



OFFICE OF THE INSPECTOR GENERAL

Montgomery County, Maryland



MEMORANDUM OF INVESTIGATION

TO: Dr. Monifa McKnight
Superintendent

FROM: Megan Davey Limarzi, Esq.
Inspector General *ML*

DATE: April 19, 2023

SUBJECT: MCPS Payment of Traffic Citations

The Montgomery County Office of the Inspector General (OIG) has completed an investigation related to Montgomery County Public Schools' (MCPS) use of purchase cards (P-Cards) to pay traffic citations received by employees while driving MCPS vehicles. The investigation was predicated on observations made during a recent OIG investigation of abuse of MCPS P-Cards by MCPS Department of Transportation (DOT) employees. During that investigation we noted that from July 1, 2020 to June 30, 2022, \$31,042 was charged to MCPS purchase cards to cover the cost of traffic citations.

Through this investigation we expanded the scope period and found that from July 1, 2015 to January 24, 2023, MCPS employees received 1,622 citations while driving MCPS vehicles. MCPS P-Cards were used to pay approximately \$148,528 in connection with those citations. In a majority of instances, employees reimbursed MCPS for the cost of the citations. Using P-Cards to pay for traffic citations appears to be permissible under MCPS policy.

We noted however that MCPS does not have written policies or procedures establishing roles and responsibilities for the oversight and response to traffic citations received by MCPS. We recommend MCPS develop written policies and procedures to address traffic citations issued to employees while using MCPS vehicles. Policies should include the designation of an MCPS responsible entity; authorities to enforce relevant policy; a description of driver responsibilities; and a process for how traffic citations are assessed, paid, reimbursed, and contested.

Lastly, we are troubled by the number of citations received by MCPS drivers, particularly the high percentage (85%) issued to bus drivers for school bus stop arm violations. We encourage MCPS to evaluate the causes behind this alarming trend and take steps to remediate contributing factors.

Inquiry and Outcome

We analyzed citations issued to MCPS vehicles from July 1, 2015 to January 24, 2023, from the three primary automated traffic enforcement devices (speed cameras, red light cameras, and school bus stop arm cameras) used throughout Montgomery County. Red light cameras are

installed at traffic lights and intersections and take photographs of vehicles when they pass through the intersection after the traffic light has turned red. Speed cameras are used to capture instances where motorists have exceeded posted speed limits. School bus stop arm cameras are mounted on the outside of school buses to capture images of vehicles that illegally pass a school bus while its stop arm is extended. The cameras are used to identify and cite violators.

In total we found that MCPS vehicles received 1,622 citations valued at approximately \$155,174. Table 1 displays the number of citations received from July 1, 2015 to January 2023 broken down by MCPS department.

Table 1: Citations by Department July 1, 2015 to January 2023

Department	Speed Camera	Red Light Camera	School Bus Stop Arm Camera	Total Citations	% of Total Citations Received
Transportation	449	283	330	1062	65%
Maintenance and Operations Division (Facilities Management)	161	55	37	253	16%
Systemwide Safety and Emergency Management	69	11	3	83	5%
Materials and Management	30	8	5	43	3%
Infrastructure and Ops	26	9	3	38	2%
Design and Construction Division (Facilities Management)	16	2	4	22	1%
All Other Departments	92	25	4	121	8%
TOTAL	843	393	386	1622	

Vehicles assigned to DOT received the greatest number of citations in every category. School buses accounted for the largest population (62%) of MCPS vehicles receiving citations. We recognize that school buses make up approximately 63% of MCPS' entire fleet and undoubtedly drive many more miles than other vehicles, but school bus drivers also receive specific training on compliance with traffic rules, laws and policies, and the safety of children.

School bus stop arm cameras are specifically installed to enhance the level of safety around school buses that are picking up and dropping off children. Our analysis showed that school buses received approximately 85% of school bus stop arm violations issued to MCPS vehicles in our scope period. We viewed recordings associated with 17 randomly selected school bus stop arm citations, and although we did not observe drivers acting recklessly, we did witness them passing stopped school buses who had deployed stop arms. Given the level of training bus drivers receive, the number of citations is alarming. Table 2 displays the number of citations

received by school buses broken down by category and compared to all citations received by MCPS.

