

10/24/10

City of Atlanta Planning Department Opts for Cover-up

By Tom Coffin, Ph.D.

Background

To initiate a long-term examination of the workings of the Arborist Division in Atlanta's Bureau of Buildings, in April and July 2010 The Tree Next Door sponsored Open Records requests for this year's daily field book and database entries of the field arborists. (See City of Atlanta Arborist Productivity, January – June 2010: A Report to The Tree Next Door at www.treenextdoor.org). Random spot checks of the available field books indicated fairly close correspondence to the database entries.

Arborist Stan Domengeaux, however, reported that his field books for January through May were missing. His June field book bore little correspondence with the database, prompting a near-term shift in emphasis by TTND to this immediate problem. The long-term examination will continue as soon as the City releases the third quarter data requested in early October.

Introduction

Field arborists in the Bureau of Buildings of the City of Atlanta are required to record in a dated field book, by specific address, each and every activity he or she performs. These activities are then transferred to a city database as permanent and accessible records. By the mandatory Standards of Practice adopted by the Arborist Division in 2006 and re-adopted in 2008 and 2009, such transfer of data between field book and database must occur within one business day of its creation.

In a paper published on the web on September 20, 2010 I reported that fully 75 per cent of Stan Domengeaux's field book entries for June 2010 -- 101 activities of many types in all quadrants of the city -- did not appear in the official city database (see *Unanticipated, Unexplained and Incongruous Data Emerges: An Addendum to the Field Arborist Productivity Report* at www.treenextdoor.org). In order to confirm or deny these findings, on September 13, 2010, I made an Open Records request for the database records of inspections at these particular addresses for the month of June.

The Georgia Open Records Act...

Under the Georgia Open Records Act the city has "a reasonable amount of time" to determine whether or not the requested records exist and are legally subject to access. However, "In no event shall this time exceed three business days. Where responsive records exist but are not available within three business days of the request, a written

description of such records, together with a timetable for their inspection and copying, shall be provided within that period” [O.C.G.A. 50-18-70(f)].

On September 21, 2010 I received email confirmation from the Department of Planning stating that the requested documents “will require many man hours from the Arborist Division to retrieve and compile...The records in your request dated 9/13/10 will be available on November 30, 2010 after 1:00 pm.”

Thinking that a 2 ½ month delay was absurd, on 9/24/10 I reduced my request nearly in half, asking to examine only the 54 Dead, Dying or Hazardous tree evaluations claimed by Mr. Domengeaux in his field book that did not appear in the database. On 10/18/10, after three weeks delay, I was able to examine these records. Before doing so, however, on 10/14/10 I received “one quick point of clarification” from the Planning Department: “The records that are highlighted below cover June – Sept. So, some were generated later than June. I just realized that. You are welcome to look at all the records or do you just want me to note ones for June and give those to you?” I replied that I would look at all the records available.

...and Its Violation

I could have saved myself much time and trouble had I opted for the June records, exactly three in number:

- On 6/17/10 Mr. Domengeaux records in both his field book and in the database a DDH evaluation at 118 Burbank Ave NW.
- On 6/18/10 Mr. Domengeaux records in his field book that he approved two trees for removal at 2324 Oakview Rd NE. The only database record for this address was entered by David Tachon on 6/4/10 when he permitted a dead hardwood.
- On 6/18/10 Mr. Domengeaux records in his field book permitting two trees at 689 Antone St NW. In the database Paul Lewkowicz is credited with approving two hardwoods at this address on 6/25/10.

These are the sum total of the responsive records on DDH permits available at the time of my 9/13 request, records that were claimed to require “many man hours” and 2 ½ months for the Arborist Division to process. I have emailed a letter of protest to the Planning Department about this blatant violation of Open Records Act requirements.

Pre-June Database Entries

On 6/16/10 Mr. Domengeaux records permitting one tree at 569 Brownlee St. SW in his fieldbook. The only database record at this address is credited to Janell Bazile on 2/15/10, with no action listed.

On 6/4/10 Mr. Domengeaux records permitting two trees at 1045 Edie Ave SE. According to the only entry in the database, Mr. Lewkowicz permitted two trees at this address on 5/27/10.

July through Mid-September Database Entries

An additional 11 database entries referencing DDH evaluations recorded by Mr. Domengeaux in his June fieldbook are tabulated below. The “Issued By” category appearing on the hardcopy record is apparently the person who entered the request for an inspection in the database. The “Inspector” category is apparently the arborist assigned to do the inspection. The “Inspector” category in this table is clearly inaccurate, since Janell Bazile, Paul Lewkowicz and David Tachon were not working for the City in July 2010. Mr. Tachon rejoined the arborist staff in early September.

