

# Culver City News



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## Culver City needs major changes in its FWA program

Since 2016, both Paulette Greenberg and I have encouraged the City Council to put in place an independently-managed fraud, waste, and abuse program. The City's consultant supported our suggestions. Nevertheless, this City Council rejected independent investigations of FWA-hotline complaints.

The City recently responded to my Public Records Act request. It shows how, due to lack of independent management, the City's FWA program is a fiasco.

The City's March 2021 Policy Statement Number 4216 (FWA of City Resources) states, in part: "The Internal Audit Manager or his designee will investigate any allegation of improper financial activity and fraud, waste, or abuse." Punit Chokshi—a person with no prior internal auditing experience—serves as the Internal Audit Manager. He is the sole employee in the City's Internal Audit Department. Onyx Jones—former Chief Financial Officer—supervised his activities. "Designee" should not mean someone potentially culpable for the alleged FWA misconduct. That would create a conflict of interest.

The City's PRA response shows that the City received 16 complaints via its FWA-hotline, and the Internal Audit Manager has not personally investigated any of them. None. He designated Department Managers to investigate allegations against their respective departments. A couple of examples

stand out.

First, from June 2020 to June 2021, seven whistle blowers lodged FWA-hotline complaints against the Legal Department. Five of the seven came in from April to June 2021. The Internal Audit Manager designated former City Attorney Carol Schwab to investigate those allegations against her own department. Even so, one would expect him to stop the assignments when the second FWA complaint arrived. How about the sixth?

Second, in October 2021, the Internal Audit Manager named City Manager John Nachbar to investigate two complaints against the City Manager's Office. Nachbar should have wondered why his Internal Audit Manager would allow him to investigate his own department. Then, he should have investigated the Internal Audit Manager to learn whether it is his standard operating practice.

Furthermore, the Internal Audit Manager's job is to publicize the existence of the FWA program. The Quarterly Reports state, "[O]ur outreach will also be done through social media...." The City's PRA response stated that only an October 25, 2021 email evidenced the entire social media outreach. One email!

We should hold City officials accountable for this fiasco. (1) Culver City has a new CFO. Perhaps, she will have a tête-à-tête with the Internal Audit Manager. (2) Former CFO Jones bears responsibility for this fiasco. (Jones and Schwab torpedoed the independently-managed FWA program suggested by the City's consultant.) Jones supervised the Internal Audit Manager. She now is an Assistant City Manager. Nachbar should educate her about supervisory duties. (3) Council Member Alex Fisch voted to adopt Culver City's defective FWA program. Come November, Culver City voters could do better. (4) Also, Councilmember Daniel Lee voted to adopt the failed FWA program. If he decides to run for office, voters should reject him.

Culver City needs major changes in its FWA program. There should be little doubt that the current FWA program failed. We need an FWA program that encourages whistle blowers to come forward. We need an independent investigation to learn how and why the City's current FWA program ran amok. We need remedial recommendations.

—Les Greenberg, Esquire