Table 2: Citations Received by DOT Buses July 1, 2015 to January 2023

Category	Citations Received By Buses	Citations Received By Other DOT Vehicles	Total DOT Citations	% of Total DOT Citations Received by Buses	% of all MCPS Citations Received by Buses
Speed Camera	402	47	449	90%	48%
Red Light Camera	275	8	283	97%	70%
School Bus Stop Arm Camera	330	0	330	100%	85%
TOTAL	1007	55	1062		

Policy Related to Traffic Citations

In general, MCPS lacks written policies or procedures governing the management of citations throughout the agency. We found some references to traffic violations, but they were specific to individual departments or drivers and did not apply agency wide. The MCPS regulation governing the operation and care of MCPS buses states that “all citations are the responsibility of the operator [bus driver].” The Department of Facilities and Management maintains an internal standard operating procedure (SOP) for traffic violations, but the SOP only applies to Department employees. DOT’s *Just Cause Standards for Bus Attendants and Bus Operators* manual establishes that violations of traffic laws are subject to discipline, but does not explain how traffic citations should be processed or state who is responsible for paying citations.

Current Payment of Citations Issued to MCPS Vehicles

We observed that because most MCPS vehicles are registered using DOT’s address, DOT receives nearly all traffic citations incurred by MCPS vehicles. DOT staff follows an unwritten procedure for processing traffic citations issued to MCPS vehicles. A DOT transportation specialist tracks the citations and pays the citations using an MCPS P-Card to ensure they are paid in a timely manner. In instances where the DOT Director determines that the driver was not at fault, and when drivers leave MCPS employment prior to MCPS being notified of the citation, DOT pays the citation and does not seek reimbursement. For the remaining citations, reimbursements are requested from relevant departments or employees directly. Generally, DOT sends affected departments a notice with information about the citation and instructions for remitting reimbursements to DOT.

DOT reported that they are not able to force other MCPS departments to reimburse them nor are they able to compel payments from non-DOT employees. When seeking reimbursement from their own employees, DOT typically allows 30 days to reimburse the cost of the citation before the amount is garnished from the employee’s wages.

In order to understand how reimbursement requests were handled by other MCPS departments once payment requests were received from DOT, we evaluated the processes within the next three departments receiving the highest number of citations in our scope period: Facilities

Management/Maintenance and Operations Division, Materials and Management, and Systemwide Safety and Emergency Management. Only the Department of Facilities and Management maintains an internal written policy defining procedures for addressing traffic citations and stating that offending drivers were responsible for paying citations. DOT's inability to force other departments' employees to reimburse them for traffic citations has resulted in outstanding repayments. Table 3 displays the number of outstanding reimbursements owed to DOT by other MCPS departments, as of March 8, 2023.

Table 3: Outstanding Reimbursements Owed to DOT From MCPS Departments as of 3/8/23¹

Department/ Division/ Office	FY21		FY22		FY23		Total Amount Outstanding
	# of Overdue Citations	Amount Due	# of Overdue Citations	Amount Due	# of Overdue Citations	Amount Due	
Department of Technology Integration & Support	1	\$43.95	N/A	N/A	4	\$320.00	\$363.95
Department of Infrastructure & Operations	4	\$195.00	N/A	N/A	1	\$41.75	\$236.75
Division of Maintenance	2	\$119.00	2	\$250.00	3	\$163.75	\$532.75
Office of Strategic Initiatives	3	\$123.95	-	N/A	N/A	N/A	\$123.95
Department of Systemwide Safety & Emergency Management	-	-	6	\$522.00	8	\$368.75	\$890.75
Division of Design and Construction	-	-	-	N/A	2	\$80.00	\$80.00
Department of Facilities Management	-	-	-	N/A	1	\$41.75	\$41.75
TOTAL	10	\$481.90	8	\$772.00	19	\$1,016.00	\$2,269.90

Furthermore, we observed some employees paid citations directly to the issuing authority (i.e. police department) instead of reimbursing DOT, resulting in duplicate payments. We also learned a department reimbursed DOT's account, however due to their unfamiliarity with the process, failed to provide DOT with the information needed to match the payment with the citation. This resulted in DOT records reflecting unreimbursed citations when in fact they had been reimbursed.

