

Independent Consultants' Report of Agreed-Upon Procedures Requested by The Key Largo Fire Rescue and Emergency Medical Services District Board

The draft of this report is furnished solely for the Key Largo Fire Rescue and Emergency Medical Services District Board and their counsel's review of the procedures performed, findings and recommendations as part of the agreed-upon procedures detailed in the engagement letter.

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Section One. Agreed-Upon Procedures

To the Key Largo Fire Rescue and Emergency Medical Services District Board:

MarcumRachlin, a division of Marcum LLP, ("MarcumRachlin") has performed the procedures enumerated below which were agreed to by the Key Largo Fire Rescue and Emergency Medical Services District Board ("The Board") to assist in evaluating the operations, controls, management structure and related issues at the Key Largo Volunteer Fire Rescue Department ("KLVFD"). This agreed-upon procedures engagement was conducted in accordance with the attestation standards established by the American Institute of Certified Public Accountants and included agreed-upon procedures designated by the Board.

These procedures include:

- Identifying internal control weaknesses related to the operations of the KLVFD;
- Review current policies and procedures of KLVFD;
- Perform inquiries of the Board and KLVFD personnel;
- Review and Document financial and operational processes of KLVFD;
- Identify and review existing internal controls utilized by KLVFD;
- Review and analyze issues brought to the attention of the legal and finance departments.

Our engagement enabled us to analyze and perform walkthrough's of procedures of KLVFD's processes. We were able to determine internal control weaknesses and deficiencies by performing our analysis and walkthroughs; however, we did not test internal controls to determine their operating effectiveness.

Our report is as of October 2009. The potential effectiveness of specific internal controls at KLVFD is subject to inherent limitations, and accordingly, errors or fraud may occur and not be detected. Furthermore, the effect of any conclusions based on our findings to future periods is subject to the risk that changes made to the business processes or computer systems or the failure to make needed changes to internal controls related to the business processes or computer systems may alter the validity of the observations in this report.

This report is intended solely for use by the Key Largo Fire Rescue and Emergency Medical Services District Board. Certain individual's names are not included in this report.

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Section Two. Scope and Procedures

MarcumRachlin performed the following agreed-upon procedures in connection with this engagement.

1. Interviews

- a. We interviewed the following individuals:
 - i. Key Largo Fire Rescue and Emergency Medical Services District Board Members
 - ii. Joshua Hauserman and Dirk Smits of Vernis & Bowling of the Florida Keys, P.A.
 - iii. Jennifer Zimmer and Peter Rosasco of Bishop, Rosasco & Co.
 - iv. KLVFD 501(c)3 Board Members
 - v. KLVFD Officers, full-time employees and volunteer firefighters as well as former members
- b. We discussed the following with interviewees:
 - i. KLVFD Processes, Internal Controls and Organizational Structure
 - ii. Key Largo District Board's organizational and structure's integration with KLVFD
 - iii. KLVFD 501(c) 3 Board's responsibilities, oversight and organizational structure
 - iv. Systems utilized by the KLVFD to maintain operations
- c. In the course of our interviews certain individuals brought specific allegations to our attention for which we proceeded to analyze as part of our engagement.

2. Review of KLVFD Processes

- a. Understood KLVFD processes in the following areas:
 - i. Accounting
 - 1. Accounts Payable, Taxes, Monthly Reporting, Billing and KLVFD reimbursement in regards to the Key Largo District's Board Funding
 - ii. Scheduling
 - 1. Scheduling systems and processes used to determine shift schedules
 - iii. Reimbursements to Volunteers
 - 1. Reimbursement calculations and policies
 - 2. Reimbursement requests
 - 3. Payroll applicable to Volunteers and other reimbursement available to full-time employees
 - iv. Document Security
 - v. Human Resources
- b. Performed walk-through of internal controls over specific areas
 - i. Preventive controls which includes
 - 1. Approvals, authorizations, and verifications
 - 2. Segregation of duties
 - 3. Security of assets
 - 4. Application Controls

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- 5. Authorization & Validation
- ii. Detective controls which includes
 - 1. Reconciliations
 - 2. Performance Reviews
 - 3. Security of assets
 - 4. Monitoring activities
 - 5. Error Notifications
- iii. Determined if the existing identified controls were manual or system controls
- c. We analyzed procedures and provided recommendations to the Board to improve the internal controls, increase efficiency and improve the organizational structure for the District Board, the 501(c) 3 Board and KLVFD.
- d. Our analysis was that of the KLVFD and did not revolve around the District of Key Largo or any entities associated with it.

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Section Three. Background

The Key Largo Fire Rescue and Emergency Medical Services District Board and Key Largo Volunteer Fire Department

KLVD provides fire protection/rescue/extrications services in Key Largo and operates two fire stations, one located at the 99 mile marker and the second at the 106 mile marker.

The department responds to over 500 fire and rescue calls annually with two engines, an aerial, a rescue truck, a tanker, a dive unit, and three boats. The membership averages fifty volunteers encompassing a wide variety of skill level and echoing the diverse community they serve.

The department was a member of Monroe County and received its' funding for operations from the county. In response for the growing need to be an independent operation in order to better serve the community and its' volunteers Key Largo formed an independent district board. The board, consisting of 5 members, provides the taxpayers of Key Largo with the fiduciary responsibility of providing funds to KLVD on an annual basis.

KLVD operates as a 501(c) 3 with its' own corporate board consisting of members of the department. The combat operations and decision-making authorities regarding the daily operations of the department rest with the Chief and other officers. The corporate board provides financial oversight and is ultimately responsible for the actions of the department and its' officers and members.

KLVD utilizes two computer systems to assist in their operations. Quickbooks provides the department a tool to track their accounting function. The department also utilizes the Red Alert System. This system records combat inventory (i.e. fire hose, uniforms, etc.) at its replacement cost and records all volunteer member's time for station & home shifts, trainings, fire call credits and meeting attendance.

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Section Four. Description of Manual and Automated Controls

Internal controls are the “methods and procedures designed by management to provide reasonable assurance regarding the safeguarding of assets and management of resources”. The control system is implemented to minimize accounting errors and deter fraud while providing reliable financial and operational reports and compliance with applicable laws and regulations.

The following describes various controls:

Preventive and Detective Controls. Controls can be either preventive or detective. Preventive controls attempt to deter or prevent undesirable events from occurring. They are proactive and designed to prevent loss. These include separation of duties, proper authorization, adequate documentation, and physical control over assets. Detective controls purpose is to detect undesirable acts. They provide evidence that a loss has occurred but do not prevent a loss from occurring. These include reviews, analyses, variance analyses, reconciliations, physical inventories, and audits.

Approvals, Authorizations, and Verifications (Preventive). Management authorizes employees to perform certain activities and execute certain transactions within defined parameters. Management specifies those activities or transactions that need supervisory approval before they are performed or executed by employees. A supervisor's approval (manual or electronic) implies that he or she has verified and validated that the activity or transaction conforms to established policies and procedures.

Reconciliations (Detective). An employee relates different sets of data to one another, identifies and investigates differences, and takes corrective action, when necessary.

Reviews of Performance (Detective). Management compares information about current performance to budgets, forecasts, prior periods, or other benchmarks to measure the extent to which goals and objectives are being achieved and to identify unexpected results or unusual conditions that require follow-up.

Security of Assets (Preventive and Detective). Access to equipment, inventories, securities, cash and other assets is restricted; assets are periodically counted and compared to amounts shown on control records.

Segregation of Duties (Preventive). Duties are segregated among different people to reduce the risk of error or inappropriate action. Responsibilities for authorizing transactions, recording transactions (accounting), and handling the related asset (custody) are divided.

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General Application Controls (Preventive). Passwords are used to prevent unauthorized access to systems and restrict user rights. Systems identify the user and track user changes or updates. Systems return to a “log-in” status after a period of time to prevent unauthorized access. Spreadsheets and data used by employees is located on a network drive and backed up to prevent the loss of data.

MarcumRachlin performed walk-through of the business processes and analyzed processes with individuals performing those functions. This step was taken to identify the business process in place, systems used in the process, and the internal controls present in the process. MarcumRachlin was able to understand the inter-connectivity of business process and systems as well as areas needing remediation. During the walkthroughs MarcumRachlin identified existing preventive and detective controls, whether controls were manual or system related and various application controls in place.

