



**OFFICE OF
STATE INSPECTOR GENERAL**

**FALSIFIED WORK ACTIVITY
BY DEPUTY FIRE MARSHALS**

Report by
Inspector General Bill Lynch

Prepared for
Governor M.J. "Mike" Foster, Jr.

June 7, 2001

File No. 1-01-0044



State of Louisiana

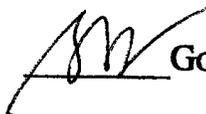
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May 25, 2001

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Falsified Work Activity By Deputy Fire Marshals

Two deputy state fire marshals, who resided in Thibodaux and were assigned to cover part of the eight parish New Orleans district, falsified daily activity reports and building safety inspection reports on numerous occasions to show they were working when they were engaged in activities other than state work.

Deputy Gregory Greco, who now resides in Baton Rouge, was promoted to statewide arson supervisor in the Office of the State Fire Marshal. The second deputy, Ken Himel, is an inspector and resides in Thibodaux. During the period reviewed, 1998 thru 2000, the two men sometimes worked as a team inspecting institutions such as schools, private businesses, and restaurants to assure compliance with state fire codes.

Mr. Greco and Mr. Himel are members of volunteer fire departments in the Thibodaux area. Volunteer fire department records document numerous times they responded to fire calls when daily activity reports showed them working somewhere else. At the outset of this inquiry, when advised of the nature of the allegations concerning his attendance at fire calls while supposedly on state duty, Mr. Greco stated that he sometimes reported by radio rather than appearing in person. Also, he said he did not necessarily stay for the duration of all the fire calls he answered. However, the fire chiefs at Thibodaux and Schriever stated that individuals attending fire calls were only counted when present. Given the totality of the conflicting attendance between job and fire calls, Mr. Greco's credibility is questionable.

Fire Marshal V.J. Bella stated that filing false records with his office and answering fire calls while on state time are improper.

Background

The State Fire Marshal's Office is an agency of the Department of Public Safety and Corrections. The State Fire Marshal is responsible for the regulation and enforcement of building codes as it pertains to fire safety and arson investigation.

According to their job description, Mr. Greco and Mr. Himel, who were fire and safety inspectors, performed occupancy checks, checked compliance with building codes,

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checked proper installation of machinery, and conducted tests of fire and safety systems. They are required to fill out building safety inspection reports that list violations, corrections, and compliance with codes.

The state is divided into five fire and safety inspection districts. Mr. Greco and Mr. Himel reported to the New Orleans district office supervisor. Fire and Safety inspectors work out of their homes, receiving instructions from their supervisor and organizing their daily activities. The New Orleans district covers an eight parish area. Mr. Greco and Mr. Himel were assigned to LaFourche, Terrebonne, St. Charles, and St. John the Baptist parishes.

Mr. Greco is a volunteer fireman for the Thibodaux Volunteer Fire Department, the Schriever Volunteer Fire Department, and the St. John Volunteer Fire Department. He was hired by the Fire Marshal's Office on Dec. 8, 1997. Mr. Himel is also a volunteer fireman with the Thibodaux Volunteer Fire Department. He was hired by the Fire Marshal's Office on Aug. 21, 1995.

State agencies are required to grant leave to employees who are certified volunteer firefighters to perform firefighting duties.

Audit Procedures

The documents we reviewed covered a three year period from 1998 thru 2000. Mr. Greco and Mr. Himel were fire and safety inspectors during 1998 and 1999. Mr. Greco was promoted to statewide arson supervisor on Dec. 20, 1999.

The daily activity report is a document completed by the inspector and reflects his time worked, driving time, mileage, and buildings inspected. The mileage is used to calculate reimbursement for the use of their personal vehicles. The building safety inspection reports also indicate the buildings inspected, date and time of inspection, violations, and deficiencies. The report is signed by the inspector and building occupant at the completion of the inspection and a copy is given to the occupant.

According to the New Orleans district Fire and Safety Supervisor, Nunzio Marchiafava, the inspection reports should coincide with the time and place as stated on the daily activity report. He stated that as a control procedure he verifies that the inspection times match. However, the control proved to be ineffective.

We also reviewed inspection reports from the New Orleans district office and compared those with copies from the entities inspected.

Radio dispatch records, fire unit reports, fire reports, and attendance lists from the Thibodaux Volunteer Fire Department and the Schriever Volunteer Fire Department were reviewed to compare with the Deputy Fire Marshal daily activity reports. The Schriever Fire Department provided our office with some but not all the information requested. The St. John Fire Department failed to provide any records requested.

The fire department documents show time of fire call, type of call, units responding, and volunteer firemen responding to the fire call. Each fire truck has a report the firemen sign showing they attended the fire call. Mike Naquin, fire chief for the Thibodaux Fire Department, said that firemen must appear in person and sign the reports on a fire engine to be counted as having attended the fire call. The fire chief for the Schriever Fire Department, Ken Pitre, said the department takes a roll call and marks the men who reply as attending. Sometimes the firemen initial the roll.

False Daily Activity Reports

According to a comparison of volunteer fire department records, copies of safety inspection reports supplied by private entities, and State Fire Marshal records, Mr. Greco falsified at least 44 daily activity reports and Mr. Himel falsified at least 6 reports. This comparison indicates the men were not working at times they claimed to be working.

On some of the reports more than one instance of conflicting entries were found. The men are sometimes shown attending two fire calls in one day while claiming to be at work. Also, there were 5 instances where Mr. Greco took sick leave, but records showed he attended fire calls.

The New Orleans district supervisor said he did not know the men were attending fire calls during working hours, but said they should have notified a supervisor. He said he was unaware of any agency policy that would allow this. The supervisor, a volunteer fireman himself, drew a distinction between the State Fire Marshal's job of fire prevention and the fireman's job of fire suppression. He felt the state is paying a person to do a job. He said he does not approve of employees attending fire calls on state time.

Fire Marshal V.J. Bella stated that filing false records with his office and answering fire calls while on state time are improper.

For the men to be able to respond to fire calls they had to be in the Thibodaux/Schriever area. Yet, on more than half of the daily activity reports in question the men reported to be working out of town at a substantial distance from Thibodaux and Schriever when the

fire calls occurred. In these instances the men could not have been at the reported work area at the time of the fire call.

There is a larger question about what were the deputies doing prior to and after answering a fire call. The unpredictability of the fire calls means that the deputies had to be available in their hometowns doing what is unknown at a time when they claimed to be 20 to 50 miles away conducting a fire prevention inspection. The same question arises for those days when there was no fire call.

Mileage driven as taken from the odometer readings is required to be recorded on the daily activity reports. The mileage listed on several of Mr. Greco's activity reports is substantially less than the distances that should have been claimed for travel reported. The mileage claimed does not substantiate the number of inspection sites reported visited for the day. This decreases further the reliability of the daily activity reports.

False Safety Inspection Reports

In order to support the false daily activity reports submitted to the Fire Marshal's Office, safety inspection reports were falsified. In the sample we examined, we found no instance where an inspection did not occur.

The building safety inspection report is a multi-part form. Among the data to be included is the date and time of the inspection, from start to finish. The inspector and a representative for the inspected entity both sign the report at the completion of the inspection. One copy is left with the entity at the time of inspection. The original is later submitted to the supervisor.

We requested inspection reports from the Fire Marshal's Office and copies from the entities inspected. Neither the Fire Marshal's Office nor the entities inspected could provide all reports requested.

As previously stated in the report, supervisor Marchiafava stated as a control feature, he compares the time on the inspection report to those on the daily activity reports for verification. This implies all inspection reports in the Fire Marshal's office have the time recorded on them. A sample of 19 inspection reports completed by Mr. Greco and/or Mr. Himel obtained from the Fire Marshal's office, showed that all 19, or 100%, of the inspection reports had the time recorded. Since the document is a multi-part form, an identical copy should be on file with the inspected entity. However, a sample of 35 inspection reports obtained from inspected entities showed that only seven, or 20%, had

the time recorded. The seven reports, which had the time recorded on them, represented only one entity with several buildings on its site inspected on the same inspection date.