¹ Data provided by DOT, and includes all outstanding reimbursements for citations received in our scope period.

Use of P-Cards to Pay for Traffic Citations

We analyzed MCPS P-Card information and found that \$148,528 was charged to DOT P-Cards to pay for vehicle citations. We reviewed P-Card policy and determined that the payment of traffic citations using the P-Card is not prohibited, however, the lack of policies and procedures for handling citations in general has led to duplicate payments and failure to collect reimbursements from responsible parties; meaning taxpayer dollars are incorrectly used to pay for traffic citations.

Conclusion

Our investigation focused on the appropriateness of using MCPS funds (through P-Cards) to pay for traffic citations incurred by employees. Underlying our inquiry was the discovery that MCPS drivers received over 1,600 citations during the scope of our investigation. We learned that most, though not all, offending drivers ultimately reimbursed MCPS for the cost of citations. We also found that P-Card policies do not prohibit P-Cards from being used to pay for traffic citations.

We noted MCPS lacks written policies or procedures governing the management of citations throughout the agency. In some instances, this absence of formal policy caused processing errors, resulted in unpaid reimbursements by employees, and contributed to duplicate payments.

We encourage MCPS to develop written policies and procedures to address traffic citations issued to employees while using MCPS vehicles. Policies should include enumerated roles and responsibilities, authorities to enforce relevant policy, a description of driver responsibilities, and a process for how traffic citations are assessed, paid, reimbursed, and contested.

We further encourage MCPS to evaluate the underlying causes for citations received by employees and take steps to remediate contributing factors.

Please contact me with any questions, or a member of your staff can contact Deputy Frank da Rosa, Francisco.darosa@montgomerycountymd.gov.

cc: Karla Silvestre, President, Board of Education
Brian Stockton, Chief of Staff, MCPS
Lori-Christina Webb, Chief of Staff, Board of Education

OIG COMMENTS TO MCPS'S RESPONSE TO TRAFFIC CITATIONS MOI

The OIG provided Superintendent McKnight with a confidential advance version of the Memorandum of Investigation (MOI) related to MCPS's payment of traffic citations. MCPS Chief Operating Officer M. Brian Hull responded on the Superintendent's behalf. (See Attached)

Mr. Hull's response does not address the OIG's concern that MCPS lacks written policies or procedures governing the management of citations throughout the agency, and that an absence of formal policy caused processing errors, resulted in unpaid reimbursements by employees, and contributed to duplicate payments. The response also does not address the OIG's recommendation that MCPS should evaluate the underlying causes for citations received by employees and take steps to remediate contributing factors. MCPS's adherence to bus driver training and development requirements was not a part of this investigation.

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OFFICE OF THE CHIEF OPERATING OFFICER

April 24, 2023

Megan Davey Limarzi, Esq.
Montgomery County Office of the Inspector General
51 Monroe Street, Suite 600
Rockville, Maryland 20850

Dear Ms. Davey Limarzi:

In response to your letter of April 19, 2023, addressed to Superintendent Monifa B. McKnight related to the Montgomery County Public Schools (MCPS) use of purchase cards (P-Cards) to pay traffic citations received by MCPS employees driving MCPS vehicles, I am providing the following information.

We appreciate the recognition in the investigation that P-Cards have been used within proper use guidelines to pay incurred fines from traffic violations. P-Cards are used for timely payment and to avoid any late fees or additional fines. As noted in the investigation, we are successful in recouping the majority of monies from MCPS employees who are responsible for the violations.

The training and development of bus drivers is strictly adhered to according to the Maryland Motor Vehicle Administration and the Maryland State Department of Education rules and regulations. MCPS is proud of the school bus operators who transport our students each day. Violations of driving laws and expectations are addressed through the Staff Code of Conduct progressive discipline process.

We again thank you for your thorough investigation and will apply the findings and recommendations in our continuous improvement of processes and procedures. If you have any questions, please contact me at 240-740-3050 or via email at Brian_Hull@mcpsmd.org.

Sincerely,



M. Brian Hull
Chief Operating Officer

MBH:HD:lsh

Copy to:

Members of the Board of Education
Dr. McKnight
Dr. Murphy
Mrs. Edwards

Mr. Stockton
Mrs. Williams
Mr. da Rosa
Ms. Webb