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Section Five. Internal Control Recommendations

Lack of Segregation of Duties

The KLVFD's accounting processes are handled by the office manager. This individual is responsible for ordering supplies, paying bills and maintaining the daily operations of the department as well as recording transactions in Quickbooks. Also, the individual is the sole signer on the TIB Bank of the Keys Corporate Account. The individual's ability to record transactions and control of the operating account with limited oversight allows for the risk of fraud and misappropriation of assets. There are limited controls in place to prevent or detect any risk or errors or fraud. The monthly reconciliations performed by Keys Accounting, KLVFD's accountant, merely assure that the bank statements and the accounting records match.

KLVFD should segregate some of the duties performed by the office manager to effectively mitigate the risks mentioned above. This can be accomplished by implementing steps such as:

1. Implementing a mandatory two signatory rule on all checks or;
2. Removing check signing ability from the bookkeeper and providing to an individual who does not have access to the department's Quickbooks system;
3. Review and analyze cash disbursements
4. Create and review an approved vendor list

Inadequate Application Controls and System Backup

The Red Alert system incorporates the use of user log in identification and passwords; however, the system has inherent limitation that can allow an individual to bypass the controls. An individual's computer only requires logon to the Red Alert system when the computer is first being turned on or rebooted. If an individual obtains an individual's user name and password or is able to obtain access to that person's computer because the assigned individual has not locked it before they leave their desk, that individual has access to the Red Alert system and can manipulate entries on the system's various reporting modules. Red Alert requires a username and password when first entering the system or if an individual tasks the system to exit. The system would not provide information describing an unauthorized user. Also, Red Alert has no application controls that would identify or prevent the removal of entries from the system.

KLVFD has placed a camera to view Frank Moc's computer; however, it does not provide a visible image to determine exactly what that individual is doing. The camera is a preventive control, but only useful if an error and the time of occurrence are discovered to allow the department to review the camera's recordings.

KLVFD allows volunteer members to connect personal laptops on the network to use the internet. The department should ensure that the network has controls in place to prevent unauthorized access to the server or restricted areas of the network. Protecting the systems and their integrity is essential. All systems and data used by the department should be housed on the network with restricted access and the data needs to be backed up to prevent loss of data.

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Inadequate Scheduling

The scheduling process does not have a systematic, controlled set of procedures. The current process consists of individuals emailing their shift requests to a selected volunteer. The volunteer assigns shifts based on seniority and attendance; however, there is no oversight to manage if the shifts are assigned within department parameters. The shifts are important to members because of the income derived from working shifts.

Implementation of a standardized scheduling process and parameters will decrease scheduling errors and any real or perceived bias in shift scheduling. Monthly schedules should be maintained and updated by a fire rescue officer or individual independent of the shift scheduling procedures. The individual or fire rescue officer can then provide this schedule to the individuals performing the monthly reconciliation and provide them with a document used to reconcile the shift logs, attendance sheets, and Red Alert reports against.

Inadequate Reconciliations

After the end of the month, reports detailing volunteer member's station & home shifts, meeting & training attendance and the number of calls responded to are printed. These reports are compared to log and attendance sheets to determine the validity of an individual's recorded time. KLVFD does not have the correct controls or proper reconciliation procedures to determine whether an individual's time is correct or detect any instances of errors or fraudulent entries.

Two officers are assigned the task of entering time into the Red Alert System. These officers enter time based upon information on the shift logs and attendance sheets. Shift logs and attendance sheets are readily manipulated because there is no individual assigned their safekeeping. The logs and attendance sheets validity is an essential source to be able to detect errors in the reports printed from Red Alert. Duties are not segregated between custody of the hard copied documents and entry into the system to ensure data is not manipulated because the individuals tasked with entering time into the system also manually record time on the shift logs and attendance sheets. The recording of information should be segregated to ensure that no individual has too much control over a process and can manipulate it without being detected. Shift logs and attendance sheets should be maintained by the individuals responsible for recording the time for that occurrence. Those individuals should not have access to the Red Alert system. If duties are segregated and access restrictions are implemented, the monthly reconciliation would then have a source document that can be relied upon. A separately maintained Monthly Schedule would be a useful document to maintain.

Lack of Policies and Procedures

There is inadequate documentation that accurately describes processes and systems of KLVFD. Personnel roles are not clearly defined. Only a few people at the KLVFD know the processes. If

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those individuals were not present the department's operations would significantly be impaired. Defined policies and procedures would assist management in identifying what processes lack internal controls and allow identification of areas for improvement in the organization.

Lack of Integrated Systems and Applications

KLVD FD utilizes two systems to record accounting related transactions. Quickbooks records accounting transactions while the Red Alert system details volunteer firefighter's time and keeps record of combat inventory (i.e. uniforms, hoses, radios). These systems are not integrated and consequently this could lead to errors in the monthly reporting process, volunteer reimbursements and misappropriation of department assets.

The integration or reconciliation between system interfaces would allow for the streamline of processes and reduction of associated risks when running on two separate platforms:

1. Inventory can readily be tracked and linked with purchases in Quickbooks. The use of inventory for combat firefighting is still tracked and maintained in Red Alert. This allows for proper control over inventory items by having two individuals responsible for the safeguarding of assets with Quickbooks recording historical cost and Red Alert tracking location. If an asset was to be removed the other system would catch this during inventory reconciliation.
2. The shift logs and attendance sheets could be uploaded from Red Alert to Quickbooks. Quickbooks can have a program interface to calculate the volunteer's reimbursements based upon the information from the Red Alert system. This will decrease data entry errors and would more accurately record volunteer reimbursements based upon actual time.

Payroll and Reimbursements Process Deficiencies

The KLVD FD employs 5 full-time, salaried employees and provides volunteer member's with reimbursement. Salaried employees receive payroll every two weeks via direct deposit to their respective accounts. KLVD FD pays salaried employees via their payroll account at 1st State Bank. Currently, the Corporate President and Chief are required signers on any checks from this account. The Department Chief provides approval for all overtime and personal time off.

A volunteer receives compensation based upon their level and the number of station shifts, home shifts, fire emergency calls answered, and meeting and training attendance. Volunteers receive a determined number of credits for attending these options. Home shifts are available for individuals who live within 2 miles of either the North or South station. Only one volunteer is eligible for a home shift during the 8 hour shift periods. Individual volunteers receive credit for answering fire emergency calls. Call credits are recorded on Unit Reports by the senior officer after each fire rescue call. Individuals receive credit by being present and on the truck or arriving at the scene prepared to serve.

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Time and attendance credits are recorded on shift logs and attendance sheets by an assigned member. The shift logs and attendance sheets are entered into Red Alert by approved users. These individuals are allowed to enter and delete information regarding the various credits given for volunteers regarding their service and attendance. Frank Moc stated that while he has access to enter time/attendance into the system he does not enter time or credit, but is responsible for printing the monthly reports. Assigned individuals receive the monthly reports detailing time/attendance from Frank Moc and perform a review against shift logs and attendance sheets. Mr. Moc explained that these Monthly Reports are sent to the State of Florida. The assigned individuals have stated that there is no proper review of the documents recording time. The monthly review of time consists of guesstimates of what individuals have worked or attended meetings during the month. Only in instances where either of the assigned individuals identify a discrepancy that is unusual do they investigate to determine if the individual is receiving the appropriate amount of credits.

Volunteer members stated that many times reimbursements have been miscalculated.

After the assigned individuals complete their review the information is entered into an excel spreadsheet by the office manager. The office manager uses this spreadsheet detailing various criteria dependent upon an individual's level, certifications, shifts, attendance, call credits, member standing and positions held. Volunteer members receive credit by participating or meeting the before-mentioned criteria; however volunteers will not meet their minimum base reimbursement without meeting the department's shift and the minimum attendance standards (e.g. 72 hours of shifts and 1 meeting a month). Likewise, members will not be reimbursed over their maximum allowable limits. As reflected below the minimum and maximum reimbursement amounts for the respective levels used by the office manager on the Monthly Reimbursement Calculation Worksheet:

Minimum

Rank	Base
Lieutenant	350
Captain	400
Asst. Chief	500
Deputy Chief	600
Chief	725
Support	150
F/F I	250
F/F II	275
Captain I	350
Lieutenant I	325
Engineer	300

Maximum

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Rank	Base
Lieutenant	1530
Captain	1530
Asst. Chief	1800
Deputy Chief	1800
Chief	2000
Support	725
F/F I	1200
F/F II	1200
Captain I	1530
Lieutenant I	1530
Engineer	1275

After the office manager completes entering data onto the reimbursement calculation sheet the worksheets are provided to Chief Garcia for review and approval. If approved, the Key Largo District Board is contacted and provided with details regarding total monthly reimbursements. The District will then provide the funds to the KLVFD for disbursement after the District Boards review and approval.