The examination indicates that in the majority of instances the time of inspection was filled in after the inspector issued a copy to the entity, but prior to submission to the supervisor for review.

As an example, on Feb. 24, 1999, Schriever Volunteer Fire Department records show that Mr. Greco answered a fire call that lasted from 9:36 a.m. to 12:47 p.m. Yet, Mr. Greco's daily activity report showed that he inspected Shell's Day Care from 9:06 a.m. to 9:48 a.m., and West St. John Elementary School from 10:06 a.m. to 12:30 p.m. Both of these facilities are in Edgard, which, according to Mr. Greco's report, was a 36 minute drive from Thibodaux. Even had Mr. Greco reported to the fire house, signed in, and left immediately for Edgard, he could not have performed these inspections at the times reported on the inspection reports. Thus, the times reported on the inspection reports are false.

Based on the examination, none of the inspection dates and times recorded on the safety inspection reports submitted by Mr. Greco and Mr. Himel on file with the Fire Marshal's Office are reliable.

Detailed Examples of Falsification

Example One

The safety inspection reports and daily activity report made by Mr. Greco for Feb. 24, 1999, contain four different problems that indicate records falsification.

The daily activity report showed Mr. Greco working a full day conducting inspections in communities some distance from his home base in Thibodaux, when, in fact, he could not have performed his duties at the times claimed.

The activity report for that date purported Mr. Greco worked at home from 8 to 8:30 a.m., before driving to Edgard, arriving at 9:06 a.m. It further showed he inspected Shell's Day Care and West St. John Elementary in Edgard. It then showed he drove to Hahnville and inspected Oubre's Educational and Little Acorns Learning & Development between 2 and 3:54 p.m. It showed Mr. Greco arrived back in Thibodaux at 4:30 p.m.

The first problem is that while he showed himself conducting inspections in Edgard, 35 miles away, the Schriever Fire Department records showed Mr. Greco attended a fire call

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in Schriever that lasted 3 hours and 11 minutes from 9:36 a.m. to 12:47 p.m. The three inspection reports on file with the Fire Marshal's Office for the two entities in Edgard had an inspection date of the 24th recorded on them.

The second problem is that Mr. Greco listed 71 miles for use of his personal car on the report. However, computer mileage charts showed that had he actually driven to all of the points listed in the report, he would have traveled 97 miles.

The third problem is the date on the two inspection reports filed with the Fire Marshal's Office for the inspections in Hahnville were written over indicating the inspections were done on the 24th rather than the 23rd. The copy of the inspection report available from Little Acorns was unaltered and showed that the inspection was done on the 23rd.

A fourth problem is the inspection time recorded on the inspection report at the Fire Marshal's Office for Little Acorns was 3 to 3:54 p.m., whereas on the Little Acorns' copy, the inspection time was left blank.

While the Schriever fire may have kept him from working for the state only in the morning, this example also raises questions whether his work duties were performed as claimed in the afternoon.

Example Two

Daily activity reports by both Mr. Greco and Mr. Himel for March 15, 1999, showed they spent the day inspecting Hahnville High School, which is located in Boutte, 40 miles from Thibodaux. They left Thibodaux at 8:30 a.m. and returned at 4:18 p.m., according to their reports.

However, Thibodaux Fire Department records showed both men attended a fire call in Thibodaux that lasted from 10:52 a.m. until 1:18 p.m., a time span of 2 hours and 26 minutes. Mr. Greco signed the fire unit report for fire engine No. 20 and Mr. Himel signed for fire engine No. 17.

The copy of the inspection report submitted to the Office listed the same time of inspection as did the daily activity report. However, on the inspection report copy left with Hahnville High School, the time was left blank. It was common practice for Mr. Greco and Mr. Himel to omit the time of inspection on copies left with the entities. The omission of inspection times on the entities' copies indicated the times were later filled in on the inspection reports submitted to the Fire Marshal's Office in order to conform with the daily activity reports.

Again, the men could not have been doing their state duties as claimed. The distance of the inspection site from Thibodaux, the time required for the inspection, and a mid-day long duration fire make it improbable the men spent the whole day inspecting the high school on the 15th as claimed.

Example Three

Mr. Greco's daily activity report for March 23, 1999, showed him conducting inspections in the LaPlace/Reserve area all day until he returned to Thibodaux at 5 p.m., claiming a half hour of overtime.

However, Thibodaux Fire Department records showed that while Mr. Greco was supposedly conducting inspections in Reserve, 50 miles away on the other side of the Mississippi River, he attended a fire call in Thibodaux. The fire call occurred at 2:45 p.m., lasting for 37 minutes until 3:22 p.m. Mr. Greco signed the fire unit report for fire engine No. 20.

In addition to falsifying his whereabouts on this date, the claim of a half hour of compensatory time when records showed he was already in Thibodaux is questionable.

Example Four

Mr. Greco's daily activity report for April 13, 1998, showed he conducted inspections in Garyville, Laplace, and Reserve the entire day. He started work at 8 a.m. according to the report, left for Reserve at 8:30, and arrived at 9:18 a.m. He reported returning to Thibodaux at 4:30 p.m.

However, the Thibodaux Fire Department showed Mr. Greco signed on as the operator of fire engine No. 18 and attended a fire that lasted 33 minutes from 9:56 to 10:29 a.m. that morning. The records also showed that Mr. Greco signed on as operator of fire engine No. 18 and attended his second fire call of the day. The fire call, which was a false alarm, occurred that afternoon at 3:31 and only lasted 2 minutes until 3:33 p.m.

Mr. Greco's ability to answer a fire call in the morning and another later that afternoon when he is supposed to be in the Reserve area, approximately 50 miles away, indicates he may not have been working in that area at all.

Appendix A

Attached is a chronological listing showing the comparison of conflicting entries from volunteer fire department records, daily activity reports, and safety inspection reports.

Conclusions:

1. Mr. Greco and Mr. Himel falsified numerous daily activity reports to indicate they were working for the State Fire Marshal's Office when they were not, thereby rendering their activity reports unreliable for any purpose.
2. Mr. Greco and Mr. Himel were performing local volunteer firemen duties while on state time and being paid for their state job.
3. Mr. Greco and Mr. Himel declined the opportunity to be interviewed to explain the specific cited conflicts between the records.
4. Mr. Greco and Mr. Himel falsified building safety inspection reports by omitting inspection times on the inspected entities' copies of the report and later recording a false inspection time on the original form filed with the State Fire Marshal's Office.
5. Mr. Greco used sick leave and then attended fire calls on 5 occasions.
6. The mileage reported by Mr. Greco on some of the daily activity reports did not accurately reflect the mileage required to drive to all the places purportedly inspected.
7. Since fire alarm calls are unpredictable, the men could not have limited their absences from official duties only to those times. The extent of their overall absenteeism could not be determined.

Recommendations:

1. The State Fire Marshal's Office should take appropriate action for conditions outlined in this report.
2. The report will be referred to the appropriate authorities for review.

Management's Response:

See the attached response from State Fire Marshal, V.J. Bella.

See the attached response from Mr. Greco and Mr. Himel. Excluded from their response are 9 statements presented from volunteer firemen who answered "yes" to two questions posed to them, 1) Have you ever signed a run sheet for the Thibodaux Vol. Fire Dept. when you did not actually arrive at the scene?, and 2) Have you ever left the scene of a fire for the Thibodaux Vol. Fire Dept. before the call was finished? The questions have nothing to do with the issue of the deputies claiming to be elsewhere performing their duties while actually answering a fire call.

IG Comment:

This report is not about deputy state fire marshals answering volunteer fire department alarms on state time or their own time. It is about maintaining the credibility of the Office of the State Fire Marshal and the public's ability to rely on the integrity of the agency in light of the misrepresentations by two deputy fire marshals charged with conducting fire prevention inspections in buildings, schools, child care facilities and the like.

