

7/23/2024

Commissioners Court, Sept. 26th, 2023 Agenda Item 21b

I have a copy of the Baker Tilly proposal dated Sept. 15th, 2023. ***The proposal shows the week of Nov. 6th, 2023 as the completion time for the Audit, with presentation of the findings to the Commissioner's Court at completion, week of Nov. 6th, 2023***

I also have a record showing that ***six checks totaling \$28,707*** were sent to Baker Tilly from Oct. 10th, 2023 with ***the final check sent on April 9th, 2024.***

County Attorney Arredondo states in a letter to the Texas Attorney General that the Burnet County Judge, the Pct. 1 County Commissioner and the Burnet County Human Resource Dept. have a ***draft copy of the audit report*** being prepared by Baker Tilly that match a Public Information Request.

1. *Why was the Baker Tilly proposal and timeline not made public and not even discussed with three of the four commissioners ?*
2. *Has Baker Tilly complied with the terms of their contract and provided the results of their audit ?*
3. *Sheriff Calvin Boyd revealed in the Sept. 26th, 2023 Commissioners Court meeting that the issue of mislabeling of payroll records had been investigated by District Attorney Sonny McAfee's office and the Texas Rangers, why was State Representative Terry Wilson called ? Who contacted him ?*
4. *Why did County Attorney Arredondo choose not to investigate the mislabeling ?*
5. *Mrs. Luther stated on Sept. 26th that the Texas Rangers contacted her. Under what authority did Mrs. Luther call the Texas Rangers ?*
6. *Why is Judge Oakley being evasive and intentionally misleading with his answers to questions about the previously conducted investigations ? Why is he stonewalling and not presenting the forensic audit results to the taxpayers of Burnet County ?*

Proposed Schedule

This estimated timeline is subject to change based on the assumptions described later in the proposal

High Level Activities	September				October		
Week #	1	2	3	4	5	6	7
Week Starting Date	25- Sept	2-Oct	9-Oct	16-Oct	23-Oct	30-Oct	6- Nov
Engagement Kickoff							
Seek to understand overtime procedures, policies, and procedures and discussions with key stakeholders							
Forensic Review (initial look back January 2020 through January 2023)							
Ongoing Communication and Status Reporting							
Report Delivery							

Anticipated Scope



Based on the needs and objectives you have shared with us and our collective experience conducting similar engagements, we anticipate the engagement to take seven (7) weeks to complete. The estimate completion time assumes that individuals, data, and information will be readily available

Scope of Services:

- a) Review policies and procedures.
- b) Review and analyze Payroll records for the 20-25 Sheriff's Department employees during the period January 2020 through January 2023.
- c) Review the payroll software (Time Clock Plus).
- d) Review and validate through sample testing the county's internal investigation and analysis .
- e) Conduct interviews of county professionals (if appropriate).
- f) Prepare a report summarizing our findings and recommendations.
- g) Present the findings to the Commissioner's Court.

Re: Sheriff's Department Special Audit

From ksmith@burnetcountytexas.org <ksmith@burnetcountytexas.org>

To [REDACTED]

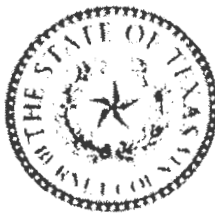
Date Wednesday, June 12th, 2024 at 1:32 PM

Bank Code	Payment #	Payment Date	Payment Type	Amount	Term Discount	Unposted	Reversal Date	Packet Number
APCA	253917	4/9/2024	Check	8,627.50	0.00	False		AP 23569
Bank Code	Payment #	Payment Date	Payment Type	Amount	Term Discount	Unposted	Reversal Date	Packet Number
APCA	253541	3/12/2024	Check	3,820.00	0.00	False		AP 23499
Bank Code	Payment #	Payment Date	Payment Type	Amount	Term Discount	Unposted	Reversal Date	Packet Number
APCA	253124	2/13/2024	Check	3,725.00	0.00	False		AP 23445
Bank Code	Payment #	Payment Date	Payment Type	Amount	Term Discount	Unposted	Reversal Date	Packet Number
APCA	252944	1/23/2024	Check	3,740.00	0.00	False		AP 23380
Bank Code	Payment #	Payment Date	Payment Type	Amount	Term Discount	Unposted	Reversal Date	Packet Number
APCA	252434	12/12/2023	Check	1,295.00	0.00	False		AP 23291
Bank Code	Payment #	Payment Date	Payment Type	Amount	Term Discount	Unposted	Reversal Date	Packet Number
APCA	251634	10/10/2023	Check	7,500.00	0.00	False		AP 23149

Above are the checks that have been issued to Baker Tilly. They total \$28,707.50 and were charged to 100-4090-4010 Professional Services.