Table 1: Domengeaux’s Field Book v. City Database Records of DDH Inspections, July 1 – September 12, 2010

| Address | FB Date | DB Date | Issued By | Inspector |
|------------------------|---------|---------|-----------|-----------|
| 2110 Oakview Rd SE | 6/24 | 9/2 | SD | DT |
| 975 Hank Aaron SE | 6/24 | 7/7* | Unk | SD |
| 1950 Baker Rd SW | 6/25 | 7/7 | SD | PL |
| 2105 Baker Rd SW | 6/25 | 7/2 | AV | PL |
| 403 Fielding Ln SW | 6/25 | 7/7 | SD | JB |
| 1676 Monroe Dr NE | 6/29 | 7/8 | SD | DT |
| 790 San Antonio NE | 6/29 | 7/12 | AC | FM |
| 847 Amsterdam Ave NE | 6/29 | 7/20 | FM | FM |
| 893 Los Angeles Ave NE | 6/29 | 7/2 | AV | DT |
| 40 Montgomery St NE | 6/30 | 7/8 | SD | SD |
| 6 Rockmart NW | 6/30 | 8/2 | MF | MF |

Where FB Date = Date in fieldbook

DB Date = Date in database

AC = Ainsley Caldwell

AV = Angelique Vaughn

DT = David Tachon

FM = Frank Mobley

JB = Janell Bazile

MF = Michael Franklin

PL = Paul Lewkowicz

SD = Stan Domengeaux

Except in a couple of instances it is impossible to tell from this record just who did what. The “DB Date” at 975 Hank Aaron is marked with an asterisk because it is not recorded in the database. It is, instead, memorialized by a hand-written DDH permit signed by Mr. Domengeaux on 7/7/10. At the only other address that lists Domengeaux

as the Inspector, 40 Montgomery St NE, an oak is permitted because it is “bowed over house on right of property.” 40 Montgomery St NE is a vacant lot situated between vacant lots on either side. There has been no “house on right of property” since at least 2008.

Database Entries After 9/13/10

The majority (64%) of the entries to the database occur after I made my initial Open Records request on 9/13/10. On 9/22 seven records were “Issued By” Mr. Domengeaux, each listing himself as the Inspector. These records correspond to field book entries made by Mr. Domengeaux on 6/4, 6/8, 6/9, 6/11, 6/16 and 6/25.

Mr. Domengeaux “Issued” another eight records on 9/28 and one on 9/30. He assigns himself as Inspector at seven of these addresses, Mr. Mobley and Mr. Franklin to one each. The entries correspond to field book entries by Mr. Domengeaux on 6/18, 6/23, 6/24, 6/25 and 6/30.

The final database entries are all “Issued” on 10/13/10 by Frank Mobley, with Mr. Domengeaux listed as the Inspector. They correspond to Mr. Domengeaux’s field book entries on 6/4, 6/25, 6/29 and 6/30. Each of the hardcopy records by Mr. Mobley bears a handwritten note in green ink: “Closed by Frank Mobley for Open Records request.” Mr. Mobley states that he entered no data, but simply “closed out the records” at the request of “the Commissioner”.

Remaining Field Book Entries

As of this writing – now more than 16 weeks and counting since their entry into his field book – 10 of the 54 DDH inspections (19 %) claimed by Mr. Domengeaux in June have not been entered into the database, even in this cynical and corrupt attempt to shield Mr. Domengeaux and hide his actions. These non-entries include at least two addresses – 1323 Euclid Ave NE and 479 Walden St NE – that do not exist.

Conclusions

The field book and database records discussed here clearly and unmistakably demonstrate non-compliance with Arborist Division Standards of Practice by Mr. Domengeaux. Though the purpose is unexplained, many of the records, as well as their mode of entry into the database, strongly suggest fraud in violation of the Standards of Practice, the Planning Department’s Standards of Conduct and, presumably, City law. To date, not even a hint of either an investigation or of disciplinary action has emerged from the Division, the Bureau, the Department or the Mayor’s Office.

Accountability does not end with Mr. Domengeaux. Arboricultural Manager Ainsley Caldwell is well aware of Mr. Domengeaux’s history of falsifying inspection records in both field book and database (see *City Arborist -- Falsification of Documents*, Ethics Office Investigative Report, Case Number CO-06-024, soon to be at

www.treenextdoor.org). Mr. Caldwell has made no effort to guard against such fraud, despite strong and direct insistence by the Ethics Office that quality control measures, including spot checks of reported work, be instituted in the division. Mr. Caldwell is Mr. Domengeaux's enabler, a silent partner in whatever scam is being revealed in this ongoing saga.

Planning Commissioner James Shelby also is well aware of Mr. Domengeaux's history. Confronted with the present evidence suggesting a recurring pattern of fraud he apparently ordered a clean-up instead of an investigation, compounding the fraud and willfully corrupting the City database. Mr. Shelby too bears responsibility as an enabler, covering for Caldwell, covering for Domengeaux.

The clumsy attempt revealed here to cover-up Mr. Domengeaux's actions indicate the continued willingness of the Arborist Division and the Planning Department to excuse inexcusable behavior and their continued unwillingness to confront and rectify that behavior. If there is going to be leadership at City Hall on this issue, clearly it must come from the Mayor's Office.