

Investigative Report

Misuse of City Resources by Public Works Department Employee

May 2022



Istvan Voiculescu, a senior IT systems administrator for the Public Works Department, violated City Code by misusing his City email account for private purposes when he included links to websites where a book he coauthored was sold. Between May 2016 and December 2020, Voiculescu sent roughly 6,000 emails that contained these links.

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Cover: Aerial view of downtown Austin by RoschetzkyIstockPhoto

Allegation

We received an allegation that Istvan Voiculescu included a link in his City emails to a webpage that sold a book he coauthored.

Background

The City of Austin's Public Works Department designs, manages, and inspects major capital improvement projects; promotes bicycle, pedestrian, safe routes to school, and urban trail projects; and maintains the City's network of trails, roadways, and bridges once they are built.

As a senior IT systems administrator, Istvan Voiculescu's job responsibilities included supporting IT systems and developing training for specific software used by the Public Works Department.

Investigation Results

Istvan Voiculescu violated City Code by using his City email to circulate multiple links to webpages that sold a book that he coauthored.

Finding 1

Misuse of City Resources

Investigation Criteria:

No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public, or to the extent that facilities, equipment or supplies are allowed to be used in a limited or de minimis manner in accordance with City policy.

§ 2-7-62 (J) - Standards of Conduct

Istvan Voiculescu misused his City email account by including links to two sites where one could buy a book he cowrote. Voiculescu appears to have started including one of the links in his email signature in May 2016. Between that time and April 2018, he sent roughly 2,400 emails that contained the link. Around April 2018, Voiculescu removed this link and added a separate one to another online retailer that sold his book. This link appears to have been included in his email signature from about April 2018 through December 2020 and was sent approximately 3,600 times. We did not find any evidence that the links led to direct sales of the book from City employees. Voiculescu removed the link from his email signature in December 2020 after Public Works Management coached him on personal content in his emails.

When we spoke with Voiculescu, he told us that he did not ask permission from management before including the links. He also stated that he did not intend for the links to be viewed as advertising but understood how it could be seen that way.

Voiculescu's supervisor thought including these links was not an appropriate use of City resources. The supervisor also said they did not notice the contents of Voiculescu's email signature and wished they would have identified the issue earlier.

By including the links in his City email signature, Voiculescu appears to have violated the following portion of City Code:

- § 2-7-62 (J) - Standards of Conduct

Appendix A - Subject Response

To whom it may concern,

I have been provided the draft investigative report on the violation for which I am the named subject, and I appreciate to have been provided the avenue to state my response.

Thoughts on the report

The report is very minimal in findings and no context given to the issue, context that was provided to the investigation team, but not expanded in the provided report. It also contains some statements from the investigation team that I have issues with, as shown later in this response.

Therefore, I feel obligated in my response to provide the full context, so that people who would read this report would not jump to conclusions regarding my actions and judge the whole situation without having the whole picture.

Work General Intent

It is not, and never was my intent, to bring any perceived damage to the city in any way through my actions as an employee, even though, unknowingly, I appear to have done that according to the report. Maybe this instance can serve as an example on providing feedback and guidance to the management team in pushing forward good initiatives, that would provide every employee proper information on everything that can affect them in front of the people that we serve, the public. Apart from that, I love working for the City of Austin, and I consider the Public Works Department as one of the best places to work at and for, and I hope I did not let them down because of this issue.

Before City Employment - social and professional profile

Before I came to work for the city in 2013, I worked in the private sector where I am considered a SME (Subject Matter Expert) in the use of Autodesk products, especially Autodesk AutoCAD Civil 3D. I built that reputation by being active on the social networking channels and forums, where I could provide help to users around the area and the world in the proper use and management of the software, most of the time in my own time, and free of charge. Yes, I love sharing what I know, without expecting nothing in return, since lots of people helped me in the same way, to get where I am now. Therefore, social networking is a big part of my engineering fabric and a platform that helped me build a reputation of which I am proud of, and of which the people I am working for have been proud of.

City Employment - social and professional profile

I came to work for the city taking on the responsibility of implementing the transition to using Autodesk products. At the same time, growing up within the city, I met lots of talented individuals, and encountered many opportunities that helped me in the quest of expanding my knowledge in many areas, thus expanding on what I could offer to the city, consultants and all the CAD users in the Austin area and beyond. While at the city, I continued helping everyone in need, going beyond my working hours and usual availability. I also began to be involved with more projects, projects that provided the avenue to use my skills to solve engineering and technological problems.

