
Office of the Citizens' Representative (Supplementary Report re: Cellular Telephones)

Introduction

An Act respecting the appointment of a Citizens' Representative for the Province, having the powers traditionally conferred on an ombudsman, (the *Citizens' Representative Act*) was assented to on 24 May 2001 and came into force on 7 December 2001. The Office of the Citizens' Representative was established on 1 February 2002 under the authority of the *Act*. The Citizens' Representative is an Officer of the House of Assembly and reports to the Speaker of the House of Assembly. An Agreement between the Province and the Citizens' Representative, dated 1 February 2002, outlines the services to be performed, payment and hours of work, and tenure of the Citizens' Representative.

We reported to the House of Assembly in January 2005 on our review of the Office of the Citizens' Representative. Our review covered the period from 1 February 2002 to 30 June 2004. In our January 2005 report, we concluded that claims for private vehicle usage appeared excessive, private vehicle mileage was incorrectly claimed between the Citizens' Representative's permanent residence and the Office, there were inconsistencies related to private vehicle usage claims and traveling without authorization. In addition, there were management practice issues relating to such matters as cellular telephones and entertainment. Furthermore, there was an instance of non-compliance with the *Citizens' Representative Act* and another instance of non-compliance with the *Public Tender Act*.

At the time of our review of the Office of the Citizens' Representative in November 2004 we were unable to locate cellular telephone invoices for 21 of the 28 months from March 2002 (when the Office first acquired cellular telephones) to June 2004 (the end of our review period). The Office of the Clerk of the House of Assembly, which assists with the administration of the financial operations of the Office of the Citizens' Representative, was requested to provide cellular telephone records relating to the 21 months. However, these records were not received in time for review prior to the release of our January 2005 Report. In fact, the records were not received until February 2005.

Scope and Objectives

We updated our review of the Office of the Citizens' Representative in February 2005. Our review covered cellular telephones for the period from March 2002 to June 2004. Our objective was to:

- review cellular telephone expenditures incurred by the Office of the Citizens' Representative; and

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- determine whether there were inconsistencies between times and location of travel as recorded on travel expense claims submitted by the Citizens' Representative and times and location of travel identified on the cellular telephone records for the telephone assigned to the Citizens' Representative.

Conclusions

Our update on the review of the Office of the Citizens' Representative identified 8 inconsistencies between times and location of travel as recorded on travel expense claims submitted by the Citizens' Representative and times and location of travel identified on the cellular telephone records for the telephone assigned to the Citizens' Representative. These 8 inconsistencies were identified in 43 trips reviewed. Of particular concern is an inconsistency relating to a travel expense claim for personal vehicle mileage to and from Port aux Basques where cellular telephone records indicate that the Citizens' Representative's telephone was being used in Nova Scotia on the day that travel was claimed for driving across the Province.

During March 2002 to June 2004, we identified 22 instances where employees' cellular telephone airtime usage exceeded the 300 maximum monthly minutes allowed under the package purchased. Of the 22 instances, 20 (91%) related to the cellular telephone assigned to the Secretary/Office Manager. This cellular telephone was used for 12,675 airtime minutes over a 20 month period (an average of 634 minutes per month). Of the 12,675 airtime minutes, 5,084 minutes related to calls outside normal working hours. Furthermore, a total of \$550 over and above the cellular telephone package was paid relating to excess minutes.

Detailed Findings

Cellular Telephones

Cellular telephone service for the Office of the Citizens' Representative was arranged in March 2002 and three cellular telephones were acquired at that time. In July 2003, two additional cellular telephones were acquired. At 30 June 2004, the Office had five cellular telephones for three permanent staff and three temporary staff. Only one temporary employee at the Office did not have a cellular telephone assigned to them.

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Figure 1 provides detailed information on cellular telephone expenditures and cellular telephone airtime usage in minutes for each of the five cellular telephones from March 2002 to June 2004. As Figure 1 shows, cellular telephone expenditures totalled \$8,563 and airtime usage totalled 22,577 minutes.