Answering a few fire calls on state time would not have been a major problem. But falsifying their daily activity reports to show they were conducting state business elsewhere, often 20 to 50 miles away, places the agency's reliability in jeopardy. The daily activity reports are used to monitor assignments and calculate payrolls and expense reimbursements. Falsifying these documents brings into question the truthfulness of any documents, including inspection reports, now or in the future.

While acknowledging posting false information on public documents, they ask to be taken at their word that any discrepancies were made up by performing their duties at other times.

Their incredibility is borne out in the cited examples including the one on Aug. 19, 1999, when Mr. Greco claimed he left Thibodaux at 8:30 a.m. to drive to LaPlace for a school inspection that morning and to Reserve for a child care center that afternoon, returning to Thibodaux at 4:30 p.m. The Thibodaux Fire Department records show that Mr. Greco was the driver of the fire truck on a call that began at 10:29 a.m. and lasted 40 minutes.

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The time spent answering the fire call is not all that is in question. For him to be available to respond to a fire call at 10:29 a.m., it is obvious that Mr. Greco was in the Thibodaux area at the time and not in LaPlace where he claimed to be inspecting the East St. John Elementary School from 10 a.m. to noon. What was he doing in Thibodaux?

Mr. Greco's general claim that he sometimes was counted as a fire fighter by radioing in is not credible, certainly not in this instance. Not only do the responsible fire department officials refute that claim, but the records show that on 17 occasions when he was supposedly conducting state inspections elsewhere, he was the driver of the fire truck

We don't know how many false entries were made for days when there was no fire call, because the fire department logs represent the only available records to disprove their daily activity claims.

In all of their rhetoric, there is a lack of response to the specific incidents cited in the report, and they refused to be interviewed about them. Instead, their response was in broad generalities and the classic defense of attacking the investigator.

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Appendix A:

These are the instances by date of conflicting entries found, including the examples previously cited. Our findings are based on a comparison of daily activity reports with fire department records. In some instances, the comparison also includes safety inspection reports filed with both the Fire Marshal's Office and the entity inspected.

2-9-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco was working in Thibodaux from 8 to 10:06 a.m. and then traveled to Gray and Houma to conduct inspections. He then returned to Thibodaux at 4, working until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted one hour and 40 minutes from 11:56 a.m. until 1:36 p.m.

2-13-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco traveled with Mr. Himel at 8 a.m. to Houma and conducted inspections from 8:30 a.m. until 3:30 p.m. He returned to Thibodaux at 4 and worked until 4:30 p.m.

Daily Activity Report, Mr. Himel – Indicated Mr. Himel traveled to Houma at 8 a.m. and conducted inspections from 8:30 a.m. until 3:30 p.m. Mr. Himel's report does not indicate he traveled with Mr. Greco. However, it does indicate he inspected the same businesses as Mr. Greco claimed. He returned to Thibodaux at 4 and worked until 4:30 p.m.

Safety Inspection Report, Fire Marshal's copy – Mr. Greco and Mr. Himel both signed the inspection report indicating they inspected the same business from 9:30 until 10:48 a.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator for fire engine No. 18 for a fire call lasting from 10:27 until 10:43 a.m.

2-25-98

Daily Activity Report, Mr. Greco - Indicated Mr. Greco was working in Thibodaux from 8 to 9:48 a.m. and then traveled to Houma to conduct inspections. He returned to Thibodaux at 4:12 and worked until 4:30 p.m.

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Thibodaux Fire Department records – Showed Mr. Greco was the operator for fire engine No. 18 and attended a fire call that lasted 35 minutes from 10:18 until 10:56 a.m.

4-9-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco was working at his home/office from 8 to 8:30 a.m. and then traveled to Destrehan. He conducted inspections in Destrehan, New Sarpy, Norco, Laplace, Reserve, Luling and Des Allemands. He finished his last inspection in Des Allemands at 4:30 p.m. where he ends his day.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 8:09 until 8:20 a.m.

4-13-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 a.m. to 8:30 a.m. and then traveled to Garyville, Reserve, and Laplace conducting inspections from 9:36 a.m. to 3:42 p.m. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was operator of fire engine No. 18 and attended a fire call that lasted 33 minutes from 9:56 to 10:29 a.m. Then it showed Mr. Greco attended a second fire call for the day that lasted from 3:31 to 3:33 p.m. Although the fire call only lasted 2 minutes and turned out to be a test at the local hospital, Mr. Greco was able to arrive at the fire station and sign in as operator of fire engine No. 18.

4-22-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Reserve and arrived at 9:12 a.m. He was in the Reserve, Boutte, Hahnville, and Edgard area all day conducting inspections. He arrived back in Thibodaux at 4:06 p.m. and worked until 4:30 p.m.

Daily Activity Report, Mr. Himel – Indicated Mr. Himel was in Thibodaux all day conducting inspections from 8 a.m. to 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Himel attended a fire call that lasted from 9:25 to 9:45 a.m. Then it showed Mr. Himel attended a second fire call for the day that lasted 43 minutes from 12:39 to 1:22 p.m. It further showed Mr.

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Greco attended his first fire call that lasted 3 hours and 4 minutes from 2:14 p.m. until 5:18 p.m.

4-28-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco was working in Thibodaux 8 to 8:30 a.m. and then traveled to Dularge where he arrived at 9:24 a.m. He returned to Thibodaux at 2:54 and worked until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted 35 minutes from 8:10 until 8:45 a.m.

5-18-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Gibson, Houma, Lockport, Gheens, and Raceland to conduct inspections. He arrived back in Thibodaux at 3:06 and worked until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 4:01 to 4:18 p.m.

6-11-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Edgard, Killona, and Taft to conduct inspections. He returned to Thibodaux at 4 and worked until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted for 43 minutes from 4:04 until 4:47 p.m.

7-6-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Edgard, Reserve, Laplace, and Garyville to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted for 46 minutes from 3:13 to 3:59 p.m.

7-13-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Bayou Gauche, Des Allemands, Boutte, Destrehan, and Luling to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted 37 minutes from 3:36 to 4:13 p.m.

7-15-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Reserve and Laplace to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator for fire engine No. 18 and attended a fire call that lasted from 3:37 to 4:05 p.m.

7-21-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Reserve, Laplace, and New Sarpy to conduct inspections. He returned to Thibodaux at 4:18 and worked until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was operator of fire engine No. 18 and attended a fire call that lasted 50 minutes from 7:53 to 8:43 a.m.

7-30-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Choctaw for an inspection. He then traveled to Chackbay at 9:42 and arrived there at 10 a.m. for an inspection. He returned to Thibodaux at 11:06 a.m. where he worked until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 9:56 until 9:59 a.m. Although the call was a false alarm and only lasted 3 minutes, Mr. Greco was able to get to the fire station and sign in as the operator of fire engine No. 18. Then it showed Mr. Greco was the operator of fire engine No. 18 and attended his second fire call of the day from 1:09 until 1:29 p.m.

8-6-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux 8 to 8:30 a.m. and then rode with Mr. Himel to Houma and arrived there at 9 a.m. to conduct inspections. They returned to Thibodaux at 4 and Mr. Greco worked until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted 48 minutes from 7:59 until 8:47 a.m.

8-12-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco was working in Thibodaux from 8 to 8:30 a.m. and then traveled to Houma to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 7:58 to 8:22 a.m.

8-31-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Edgard, Hahnville, and Vacherie to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Daily Activity Report, Mr. Himel – Indicated Mr. Himel was working in Thibodaux from 8 a.m. until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Himel was the operator of fire engine No. 20 and attended a fire call that lasted from 3:11 to 3:25 p.m. It further showed Mr. Himel attended his second fire call and Mr. Greco attended his first fire call for the day that lasted for 1 hour and 13 minutes from 3:39 to 4:52 p.m.

9-18-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Houma to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted 4 hours and 54 minutes from 2:26 until 7:20 p.m.

