

New Mexico DEPARTMENT OF
TRANSPORTATION
MOBILITY FOR EVERYONE

Cooperative Technical Training and the Office of the Inspector General



Arthur Gottlieb, Inspector General
Brian Legan, TTCP Administrator
Anthony Lujan, Chief Investigator

Why did the NMDOT decide to join forces to create an Ethics class and include the Inspector General?

- **Need for Ethical training within our industry;**
- **Provide a clear understanding of what is expected by the workforce;**
- **Emphasize the NMDOT's Administrative Directives;**

Why did the NMDOT decide to join forces to create an Ethics class and include the Inspector General?

- Preventative/Proactive, i.e. keep people out of trouble;
- Provide a clear opportunity for open communication and guidance from a variety of sources (Provide a “Human” persona);

Topics of Discussion

- **Conflict of Interest**
- **Safety**
- **Fraud**
- **Falsification of Documentation**
- **Reporting Ethical Concerns**
- **Gifts and Favors**
- **Fairness**
- **Personal Use of Agency/Company Property**
- **Consequences**

Benefits of Ethics in the Workplace

Personal Benefits:

- Peace of mind
- Pride
- Good reputation
- Trust

Other Benefits:

- Develop strong teamwork
- Improved productivity
- Improved product life

Making Ethical Choices



What would you do if you found this?

Making Ethical Choices




What if there was additional information?

NMDOT – Code of Conduct

- **AD 628 (04/01/06)**
- **Authority 1.00**
 - **State Personnel Board Rules**
 - **Government Conduct Act [Chapter 10, Article 16 NMSA 1978]**
 - **Procurement Code [Chapter 13, Article 1, NMSA 1978, and**
 - **Governor’s Code of Conduct**

NEW MEXICO DEPARTMENT OF TRANSPORTATION



**AD 628
04/01/06**

CODE OF CONDUCT

Rhonda G. Faught, P.E., Cabinet Secretary

AUTHORITY: 1.00 State Personnel Board Rules, Governmental Conduct Act [Chapter 10, Article 16 NMSA 1978] Procurement Code [Chapter 13, Article 1, NMSA 1978] and the Governor’s Code of Conduct

PURPOSE: 2.00 To establish minimum standards of behavior and performance for all Department of Transportation (DOT) employees While these are not inclusive of all areas of expectations concerning the professional conduct of employees, the Code of Conduct is intended to provide guidance on standards of behavior, and to provide specific notice to DOT employees to alert them to areas that can serve as a basis for disciplinary action up to and including dismissal.

DEFINITIONS: 3.00 “Employee” means a person in a position within the DOT.

3.01 “Relation by blood or marriage within the third degree” includes spouse, domestic partner, parent, mother-in-law, father-in-law, step-parent, children, domestic partner children, son-in-law, daughter-in-law, step-child, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, grandparent, grandchild, uncle, aunt, nephew, niece, great-grandchild and great-grandparent.


3.02 “Directly Supervise” means immediate supervisor and/or the reviewer of an employee’s performance evaluation.

3.02 “Workplace” means any DOT office, worksite, or vehicle (state or personal), whether owned or leased, being used or accessed to conduct DOT business.

DIRECTIVE: 4.00 At a minimum, Department employees are expected to perform at the level indicated in his or her Employee Development and Appraisal (EDA). Ordinarily, performance issues are corrected through the use of constructive feedback and performance

NMDOT – Fraud Against Taxpayers

- AD 506 (07/01/08)
- Authority: 1.00
 - Fraud against Taxpayers Act Sect. 44-9-1 through 44-9-14 NMSA 1978;
- Directive: 4.00
 - Employees with knowledge of a false claim must inform the Department;
 - No retaliation against an employee who report a false claim;
- Procedures: 5.00
 - Internal reporting procedures;
 - Reporting allegations of false claims to the State Attorney General.
 - The official who receives a report of a false claim shall immediately inform in writing the Office of Inspector General and the Office of General Counsel;

NEW MEXICO DEPARTMENT OF TRANSPORTATION	
	AD 506 07/01/08
Fraud Against Taxpayers	
Rhonda G. Faught, P.E., Cabinet Secretary	
AUTHORITY:	1.00 Fraud against Taxpayers Act, Section 44-9-1 through 44-9-14, NMSA 1978.
PURPOSE:	2.00 To inform employees, former employees and other claimants of the requirements for reporting false claims to the NMDOT.
DEFINITIONS:	3.00 "Claim" means a request or demand for money, property services when all or a portion of the money, property or services requested or demanded issues from or is provided or reimbursed by the state. "Employer" includes an individual, corporation, firm, association, business, partnership, organization, trust and the state and any of its agencies, institutions or political subdivisions. "Knowingly" means that a person, with respect to information, acts: (1) with actual knowledge of the truth or falsity of the information; (2) in deliberate ignorance of the truth or falsity of the information; or (3) in reckless disregard of the truth or falsity of the information. "Person" means an individual, corporation, firm, association, organization, trust, business, partnership, limited liability company, joint venture or any legal or commercial entity. "State" means the state of New Mexico or any of its branches, agencies, departments, boards, commissions,



OIG participates in TTCP field and laboratory inspections

Duties of the Office of Inspector General

- **Internal Auditing**
 - Financial Management
 - Infrastructure, Plans and Maintenance
- **Investigations & Special Inquiries**
 - Construction Auditing
 - Grants Auditing
 - Investigations



Falsification of Documentation

This is an example of an original test document with actual results.

Date:		March 16, 2007			
Sample Number:		12			
	Sample 1	Sample 2	Sample 3	Sample 4	Average
Sand Reading	3.2	3.1	3.3	3.2	
Clay Reading	7.3	7.4	7.1	7.5	
Sand Equivalent	44	42	46	43	44

This S.E. fails at 44% ...unless

Falsification of Documentation

...unless certain parts of the test can be altered to create a better result...

Date:		March 16, 2007			
Sample Number:		12			
	Sample 1	Sample 2	Sample 3	Sample 4	Average
Sand Reading	3.4	3.1	3.3	3.2	
Clay Reading	7.3	7.4	7.1	7.5	
Sand Equivalent	47	42	46	43	45

That was easy...now it **PASSES?!?!**

Falsification of Documentation

...or, maybe we just use “white out”
and make our problems go away?

	Date:	March 16, 2007			
	Sample Number:	12			
	Sample 1	Sample 2	Sample 3	Sample 4	Average
Sand Reading	3.4	3.1	3.3	3.2	
Clay Reading	7.3	7.4	7.1	7.5	
Sand Equivalent	47	42	46	43	45

Summary

- Provide “executive level” support;
- Provides better communication;
- Understanding of “right and wrong;”
- Emphasizes consequences;
- Provide a clear opportunity for open communication and guidance from a variety of sources (Provide a “Human” persona);
- Improved connection to industry;
- Solid teamwork.

Contact: Office of the Inspector General, NMDOT



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U.S. Department of Transportation

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Questions?