Figure 1

**Office of the Citizens' Representative
Detailed Cellular Telephone Airtime Usage
For the Period March 2002 to June 2004**

	Cellular telephone assigned	March 2002	April 2002 to March 2003	April 2003 to March 2004	April 2004 to June 2004	Total
1	Citizens' Representative	16	1,950	2,215	742	4,923
2	Manager, Operations	25	520	-	-	545
	Secretary/Office Manager	-	2,219	8,657	1,799	12,675
3	Investigator/Researcher Specialist	31	1,261	1,242	409	2,943
4	Researcher (temporary)	-	-	221	686	907
5	Researcher (temporary)	-	-	333	251	584
	Total minutes	72	5,950	12,668	3,887	22,577
	Total cellular charges	\$279	\$2,783	\$4,366	\$1,135	\$8,563

Source: Cellular telephone records

Figure 1 indicates that the cellular telephone assigned to the Secretary/Office Manager was used for 12,675 minutes over a 20 month period. On average, this represents approximately 634 minutes per month. In fact, of the 22 instances identified over the period reviewed where employees' cellular telephone airtime usage exceeded the 300 maximum monthly minutes allowed under the package purchased, 20 (91%) related to the cellular telephone assigned to the Secretary/Office Manager. Of the 12,675 airtime minutes, 5,084 minutes related to calls outside normal working hours. Furthermore, a total of \$550 over and above the monthly cellular telephone package cost of \$55 per month (consisting of \$35 for the package selected plus \$20 for free evenings and weekends) was paid relating to excess minutes.

Inconsistencies Between Travel Expense Claims and Cellular Telephone Records

The St. John's "area" for local cellular telephone calls with Aliant Mobility includes the Avalon Peninsula, west to and including Port Blandford (Clarenville area), south to and including the Burin Peninsula and north to and including the Bonavista Peninsula. All calls within this area are considered as local calls and no details are provided on the cellular telephone records as to the location within the area the call was placed from or received in. For testing purposes, therefore, we selected only trips west of the Clarenville area i.e. outside the St. John's area. In these instances, details are provided on the records as to the location where calls are placed from or received in. In reviewing trips west of the Clarenville area, we took into account a two and one-half hour period at the start and end of each of the trips to reflect the approximate driving time from St. John's to the Clarenville area and vice versa.

During the period March 2002 to June 2004, the Citizens' Representative recorded 51 trips where private vehicle usage was claimed for travel outside the St. John's to Clarenville area. For these 51 trips, we compared the date, time and location specified on the travel expense claim to the date, time and location for both incoming and outgoing cellular telephone calls. As noted, we restricted our review to these 51 trips because the locations of cellular telephone calls within the St. John's to Clarenville area are not specifically identified on the cellular telephone records.

We could only cross-check travel expense claim information to cellular records when the cellular telephone was used. If the cellular telephone was not used we had no way of performing a cross-check. Of the 51 trips, the cellular telephone records indicate that the cellular telephone assigned to the Citizens' Representative was used on 43 trips. Therefore, we could only review those 43 trips to determine whether there were any inconsistencies between the information recorded on travel expense claims and details provided on cellular telephone records. We found inconsistencies in 8 of these 43 trips, the details of which are outlined as follows:

Item 1

The Citizens' Representative's travel expense claim shows travel from St. John's to Port aux Basques on 23 September 2003; however, the cellular telephone records show calls were made to and from locations within Nova Scotia on that day the day that travel was claimed for driving across the Province.

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Details: The travel expense claim indicates a departure from St. John's at 6:00 a.m. on 23 September 2003 (traveling St. John's to Port aux Basques to Port aux Port to Nicholville to Grand Falls-Windsor to Main Point to St. John's), staying overnight in Port aux Basques, and returning to St. John's at 9:00 p.m. on 24 September 2003. The total mileage claimed was 2,033 kilometers (\$640).

Cellular telephone records show eleven long distance calls during this two day period including seven long distance calls to and from various points in Nova Scotia between 7:47 a.m. and 2:12 p.m. on 23 September 2003, as follows:

Date	Time	Call destination
23 September 2003	7:47 a.m.	Incoming to Halifax, Nova Scotia
	10:06 a.m.	Whitbourne from Port Hawkesbury, Nova Scotia
	1:18 p.m.	Whitbourne from Sydney, Nova Scotia
	2:05 p.m.	Port aux Basques from Sydney, Nova Scotia
	2:07 p.m.	Port aux Basques from Sydney, Nova Scotia
	2:10 p.m.	Deer Lake from Sydney, Nova Scotia
	2:12 p.m.	Burgeo from Sydney, Nova Scotia
	10:21 p.m.	Whitbourne from Port aux Basques
	10:33 p.m.	Incoming to Port aux Basques
24 September 2003	10:47 a.m.	Incoming to Corner Brook
	11:07 a.m.	Incoming to Deer Lake

I also note that the cellular telephone records show a long distance call to a hotel in Port aux Basques from Mount Pearl on 22 September 2003 at 8:47 p.m. indicating that the Citizens' Representative's cellular telephone was in the St. John's area that evening.

Item 2

The Citizens' Representative's travel expense claim shows departure from St. John's to Gander at 8:00 a.m. on 15 August 2002; however, the cellular telephone records show a call within the St. John's to Clarendville area at 3:24 p.m. on that day. Furthermore, the travel expense claim shows arrival in St. John's from Gander at 9:30 p.m. on 16 August 2002; however, the cellular telephone records show a call within the St. John's to Clarendville area at 10:23 a.m. on that day.