Other Observations found during Walk-Throughs and Process Analysis.

- Expenses
 - Expenditure Oversight – Chief Garcia is given access to a department bank account to be used only by him. No review process is in place to ensure expenditures are not for personal reasons or non-departmental matters. The corporation needs to create expenditure guidelines to ensure that there is no misappropriate use of corporate funds.
 - Travel Expenses – Chief Garcia has full discretion for the use of travel funds. For instance, when chief attended a conference and was displeased with the hotel the chief moved to another location and exceeded the allotted travel amount. While this is not outside the Chief's authority the lack of review allows that individual to be able to expend whatever funds felt necessary without answering to the Corporation or the District.
- Segregation of Duties
 - In reference to expense reimbursement, accounting processes and time entry the duties assigned to individuals are not segregated. A lack of segregation of duties can lead to unauthorized entries, inappropriate disbursement and loss of funds to the District.
 - A 2nd person review of payroll, timesheets and expenses is necessary to ensure proper use of funds and allocation of expenses.
- Stricter budget guidelines

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- The Key Largo District Board pays for budget variances when KLVFD goes over the allotted amount. The Key Largo District Board should implement disincentives at different monetary levels to force management of the department to have stricter spending guidelines. Limited controls are in place to ensure expenditures are deemed necessary and relevant. By implementing budgetary guidelines the Board can ensure the department is effectively managing their expenditures.
- Fuel Usage
 - There are limited formal procedures to document vehicle usage and mileage. The department does not maintain internal controls over the use of fuel. A calculation can be constructed to determine total usage per vehicle and compared to total gallons used for a specified time to determine that fuel usage correlates correctly with vehicle mileage. Fuel use for non-vehicles (i.e. lawnmower) is immaterial and can readily be accounted for by recording total gallons entered.
 - The Key to the Fuel Pump is left unlocked in the communication room with access available to all individuals. Security of the key is necessary.
- Documentation Security and Confidentiality
 - Payroll and worker compensation files are kept unlocked in the conference room of the South Station. It is recommended that employee files be filed in a secure environment allowing only authorized individuals access to them.
- Separation of Corporate and District Funds
 - Funds derived from “Boot Drives” and other non-district events are not kept separate from the funds provided to the KLVFD from the District. The corporation should maintain accounting of their funds separate from funds derived from District funds.
- KLVFD Bank Checks
 - Bank check stocks are left unlocked. All check stocks should be locked securely to prevent unauthorized access to them.
 - Occasionally checks are pre-signed and left for use. This is an unacceptable practice that could lead to misappropriation of assets or fraud.
- Electronic Time Clock
 - The station has an electronic time clock which full-time employees should use to track hours. The time clock could be used for station shifts to assist in accurate reporting.
 - Use of a time clock would assist management in tracking full-time staff and volunteer time. Implementation of a biometric time clock system would reduce the risk of improper time entry.

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Section Six. Organizational Structure Review

Fire Corporation Board

The current organizational structure of the KLVFD gives the Chief authority over the Fire Corporation Board. The president of the corporation, Michael Jenkins, is currently serving under the Chief's authority as a Lieutenant in the department. Other board members include Vanessa Guatemala, David Gow, Frank Conklin, Don Conard, and Travis Wilson; all of whom are KLVFD volunteers and receive compensation for their services. The current organization structure lacks independence because "employees" oversee their boss's activities. Organization board members should include independent parties whose compensation is not tied to management's authority. Such individuals should not have vested interests with management. The board should provide oversight and be an independent authority to protect stakeholders within and outside of the company.

Certain individuals have expressed their displeasure with the current organizational structure because the structure does not have adequate checks and balances to oversee management. The lack of independence does not allow the board to effectively provide fiduciary and corporate responsibilities. The Chief's authority over board members creates a situation where board members may experience reprimand, loss of pay or retribution.

Human Resource Function

The Human Resource function is currently the responsibility of the office manager. The office manager is responsible for the processing of payroll, filing of worker's compensation reports and grievances. The office manager reports all instances to Chief Sergio Garcia and Asst. Chief Jay Ogden.

It is apparent that the current atmosphere of the organization is that all HR issues should be reported through the department's chain of command. The Chief strongly believes that all HR matters should be communicated by individuals to their superiors with final review and decision making through him. Certain individuals expressed that this chain of command method left them feeling uncomfortable and unwilling to report certain instances because of fear of reprimand.

Other Organizational Issues Found

It is apparent that the current atmosphere at the department leaves certain individuals with a fear of retaliation by Chief Sergio Garcia or Frank Moc if they challenge a decision or goes outside of the "chain of command". Certain individuals feel they may lose opportunities for shifts and be considered a "hater" by the chief if they do not follow his protocol. The word "hater" was coined by the Chief as an individual who does not agree with him or agree with his rules. The Chief used the word "hater" with us to describe individuals that did not agree with his protocol or ignored the chain of command to communicate issues they were having.

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Certain individuals expressed they were singled out by the Chief and no longer an integral part of the fire department. These individuals mentioned not being rewarded shifts and credits that they had previously received. Others mentioned that the Chief was utilizing his volunteer resources from Miami-Dade and, thus, did not provide opportunities for local volunteers. This caused many local volunteers to feel that they do not have a place within the department. The following statements are examples of the tone the Chief sets at the department:

Statement 1 – individuals explained that Chief Garcia overruled others to ensure hiring decisions. Individuals were afraid to confront the chief because of fear of retaliation. According to individuals the individual selected to be hired had the lowest test score, but was still chosen for the position because the Chief believed a more qualified firefighter would have left the department once another opportunity came.

Statement 2 – another individual was removed as Battalion Chief by Chief Garcia after that person ran against Chief Garcia for Chief of KLVFD. Certain individuals expressed that the chief was “punishing” this individual for running against him.

Statment 3 – On October 8, 2009, at the LZ Training, Chief Garcia admittedly used vulgar language and raised his voice to the volunteer members at the meeting concerning his displeasure with the lack of adherence to following the chain of command and for individuals who spoke to Board Commissioners. We confirmed with 3 separate individuals the following:

- An individaul stated that Chief Garcia said the following, “I (the chief) have deep pockets and will sue anyone that speaks to the commissioners or the auditors; and I (the chief) will go after you”. MarcumRachlin is not performing an audit. Chief Garcia stated, “people are twisting stories about the guy falling out of bed and are going against a firefighter; we need to band together and walk out”. Chief Garcia stated, “Auditors or the commissioners are telling people that have dirt on me to come and speak to them”.
- An individual stated that the Chief told the group to follow the chain of command before going to the board and/or auditors and the Chief stated “he has deep pockets”.
- Another individual explained to us the chief stated that anyone who speaks to the commissioners is a piece of “blip” and they understood that if anyone criticizes the Chief that the Chief has deep pockets and would sue that individual. Chief Garcia also stated, “People are causing trouble by stirring up the audit and those people are pieces of “blip”. The chief will do whatever it takes to run those people off”.

The above statements, coupled with Chief Garcia’s own admittance of vulgar language, reflects the tone at the department. If employees or volunteers employment is affected because of these actions it is the Fire Board’s responsibility to properly manage and implement the appropriate actions to ensure that the corporation’s standards are being met. If the Fire Board fails to react appropriately it may face risks or lose its’ credibility with members and employees.

Section Seven. Organizational Structure Recommendations

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Based on the current organizational structure and format for the KLVFD, its' corporate board and the Key Largo District Board along with the purported allegations reported we are offering suggestions that we feel will provide a more efficient and effective structure for the KLVFD, its' corporate board and the District Board. We cannot offer assurance that any of these changes will resolve the organizational issues faced by the KLVFD.