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Appendix A - Subject Response

City Signature Format and Intent

Without being aware of any rules or standards regarding the signatures at the city, I began to use the same type of signature I would use in the private sector; a few years well before this became an issue, according to the report. I looked at some examples of signatures and started with that in mind as a general template for my signature block.

For me, an email signature wished to represent a digital business card, therefore, its desired intent was to display most of the contact and professional information that would be found on a business card.

I mention right from the beginning, that since I began using this format of signature, back in 2013-2014, I did not get any comments from anyone in the city or Public Works management or the consultant community regarding the style, or the information included in my signature until the end of 2020 when I got contacted by PWD HR regarding one of the personal hyperlinks in my signature.

Therefore, from the beginning, my signature section included, and was updated as needed to include my current city contact data plus my web & social presence. There was an actual web & social presence named section in my signature, that included hyperlinks to my Facebook, Twitter, LinkedIn, blog and so on. This section would also later include the hyperlink to the book I came to be the coauthor of. The overall intent for this type of signature was to provide the users I was supporting both at the city and outside the city an avenue to connect to me besides the email and call options. I spent lots of time outside of my working hours connecting with the users and providing support, because I provided more ways for the users to contact me, and both the city and the users benefited from this extra avenue of support.

City Signature Perceived Issue

Writing the book

In 2014 I was invited to participate in the re-write/update of a yearly release for a book that teaches users the basics of using one of the software I am a SME for, the Autodesk AutoCAD Civil 3D.

I got to participate in the writing of the manual for two years in a row, 2015 and 2016.

This is by far, not a best seller book, as it deals with a specific niche of the civil engineering industry, but it is used, even today, as one of the training materials, even if presents outdated information (since at this moment the current release of the software is 2023). It is used as one of the many training resource materials by multiple consultant companies in the Austin area and has been even used at ACC for training the new users in using the software.

As for me, when I decided to participate in writing the book, money was not the main reason for it, since I knew it would not perform that well, but rather the benefit a published material adds to my resume as a professional.

Appendix A - Subject Response

Moreover, I did not break any city rules or regulations while working on the book being fully aware of the city's policies regarding the misuse of city resources for personal use as they apply to this type of activity.

Updating the signature

At some time in 2016, I revamped my signature to include the hyperlink to the book, as part of my web and social presence section of the signature, since this represented a change in my digital business card, and I was proud to show this achievement. Therefore, a hyperlink to the book was inserted as a named hyperlink in the web & social section of my signature together with all my social networks hyperlinks.

My intention was always to highlight that I am also an author and SME when it comes about the software for which I am responsible to train my users, same software that I provide support for to everyone on behalf of the city.

People that use the software covered by the book in the Austin area and beyond were mostly aware that I was a coauthor of the book well before the book hyperlink was added to the signature. I likely did not have the need to advertise the book to anyone, as it seems to be implied as my misuse of city resources in the report, but I was proud to highlight that I am a SME in the use of the software, fact reinforced by the presence of a book where I am the coauthor for.

Perceived advertisement

According to the allegation in the report, I included a hyperlink to a site that sold my book. However, there was not a way to show I am a published author without pointing to a website for the book, and no website would present the book without some way of buying it embedded in the page. So, the fact that the means to buy a book was present on the website is not controlled by me. The book could also be indirectly found, if someone would have opened my LinkedIn page or check my twitter info hyperlinks embedded in the signature section of my emails.

I did not advertise or intended to advertise the book in any city emails to anyone or suggested to people to buy it in any city communications, be it emails or other means. I remember even bringing copies of my book to the office for the people to use, since I wanted my users to get more proficient at using the software faster, and some could do it on their own free time by borrowing the book. The auditing report accurately reflects that, where I stated that I did not intend to advertise, but maybe could be seen this way by an outside party without knowing the context. However, the report puts the accent on the fact that the website sold the book, thus making it one of the main issues of the report.

Changing Signature on HR Request

What was requested

At the end of 2020, I received an email from my supervisor that Public Works HR would want me to remove the personal Twitter account hyperlink from my signature

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because they cannot track my activity there, but nobody mentioned anything about the book or anything else besides the Twitter hyperlink.

The report states that I removed the hyperlinks to the book after PWD HR asked me to do so. PWD HR had issues only with my personal Twitter account and not anything else, according to the email I received from my manager. So that statement in the report is not completely accurate.