BURNET COUNTY ATTORNEY'S OFFICE

Victim Services
Hot Checks Division



Criminal Division
Civil Division

Eddie Arredondo
Burnet County Attorney

The Honorable Ken Paxton, Attorney General
Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

July 15, 2024

RE: Request for Open Records Decision as Per Tex. Gov't Code §552.301
Requestor: [REDACTED]
Entity: Burnet County- County Judge, Commissioner Pct. #1, Human Resources
Date Received: July 9, 2024

General Paxton:

As the Burnet County Attorney, I have been asked by three Burnet County departments to seek a ruling on an open records request [REDACTED]. The Burnet County departments in question are the following:

1. The Burnet County Judge Office
2. The Office of Burnet County Commissioner Pct. #1
3. The Burnet County Human Resources Department

Each of these departments received the same open records request by [REDACTED] which is here by attached as **Exhibit A**. The request asked for the following:

All emails, texts, phone call logs, draft reports and final reports, and any/all communications, to include a copy of the PIR(s) that Judge Oakley obtained from the Texas DPS, to and from Baker Tilly and publicly funded person/entities, other State and county officials, including Burnet County employees (whether elected officials or not) from January 2020 through Tuesday, July 9, 2024.

The three departments listed above have emails and a draft copy of audit report being prepared by firm Baker Tilly that match the request. The audit is a result of a Burnet County Commissioners Court vote/order to hire the firm of Baker Tilly to investigate the Burnet County pay records of employees in the Burnet County Sheriff's Office. The Commissioners Court took formal action to hire Baker Tilly on September 26, 2023.

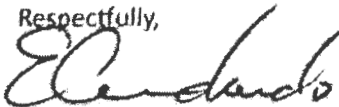
Please see the records meeting the request listed as Exhibit B for those held by Burnet County Judge James Oakley's Office, Exhibit C for those held by Burnet County Commissioner Pct #1 Jim Luther's Office, and Exhibit D for those held by Burnet County Human Resources Office. Said Burnet County departments requests a review and ruling by the Attorney General's Office.

It is believed that all records provided in Exhibit B, Exhibit C, and Exhibit D meet the exception described by Texas Government Code §552.116 addressing audit reports. If so, these records are an exception to Texas Government Code §552.021. These records were prepared or maintained in conducting an audit or preparing an audit report as described by §552.116(b)(2). They include interagency communications and a draft of the audit report that has yet to be finalized as the date of this letter. As required per §552.116(b)(1), the audit was ordered via a vote during Burnet County Commissioners on September 26, 2023. The minutes of said meeting reflect a vote to hire Baker Tilley to conduct an investigation via an audit. Said meeting minutes are hereby attached as Exhibit E. The contract is hereby attached as Exhibit F.

These three Burnet County departments also have concerns about the individuals identified within the draft report. Releasing names and their positions could potentially jeopardize the personal safety of these individuals. Texas Government Code §552.152 describes an exception for confidentiality of information concerning a public employee or officer for personal safety reasons. Further, because this audit involves the investigation of work schedules, these three Burnet County departments believe that Texas Government Code §552.159 should also apply. The work schedules of Burnet County employees, primarily from the Burnet County Sheriff's Office are the subject of the audit. This is yet an additional reason why the draft audit report should not be released to the public. As to the persons and position they described within, their disclosure compromises confidentiality and could interfere with law enforcement should a determination ever be made that criminal investigation is necessary. The District Attorney for the 424th Judicial District, Hon. Sonny McAfee, has independently conducted an investigation into the matters that are the subject to the audit. He has concluded that no criminal charges should be pursued. However, it is unknown if the final audit report will affect this conclusion. Out of an abundance of caution, confidentiality of named individuals and their positions should remain confidential.

For the above stated reasons, these three Burnet County departments request your office issue an opinion that the responsive information attached in Exhibit B, Exhibit C, and Exhibit D should be excepted from disclosure and the names and positions of those named within should be confidential.

Respectfully,



Eduardo Arredondo
Burnet County Attorney

Enclosures as stated

cc
fn

w/o enclosures

**TRANSCRIPTION OF 9/26/2023
BURNET COUNTY COMMISSIONERS COURT
RE: BAKER TILLY AUDIT**

Judge Oakley: All right, no action on that. 21, we've already taken care of H, but this would be discussion or action regarding contracts, agreements or grants. We approved, we approved the tower site agreement between Burnet County and Heritage Broadband, said agreement calls for the use of antenna space and cable connections by said company, and a tower location at Burnet County Precinct 2 Barns. That agreement is non-exclusive. It allows Burnet County to receive no cost to internet service at the barn. B would be approval, uh, proposal from Baker Tilly for a forensic audit. C would be a purchase agreement with Xerox for two copiers, for JP3 and 4. D would be a contract with Tyler Technology technology for Tyler Jury software. E would be action regarding the annual subscription for hot docs requested by the county auditor's office for CPS cases.