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Details: The travel expense claim indicates a departure from St. John's at 8:00 a.m. on 15 August 2002 (traveling St. John's to Gander to Lewisporte to Summerford to Gander to St. John's) claiming private overnight accommodations (\$53) and returning to St. John's at 9:30 p.m. on 16 August 2002. The total mileage claimed was 1,768 kilometers (\$557). However, as reported in our January 2005 Report to the House of Assembly, the total distance to and from these locations is approximately 900 kilometers (\$284).

Item 3

The Citizens' Representative's travel expense claim shows departure from St. John's to Gander at 6:00 a.m. on 29 October 2002; however, the cellular telephone records show a call within the St. John's to Clarenville area at 9:14 a.m. on that day. Furthermore, the hotel receipt shows check-out time from a Gander hotel at 8:51 a.m. on 30 October 2002 and the travel expense claim shows arrival time in St. John's at 8:00 p.m.; however, the cellular telephone records show a call within the St. John's to Clarenville area at 11:52 a.m. on that day.

Details: The travel expense claim indicates a departure from St. John's at 6:00 a.m. on 29 October 2002 (traveling St. John's to Gander to New World Island to Twillingate to Summerford to Grand Falls-Windsor to Gander to St. John's), staying overnight in Gander, and returning to St. John's at 8:00 p.m. on 30 October 2002. The total mileage claimed was 997 kilometers (\$314). The hotel receipt shows check-in at 12:21 p.m. on 29 October 2002 and check-out at 8:51 a.m. on 30 October 2002.

Item 4

The Citizens' Representative's travel expense claim shows departure from St. John's to Hare Bay at 7:00 a.m. on 7 August 2003; however, the cellular telephone records show a call within the St. John's to Clarenville area at 11:32 a.m. on that day. Furthermore, the travel expense claim shows arrival in St. John's from Gambo at 8:30 p.m. on the same day; however, the cellular telephone records show a call within the St. John's to Clarenville area at 3:53 p.m. on that day.

Details: The travel expense claim indicates a departure from St. John's at 7:00 a.m. on 7 August 2003 (traveling St. John's to Hare Bay to Dover to Hare Bay to Gambo to St. John's) and returning to St. John's at 8:30 p.m. the same day. The total mileage claimed was 622 kilometers (\$196).

Item 5

The Citizens' Representative's travel expense claim shows arrival in St. John's from Deer Lake at 8:00 p.m. on 18 November 2003; however, the cellular telephone records show a call within the St. John's to Clarenville area at 2:20 p.m. on that day.

Details: The travel expense claim indicates a departure from St. John's at 7:00 a.m. on 16 November 2003 (traveling from St. John's to Corner Brook to Deer Lake to St. Barbe to Deer Lake to St. John's), staying overnight in Corner Brook on 16 November 2003 and Deer Lake on 17 November 2003, and returning to St. John's at 8:00 p.m. on 18 November 2003. The total mileage claimed was 2,074 kilometers (\$653).

Item 6

The Citizens' Representative's travel expense claim shows arrival in St. John's from Gander at 8:30 p.m. on 4 March 2004; however, the cellular telephone records show a call within the St. John's to Clarenville area at 3:51 p.m. on that day.

Details: The travel expense claim indicates a departure from St. John's at 11:00 a.m. on 1 March 2004 (traveling St. John's to Gander to Port Albert to Morton's Harbour to Baytona to Lewisporte to Corner Brook to Cape St. George to Corner Brook to Gander to St. John's) and returning to St. John's at 8:30 p.m. on 4 March 2004. The total mileage claimed was 2,114 kilometers (\$666).

Item 7

The Citizens' Representative's travel expense claim shows departure from St. John's to Gander at 11:00 a.m. on 24 March 2004; however, the cellular telephone records show a call within the St. John's to Clarenville area at 3:44 p.m. on that day.

Details: The travel expense claim indicates a departure from St. John's at 11:00 a.m. on 24 March 2004 (traveling St. John's to Gander to Aspen Cove to Gander to Corner Brook to Stephenville to Corner Brook to Deer Lake to St. John's) and returning to St. John's at 9:30 p.m. on 26 March 2004. The total mileage claimed was 1,654 kilometers (\$521).

Item 8

The Citizens' Representative's travel expense claim shows departure from St. John's to Gander at 7:00 a.m. on 15 April 2004; however, the cellular telephone records show a call within the St. John's to Clarenville area at 11:50 a.m. on that day. Furthermore, the travel expense claim shows arrival in St. John's from Bishop's Falls at 8:30 p.m. on 16 April 2004; however, the cellular telephone records show a call within the St. John's to Clarenville area at 4:45 p.m. on that day.