What did I ask

I asked at that moment, if there is a guideline or standard on what was supposed to be in a signature, since I have seen people using signatures that mention specific causes, or embedded hyperlinks to sites about saving trees and so on. I was not provided with a written response to that email, but I got the feel from the HR email to stay away from including personal data in email signatures. Even to this time I am not aware of a city published standards on signatures. However, I still use my signature to point to citywide available CAD and GIS support groups of which I am a member of, and which are beneficial to city and non-city users.

How I replied

Since the city appeared to have an issue with personal data in signatures, I decided it was the time to remove all personal data, not just the requested Twitter hyperlink, just in case to avoid any problems. Therefore, at that time I went beyond what was requested of me to make sure I would not get more issues because of personal data. Therefore, since the end of 2020, my signature did not mention anything personal. I thought that would be the end of my signature issues.

Current Status

In July of 2021, I was contacted by the Office of City Auditor's office and made aware that a case was opened regarding my signature because of the book hyperlink embedded in it. So, it is safe to assume that someone recognized this as being an issue coming over some email or email threads from before December 2020. The person raising the issue focused only on the book hyperlink and no other personal data, even though, at the end of December 2020 based on PWD HR email, I got the feel that the signature presented more issues than just the book hyperlink.

It took almost a year for the investigation to complete, and the result of the investigation appears to be uncertain at least according to the investigation team's findings in the report.

Final Thoughts

I hope to have offered a good background to the issue, by providing to the city personnel, city management and anyone reading this report the facts surrounding this perceived violation of which I am a suspect of.

I never intended with anything I do to break any rules anywhere I may be, whether work or personal life, and I hope this response to shed the light on it, looking at this issue as

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a unintended mistake, and to open the door to initiatives that address this and other similar issues in the future.

I was not aware of any rules or standards regarding signatures, and I was not on purpose including data with the idea of advertising for profit, always seeing the signature as my digital business card. That's why the book was not separated from my social network section of the signature, where my LinkedIn, Facebook and Twitter hyperlinks were found, since it was meant to be seen as part of that section. It was my social network profile or a part of it.

I am accused of circulated hyperlinks via my signature to sites that sold the book I co-authored; however, I may not been fully aware at the time the signature was created/updated of all city guidelines on what hyperlinks can be circulated, what type of content at the end of hyperlink is approved or not, since content changes all the time and moreover that it was never my intention for people to see it as advertisement. I pass on lots of hyperlinks in my emails to various websites, published documentation and more. I did not directly or indirectly mention it in any of my emails to anyone or asked/advertised to anyone to go and buy it. Lesson learned: Keep it simple... Research all guidelines... Maybe they need to create one if there is none...

The investigation result puts some accent on the fact that the website sold the book. So, that now begs the question: would it have been fine if the website did not have a buy option, such a hyperlink to a local library page showing the book, if that would be possible? Does that not violate city policies? Lesson learned: Keep things simple...Don't provide too much data...

This raises even more questions to the report and what can be considered a violation in other situations. Take this for an example: Can we share a hyperlink to a YouTube video that presents a workflow and answer to a question for a user, knowing or not knowing that the person behind it gets monetized? What if the person that happens to post the video is a social network friend? In the same way, I can inadvertently be accused of advertising for someone else I might have or not some personal interest with. What if the YouTube channel that provides the workflow is a group channel that I am part of in my free time (since I love to help everyone, and everyone around me can attest to that), that provides content to users for free, but gets monetized because of the views? Do we have answers to these questions supported by code? Food for thought...

Without knowing the answer to this type of questions and with the use of today's social networks platforms more and more for professional use we are likely inadvertently getting in hot water and more likely to break rules without even realizing. Lesson learned: Research and research more any rules that apply to you in the social networking workspace...

The report is correct in mentioning that I did not ask the management for permission on the personal data hyperlinks in the signature field, including the book hyperlinks. I did not think to ask permission since I thought that this would be an item they would not need to be involved or bothered with. I think here about so many instances of other signatures I have seen at the city that add more than just the city contact data. Without some citywide signature standard, who approves of every user's signature or addition to signature? I also

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thought that if there would be an issue, people will reach out and let me know if that is the case. Looking back and considering what I know now, that could be considered my fault. Lesson learned: Keep things simple... and when in doubt, ask your manager...

Then.... Nobody noticed anything is off or wrong in 6000 emails for more than 4 years?

Moreover, nobody noticed anything with my overall signature with or without the book hyperlinks for more than 7 years and thousands of emails?