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9-25-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 a.m. until noon. He then traveled to Raceland and Houma to conduct inspections and returned to Thibodaux at 4:18 working until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted from 11:36 to 11:58 a.m.

12-3-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:18 a.m. and then traveled to Houma and Gray conducting inspections until 9:48 a.m. He then returned to Thibodaux and arrived at 10:06 a.m. He worked until noon when he took leave the rest of the day.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 9:49 to 9:50 a.m. Although the fire call only lasted 1 minute and turned out to be a false alarm, Mr. Greco was able to get to the fire house and sign in as operator of fire engine No. 18.

12-8-98

Daily Activity Report, Mr. Greco – Indicated that Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to St. Rose, Destrehan, Boutte, and Paradis to conduct inspections. He returned to Thibodaux at 4:30 p.m. He reported mileage of 53 miles for the day.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted 47 minutes from 3:08 to 3:55 p.m.

Computer Mapping System – Showed the total mileage to all places Mr. Greco claimed he inspected would have been 112 miles.

12-28-98

Daily Activity Report, Mr. Greco – Indicated Mr. Greco was on sick leave the entire day from 8 a.m. until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 1:50 until 2:12 p.m. It then showed Mr. Greco was the operator of fire

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engine No. 18 and attended a second fire call for the day that lasted 30 minutes from 2:20 until 2:50 p.m.

1-6-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Destrehan, St. Rose, Laplace, Reserve, Ama, and Des Allemands to conduct inspections. He returned to Thibodaux at 4:30 p.m. The mileage driven for the day was reported as 106 miles.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted from 3:38 until 3:49 p.m.

Computer mapping system – Showed the total mileage to all places Mr. Greco claimed to have inspected for the day to be 157 miles.

2-5-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Chackbay. He returned to Thibodaux at 9:30 and worked until 10:48 a.m. when he traveled to Gray and Houma to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted from 8:03 until 8:21 a.m.

2-9-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Reserve and arrived at 9:12 a.m.. He conducted inspections in the area and returned to Thibodaux at 4:30 p.m.

Schriever Fire Department record – Showed Mr. Greco attended a fire call that lasted from 8:45 until 8:52 a.m.

2-22-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Boutte and arrived at 9:06 where he conducted an inspection. He then traveled to Ama, Hahnville, Killona, Edgard to conduct inspections. He returned to Thibodaux at 4:12 and worked until 4:30 p.m. His mileage reported was 68 miles.

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Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted 43 minutes from 9:04 until 9:47 a.m.

Computer mapping system – Showed the actual mileage for all the places Mr. Greco claimed to inspect for the day to be 104 miles.

2-24-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Edgard. He arrived at 9:06 a.m. and conducted inspections until 12:30 p.m. He then traveled to Hahnville and conducted two inspections until 3:53 p.m. He returned to Thibodaux at 4:30 p.m. Mr. Greco indicated his mileage driven for the day was 71 miles.

Safety Inspection Reports, Fire Marshal's copies – Inspection times recorded on the inspection reports available matched the times indicated on Mr. Greco's daily activity report. However, the date on the two inspections in Hahnville, one of which was Little Acorns Learning & Development, that afternoon, had the inspection date altered from 2-23-99 to read 2-24-99.

Safety Inspection Report, Little Acorns copy – There were no inspection times recorded on the inspection report obtained from Little Acorns Learning and Development, but the inspection date recorded was 2-23-99.

Schriever Fire Department record – Showed Mr. Greco attended a fire call that lasted 3 hours 11 minutes from 9:36 a.m. until 12:47 p.m.

Computer mapping system – Showed the total distance to all the places Mr. Greco claimed he inspected would be 97 miles.

3-12-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Norco and conducted an inspection of a school from 9:30 until 11:36 a.m. He then conducted inspections in St. Rose and Luling, returning to Thibodaux at 4:30 p.m.

Safety Inspection Reports, Fire Marshal's copies – Inspection times recorded match Mr. Greco's daily activity report.

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Safety Inspection Reports, Norco school copies – There were no inspection times recorded on the copies obtained from the school in Norco.

Schriever Fire Department record – Showed Mr. Greco attended a fire call that lasted 30 minutes from 9:47 until 10:17 a.m.

3-15-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled with Mr. Himel to Boutte where they inspected a high school from 9:18 a.m. to 3:30 p.m. They arrived back in Thibodaux at 4:18 and Mr. Greco worked until 4:30 p.m.

Daily Activity Report, Mr. Himel – Indicated Mr. Himel worked in Thibodaux from 8 to 8:30 a.m. then he picked up Mr. Greco and traveled to Boutte where they inspected a high school from 9:18 a.m. to 3:30 p.m. They arrived back in Thibodaux at 4:18 p.m. and Mr. Himel worked until 4:30 p.m.

Safety Inspection Reports, Fire Marshal's copies – The inspection reports time of inspections matched the daily activity reports. Mr. Greco and Mr. Himel both signed the inspection reports.

Safety Inspection Reports, high school copies – There were no inspection times recorded on the inspection reports obtained from the high school.

Thibodaux Fire Department records – Showed Mr. Greco and Mr. Himel attended a fire call that lasted 2 hours and 26 minutes from 10:52 a.m. to 1:18 p.m.

3-19-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 9 a.m. and then traveled to Garyville and arrived at 9:42 a.m. to conduct inspections. He then traveled to Reserve at 11:06 a.m. and later Laplace. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted from 9:33 until 9:54 a.m.

3-23-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Garyville, Laplace, and Reserve to conduct

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inspections. He left Reserve at 4:30 and arrived back in Thibodaux at 5 p.m. Mr. Greco earned .5 hours K-time for purportedly working overtime.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted 37 minutes from 2:45 until 3:22 p.m.

3-25-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Houma and then Raceland to conduct inspections. He left Raceland at 3, arrived back in Thibodaux at 3:36 p.m., and worked until 4:30 p.m.

Schriever Fire Department record – Showed Mr. Greco attended a fire call that lasted 58 minutes from 3:21 until 4:19 p.m.

4-12-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 9 a.m. and then traveled to Dulac and Houma to conduct inspections. He left Houma at 10:48 and traveled to Gray, breaking for lunch at 11:48 a.m. He then traveled to New Orleans and returned to Thibodaux at 7 p.m. Mr. Greco earned 2.5 hours K-time for purportedly working overtime.

Schriever Fire Department record – Showed Mr. Greco attended a fire call that lasted from 11:30 until 11:49 a.m.

4-19-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Laplace to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Schriever Fire Department record – Showed Mr. Greco attended a fire call that lasted from 3:57 until 4:18 p.m.

4-21-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m., traveled to Reserve, arrived at 9:12 a.m., and conducted an inspection of a school until 12:06 p.m. He then traveled to Laplace to conduct an inspection of

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a school from 1:12 to 4:30 p.m. He returned to Thibodaux at 5 p.m. and earned .5 hours K-time for purportedly working overtime.

Safety Inspection Reports, Fire Marshal's copies – Inspection times on the Laplace school reports matched the times on Mr. Greco's daily activity report.

Safety Inspection Reports, Reserve school copies – There were no inspection times recorded on the inspection reports obtained from the school in Reserve.

Safety Inspection Reports, Laplace school copies – Inspection times on the inspection reports obtained from the school in Laplace matched the Fire Marshal's copies. This was the only instance we found where inspection times were recorded on the entity's copies.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted 35 minutes from 8:53 to 9:28 a.m.

7-20-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Reserve to inspect a school from 9:18 a.m. until noon. He later traveled to Laplace to conduct another inspection and returned to Thibodaux at 4:30 p.m.

Safety Inspection Reports, Reserve school copies – No inspection time was recorded on the inspection reports obtained from the school in Reserve.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted 41 minutes from 9:26 to 10:07 a.m.

8-13-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco was on sick leave the entire day from 8 a.m. to 4:30 p.m.