We recommend the following:

- Corporate Board Structure – the KLVFD corporate board should consist of independent members who have no ties with the department in regards to compensation or management. We recommend the recruitment of independent members, potentially an attorney, professional or individuals with business acumen to be a member of the board. We believe that at least two independent members can provide the board with an outside perspective and not be influenced by the current management.
- Financial Reports – Regularly prepared financial reports detailing expenditures, expected cash flows, etc. should be provided by the KLVFD's Chief and/or Corporate President. This would provide greater control and oversight. Disbursements of the district's fund and their use need to be reported and reviewed by the Corporate Fire Board and the Key Largo District Board. Budget estimates should be made as to the amount of shifts and trainings conducted over the next month. Such budgets should be compared to actuals to ensure reasonableness.
- Human Resource – It would be beneficial for all parties (i.e. both boards, department management) to obtain an independent HR personnel to handle payroll for full-time and member volunteers, employee grievances, employee dismissal and other HR-related functions. An independent HR representative provides more confidentiality regarding worker's rights and reporting of complaints. This individual would also ensure that grievances are handled appropriately because of the various labor laws associated with the department. A human resource employee would be able to handle grievances in accordance with various labor laws.
- Volunteer Stats Readily Available for Member's Review – Volunteers should be provided with stats to ensure the time they are credited for. This can help resolve issues.
- External Employee/Member Hot Line – In addition to an HR function, the department can add an outside hotline for individuals to report grievances, harassments, and other issues. This hotline would provide useful information to the board.
- KLVFD Policy Full Disclosure Regarding Reimbursement, Shift Opportunities and Utilization of Staff for Department Needs – The department should publish a document explaining how credits are earned, the reimbursement process and other information to members so they may understand the basis for reimbursements. Key Largo Volunteer residents need to understand why the department utilizes individuals living in Miami-Dade more often than local volunteers. The situation is particularly sensitive because of the compensation involved.

Section Eight. Additional Allegations and Findings

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We interviewed certain individuals who made allegations and analyzed documents made available to us. The following details our findings:

- Frank Moc Compensation and Total Hours – The KLVFD Chief allows Frank Moc to collect payment for services as a full-time employee and volunteer member. As a full time employee person 1 receives hourly pay and overtime. In addition, Mr. Moc collects payments for providing training services to volunteer members and reimbursement for volunteer member services (e.g. training attendance, call credits and home shifts). We obtained Mr. Moc's pay stubs, monthly reimbursement calculation worksheets, time sheets and other data to determine gross compensation and hours on a monthly basis as detailed on Attachments A & B. Mr. Moc's compensation was reviewed along with other KLVFD employees as detailed in Attachment M. Frank Moc is the only full time employee that receives compensation for providing training and reimbursement as a volunteer member. Chief Garcia rationalized that Mr. Moc's position with the department is not as a combat officer, thus, when he responds to fire calls that individual is allowed to receive compensation. (Note: Attachment M does not include Frank Moc's compensation from Volunteer Reimbursement)
 - Significant Findings:
 - In Feb. 2009 Frank Moc's average work week hours (Feb. 2009 had 4 work weeks) was 94 hours;
 - In May 2009 Frank Moc's average work week hours (May 2009 had 4 work weeks and 1 day) was 112 hours
 - 4 out of the 12 months analyzed revealed Frank Moc worked over 320 hours for the month;
 - 8 out of the 12 months analyzed revealed Frank Moc collected over \$5000 in gross compensation from the Department;
 - In May 2009 Frank Moc received total gross compensation of \$7,953.84;
 - For the 10 months ending October 2009 Frank Moc has grossed over \$50,000 for current year.
- Code 3 Limousine – We were told that Frank Moc and Joe Castaneda, both full time department employees, were using company resources for operations of their limousine business.
 - As was reported to Assistant Chief Jay Ogden, Jay Castaneda had posted their department issued cell phone number on a Facebook page. Jay Castaneda admitted that a 1-800 # was posted on a Facebook page promoting the limousine business and was having phone calls to the 1-800 # forwarded to the department issued cell phone. Jay Castaneda denies ever placing the department issued cell phone number on the limousine company's website or their Facebook page. We have been told that Asst. Chief Jay Ogden has a print out of Jay Castaneda's Facebook page displaying the number of the department issued cell phone; however, we have not received that documentation.

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- We reviewed the Department's Nextel Phone records to determine if usage increased during the timeframe of these allegations. Jay Castaneda told us that Code 3 Limousine began operations in July of 2009. We are unable to determine the company's start date without further documentation. Attachment C details department cell phone usage and text messaging charges.
 - Jay Castaneda's cell minutes increased from 1,736 in May to 3,286 in June and 2,898 in July. We observed usage in August of 1,600 minutes. The decrease in usage occurs during the same time the issue was reported to Asst. Chief Jay Ogden spoke with and reprimanded Frank Moc and Joe Castaneda;
 - Frank Moc's usage displayed a decrease in May, but remained relatively flat during the timeframe reviewed;
 - Joe Castaneda's text messaging charges increased in May, June and July as compared to other months between Sept. 2008 to October 2009.
- Two individuals told us that on different occasions Frank Moc and Joe Castaneda solicited them as drivers. We were told that Frank Moc and Joe Castaneda offered compensation to them in the form of cash and shift credits as well as asked these individuals to drive for them while they were on duty as volunteer members and instructed them that they would still receive their shift credit while they were working for Code 3 and not on shift at the station.
- Timesheet Falsification –Two individuals have been accused and are currently under investigation by the department for falsifying timesheets. Asst. Chief Jay Ogden explained that the allegations were first reported to him by a volunteer member at the beginning of August 2009. This individual is responsible for assisting Asst. Chief Jay Ogden with the review of time sheets and Red Alert system reports in order to determine volunteer credits. An individual noticed that one of the individuals under investigation was to receive reimbursement for periods that they were not present at the station.
 - On 10/21/09 we met with one of the individuals at the North Station. This individual admitted working for another individual on shifts originally scheduled for that person. This individual would ask the other person to cover the shift scheduled. This person would then pay the individual in cash upon receipt of the reimbursement check. This violates the KLVFD's policies regarding member reimbursement because members are allotted a maximum amount of reimbursement. Both individuals stated that Chief Garcia has spoken to them about this incident and has requested that they no longer swap shifts. The individual proceeded to explain that the shifts were worked to help the other person meet the monthly minimum volunteer requirements of 72 hours. This

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individual further explained that in order to receive the maximum reimbursement members must work a total of 180 hours. One individual admitted to working only 3 shifts of 24 hours (72 hours) a month for the other individual during May, June and July 2009.

- On 10/21/09 we met with the other individual and confirmed the story regarding the covering or swapping of shifts and payment of reimbursement. However, this person stated that the other individual worked the maximum allowable shifts (180 hours) for this person during the months of May, June and July of 2009. This differs from what was previously stated and leaves 108 hours/month or 4.5 shifts and the reimbursement associated with it unaccounted for.
- We reviewed member reimbursement sheets, schedule requests from volunteers, monthly schedules and sign-in sheets for both individuals for the applicable months in order to prepare Attachments D, E and F
 - One person received a total of \$1,200 a month for May, June and July 2009. The other person was paid \$1,200 for May 2009 and did not receive reimbursement in June or July.
 - One person did not request, was not scheduled and did not sign-in for shifts during the month of May; however, that individual was paid full reimbursement for the month of May (Refer to Attachment D)
 - Attachment E provides details for June 2009. No irregular activity was found
 - Attachment F provides details for July 2009. One individual was scheduled and was noted on sign-in sheets; however, the member reimbursement details do not show any disbursement of funds to that individual. In two instances one of the individuals signed in for shifts not previously scheduled for; however, the other individual did request the shift.

Worker Compensation Incident – In August of 2009 an individual fell or was pulled off the top bunk at the South Station. That individual reported that he/she was unconscious for a few minutes and received a cut to the bottom lip and a concussion. There have been allegations that Frank Moc pulled the mattress out from under this individual and, when he did not immediately respond, continued to pull the mattress out from underneath him causing him to fall off the top bunk. Frank Moc explained there was a “tug” on the sheet and the individual acted like he was falling, but did not have any reason to believe that it was his fault or the individual was injured. This person called Frank Moc later that night complaining of a headache. Mr. Moc proceeded to explain to us that the individual was instructed by himself to file an incident report in the morning in order to receive medical treatment. Frank Moc believes an individual instructed the individual

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who was injured to falsify the report. However, we later determined that the individual Mr. Moc referred to only instructed the individual to provide more detail in the report. When the incident was discussed with the injured, that individual explained that a second report was written to include more detail. He/She stated that Mr. Moc grabbed and pulled the mattress half way off the top bunk causing the individual to fall and become unconscious for a few minutes. Fifteen minutes later Mr. Moc provided words of encouragement to the injured. The individual contacted Mr. Moc and provided an email (Attachment G) with the individual's recollection of the events that transpired. Attachment G also details Frank Moc's explanation to Asst. Chief Jay Ogden. The individual injured indicated to us that their belief is Frank Moc did not intentionally try to cause harm. The individual repeatedly indicated that he did not want to get anyone in trouble which may be another indication of fear of retaliation.