Damon Beierle, Commissioner PCT 2: Attorney.

JO: Pardon me?

DB: County attorney's office.

JO: Yeah, county attorney's office. F would be approval of Shirley Hopkins as an independent contractor for VetRides. And G would be amendment with Grant Works changing the ration, ratio of grant to match from \$7,525 to \$9,010.

Karin Smith, County Auditor: Judge, we would like to pull 21D, the contract for Tyler Jury System, and move that to the next agenda.

JO: Oh, that's right. That's right. We need to pull item D. There are some changes in that. So D is not to be considered within that list. Is there any to verbally add to the list?

KS: No, sir.

JO: Okay. Is there any questions, comments, or motions I'm guessing?

Sheriff Calvin Boyd: Um, I have a question about, uh, B, the Baker Tilly forensic audit, I assume that's about, uh, mine, about the Sheriff's Office?

JO: Uh, it's not named.

CB: So what's it about?

JO: Um, It's about some irregularities that have been reported and confirmed internally that feels like there's a need to get a deeper look into from an outside agency.

CB: And whose idea was that?

JO: The idea of using an outside agency?

CB: Um hum.

JO: The recommendation...

CB: Whose idea was it to look into this?

JO: Well, part of it is mine as chief budget officer, whenever there was a report of some irregularities that --

CB: What's... is it a secret? Is it a secret? What's the irregularities?

JO: Pardon me?

CB: Is it a secret? What's the irregularities?

JO: I would defer to the county attorney or what I can say on this 'cause....

Eddie Arredondo, Burnet County Attorney: Pay period inconsistencies. From my understanding.

JO: Yeah. I would be deferring to the County Attorney.....

CB: Is this the ones the Rangers have been looking into and all that, is this about that? Can you tell me that?

JO: I haven't spoken with Rangers.

CB: Somebody did.

JO: I haven't.

CB: Okay, let me give y'all some background on this. I know what it is. And you don't want to say it. Also in the paper, I'll clear up something that was in the paper last week, not the paper's fault. Mr. Oakley made this sound like this was all the auditor's idea and that's just not true.

JO: I think I was misquoted.

CB: You must have been.

JO: The thought was that if this is to be looked into further, it needs to be an outside agency. Is that a fair representation?

KS: That is correct. I would prefer that it not involve my office, that it be an outside agency.

CB: I appreciate that.

JO: So the clarification was made with the newspaper, that got clarified on the second publication. The first one came out on Tuesday and on Wednesday's notification, that clarification was made.

CB: Let me give some background on this. I'm sure all y'all know this...

JO: No.

CB: But there's a lot of people that don't in this room. Um, there was some information that they received and it was bad information but they didn't know it at the time. And so they did what they should do, they went to the auditor and they went to Sonny, and uh, to the district attorney, and the district attorney and the auditor came to my office and we cleared this up pretty quick. There was definitely nothing criminal there. We were documenting some things the way that they didn't want us to document it, I'm not sure that was wrong, but that's not, that's the way, they didn't want they didn't want it documented that way. So that wasn't good enough. So there was a call made to the Texas Rangers. Rangers came down and looked at it. Same thing. No, definitely nothing criminal here. But that wasn't good enough either. So there was a call made to Terry Wilson, state rep, Terry Wilson called Steve McGraw, the director of DPS. And so the director called his rangers and told him about this and the rangers said we've already looked into that, there's nothing there. But he said go look at it anyway, so they looked at it again. There's absolutely nothing there. This is, this is simply retaliation. And Mr. Oakley, when he was on suspension, on Facebook said there was going to be a big blowout. Can't remember if he said blow-out or blow-up, when he returns. So that's what we're seeing here. Now, a lot of us county employees, this isn't a surprise because a lot of us have witnessed it, and some of us have been on the receiving end. But I know that you four commissioners aren't like that. Y'all don't feel like y'all have to punish everybody that disagrees with you.

JO: I want to be real clear.....

CB: But if you approve this, then that's what you're doing. Because it's just a waste of taxpayers' money. It's already been looked at by all kinds of folks.

JO: I want to be real clear there's been no discussion with the court as to anything specific about this because it has been something that has been part of an investigation and it is not something that is aired out and so I have not shared that with the rest of the commissioners because that would be, you know...