Daily Activity Report, Mr. Himel – Indicated Mr. Himel worked in Thibodaux conducting inspections from 8 a.m. until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco and Mr. Himel attended a fire call that lasted from 8:54 until 9:16 a.m. It further showed Mr. Greco was the operator of fire engine No. 18, and he and Mr. Himel attended their second fire call for the day. It lasted 1 hour 25 minutes from 1:51 until 3:16 p.m.

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8-17-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco was on sick leave the entire day from 8 a.m. to 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted 32 minutes from 3:42 until 4:14 p.m.

8-19-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Laplace and arrived at 9:18 a.m. to conduct an inspection of a school until 2:12 p.m. He later traveled to Reserve for an inspection and returned to Thibodaux at 4 p.m. where he worked until 4:30 p.m.

Safety Inspection Reports, Laplace school copies - No inspection time was recorded on the copies obtained from the school in Laplace.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted 40 minutes from 10:29 until 11:09 a.m.

10-4-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in the Thibodaux area from 8 a.m. to 4:30 p.m.

Daily Activity Report, Mr. Himel – Indicated Mr. Himel worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Larose to conduct inspections. He returned to Thibodaux at 4 p.m. and worked until 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco and Mr. Himel attended the same fire call that lasted 56 minutes from 4:05 until 5:01 p.m. Mr. Greco was the operator of fire engine No. 18.

10-26-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled to Des Allemands, Luling, Hahnville, Destrehan, and St. Rose to conduct inspections. He returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 12:20 until 12:34 p.m.

10-28-99

Daily Activity Report, Mr. Greco – Indicated Mr. Greco worked in Thibodaux from 8 to 8:30 a.m. and then traveled with Mr. Himel to Luling and arrived there at 9:30 a.m. to inspect an industrial plant. They later traveled to Raceland and Lockport to conduct inspections and returned to Thibodaux at 4:30 p.m.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call that lasted 41 minutes from 8:23 until 9:04 a.m.

10-18-00

Daily Activity Report, Mr. Greco – Indicated Mr. Greco, as Arson Supervisor, worked in Baton Rouge from 8 a.m. to noon. He then traveled to Lafourche and Thibodaux for meetings that lasted until 4:30 p.m. He then reportedly did follow up work and phone calls from 4:30 to 5:30 p.m. He then traveled to Houma for other meetings from 6 to 9 p.m. Mr. Greco claimed 5 hours overtime for the day.

Thibodaux Fire Department records – Showed Mr. Greco was the operator of fire engine No. 18 and attended a fire call from 4:57 to 6:21 p.m. lasting 1 hour and 25 minutes.

10-19-00

Daily Activity Report, Mr. Greco – Indicated Mr. Greco, as Arson Supervisor worked at the office from 8 a.m. until noon when he took leave. The record does not indicate where that office is.

Thibodaux Fire Department records – Showed Mr. Greco attended a fire call that lasted from 10:07 until 10:21 a.m.



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
Public Safety Services



M. J. "MIKE" FOSTER, JR.
GOVERNOR

V. J. BELLA
STATE FIRE MARSHAL

May 15, 2001

Mr. Bill Lynch
Inspector General
P.O. Box 94086
State Capitol Annex
Baton Rouge, LA. 70804-9095

RE: Supervisor Greco and Inspector Himel

Dear Mr. Lynch:

I have had an opportunity to review the report of Mr. Van Cochran of your staff as well as the response from Supervisor Greco and Inspector Himel. Messrs. Greco and Himel have been issued disciplinary letters by me.

I am concerned about the impact of R.S. 23:893 on state agencies in light of the report. My initial reaction was to order drafting of a policy for this agency regarding volunteer firefighters in our employ. Upon reflection however, I believe a legislative remedy would be a more appropriate course. I would welcome your comments regarding R.S. 23:893.

Thank you for this opportunity to respond on this matter.

Sincerely,

V.J. Bella
State Fire Marshal

VJB:dsm

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SUBJ: Response to DRAFT Report entitled, "Falsified Work Activity by Deputy Fire Marshals" prepared by Van Cochran, Office of the State Inspector General
BL/vc/rp
REF: Your File No. 1-01-0044
DATE: May 10, 2001

On or about December 1, 2000, Mr. Greco received Mr. Cochran in his office for an initial interview regarding the matters of concern brought by an anonymous report to his office. From the onset of this investigation, Mr. Greco has been honest and forthright in providing requested information and documentation — whether oral, written or substantiated in the form of reports or copies thereof — to Mr. Cochran. In response to Mr. Cochran's inquiry as to whether Mr. Greco had undertaken the duties of volunteer firefighter during his regularly appointed work hours over a period initially from February 9, 1998 through December 27, 1999 (and later expanded to October, 2000), Mr. Greco affirmed that on several occasions in the three year period he had done so. Mr. Greco further explained that in all instances of using regularly appointed work hours for the purpose of volunteer firefighting, his appointed hours for the state were exercised, just not during the regularly scheduled hours of the workday from 8:00 a.m. to 4:30 p.m. His obligation to fulfill the duties to his position, including the appropriate number of daily hours to state work, was never compromised. Mr. Greco's constant posture has been to cooperate with Mr. Cochran's requests for additional materials pertinent to this investigation.

Mr. Cochran's draft report is riddled with a theory that Deputy Gregory C. Greco and Deputy Kenneth P. Himel, Jr. schemed to tend other matters while in service to state matters of business. In truth, Mr. Greco and Mr. Himel have always made (and continue to make) a concerted effort to 1) maintain a high level of integrity and professionalism in the work of their respective positions for the State of Louisiana and, 2) insure the State of Louisiana incurs no additional expenses due to their serving as volunteer firefighters.

In Mr. Cochran's report, he names Deputy State Fire Marshals Gregory C. Greco and Kenneth P. Himel, Jr., flagrantly accusing the two inspectors of falsifying *Daily Activity Reports*¹. The normal hours of duty for Fire Marshal Employees are from 8:00 a.m. to 4:30 p.m. In this draft report, Mr. Cochran uses exaggerated terms — "grossly falsified" and referencing their dedication to volunteer firefighting "their penchant for responding to fires tripped them up..." — indicating that there was little, if any, objectivity either in the acquisition of information or in its presentation. His assumptions imply that 1) Deputies Greco and Himel spent numerous hours volunteering as firefighters for local volunteer fire departments and, 2) if they were present as firefighters, this was at an expense to the state of Louisiana. When in fact, in many instances time spent at fires may have been as little as one or two minutes and in some instances, although either or both signed run sheets for fires when they weren't present at all, they are accused of being at a fire when they were in fact tending the work of their respective jobs with the state. The only desire Mr. Greco and Mr. Himel shared was to serve their community, to safeguard lives and protect property from the destruction of fire. As professionals in the field of public

¹ A document used by the Fire Marshal's Office to record an employee's time and activities on a daily basis.

safety, one need recognize the dedication to serve and protect the communities in which they live. This response will demonstrate that Mr. Cochran's assumptions are incorrect and further, it is intended to invalidate the accusations leveled by Mr. Cochran against Deputies Greco and Himel. Utilizing the Cochran Draft Report² as a pattern for response, please note that this response is the disputation of the statements contained in the sections titled False Daily Activity Reports, False Safety Inspections and Conclusions and points to the misrepresentations of his findings, as well as pointing to an intentional obfuscation of fact. A written response is the preferable means for refuting the findings of this investigation — limiting any attempts of paraphrasing or other intentional alteration of the content of explanation. Cochran's introduction paragraphs — those forming the initial accusations against Mr. Greco and Mr. Himel — close with a remark sought from State Fire Marshall V. J. Bella, "filing false records with his office and answering fires while on state time are improper." Neither Mr. Greco nor Mr. Himel would intentionally defraud the state of Louisiana as purported in the draft of Cochran's report. This response defends those actions taken by both Deputy Greco and Deputy Himel in their pursuit to comply with their respective professional duties to both the state of Louisiana and the communities they protect.