- The incident is being reviewed by Safety Officer Ike Beal; however, no conclusion has been reached;
 - Attachment H – Robert Barnes email to Linda Newman
 - Attachment I – Linda Newman email discussing her understanding to Asst. Chief Jay Ogden
 - Attachment J – Worker's Compensation Incident Report
- Frank Moc Outstanding Loan Balance – Refer to Attachment K. In October of 2007 Frank Moc borrowed from the KLVFD Scholarship Fund a sum of \$900 to attend EMT School. He was instructed to provide monthly installments of \$100 which he has not done.
- Alleged KLVFD Hard Document Reports Misappropriation—Two individuals reported to us that Joseph Castaneda and Frank Moc were seen removing hard copy reports (e.g. payroll data, timesheets, worker's compensation information, unit reports) from the South Station's conference room to the communications room after MarcumRachlin was retained to begin their engagement. The two witnessing individuals stated that the documents were removed from the filing cabinets and placed in the locked communications room. Frank Moc indicated that documents were moved to prepare for the ISO Fire Review. The station's office manager did retrieve the documents when asked for our review.
- Drive Erase Pro and Surf Secret Privacy Protector Program(s) – On October 2, 2009 MarcumRachlin's IT professional was at the South Station imaging hard drives and when he requested Chief Garcia's department laptop he was told to stop by Chief Garcia. On October 8, 2009 Chief Sergio Garcia purchased the Drive Erase Pro program from Office Depot in Key Largo. An individual confirmed the purchase of the program by Chief Garcia and attached is a copy of the receipt evidencing the purchase, Attachment L.

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When Chief Garcia purchased the software, MarcumRachlin had not been able to obtain the Toughbook computer from Chief Garcia for imaging. The literature for Drive Erase Pro indicates it can completely and permanently erase data from the hard drive. We also discovered through analysis of Chief Garcia's Toughbook that a program called "Surf Secret Privacy Protector" was loaded to Chief Garcia Toughbook on Oct. 13th, 2009. Our IT Professional obtained Garcia's toughbook on Oct. 21st, 2009. Surf Secret Privacy Protector is designed to wipe hard drives of web and other files. In our opinion, there are strong indications that a wipe program was utilized on Chief Garcia's Toughbook, however without performing additional analysis, we are unable to determine the extent of data wiped from the Toughbook.

- Pornography on Department Computers – Through analysis of the hard drives imaged we found extensive pornographic materials such as photographs on Frank Moc's hard drive.

Section Nine. Executive Summary

The above analysis leads us to recommend that the KLVFD implement policies and procedures that will lead to a more stabilized organizational structure. It is our belief that the current structure allows for manipulation of power and retaliation to employees/members with no recourse. Also, the current internal control structure needs to undertake redevelopment to allow management to mitigate risk and ensure appropriateness in employee actions. A stronger internal control structure would prevent or detect errors or fraud from occurring, thus, providing management with a more secure organizational structure. It is our belief that these changes to need occur immediately to ensure that the district's taxpayers funds are used appropriately and volunteer member's will continue to seek to serve with the Key Large Volunteer Fire Department.

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Attachment A

Employee Time Analysis

Station Shifts: 6 Hr. Shift = 1 Call Credit

Home Shift: 6 Hr. Shift = .5 Call Credit; thus, 12 Hr. = 1

	<u>Station Credit(s)</u>	<u>Home Credit(s)</u>	<u># of Shifts</u>	<u>Credit Hours</u>	<u>Salaried Hours</u>	<u>OT Hours</u>	<u>Total Hours for Month</u>
Oct-08	6	0	9	54	160	2	216
Nov-08	6	0	7	42	160	50	252
Dec-08	0	0	0	0	160	0	160
Jan-09	6	0	3	18	176	67.5	261.5
Feb-09	6	0	32	192	160	24	376
Mar-09	0	6	26	78	182.5	26	286.5
Apr-09	6	6	21.5	91.5	184	49	324.5
May-09	6	6	58.5	238.5	160	52	450.5
Jun-09	0	6	25	75	176	45.5	296.5
Jul-09	6	6	46.75	153	176	9	338
Aug-09	0	6	35.5	106.5	160	7	273.5
Sep-09	0	6	30.5	91.5	183	0	274.5
	42	42	294.75	1140	2037.5	332	3509.5

Hrs. a Week Over Yr. Avg.	67.49
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Attachment B Employee Salary/Reimbursement Analysis

<u>Date</u>	<u>Gross Salary</u>	<u>Gross Reimbursement</u>	<u>Gross OT</u> <small>* Consists of Instructor Pay, Holiday, etc.</small>	<u>Gross Totals</u>
10/4/2008	1,400.00	-	-	
10/15/2008	-	827.00	-	
10/18/2008	1,560.00	-	-	
Oct. Totals	2,960.00	827.00	-	3,787.00
11/1/2008	1,560.00	-	58.50	
11/14/2008	1,560.00	-	468.00	
11/29/2008	1,560.00	-	994.50	
Nov. Totals	4,680.00	-	1,521.00	6,201.00
12/11/2008	-	859.99	-	
12/13/2008	1,560.00	-	-	
12/27/2008	1,560.00	-	-	
Dec. Totals	3,120.00	859.99	-	3,979.99
1/10/2009	1,620.00	-	759.50	
1/14/2009	-	872.50	-	
1/24/2009	1,620.00	-	784.44	
1/30/2009	-	72.50	-	
Jan. Totals	3,240.00	945.00	1,543.94	5,728.94
2/12/2009	-	735.00	-	
2/13/2009	1,620.00	-	789.88	
2/21/2009	1,620.00	-	121.52	
Feb. Totals	3,240.00	735.00	911.40	4,886.40
3/7/2009	1,620.00	-	334.18	
3/18/2009	-	1,295.00	-	
3/21/2009	1,620.00	-	577.22	
3/27/2009	-	235.00	-	
Mar. Totals	3,240.00	1,530.00	911.40	5,681.40
4/4/2009	1,620.00	-	941.78	
4/16/2009	-	1,530.00	-	
4/18/2009	1,620.00	-	607.60	
Apr. Totals	3,240.00	1,530.00	1,549.38	6,319.38
5/2/2009	1,620.00	-	486.08	
5/14/2009	-	1,190.00	-	
5/16/2009	1,620.00	-	850.64	
5/30/2009	1,458.00	-	729.12	
May Totals	4,698.00	1,190.00	2,065.84	7,953.84
6/11/2009	-	1,530.00	-	
6/13/2009	1,620.00	-	486.08	
6/27/2009	1,620.00	-	896.21	
June Totals	3,240.00	1,530.00	1,382.29	6,152.29
7/11/2009	1,620.00	-	470.89	
7/16/2009	-	1,400.00	-	
7/25/2009	1,620.00	-	-	
July Totals	3,240.00	1,400.00	470.89	5,110.89
8/8/2009	1,620.00	-	212.66	
8/12/2009	-	1,530.00	-	
8/22/2009	1,620.00	-	486.08	
Aug. Totals	3,240.00	1,530.00	698.74	5,468.74
9/5/2009	1,620.00	-	-	
9/16/2009	-	1,290.00	-	
9/25/2009	-	-	-	
Sept. Totals	1,620.00	1,290.00	-	2,910.00
10/9/2009	-	-	-	
10/19/2009	-	1,095.00	-	
10/23/2009	-	-	-	
Oct. Totals	-	1,095.00	-	1,095.00
TOTAL	39,758.00	14,461.99	11,054.88	65,274.87

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Attachment C

Nextel Invoice Analysis - 9/08 to 8/09

Account #881462242

Cell Minutes:

