



Office of Nikki Alvarez-Sowles, Esq. Pasco County Clerk & Comptroller

February 9, 2021

The Honorable Ron Oakley, Chairman, and
Members of the Board of County Commissioners
Pasco County Board of County Commissioners
8731 Citizens Drive
New Port Richey, FL 34654

Dear Chairman Oakley and Members of the Board:

Enclosed is Consulting Report No. 2020-14. As requested by management, the Department of Inspector General (IG) performed a consulting engagement for the Code Compliance Division. The purpose of this engagement was to provide an independent verification of the termination process related to the Memorandum of Understanding (MOU), #HSMV-0444-16, between the Pasco County Code Compliance Division and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV). The scope of this engagement was limited and included specific testing and verification of Driver and Vehicle Information Database (DAVID) user activity reviews, cut-off documentation, notifications, and removal of access.

Overall, the IG concluded that the MOU between Code Compliance and FLHSMV was terminated in accordance with terms of the agreement. Code Compliance provided documentation that reflected the DAVID users and activity were monitored in accordance with the MOU and department policies and procedures. There were no significant findings as a result of this engagement.

We appreciate the cooperation, professional courtesy, and responsiveness received from County staff during this audit. Please let us know if you wish to discuss any of the information provided in the report.

We request the Board of County Commissioners to receive and file this report.

Respectfully Submitted,

Patrice Monaco-McBride
Inspector General/Chief Audit Executive

Office of Nikki Alvarez-Sowles, Esq.

Pasco County Clerk & Comptroller

DAVID MOU TERMINATION - CODE COMPLIANCE

March 09, 2021



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EXECUTIVE SUMMARY

Background Information

As requested by the Code Compliance Operations Manager, the Department of Inspector General (IG) initiated a consulting engagement for the Code Compliance Department. The purpose of this engagement was to provide an independent verification of the termination of the Memorandum of Understanding (MOU), #HSMV-0444-16, between Pasco County Code Compliance and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV). The MOU provided Code Compliance access to the Driver and Vehicle Information Databases (DAVID) system. The DAVID system provided authorized users with the immediate retrieval of confidential, personal driver and motor vehicle information. The information was restricted and to be utilized for business-related purposes in completing job functions.

Code Compliance was responsible for enforcing the Pasco County's Codes of Ordinances and the Land Development Code by addressing violations in legal plan view (from the roadway). By enforcing these codes, Code Compliance could promote, protect, and improve the health, safety, and welfare of the citizens and visitors of the County. Code Compliance used the DAVID system as a tool when enforcing Pasco County codes.

On February 2, 2016, Code Compliance renewed their contract and was issued a new MOU with the FLHSMV for a six year term. However, Code Compliance changed their process for issuing citations and no longer required the DAVID system to be used as a tool to identify suspects. As a result, Code Compliance terminated the MOU with FLHSMV as of January 4, 2021.

Objectives

The engagement objectives were to:

- **Objective No. 1:** Verify that Code Compliance reviewed DAVID user activity in compliance with the terms and provisions of the MOU (#HSMV-0444-16).
- **Objective No. 2:** Verify the request for termination of MOU (#HSMV-0444-16) was performed in compliance with the terms and provisions of the agreement.
- **Objective No. 3:** Verify cut-off documentation for DAVID activity as of January 4th, 2021.
- **Objective No. 4:** Verify access to DAVID was deactivated by Florida Department of Highway Safety and Motor Vehicles on January 4th, 2021.

Scope and Methodology

The engagement period was from December 1, 2018 to January 4, 2021. The agreed-upon scope was limited and was not intended to be a detailed study of internal controls or compliance existing policies and procedures. This engagement was intended to provide an independent

verification of the termination process related to the MOU (#HSMV-0444-16, between Code Compliance and the FLHSMV.

Although the audit team exercised due professional care in the performance of this audit, this does not mean that unreported noncompliance or irregularities did not exist. The deterrence of fraud, and employee abuse was the responsibility of management. The audit procedures alone, even when carried out with due professional care, cannot guarantee that fraud, waste, or abuse would be detected.

The audit was neither designed nor intended to be a detailed study of every relevant system, procedure, or transaction. The purpose of this report was to provide an independent, objective analysis, recommendations, and information concerning the activities reviewed. It was not an appraisal or rating of management.

The IG planned and performed the engagement to obtain sufficient, appropriate evidence to provide a reasonable basis for the conclusion based on the engagement objectives. The evidence and documentation obtained during the engagement process provided this reasonable basis.

To achieve the objectives, the procedures performed included, but were not limited to, the following:

- Verified quarterly reviews were conducted during the engagement period and were in compliance with section VI(A) Quarterly Quality Control Review Report.
- Verified monthly reviews were conducted during the engagement period and were in compliance with the monitoring section of the department's policies and procedures.
- Verified written notification for terminating agreement to the providing agency (FLHSMV) was in compliance with Section IX(c) of MOU #HSMV-0444-16.
- Verified users were deactivated prior to the MOU termination.
- Documented the last date for various DAVID activities performed.
- Verified Code Compliance's access to the DAVID system was deactivated as of January 4, 2020.

Statutory and Pasco County Guidelines

To conduct this audit, the Department of Inspector General relied on the following authoritative guideline to serve as criteria:

- Memorandum of Understanding #HSMV-0444-16
- Pasco County Code Enforcement Policies and Procedures for DAVID Access, revised May 3, 2018

Conclusion

The IG concluded that the MOU between Code Compliance and FLHSMV was terminated in accordance with terms of the agreement. On November 23, 2020, the Code Compliance's point of contact (POC) provided written notification to the FLHSMV requesting termination as of January 1, 2021. This was more than 30 days' notice and was in compliance with Section IX(c) of MOU HSMV-0444-16.

The IG verified that the Code Compliance division's access to the DAVID system was deactivated on January 4, 2021 (as of 9:05 a.m.). All users, except three, were deactivated prior to the termination. Although three users were active at the time of termination, the IG confirmed that access was denied due to the Code Compliance DAVID system's inactive status.

The last search in the DAVID system was performed on September 25, 2020. All activity after this date was related to this engagement and conducted by the POC and the lead auditor. Additionally, Code Compliance provided documentation that reflected the DAVID users and activity were monitored in accordance with the MOU and department policies and procedures. DAVID users and activity were reviewed monthly and quarterly. There were discrepancies regarding the completion dates for some of the quarterly reviews. However, since monthly reviews were also conducted, these discrepancies were considered minor and were brought to management's attention.

The IG commends the Code Compliance Department for their professionalism, cooperation, and responsiveness during this engagement.