The Draft report states: "...falsified daily activity reports and building safety inspection reports on numerous occasions to show they were working when they were engaged in activities other than state work" (Cochran 1).

Deputy Greg Greco, now Arson Supervisor, was an inspector for the majority of the period reviewed. During this period, Mr Greco worked the parishes of Lafourche, Terrebonne, St. Charles, and St. John. He was a member of the following Volunteer Fire Departments — Thibodaux, St. John, and Schriever.

Deputy Kenneth Himel, Jr., now Assistant Supervisor: New Orleans District, was an inspector working the same parishes as Deputy Greco for the entire period reviewed. Deputy Himel is also a member of the Thibodaux Volunteer Fire Department.

"Deputies Greco and Himel sometimes worked as a team inspecting institutions such as schools, private businesses, and restaurants to assure compliance with state fire codes" (1).

Mr. Cochran reviewed the increased time frame from February, 1998 through October, 2000, a period of approximately 32 months. Utilization of the data provided by Cochran in the 12 page Appendix A of the Draft report, the following reflects the purported time of Mr. Greco and Mr. Himel's meeting their volunteer firefighting duties which Mr. Cochran presents as a proof of his allegation of fraud:

1998 - 10 month period with 22 incidents for a total of 21 hours and 33 minutes.

1999 - 12 month period with 19 incidents for a total of 16 hours and 27 minutes

2000 - 10 month period with 2 incidents for a total of 1 hour and 39 minutes

The allegations of Mr. Cochran's numerous pages of appendix reduces to this: Mr. Greco's participation in volunteer firefighting reflecting a total of approximately 40 hours of logged time

² A 22 page document entitled "Falsified Work Activity by Deputy Fire Marshals," written by Van Cochran, with each page stamped DRAFT, and made a permanent part of this document as Attachment 1.

for a period of nearly three years. Mr. Cochran states that volunteer firefighters have to “appear in person, on the scene, and sign fire reports on the fire engine” as quoted by Mike Naquin, Fire Chief, Thibodaux Fire Department. It is important to note that other than Mr. Naquin’s statement, Mr. Cochran does not produce or refer to any written or tangible documentation that supports this claim. In fact, volunteer firefighters don’t have to be present at a fire call in order to receive credit for responding to a fire in the Thibodaux Volunteer Fire Department.

There is no written department policy that substantiates Naquin’s claim. Actually it is common practice for volunteer fire department members to receive credit for attending the call when in fact they never arrived on the scene. A member can get credit for response even if he simply attempts to respond. Attachment 2 is provided by Mr. Greco and is constituted of numerous affidavits from fellow volunteer firefighters of the Thibodaux Volunteer Fire Department. There are two questions posed to each of volunteer firefighter: 1.) Have you ever signed a run sheet for the Thibodaux Volunteer Fire Department when you did not actually arrive at the scene? All signatories³ responded Yes; and 2.) Have you ever left the scene of a fire for the Thibodaux Volunteer Fire Department before the call was finished? All signatories⁴ responded Yes. All Fire department run sheets, as compared to daily activity reports, fail to show the amount of time (or if any) that is actually spent at the fire scene. A fire call may have lasted 1 hour on paper, however Mr. Greco and/or Mr. Himel may only have attended the call for as few as one or two minutes or not at all.

At no time did Mr. Greco or Mr. Himel claim to do any inspections that were not in fact done, as Mr. Cochran acknowledges in his report. The only discrepancy is the time at which the inspection was claimed to have been done. All of the findings, content, and notations on the reports were accurate, detailed, and correct. The inspection reports are multi part forms and the most important element of the form is the reporting of the inspector’s findings. It is conceivable that an inspector preparing for the following day may begin to fill out the forms for the coming day’s inspections with the name and address of the entity to be inspected. This preparatory work is beneficial to the inspector in organizing the inspector’s agenda in advance of the inspections. Clearly the inspector would not put the time on the inspection report until he was inspecting the entity, however the date of the planned inspection may be included. The time sensitivity of the inspection reports is negligible when in fact the inspectors are tracking their day in 6 minute increments on their daily activity report and have the opportunity to correct any mistakes or omissions on the report prior to filing the inspection reports with their respective supervisors. Omitting times of the inspection does not alter the validity of the findings during the inspection. Mr Cochran cites that, “... in no instance during this examination did I find where an inspection did not occur.” This further demonstrates that the only possible inaccuracy of Mr. Greco or Mr. Himel’s daily was time of activity claimed. This points clearly to Mr. Cochran’s inaccurate

³ Mike DeLaure, Sr., Alvin Dupré, Jr., Rodney P. Gautreaux, Curtis J. Hue, Paul LaFleur, Casey Levron, Gerard J. Molaison, Michael L. Oncale, and Bradford Robichaux are all volunteer firefighters for the Thibodaux Volunteer Fire Department and have completed the affidavits of Attachment 2.

⁴ See footnote 3.

representation of facts. This lack of thoroughness is seen as bias.

Mr. Cochran further accuses Mr. Greco and Mr. Himel of possibly failing to report for duty all together. There is nothing in his report that substantiates this claim. In order for Mr. Cochran to be correct in this accusation, fires attended by Mr. Greco and Mr. Himel would have had to last from 8:30 am to 4:30 pm, with both men remaining on scene for the entire time of the call. When time was spent fighting a fire it was usually made up by either not taking a lunch or by working beyond 4:30 without showing so on the daily activity report.

Mr. Cochran continues by accusing Mr. Greco of impropriety by stating that improper milage traveled for the day was claimed. In all circumstances, Mr. Greco claimed less milage than he actually traveled leading Mr. Cochran to assume that he did not inspect the facilities claimed. He goes on to state that "This further decreases the reliability of the daily activity report." There is no link between miles traveled and number of inspections conducted, used by the State Fire Marshal's Office. In the course of a day in the field an inspector may have to make more than one trip to a facility in order to complete the inspection on its scheduled date. This is often the case with food care inspections. Finally, if Mr. Greco claimed less milage than he actually traveled, it is to the benefit of the state, not Mr. Greco. Since all inspections were thorough and complete as stated by Mr. Cochran, discussion about the number of miles claimed indicates an attempt by Cochran to make this an issue, when it is the case that Mr. Greco has made every human attempt to comply with state regulations regarding travel. When mileage is questionable, due to his volunteer firefighting, his recorded mileage does not reflect any additional distance traveled for second and third trips to inspection sites in order to complete the inspection.

Due to finding approximately 20% of sample reports left with entities inspected not showing times of inspection entered, Mr. Cochran concludes that Mr. Greco and Mr. Himel "..... would not enter the time of the inspection on the report during the inspection, but would prior to submission to the office for review...." As inspectors, Mr. Greco and Mr. Himel would keep a log of all activities including times, and then transfer them to the daily activity report. Due to office policy of accounting for the entire day in six minute increments, it is a cumbersome method which is sometimes difficult and leads to mistakes. The mistakes are not eliminated by entering all of the information regarding a day on a "scratch" sheet, then transferring it to the daily activity report.

If investigators or inspectors with the State Fire Marshal's Office were allowed to base all of their work purely on assumptions, as does Mr. Cochran in his review, every suspected arsonist would be in jail and a majority of facilities inspected shut down. Mr. Cochran's incomplete collection of information such as how one receives credit for attending a fire in the Thibodaux or Schriever Volunteer Fire Departments does not substantiate his question of Mr. Greco or Mr. Himel's credibility. In several instances throughout his review Mr. Cochran repeatedly assumes the worst when any question of Mr. Greco or Mr. Himel's daily activity report arises. For example, a date was changed on an inspection report by Mr. Greco. Automatically Mr. Cochran assumes and accuses Mr. Greco of conducting the inspection one day and claiming he did it another. The possibility of a mistake occurring while writing the inspection report is never considered as a possibility by Mr. Cochran. Another example would be when Mr. Cochran implies and assumes wrong doing by Mr. Himel simply because he does not denote on his daily

activity report that Mr. Greco rode with Mr. Himel on a given date. It is common practice when one inspector rides with another that the inspector who drives may not denote which inspector is riding with him. Therefore, when Mr. Greco denoted on his daily activity report that he traveled with Mr. Himel that was all that he was required to do to satisfy record keeping practices of employees of the State Fire Marshal's Office. Several other discrepancies cited by Mr. Cochran can be refuted in much the same way.