Number/Name	Sept. 08	Oct. 08	Nov. 08	Dec. 08	Jan. 09	Feb. 09	Mar. 09	Apr. 09	May 09	June 09	July 09	Aug. 09	Sept. 09	Oct. 09
305-522-0773	2,154.00	1,889.00	2,545.00	2,199.00	2,144.00	2,086.00	2,214.00	2,941.00	3,039.00	3,113.00	3,441.00	3,566.00	3,264.00	3,898.00
305-522-3619	589.00	617.00	740.00	589.00	956.00	623.00	783.00	624.00	855.00	722.00	1,009.00	808.00	493.00	526.00
305-684-1395													4.00	168.00
305-747-2701	41.00	110.00	32.00	1,326.00	1,491.00	1,491.00	1,375.00	1,544.00	1,736.00	3,286.00	2,898.00	1,600.00	3,265.00	1,133.00
305-747-2725	210.00	190.00	160.00	135.00	228.00	225.00	207.00	224.00	177.00	206.00	224.00	235.00	133.00	197.00
305-747-2726	1,023.00	965.00	1,336.00	1,043.00	1,395.00	1,591.00	1,067.00	1,110.00	1,040.00	1,273.00	993.00	1,431.00	958.00	961.00
305-747-2795	57.00	166.00	76.00	75.00	105.00	87.00	155.00	184.00	230.00	241.00	128.00	133.00	166.00	216.00
	4,074.00	3,937.00	4,889.00	5,367.00	6,319.00	6,103.00	5,801.00	6,627.00	7,077.00	8,841.00	8,693.00	7,773.00	8,283.00	7,099.00

Direct Connect Minutes:

Number/Name	Sept. 08	Oct. 08	Nov. 08	Dec. 08	Jan. 09	Feb. 09	Mar. 09	Apr. 09	May 09	June 09	July 09	Aug. 09	Sept. 09	Oct. 09
305-522-0773	505.06	612.48	633.16	435.44	413.20	352.33	376.05	443.42	227.01	409.27	505.26	432.30	351.27	311.27
305-522-3619	663.17	1,193.27	505.27	334.31	632.49	550.35	513.53	530.13	527.37	413.47	369.59	527.31	393.43	543.59
305-684-1395													4.02	159.54
305-747-2701	67.48	62.22	112.02	222.05	278.23	268.09	200.25	277.49	160.39	208.29	249.59	136.40	144.41	112.48
305-747-2725	390.29	368.33	469.04	234.27	213.27	254.21	252.15	189.13	201.58	196.09	220.06	292.39	279.43	253.03
305-747-2726	270.24	311.22	170.18	226.00	236.04	307.08	370.36	365.44	306.08	204.48	266.50	204.56	200.54	197.56
305-747-2795	254.25	259.03	644.13	315.57	357.27	226.16	350.37	246.41	223.29	229.25	306.27	295.55	292.31	157.44
	2,150.49	2,806.55	2,533.80	1,767.64	2,130.50	1,958.22	2,062.71	2,052.02	1,645.72	1,660.85	1,917.27	1,888.51	1,665.41	1,734.91

Messaging:

Number/Name	Sept. 08	Oct. 08	Nov. 08	Dec. 08	Jan. 09	Feb. 09	Mar. 09	Apr. 09	May 09	June 09	July 09	Aug. 09	Sept. 09	Oct. 09
305-522-0773	-	-	-	-	-	-	-	-	-	0.45	6.30	13.80	7.20	4.80
305-522-3619	-	-	-	-	-	-	-	-	-	-	-	-	-	-
305-684-1395													-	0.20
305-747-2701	-	-	0.30	-	0.15	0.60	2.55	3.75	12.45	22.80	13.65	8.10	13.20	7.95
305-747-2725	-	0.15	0.30	0.15	-	0.30	0.15	0.45	1.20	0.15	1.20	0.15	1.35	0.60
305-747-2726	0.20	1.20	1.60	1.20	1.65	1.10	2.10	0.65	0.60	0.95	1.60	2.65	1.20	0.15
305-747-2795	-	0.15	0.30	-	-	-	0.15	-	-	0.15	0.15	0.15	-	-
	0.20	1.50	2.50	1.35	1.80	2.00	4.95	4.85	14.25	24.50	22.90	24.85	22.95	13.70

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Attachment D

Shift Analysis

Source(s): May Email Requests, May Shift Schedules, May Sign-In Sheets and May Reimbursement Reports

<u>Email Requests</u>				<u>Shift Schedules</u>				<u>Sign-in Sheets</u>			
Date	Employee	Times Requested	Hours	Date	Employee	Times Scheduled	Hours	Date	Employee	Times Worked	Hours**
5/1/2009	Person 11	6am - 6pm	12	5/1/2009	Person 11	6am - 6pm	12	5/1/2009	Person 11	6am - 6pm	12
5/5/2009	Person 11	12pm - 6am	18	5/5/2009	Person 11	12pm - 6am	18	5/5/2009	Person 11	12pm - 6am	18
5/6/2009	Person 11	6am - 6am	24	5/6/2009	Person 11	6am - 6am	24	5/6/2009	Person 11	6am - 6am	24
5/7/2009	Person 11	6am - 6am	24	5/7/2009	Person 11	6am - 6am	24	5/7/2009	Person 11	6am - 6am	24
5/8/2009	Person 11	6am - 6pm	12	5/8/2009	Person 11	6am - 6pm	12	5/8/2009	Person 11	6am - 6pm	12
5/10/2009	Person 11	12pm - 6am	18	5/10/2009	Person 11	12pm - 6am	18	5/10/2009	Person 11	12pm - 6am	18
5/11/2009	Person 11	6am - 6am	24	5/11/2009	Person 11	6am - 6am	24	5/11/2009	Person 11	6am - 6am	24
5/12/2009	Person 11	6am - 6pm	12	5/12/2009	Person 11	6am - 6pm	12	5/12/2009	Person 11	6am - 6pm	12
5/15/2009	Person 11	12pm - 6am	18	5/15/2009	Person 11	12pm - 6am	18	5/15/2009	Person 11	12pm - 6am	18
5/16/2009	Person 11	6am - 6am	24	5/16/2009	Person 11	6am - 6am	24	5/16/2009	Person 11	6am - 6am	24
5/17/2009	Person 11	6am - 6pm	12	5/17/2009	Person 11	6am - 6pm	12	5/17/2009	Person 11	6am - 6pm	12
5/21/2009	Person 11	12pm - 6am	18	5/21/2009	Person 11	12pm - 6am	18	5/21/2009	Person 11	12pm - 6am	18
5/22/2009	Person 11	6am - 6am	24	5/22/2009	Person 11	6am - 6am	24	5/22/2009	Person 11	6am - 6am	24
5/23/2009	Person 11	6am - 6pm	12	5/23/2009	Person 11	6am - 6pm	12	5/23/2009	Person 11	6am - 6pm	12
5/29/2009	Person 11	12pm - 6am	18	5/29/2009	Person 11	12pm - 6am	18	5/29/2009	Person 11	12pm - 6am	18
5/30/2009	Person 11	6am - 6am	24	5/30/2009	Person 11	6am - 6am	24	5/30/2009	Person 11	6am - 6am	24
5/31/2009	Person 11	6am - 6pm	12	5/31/2009	Person 11	6am - 6pm	12	5/31/2009	Person 11	6am - 6pm	12
			306				306				306

*Person 12 not on email requests, shift schedules, or sign-in sheets. However, reimbursed \$1,200 for May 2009 - Paid June 11, 2009 check # 148. Payments assumed paid in the subsequent month following scheduled time worked.

** Person 11 reimbursed \$1,200 for May 2009. Paid June 11, 2009 check # 152.

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Attachment E

Shift Analysis

Source(s): June Email Requests, June Shift Schedules, June Sign-In Sheets, & June Reimbursement Reports

<u>Email Requests</u>				<u>Shift Schedules</u>				<u>Sign-in Sheets</u>			
Date	Employee	Times Requested	Hours	Date	Employee	Times Scheduled	Hours	Date	Employee	Times Worked	Hours**
6/2/2009	Person 11	12pm - 6am	18	6/2/2009	Person 11	12pm - 6am	18	6/2/2009	Person 11	12pm - 6am	18
6/3/2009	Person 11	6am - 6am	24	6/3/2009	Person 11	6am - 6am	24	6/3/2009	Person 11	6am - 6am	24
6/4/2009	Person 11	6am - 6am	24	6/4/2009	Person 11	6am - 6am	24	6/4/2009	Person 11	6am - 6am	24
6/8/2009	Person 11	12pm - 6am	18	6/8/2009	Person 11	12pm - 6am	18	6/5/2009	Person 11	12pm - 6am	18
6/9/2009	Person 11	6am - 6am	24	6/9/2009	Person 11	6am - 6am	24	6/9/2009	Person 11	6am - 6am	24
6/18/2009	Person 11	12pm - 6am	18	6/18/2009	Person 11	12pm - 6am	18	6/18/2009	Person 11	12pm - 6am	18
6/19/2009	Person 11	6am - 6am	24	6/19/2009	Person 11	6am - 6am	24	6/19/2009	Person 11	6am - 6am	24
6/24/2009	Person 11	12pm - 6am	18	6/24/2009	Person 11	12pm - 6am	18	6/24/2009	Person 11	12pm - 6am	18
6/25/2009	Person 11	6am - 6am	24	6/25/2009	Person 11	6am - 6am	24	6/25/2009	Person 11	6am - 6am	24
6/29/2009	Person 11	12pm - 6am	18	6/29/2009	Person 11	12pm - 6am	18	6/29/2009	Person 11	12pm - 6am	18
6/30/2009	Person 11	6am - 6am	24	6/30/2009	Person 11	6am - 6am	24	6/30/2009	Person 11	6am - 6am	24
			<u>234</u>				<u>234</u>				<u>234</u>

*Person 12 not on email requests, shift schedules, or sign-in sheets. No reimbursements paid for June 2009 - payments assumed paid in the subsequent month following scheduled time worked.