Yes, nobody reached out to say there is an issue with my signature. Trust me when I say my signature is huge, you cannot miss it in an email. I corresponded with people at considerable high level in the city, including HR and even outside consultants. Nobody saw it as an issue and never received comments or warnings about it. This should not be considered as an excuse on my side, but something to learn from going forward: Pay better attention and question everything. Taking too much for granted....

During this investigation, I also did my best to cooperate with the investigation, going to great lengths to get all the requested data to disprove any misuse of city resources for personal gain.

Did I commit a violation? Inadvertently? Maybe!

Knowingly? Certainly not!

Below are some final statements from the report I received to comment on that should raise some questions to the reader of this report:

- In the report's opening statement, it is mentioned that I "violated city code".
- In the investigation results section, it is stated again that I "violated city code".
- However, in the results of the investigation under Finding 1 section it is stated the following: "Voiculescu appears to have violated the following portion of city code".

How does "appears to have violated" brings certainty to the investigation I am a suspect of? Is that a correct assessment to a full year investigation? Did I violate a city code or not? Maybe, maybe not. The report appears to not answer that question with certainty.

Thank you again for allowing me to provide my response. I always tried my best to show that the city of Austin is the best place to work for and hopefully did my best to represent the pool of talented people we have at Public Works.

Thanks to the PWD team and especially my manager who went far and beyond to help me getting where I am now. This should not be taken as a failure but rather as a good lesson for future on what we can and need to change.

This response was formulated and submitted by me, Istvan Voiculescu on the 2nd of May 2022.

Appendix B - Office of City Auditor's Response to Subject Response

We have reviewed the subject's response and believe our findings stand. We also appreciate the subject's cooperation with our investigation. Any questions about City Code, policies, or hypothetical situations can be directed to the ethics team in the City's Law Department.

Appendix C - Management Response



MEMORANDUM

TO: Brian Molloy, Chief of Investigations, Office of the City Auditor
FROM: Richard Mendoza, P.E., Director, Public Works Department
CC: Shelly Sheppard, Human Resources Manager
DATE: May 23, 2022
SUBJECT: Response to Investigation Report #IN21006

A handwritten signature in black ink, appearing to be "RM", located to the right of the "FROM" and "CC" lines.

The Public Works Department (PWD) has received the draft investigation report and has no objections to the findings that Public Works employee Istvan Voiculescu, IT Systems Administrator Senior, misused his City email by including links to websites where a book he coauthored was sold.

Public Works Human Resources staff will coordinate with PWD management to review the investigation report and findings and determine the appropriate next steps in this matter. Additionally, Public Works will continue to ensure employees complete required City Ethics training and will continue to communicate expectations to employees regarding Use of City Resources.

Please do not hesitate to contact me if you have any questions or need additional information regarding this response.

Investigation Criteria

Finding 1

§ 2-7-62 – Standards of Conduct

(J) No City official or employee shall use City facilities, personnel, equipment or supplies for private purposes, except to the extent such are lawfully available to the public, or to the extent that facilities, equipment or supplies are allowed to be used in a limited or de minimis manner in accordance with City policy.

Methodology

We took the following steps to accomplish our investigation objectives:

- Conducted background research
- Reviewed forensic data
- Interviewed Public Works Department staff
- Interviewed the subject
- Reviewed applicable City Code and policy

CAIU Investigative Standards

Investigations by the Office of the City Auditor are considered non-audit projects under Government Auditing Standards and are conducted in accordance with the general and ethics standards, procedures recommended by the Association of Certified Fraud Examiners (ACFE), and the ACFE Fraud Examiner's Manual. Investigations also adhere to quality standards for investigations established by the Council of the Inspectors General on Integrity and Efficiency (CIGIE) and City Code.

The Office of the City Auditor, per City Code, may conduct investigations into fraud, abuse, or illegality that may be occurring. If the City Auditor, through the Integrity Unit, finds that there is sufficient evidence to indicate that a material violation of a matter within the office's jurisdiction may have occurred, the City Auditor will issue an investigative report and provide a copy to the appropriate authority.

In order to ensure our report is fair, complete, and objective, we requested responses from both the subject and the Department Director on the results of this investigation. Please find attached these responses in Appendix A and C.

The Office of the City Auditor was created by the Austin City Charter as an independent office reporting to City Council to help establish accountability and improve city services. We conduct investigations of allegations of fraud, waste, or abuse by City employees or contractors.

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