In conclusion, Mr. Cochran's report is biased and prejudicial, the assumptions and accusations are contrived exaggerations which constitute professional harassment against both Mr. Greco and Mr. Himel. Mr. Cochran's terms, i.e., falsify, alter, tripped, and unreliability based on his assumptions which does not honestly reflect any situation he uses in example. For example, Mike Naquin, the source of Mr. Cochran's information regarding response to fires, attended approximately 100 fire calls in 1996. It should be noted the Mr. Naquin is employed by the State of Louisiana at Nicholls State University and this period of time is prior to adoption of RS §23.893 of the state of Louisiana. Mr. Cochran closes his review with the following statement: "...Based on the examination, none of the inspection dates and times recorded on the safety inspection reports submitted by Mr. Greco and Mr. Himel on file with the Fire Marshal's office are reliable." Based on the examination of Mr. Cochran's report, his discrepancies, bias, unfounded accusations, and assumptions, it is his report that is unreliable. Mr. Cochran's conclusion that none of Mr. Greco and Mr. Himel's reports, or their credibility, is reliable is not only inaccurate, it is totally untrue and demonstrates perhaps an ulterior motive for making such statements to which he affixes his name.

False Daily Activity Reports:

"According to a comparison of volunteer fire department records, copies of safety inspection reports supplied by private entities, and State Fire Marshal records, Mr. Greco falsified at least 44 daily activity reports and Mr. Himel Falsified at least 6 reports. This comparison indicates the men were not working at times they claimed to be working."

Response:

According to Mr. Cochran's findings, of approximately 960 days in which daily activity reports were completed and filed by both Mr. Greco and Mr. Himel, Cochran's findings indicate that for Mr. Greco there was a .05% inaccuracy rate and Mr. Himel's rate of inaccuracy was .006%. This does not take into account that either Greco or Himel may not have been at a fire scene at all, rather simply responded to the fire call from their personal vehicles.

"On some of the reports more than one instance of conflicting entries were found. The men are sometimes shown attending two fire calls in one day while claiming to be at work. Also, there were 5 instances where Mr. Greco took sick leave, but records showed he attended fire calls."

Response:

Mr. Greco, living in Thibodaux during the period in review, did in fact take days of sick

leave. There were times when he had doctors' appointments and others when he was sick. He had sufficient leave to his credit for necessary absence from duty for medical reasons. No appointing authority required a statement from a registered physician or some other acceptable proof that he was ill and unable to report to work.

With respect to the compound nature of this statement, Mr. Greco and Mr. Himel both maintain that in no instance of their attending a fire call during regular working hours did they not make up the time due the State. Neither of them claimed overtime for tending state business when they were in fact making up time for having attended a fire call.

"The New Orleans district supervisor said he did not know the men were attending fire calls during working hours, but said they should have notified a supervisor. He said he was unaware of any agency policy that would allow this. The supervisor, a volunteer fireman himself, drew a distinction between the State Fire Marshal's job of fire prevention and the fireman's job of fire suppression. He felt the state is paying a person to do a job. He said he does not approve of employees attending firecalls on state time."

Response:

Never having had a conversation with the New Orleans district supervisor, it is impossible for either Mr. Greco or Mr. Himel to respond to the statements attributed to him. Mr. Greco and Mr. Himel shared an objective for fulfilling their state appointed duties as Inspectors as well as a dedication to protect and to serve their community. They both recognize their roles in fire prevention and fire suppression. However, if the supervisor was unaware of any agency policy that would allow for Greco and Himel to attend fire calls during working hours, that doesn't prove that there was an agency policy regarding the attendance at fire calls during working hours at all. The subjective nature of the supervisor's response demonstrates only a personal perspective.

"Fire Marshal V. J. Bella stated that filing false records with his office and answering fire calls while on state time are improper."

Response:

Mr. Bella is the ultimate supervisor in the chain of command to both Greco and Himel, and in the statement attributed to him, it is apparent that he has an appreciation the difference between improper, which is found in human error, and illegal, which carries an intent to defraud.

"For the men to be able to respond to fire calls they must be in the Thibodaux/Schriever area. On more than half of the daily activity reports in question the men reported to be working out of town at a substantial distance from Thibodaux and Schriever when the fire calls occurred. In these instances the men could not have been at the reported area at the time of the fire call."

Response:

As is evidenced in the attached affidavits, volunteer firefighters for the Thibodaux Volunteer Fire Department do sign a run sheet for the TVFD when they did not actually arrive at the fire scene and they indicate in the affirmative that they leave the scene of a fire for the TVFD

before the call is finished.

“While these findings were developed from volunteer fire department reports showing attendance to fire calls, the unpredictability of fires indicates the larger problem of the two employees failing to report to work and doing outside activities on state time. Based on the large number of instances found, all their daily activity reports are unreliable and it is unknown when the men actually conducted their work activities.”

Response:

The information and documentation collected by Mr. Cochran is at best an incomplete data and in some instances totally inaccurate. In his attempts to draw substantial conclusions from this data what he demonstrates is a zealous jump from a supposed fact to contrived compound assumptions that are not valid. The large number of instances to which he refers is in fact approximately 43 instances over the course of 32 months with a total time allocation — were either or both Mr. Greco and Mr. Himel responding to all fire calls and remaining for the entire duration of each fire call — of approximately 40 hours. The incomplete nature of the data collected does not warrant the unreliability claim for the daily activity reports of Mr. Greco or Mr. Himel.

“Mileage driven as taken from the odometer readings is required to be recorded on the daily activity reports. The mileage listed on several of Mr. Greco’s activity reports is substantially less than the distances that should have been claimed for travel reported. The mileage claimed does not substantiate the number of inspection sites reported visited for the day. This decreases further the reliability of the daily activity reports.”

Response:

Mr. Cochran verifies that in fact, all inspections by Mr. Greco were complete. The inspection assessments of any entity inspected by Mr. Greco are correct. Mr. Greco states that the under mileage listed on his activity reports reflects his having to return to a site one or more times as a result of volunteer firefighting. Mr. Greco was not willing to charge this mileage to the state as volunteer firefighting is not state business. However, his under reporting of mileage in no way demonstrates a decrease in the reliability of the daily activity reports.

False Safety Inspection Reports:

“In order to support the false daily activity reports submitted to the Fire Marshal’s Office, safety inspection reports were falsified. In our examination, we found no instance where an inspection did not occur.”

Response:

Mr. Cochran’s findings regarding inspections are accurate. All inspections for which a safety inspection report was filed were in fact undertaken and completed. What is inaccurate is the statement “in order to support the false daily activity reports submitted..., safety inspection reports were falsified.” In no instance was a report falsified. As stated earlier, it is customary to

review all inspection reports prior to filing them with the supervisor and if any omissions or errors are found, to make the appropriate corrections to the safety inspection reports is acceptable practice. At no time was information regarding the findings of a safety inspection at an entity site changed. The most important elements of the safety inspection report are the findings at the site and the recommendations or requirements presented to the entity site in order that the site be in compliance with code.

“The building safety inspection reports are a multi part form. Among the data to be included is the date and time of the inspection, from start to finish. The inspector and a representative for the inspected entity both sign the report at the completion of the inspection. One copy is left with the entity at the time of inspection. The original is later submitted to the supervisor.”