** Person 12 reimbursed \$1,200 for June 2009. Paid July 16, 2009 check # 4711.

Independent Consultants' Report of Agreed-Upon Procedures Requested by The Key Largo Fire Rescue and Emergency Medical Services District Board

Attachment F

Shift Analysis

Source(s): July Email Requests, July Shift Schedules, July Sign-In Sheets and July Reimbursement Reports

<u>Email Requests</u>				<u>Shift Schedules</u>				<u>Sign-in Sheets</u>			
Date	Employee	Times Requested	Hours	Date	Employee	Times Scheduled	Hours	Date	Employee	Times Worked	Hours**
7/2/2009	Person 11	12pm - 6am	18	7/2/2009	Person 11	12pm - 6am	18	7/2/2009	Person 11	12pm - 6am	18
7/3/2009	Person 11	6am - 6am	24	7/3/2009	Person 11	6am - 6am	24	7/3/2009	Person 11	6am - 6am	24
7/8/2009	Person 11	12pm - 6am	18	7/8/2009	Person 11	12pm - 6am	18	7/8/2009	Person 11	12pm - 6am	18
7/9/2009	Person 11	6am - 6am	24	7/9/2009	Person 11	6am - 6am	24	7/9/2009	Person 11	6am - 6am	24
7/10/2009	Person 11	6am - 6am	24	7/10/2009	Person 11	6am - 6am	24	7/10/2009	Person 11	6am - 6am	24
7/15/2009	Person 11	12pm - 6am	18	7/15/2009	Person 11	12pm - 6am	18	7/15/2009	Person 11	12pm - 6am	18
7/16/2009	Person 11	6am - 6am	24	7/16/2009	Person 11	6am - 6am	24	7/16/2009	Person 11	6am - 6am	24
7/17/2009	Person 11	6am - 6pm	12	7/17/2009	Person 11	6am - 12pm	6	7/17/2009	Person 11	6am - 6pm	12
7/20/2009	Person 11	12pm - 6am	18	7/20/2009	Person 11	12pm - 6am	18	7/20/2009	Person 11	12pm - 6am	18
7/21/2009	Person 11	6am - 6am	24	7/21/2009	Person 11	6am - 6am	24	7/21/2009	Person 11	6am - 6am	24
7/22/2009	Person 11	6am - 6pm	12	7/22/2009	Person 11	6am - 6pm	12	7/22/2009	Person 11	6am - 6pm	12
7/28/2009	Person 11	12pm - 6am	18	7/28/2009	Person 11	12pm - 6am	18	7/28/2009	Person 11	12pm - 6am	18
7/29/2009	Person 11	6am - 6am	24	7/29/2009	Person 11	6am - 6am	24	7/29/2009	Person 11	6am - 6am	24
7/30/2009	Person 11	6am - 6am	24	7/30/2009	Person 11	6am - 6am	24	7/30/2009	Person 11	6am - 6am	24
			282				276				282

<u>Email Requests</u>				<u>Shift Schedules</u>				<u>Sign-in Sheets</u>			
Date	Employee	Times Requested	Hours	Date	Employee	Times Scheduled	Hours	Date	Employee	Times Worked	Hours*
7/5/2009	Person 12	6am - 6am	24	7/5/2009	Person 12	6am - 6am	24	7/5/2009	Person 12	6am - 6am	24
7/18/2009	Person 12	7pm - 6am	11	7/18/2009	Person 12	7pm - 6am	11	7/18/2009	Person 12	7pm - 6am	11
7/19/2009	Person 12	6am - 6am	24	7/19/2009	Person 12	6am - 6am	24	7/19/2009	Person 12	6am - 6am	24
7/23/2009	Person 12	11pm-6am	7	7/23/2009	Person 12	No shift scheduled	-	7/23/2009	Person 12	11pm-6am	7
7/24/2009	Person 12	6am - 6am	24	7/24/2009	Person 12	6am - 6am	24	7/24/2009	Person 12	6am - 6am	24
7/25/2009	Person 12	7pm - 6am	11	7/25/2009	Person 12	7pm - 6am	11	7/25/2009	Person 12	7pm - 6am	11
7/26/2009	Person 12	6am - 6am	24	7/26/2009	Person 12	No shift scheduled	-	7/26/2009	Person 12	6am - 6am	24
7/30/2009	Person 12	11pm-6am	7	7/30/2009	Person 12	11pm-6am	7	7/30/2009	Person 12	11pm-6am	7
7/31/2009	Person 12	6am - 6am	24	7/31/2009	Person 12	6am - 6am	24	7/31/2009	Person 12	6am - 6am	24
			156				125				156

* Person 12 - No Reimbursement for July 2009 reported on Member Reimbursement Report provided.

** Person 11 reimbursed \$1,200 for July 2009. Paid August 12, 2009 check # 4776.

The Key Largo Fire Rescue and Emergency Medical Services District Board

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Independent Consultants' Report of Agreed-Upon Procedures Requested by The Key Largo Fire Rescue and Emergency Medical Services District Board

Print

Attachment G

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From: Frank Moc (fmoc@keylargofire.com)
To: skipjay957@yahoo.com
Date: Thu, August 20, 2009 11:38:55 AM
Subject: FW: incident on july 15, 2009

Chief

This was the email that was sent to me by FF Robert Barnes. When I saw the email the following day I ask FF Barnes why is he saying that I Dragged him from the bed if all I did was pull his sheets when he did not want to get up for the start of the day. He then acted like he fell from the bed got up and started his day at the fire house around 10pm he called my cell phone and said that he is going to write a memo on what happened and I said that fine please send me a copy of what you are writing. I thought the memo was already sent to you chief that is why I asked him to send me a copy. When I wrote his statement the following day on the official form his statement was different than what I had read in the email. I asked him why your statement is different and he said I don't want to get any one in trouble. I told him you are not getting anyone in trouble if you sate the truth this is not what you said to me verbally over the phone the night before. Then he told me that he really did fall off the bed when he was trying to act like he was falling. That is when I gave him the form to fill out and I told him to get with Linda because I did not want to be part of the investigation that I might be part of the incident. After he filled out the form I left a copy on Linda's chair and I Told FF Barnes to get with Linda on any other paper work that would be needed.

Thanks
Frank

From: Robert Barnes [mailto:barnesone_3@yahoo.com]
Sent: Wednesday, July 15, 2009 9:27 PM
To: Fmoc@keylargofire.com
Subject: incident on july 15, 2009

Frank,

On July 15, 2009, approximately at 0805, my mattress (from the top bunk) was dragged from under me by you (Lt. Frank Moc) and I fell onto the floor, in which i was semi-unconscious for approximately a minute. I believe I had a mild concussion. At the time I suffered brief amnesia. It took me a few minutes to gather myself. Throughout the reminder of the day, until around 8pm, I've had a serious headache. I also had a minor abrasion on the inside of my right lip.

This is to inform you of the incident.

Thank You
Robert Barnes

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Attachment H

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Linda Newman

From: Robert Barnes [barnesone_3@yahoo.com]
Sent: Monday, August 17, 2009 6:55 PM
To: info@keylargofire.com
Subject: information you requested

Hello Linda

Here is the information you requested:

On July 15, 2009, approximately at 0805, my mattress (from the top bunk) was dragged from under me by Lt. Frank Moc, in which I fell onto the floor. I was then on the floor of the dorm room semi-unconscious for approximately a minute or so. At the time I believe I suffered brief amnesia.

I believe Jesse Hubman was in a dorm room at the time, but I am not 100% sure.

P.S.

I truly believe this was an accident and was not done to intentionally to cause me any harm.

