



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT INDEPENDENT OFFICE OF THE INSPECTOR GENERAL

SUMMARY OF INVESTIGATIONS INTO ALLEGATIONS OF THEFT

INVESTIGATION RESULTS



The BART Office of the Inspector General (OIG) completed four investigations of alleged theft by BART officials. We are providing this summary report to remain compliant with California Public Utilities Code § 28841, which requires that we keep BART administration, the Board of Directors, and the public informed of our findings and recommendations. Our investigations are based on complaints received from individuals who reported their concerns in good faith. After reviewing documentation and records; conducting observations; and performing interviews, we found one of the four allegations to be substantiated. Because complainants did not respond to our requests for additional detail, we limited our investigations to what we could discern from the information provided with the complaints.

- 1: In October 2023, we initiated an investigation based on an anonymous allegation that a BART employee clocked in and then left daily without working their shift. We conducted observations and reviewed records, which supported that the employee was on premise during their work hours. Therefore, we did not substantiate the allegation of time theft.
- 2: In November 2023, we initiated an investigation based on an anonymous allegation that BART officials “helped themselves to [seasonal] sweaters without paying for them” and casually “pushed aside” staff to take sweaters without permission. The complainant said this took place on November 16, 2023, in the District’s multipurpose room, but did not name the BART officials; therefore, we limited our investigation to the BART officials we happened to observe in the multipurpose room on the day in question. We obtained receipts from those officials, which supported that they had paid for the seasonal sweaters. Therefore, we did not substantiate the allegation of merchandise theft.

WHY THESE INVESTIGATION MATTER



Theft is illegal and harms the District, employees, and the public. It takes funding away from critical needs such as repairs, maintenance, and staffing, hindering the District’s ability to provide safe, clean, and reliable service.

Theft also damages BART’s reputation. Legislators and taxpayers are less likely to support public funding when they believe the District cannot be entrusted with their funds. Therefore, it is important to demonstrate through independent and confidential investigations that the OIG addresses allegations of theft.

RECOMMENDATIONS IN BRIEF

To hold the employee accountable for their misconduct, BART should:

- Seek restitution.
- Address the employee misconduct.

See page three for details.

PRIOR RECOMMENDATION



In January 2024, we recommended that BART improve its timekeeping controls to aid in preventing time theft. Management agreed and instituted new standard operating procedures. We did not investigate to determine whether employees failed to follow the improved procedures but did ensure that BART is following up on the matter.

- 3: In February 2024, we initiated an investigation based on an allegation that a BART employee was leaving their duty station for extended periods yet claiming to work their full shift. We conducted site observations and interviews and found that on at least two occasions, the employee left their work area for long periods without approval. On the first occasion, the employee was absent without leave for two hours and on the second, they were absent for three and half hours. Therefore, we substantiated the allegation and estimated that the minimum loss to the District was \$340 from improper wages and benefits paid to the employee.
- 4: In March 2024, we initiated an investigation based on an anonymous allegation that a BART employee was leaving work early yet claiming to work a full shift and scheduled overtime. We reviewed facility access data and time and attendance records for the employee in question, as well as procedures for time management and control for the employee's specific work area. We found the controls sufficient and did not identify any data or records information that would support time theft. Therefore, we did not substantiate the allegation of time theft.

OIG DISCLOSURE PRACTICES

We identify those involved in our investigations in only limited circumstances. This avoids violating privacy and confidentiality rights granted by law and creating unwarranted actions against those involved with our investigation. The decision to provide names is made on a case-by-case basis and considers all elements of an investigation. This practice does not prevent individuals from requesting documents under the California Public Records Act (CPRA). However, such disclosures may be restricted or limited by law.

Good Faith Effort

A good faith effort means the person who filed the whistleblower complaint with the OIG did so without malice and had reasonable cause to believe that fraud, waste, or abuse had occurred.

The role of the OIG is not to prove wrongdoing, but to uncover facts and find the truth. At times, this means we determine an allegation does not have merit as there is evidence clearing the subject of wrongdoing. Such evidence is generally not available to complainants.

The possibility of not substantiating an allegation is one of the reasons we maintain strict confidentiality over an investigation. It could harm the subject to release information about the allegation when no evidence supports wrongdoing.

DISTRICT'S RESPONSE

Recommendations		
1.	Recommendation:	Seek civil restitution from the employee for an amount to be determined by management.
	Implementation Date:	TBD
	Corrective Action Plan:	Pending the results of the disciplinary hearing, the Office of the General Counsel will advise management on options for seeking civil restitution for the District's losses.
2.	Recommendation:	In accordance with the appropriate Collective Bargaining Agreement, address the employee violations of District Operations Rules and Procedures.
	Implementation Date:	January 2025
	Corrective Action Plan:	A disciplinary hearing will be held in accordance with the Collective Bargaining Agreement.

Providing Independent Oversight of the District's Use of Revenue

Stop Fraud, Waste, & Abuse
Report What You See to the OIG



24/7 Fraud, Waste, & Abuse Whistleblower Hotline



www.bart.gov/oighotline



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