Response:

In each and every instance of a recorded safety inspection, both Mr. Greco and Mr. I inspected the entity site thoroughly and completely. All inspection reports are signed by both the inspector and a representative from the entity site being inspected. As stated earlier in this response, Mr. Greco and Mr. Himel do not deny that they may have omitted a time when taking the inspection, but that in preparation for filing the inspection reports with their appropriate supervisor, the inspection reports were scrutinized for accuracy of information and if there were any unintentional omissions, every attempt was made to bring the report into compliance with agency form. Perhaps, in the future, inspectors should be directed to photocopy the report to be turned into the supervisor if there are any changes, additions or alterations to the copy which the inspected entity retains and send the photocopy to the inspected entity for their files. Clearly it would not be feasible for an inspector to return to a formerly inspected site to make the same changes, additions or alterations to the copy left with the inspected entity.

“We requested inspection reports from the Fire Marshal’s Office and copies from entities inspected. Neither the Fire Marshal’s Office nor the entities inspected could provide all reports requested.”

Response:

In the spirit of cooperation it is evident that whatever materials were provided to Mr. Cochran by either the Fire Marshal’s Office or from entities inspected reflects more clearly on the good intention in production of cumbersome amounts of paperwork. This lack in production of reports does not reflect poorly on either Mr. Greco or Mr. Himel, rather causes one to be curious — in light of the limited production of reports — how it is possible that Mr. Cochran felt confident enough to level accusations of the caliber his report indicates with so little documentation provided to him in support of the erroneous assumptions he holds and puts forth.

“As previously stated in the report, Supervisor Marachiafava stated as a control feature, he compares the time on the inspection report to those on the daily activity reports for verification. This implies all inspection reports in the Fire Marshal’s office have the time recorded on them. A sample of 19 reports completed by Mr. Greco and/or Mr. Himel obtained from the Fire Marshal’s office, showed that all 19, or 100%, of the inspection reports had the time

recorded. Since the document is a multi-part form, an identical copy should be on file with the inspected entity. However, a sample of 35 inspection reports obtained from inspected entities showed that only seven, or 20%, had the time recorded. The seven reports, which had the time recorded on them, represented only one entity with several buildings on its site inspected on the same inspection date.”

Response:

With respect to Supervisor Marachiafava’s routine for comparing the time on the inspection report to those on the daily activity reports for verification, Mr. Cochran’s inference that all inspection reports in the Fire Marshal’s office have the time recorded on them is not sufficient for proving his argument valid. His comparative claim of 19 reports obtained from the Fire Marshal’s Office and a sample of 35 inspection reports obtained from inspected entities is not a comparison at all except perhaps as apples would be to oranges because he fails to produce copies from the entities that correspond to those obtained from the Fire Marshal’s Office. All that is shown is there were 28 inspection report copies collected from inspected entities that did not have the time recorded on them which does not prove the argument presented and is an example of obfuscation of fact. This is further demonstrated in the review of Mr. Cochran’s own audit methods described in the draft report, “We also reviewed inspection reports from the New Orleans district office and compared those with copies from the entities inspected” (2). If this is actually the audit method Mr. Cochran utilized, then indeed he has manipulated the findings in order to make the above statement to which Mr. Greco and Mr. Himel now respond.

Conclusions:

“1. Mr. Greco and Mr. Himel falsified numerous daily activity reports to indicate they were working for the State Fire Marshal’s Office when they were not, thereby rendering their activity reports unreliable for any purpose.”

Response:

Denied.

“2. Mr. Greco and Mr. Himel were performing local volunteer fireman duties while on state time and being paid for their state job.”

Response:

Accepted in part. Mr. Greco and Mr. Himel performed local volunteer fireman duties while on state time.

Denied in part. In every instance where either Mr. Greco or Mr. Himel performed local volunteer fireman duties while on state time each individually made up the time after hours and did not record the time as overtime.

“3. Mr Greco and Mr. Himel declined the opportunity to be interviewed to explain the obvious conflicts between the records.”

Response:

Denied. Mr. Greco met with Mr. Cochran early in the investigation and complied with

his requests for production of information and documentation. Mr Greco and Mr. Himel chose to respond in writing to the accusations in the draft report in order that there be a permanent and accurate record of their statements in response to the accusations, one that could not be paraphrased, the content of the explanation contorted in such a manner as to alter that which was said or information taken out of context. All explanations are in writing and contained herein.

“4. Mr. Greco and Mr. Himel falsified building safety inspection reports by omitting inspection times on the inspected entities’ copies of the report and later recording a false inspection time on the original form filed with the State Fire Marshal’s Office.

Response:

Denied. Mr. Greco and Mr. Himel admit that on occasion inspection times were not recorded on the inspection report at the time of the actual entity inspection but every effort was made to maintain accurate record of all information for inspection reports prior to filing them with their supervisor in the State Fire Marshal’s Office.

“5. Mr. Greco used sick leave and then attended fire calls on 5 occasions.”

Response:

Accepted in part. Mr. Greco used sick leave. As stated earlier, Mr. Greco had sufficient leave to his credit for necessary absence from duty for medical reasons. No appointing authority required a statement from a registered physician or some other acceptable proof that he was ill and unable to report to work.

Denied in part. Addressing Mr. Greco’s attendance at fire calls on the occasions of his taking sick leave, as Mr. Greco stated to Mr. Cochran at the outset of this inquiry, he sometimes reports by radio rather than appearing in person at a fire call. Further, it is not requisite for a volunteer firefighter to be present at a fire call in order to receive credit for participating in the fire call as evidenced by the affidavits provided as Attachment 2. Mr. Greco did not use sick leave to take fire calls.

“6. Mr. Greco altered the inspection date on at least 2 safety inspection reports, rendering them unreliable.”

Response:

Denied. All inspection reports are signed by the inspector as well as a representative from the entity of the site inspection. Unless the signature of the representative from the entity of the site inspection is not on the inspection report, then and only then could it be stated that the inspection report was unreliable. The presence of both signatures on the inspection report is what ensures the reliability of the report. Changing or altering the content of the inspectors’ findings would render the report unreliable.

“7. The mileage reported by Mr. Greco on some of the daily activity reports did not accurately reflect the mileage required to drive to all the places purportedly inspected.”

Response:

Accepted in part. As stated earlier in this response, Mr. Greco was never willing to

compromise the amount of mileage charged to the state in order to receive reimbursement for travels that were not state work related. In those instances where his mileage is under reported it is because he was cognizant that he was undertaking additional travel to a site for inspection because he had answered a fire call.

"8. Since fire alarm calls are unpredictable, the men could not have limited their absences from official duties only to those times. The extent of their absenteeism, without any other reasons, cannot be determined. But the fact that so much time was involved in the falsified records, leads to an inescapable conclusion that it was substantial."

Response:

Denied. The unpredictable nature of fire alarm calls and its pertaining to the extent of their absenteeism bears no direct correlation. Mr. Cochran's inability to determine reasons for absenteeism on either the part of Mr. Greco or Mr. Himel undermines the validity of his entire draft report. Further, a possible 40 hours of purported fire call attendance over a period of 32 months does not lead one to the conclusion that the amount of time was substantial in comparison to the period of review. Mr. Cochran fails to define "substantial" with the data he presents nor is he able to prove that the actions of Mr. Greco and/or Mr. Himel are such that there is any reason that either would have absences from official duties for any other reason. In fact, both Mr. Greco and Mr. Himel contend that individually, in every moment they were on state business they were discharging their responsibilities fully and, that if, during the course of the normal work day, they actually and physically answered a fire call, the time taken was made up in after hours work that was not reported to the state as overtime.

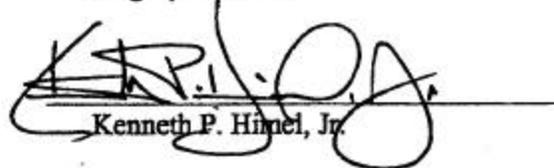
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This response has been prepared jointly by GREGORY C. GRECO and KENNETH P. HIMEL, JR., the undersigned, and written in the third person to maintain clarity of individual responses and provide objective responses to allegations and accusations.



Gregory C. Greco

5-10-01
Date



Kenneth P. Himel, Jr.

5-10-01
Date