Sincerely
Robert Barnes

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

The Key Largo Fire Rescue and Emergency Medical Services District Board

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Independent Consultants' Report of Agreed-Upon Procedures Requested by The Key Largo Fire Rescue and Emergency Medical Services District Board

Attachment I

Page 1 of 2

Linda Newman

From: Linda Newman [info@keylargofire.com]
Sent: Thursday, August 20, 2009 10:53 AM
To: 'skipjay957@yahoo.com'
Subject: FW: information you requested

Jay:

Here is the email that Robert Barnes sent to me. Apparently he wrote Frank a similar, but more detailed report and emailed it to Frank and Frank destroyed it and told him not to put so much detail.

I came in to work one day and Frank and some of the guys on duty as well as Robert Barnes said "look at Barnes forehead he fell off the top bunk". I asked Barnes if he was o.k. and if he went to the hospital. He said he was fine and did not go to the hospital and did not want to go to the hospital. Frank indicated that the guys had been asking for rails for the bed. I said in this case Frank should order the rails. I asked if the beds had come with rails when he ordered them and I did not receive an answer. I then asked Frank and Robert Barnes if they filled out a first report of incident so if he did want to go to the hospital at least we had a written report. Again Robert said he was fine and didn't need to go to the hospital and no one filled out the first report of incident/accident. I am vague as to the day this happened since no one wanted to fill out a report and Robert said he was fine.

Days later Robert Barnes entered my office with a folded up envelope shaped piece of paper and placed in on a stack of papers in my office. The first report of injury has to be completed within 24 hours of the incident and was not. I was on the telephone and computer when Robert Barnes put the paper down. I had notification or verbalization from he or Frank that he had gone to the hospital. When I looked at the paper I faxed it to the insurance company and hospital.

I was told by Dave Gow at a later date that he was told that there was more to this incident. I was also told by others and Robert Barnes that there was more to this incident. Rather than repeat hearsay I asked Robert Barnes to provide me with a detailed report. He intimated that he was afraid to get anyone in trouble and had originally written a detailed email to Frank Moc about the incident and then had been told by Frank Moc that he had given too much information and Frank destroyed the email. Robert Barnes did not include all the detail that he provided in our conversation in his email to me; however, he did give some. Please scroll below for Robert Barnes email to me.

Frank has been given the first report of injury form along with the phone number to call to report any accident/injuries.

Please let me know if you have any questions.

Thank you.

Linda Newman
Station Manager
Key Largo Fire Rescue Dept.
P.O. Box 782/1 East Drive
Key Largo, FL 33037-0782
305-451-2700 2701 office tel.#
305-451-9560 office fax#
info@keylargofire.com




The Key Largo Fire Rescue and Emergency Medical Services District Board

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**Independent Consultants' Report of Agreed-Upon Procedures Requested by The
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Attachment J

Key Largo Fire Rescue

Accident/Incident Investigation Report Send Immediately to Your Department Head				Date Received Risk Mgt. <u> </u> / <u> </u> / <u> </u> Safety <u> </u> / <u> </u> / <u> </u>	
Robert Barnes		2. Department:			
07/15/09/ Time: 0805 (AM) PM		4. Location		dorm	
M D Y		5. Job Title		Fire Fighter	
Location of Accident: Fire Station					
Address: 1 East Drive		City/Key Key Largo			
Activity or task being done at time of accident		sleeping			
Witnesses (include Address and Phone)					
Name: Jesse Hickman		Phone: (351) 613-3565			
Address: 30545 SW 189th Ave		City: Homestead FL 33030			
Name:		Phone:			
Address:		City:			
Describe Accident: (fell from top bunk) I was sitting in the chair when I					
Thompson saw Barnes fall from top bunk.					
Severity: <input type="checkbox"/> Vary Minor <input type="checkbox"/> Minor <input type="checkbox"/> Moderate <input type="checkbox"/> Serious <input checked="" type="checkbox"/> Vehicle/Unit ID#					
Employee's report on how & why accident occurred: Well sleeping on the top					
bunk, I fell off the bunk onto the floor, which I					
knew I got a mild concussion and an abrasion on inner lip.					
What do you recommend be done to prevent accident installation of bed rails.					
Employee Signature:  Date: 07-16-09					
Supervisor report of how & why accident/incident occurred (include unsafe act, cause & root cause)					
On 7/16/09 FF Barnes Reported to me in writing					
the incident, that happened the day before it was					
reported verbally he is asking to go to the hospital to be					
checked out by EMS					
Continue on back 					
What will be done to prevent reoccurrence? (remove, repair, barricade, retrain, etc.)					
installing top Bed Rails.					
Supervisor Signature: 		Print Name: F.M. Mc		Date: 7-16-09	
Dept. Dir. Comments & Recommendations:					
Chief Dir. Signature:		Print Name:		Date:	
Sheriff Office Commander					
Div. Dir. Comments & Recommendations:					
Dir. Signature		Print Name		Date:	
Sheriff Office Safety Rep.					
Safety, Risk or Workers Comp Administrator Recommendations:					
Safety/Risk/Worker Comp Administrator: _____ Date _____					
Signature					

The Key Largo Fire Rescue and Emergency Medical Services District Board

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**Independent Consultants' Report of Agreed-Upon Procedures Requested by The
Key Largo Fire Rescue and Emergency Medical Services District Board**

Attachment K

PROMISSORY NOTE

\$ 900.00

Key Largo, Florida

10/4/07
(date)

FOR VALUE RECEIVED the undersigned promises to pay back to the Key Largo Volunteer Fire/Rescue Department Scholarship Fund the principle sum of \$900.00 dollars over the next three (3) years beginning on the 22 day of OCT., 2007 in monthly installments of \$100.00 dollars.

Failure to repay the principle of this note as set forth above or if you leave the Key Largo Volunteer Fire/Rescue Department, any unpaid balance is then in default and comes due immediately.

This note is to be construed and enforced according to the laws of the state of Florida; upon default in payment when due, the entire sum becomes immediately due. Borrower further agrees to pay all costs of collection, including a reasonable attorney's fees.

Default shall include, but not be limited to non-payment of any respective installment within ten (10) days from the due date set forth herein.

Don Copford
Witness

[Signature]
Witness

[Signature]

[Signature]

The Key Largo Fire Rescue and Emergency Medical Services District Board

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Independent Consultants' Report of Agreed-Upon Procedures Requested by The Key Largo Fire Rescue and Emergency Medical Services District Board

Electronic Journal Report

Attachment L

Page 1 of 1

SALE STR2739 REG001 TRN7494
10/08/09 13:35 EMP 564720 POS 5.09
DRIVE ERASE PRO
727298402995 29.99
SUBTOTAL 29.99
FL 7.5% SALES T 2.25
TOTAL 32.24
AMEX 32.24
ACCT# 1006

CONFIRM THAT THE CUSTOMER SIGNED THE
PINPAD AND PRESSED OK ON THE PINPAD
Begin EndTransaction
Checking End Prompts...
Prompt 51 Text Survey - 51
Z2M K6NX9 N7ZN1
Logging Transaction...
Updating post voids and oper totals...
Finished Transaction
Printing Receipt...

LTSTA59PM5Q56CCCH

The Key Largo Fire Rescue and Emergency Medical Services District Board

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**Independent Consultants' Report of Agreed-Upon Procedures Requested by The
Key Largo Fire Rescue and Emergency Medical Services District Board**

Attachment M

KLVFD Full Time Employee Compensation Analysis

*Compensation is shown Gross

<u>Employee</u>	<u>2008</u>			
	<u>S/T</u>	<u>O/T</u>	<u>Training</u>	<u>Total</u>
L. Newman	14,420.00	38.62	-	14,458.62
F. Moc	10,760.00	1,521.00	-	12,281.00
D. Garrido	10,240.00	537.76	-	10,777.76
E. Fundora	10,200.00	847.71	-	11,047.71
J. Castaneda	4,200.00	1,745.63	-	5,945.63

*Compensation is shown Gross

<u>Employee</u>	<u>2009</u>			
	<u>S/T</u>	<u>O/T</u>	<u>Training</u>	<u>Total</u>
L. Newman	41,520.00	470.41	-	41,990.41
F. Moc	32,400.00	1,917.47	7,484.79	41,802.26
D. Garrido	31,416.00	415.44	-	31,831.44
E. Fundora	30,709.13	2,400.38	-	33,109.51
J. Castaneda	28,033.83	2,008.15	-	30,041.98