Details: The travel expense claim indicates a departure from St. John's at 7:00 a.m. on 15 April 2004 (traveling St. John's to Gander to Bishop's Falls to Gander to Grand Falls-Windsor to Bishop's Falls to St. John's) and returning to St. John's at 8:30 p.m. on 16 April 2004. The total mileage claimed was 968 kilometers (\$305).

Citizens' Representative's Response

Cellular Telephones

Wireless communication is absolutely vital to the operations of the Office of the Citizens' Representative.

This is especially true for the Secretary/Intake Officer/Office Manager who is on call during off hours and weekends for information purposes. (Because of workload and restricted human resources personnel most report writing has to be done during off hours and weekends.) This requires significant use of cell phones because staff are not in the office but are under directive by the Citizens' Representative to have their cell phones charged and in use at all reasonable times.

Cellular telephones play an extremely valuable role in maintaining the safety of staff. Staff have to meet citizens alone in varied locations and sometimes encounter very difficult situations. Wireless communication is a significant line of communication when help is needed.

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Item 1

Please refer to the following letter written to the Speaker of the House of Assembly.

March 1, 2005

*Honorable Harvey Hodder
Speaker
House of Assembly
P. O. Box 8500
St. John's, NL. A1B 4J6*

Dear Mr. Hodder:

Since a recent report of the Auditor General, the Citizens' Representative has reviewed in detail the 76 travel claims he submitted between February 1, 2002 and June 30, 2004.

This review has proceeded without identifying any citizen complainant or any citizen involved in an investigation under provisions of the Citizens' Representative Act.

In his review the Citizens' Representative has utilized bank statements, credit card statements, cell phone records, car rental receipts, airline records, Marine Atlantic information and the personal observations of others. These documents clearly demonstrate that the Citizens' Representative traveled to the locations and at the times he described in these travel claims. The Citizens' Representative will produce this documental evidence at the pleasure of the House of Assembly.

However, the described documentation shows a grievous and significant error related to travel in one travel claim.

On September 23, 2003 the Citizens' Representative had meetings scheduled in the Port aux Basques area. Further he scheduled meetings at Nicholasville and Main Point for September 24, 2003 to be completed on the return trip from Port aux Basques to St. John's.

At this time the family of the Citizens' Representative had a car in Halifax that was parked in that location because of a medical emergency. Thus the Citizens' Representative used this situation with the help of a local travel agent to take an early morning flight from St. John's to Halifax, to have the family car meet him at the Halifax airport and to motor in the family car to the Newfoundland ferry at North Sydney, to cross to Port aux Basques on

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said ferry and to arrive in Port aux Basques in time to carry out the meetings scheduled.

On September 24, 2003 the Citizens' Representative completed duties related to the Port aux Basques issues, then proceeded to Nicholsville where a meeting took place with a citizen and then proceeded to Main Point and met a citizen complainant. From there the Citizens' Representative proceeded to St. John's.

When the Citizens' Representative submitted a travel claim for this trip he did not claim any expenses for the Halifax detour. He personally paid for the total cost of the Halifax leg of the trip including airfare, Marine Atlantic fares and the cost of driving through Nova Scotia.

However, when he filled out his expense claim he claimed return highway travel from St. John's to Port aux Basques to St. John's which the above noted documents show was not the case.

The Citizens' Representative believes this to be an error of such magnitude as to warrant the attention of the House of Assembly.

The Citizens' Representative will complete immediate and pressing work by Tuesday, March 8, 2005 and will proceed on leave until he receives further instructions from the House of Assembly.

Sincerely,

Fraser March
Citizens' Representative

*c.c. Commission of Internal Economy
Members of the House of Assembly*

Item 2

Hotel receipts, credit card records and bank records show that the Citizens' Representative traveled as he stated on this travel claim of August 15 and 16, 2002. The conflict with the telephone call of 10:23 am on that day has two possible explanations; one, the Citizens' Representative may have been using another office cellular phone or his own personal cellular phone. Accurate records of phone exchanges between staff have not been kept, thus it is impossible to reach a

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conclusion on this matter. What is clear however, is that the Citizens' Representative did travel from St. John's to Clarenville on August 15 and from Gander to St. John's on August 16 with various stops in between. Written record establishes this fact.

The Citizens' Representative has already clarified with the House of Assembly the question of total mileage on this claim. The personal log of the Citizens' Representative shows that he traveled 768kms on these days.

Item 3

The cellular record with other documentation clearly shows that the Citizens' Representative traveled as he described on his expense claim.

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