidation, misconduct, and disregard of the public trust.

¹ Council Resolution 90-4027 requires the Office of the City Auditor to report to the Mayor, the Chair of the City Council Budget, Finance & Audit Committee, and the City Attorney any apparent violations of law, apparent instances of misfeasance, or nonfeasance by City of Dallas employees.

The CODE Management reviewed the Office's administrative investigation and concluded Mr. Ovalle's actions were in violation of the City of Dallas Personnel Rules. As a result of this conclusion and following a Pre-Termination Hearing, Mr. Ovalle was discharged from employment with the City effective at the close of business on April 2, 2015.

If you have any questions or would like to be briefed regarding this matter, please contact me at 214-670-3222 or Amy Messer, Assistant City Auditor, at 214-670-5347.

Sincerely,

A handwritten signature in black ink that reads "Craig D. Kinton". The signature is written in a cursive style with a large initial 'C'.

Craig D. Kinton
City Auditor

C: Honorable Members of the City Council
A.C. Gonzalez, City Manager
Joey Zapata, Assistant City Manager
Kris Sweckard, Director – Department of Code Compliance
Cheryl Orr, Ethics and Diversity Officer