



State of Louisiana
OFFICE OF
STATE INSPECTOR GENERAL

STATE FIRE MARSHAL

Report by
Inspector General Bill Lynch

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

February 18, 1998

File No. 1-98-0007



State of Louisiana

**OFFICE OF
STATE INSPECTOR GENERAL**

State Fire Marshal

February 3, 1998

Report by

A handwritten signature in cursive, appearing to be "BL", written over a horizontal line.

Inspector General Bill Lynch

Approved by

A handwritten signature in cursive, appearing to be "m.j. foster", written over a horizontal line.

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

File No. 1-98- 0007

State Fire Marshal

State Fire Marshal V. J. Bella failed to properly account for use of his state vehicle and routinely used it for personal benefit, violations of state regulations. In June 1997, he failed to properly notify authorities of an accident involving his state car, as required by state law and department policy.

Mr. Bella used his secretary and state equipment for activities involving the Marine Corps League, which is prohibited by state law, and improperly transported a State Police Barracks inmate in violation of department policy. He also improperly used classified civil service employees, while on state time, to serve food to legislators during the last session.

Additionally, Mr. Bella made a recommendation for clemency for a convict to the Pardon Board over his signature as State Fire Marshal and on agency letterhead. He also allowed an employee to operate a vending machine business in the office without first contacting the Office of Blind Services, as required by state law.

Arson Unit Chief Rick Combs, during the administration of the previous State Fire Marshal, failed to report the accidental discharge of a weapon by an employee, as required by department policy.

Background

The State Fire Marshal's Office is an agency of the Department of Public Safety and Corrections. It is responsible for the regulation and enforcement of building codes in Louisiana relative to fire safety and for the investigation of fires by arson. The headquarters complex, leased from the Department of Agriculture, is located at 5150 Florida Blvd., Baton Rouge.

Mr. Bella, a former legislator, was appointed State Fire Marshal by Gov. Mike Foster in January 1996. The job is an assistant secretary position within the Department of Public Safety and Corrections.

Mr. Bella previously served as State Fire Marshal from 1990 to 1992 during the administration of former Gov. Buddy Roemer and had been a firefighter and fire chief in Berwick for many years.

Misuse of State Vehicle

Mr. Bella failed to maintain the required documentation of the use of his state vehicle and routinely used the car for personal benefit. Also, he failed to properly notify authorities of an accident involving his state car.

Mr. Bella is assigned an unmarked car from the Department of Public Safety and Corrections. A vehicle log, Form MV-3, is required by Fleet Management regulations for all state vehicles. The form, when completed, accounts for the mileage, fuel costs and destinations of the state vehicle.

Mr. Bella said although he "absolutely requires" adherence to the regulations by his employees, he is excluded from the regulations and does not have to account for the use of his state car.

Fleet Management personnel said this regulation applied to the State Fire Marshal.

Mr. Bella emphasized this regulation in a June 1997 memorandum to his staff when he stated that all employees were to maintain an accurate accounting of the use of all state cars by using the Form MV-3.

Mr. Bella has approval from Fleet Management to drive his state car to and from work. But, Mr. Bella admitted to the routine use of his state car for personal activity, including transporting family and friends, both in and out of town. He said he was never told he could not use the state car for personal benefit.

State Fleet Management Regulation R.S. 34, Part XI, Chapter 1 states that no state vehicle shall be used by an employee for other than official state business. The personal use of a state car is prohibited.

Fleet Management personnel said this regulation applied to the State Fire Marshal.

Mr. Bella issued a memorandum to all State Fire Marshal employees on June 18, 1997, emphasizing this regulation, stating "Fire Marshal Employees Shall Not Use State Vehicles for Personal Use."

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On Sunday, June 1, 1997, at about 2:30 p.m., Mr. Bella was driving his state car to a luncheon and was involved in a traffic accident. At the scene, Mr. Bella and the driver of the other car exchanged identification and insurance information, then both left. The wreck was the fault of the other party, and the state car was later repaired at a cost of \$512.57, paid by the other driver's insurance company.

Three days after the accident, on Wednesday, June 4, 1997, Mr. Bella notified State Police of the wreck.

La. R.S. 32:398 requires the driver of any vehicle involved in an accident resulting in property damage to an apparent extent of \$100 or more to report the accident in writing to the Department of Public Safety and Corrections within 24 hours.

Department of Public Safety and Corrections policy requires agency employees involved in an accident in a state vehicle to remain at the scene, regardless of the extent of any damages or injuries and immediately notify the shift supervisor of the State Police Troop in the area of the accident (in this case, Troop A).

Mr. Bella said he did not immediately notify authorities because the damage was small and there were no injuries.

Misuse of Secretary

During his current term as State Fire Marshal, Mr. Bella used his secretary, a classified civil service employee, to assist in conducting his activities with the Marine Corps League, a private, non-profit service group. The group provides assistance to Marine Corps veterans through various activities such as fund-raisers. Mr. Bella is a long-time member and was the group's commandant for a time.

Mr. Bella directed his secretary, while on state time, to prepare and then mail or fax correspondence from him to other members of the group. She was also directed to make local and long distance telephone calls for Mr. Bella concerning the group's activities. Mr. Bella allowed her to use state office equipment including her telephone, computer, copy machine and fax machine in assisting him with his group's activities.

Interviews with the secretary, a review of documents saved on her computer and her office

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files established she spent at least ten hours from January 1996 to December 1997, while on state time, assisting Mr. Bella with Marine Corps League activities.

La. R.S. 42:1461 prohibits the use of state employees or state property for personal benefit. "Officials, whether elected or appointed ... assume a personal obligation not to misappropriate, misapply, convert, misuse, or otherwise wrongfully take any funds, property, or other thing of value belonging to or under the custody or control of the public entity in which they hold office or are employed."

The Louisiana Code of Ethics prohibits a state employee from using the authority of his position to compel or coerce another state employee to provide him with any thing of economic value.

Mr. Bella admitted he used his secretary for these activities, but the use was minimal. While the use was not extensive, any such use is prohibited.

Mr. Bella said that from now on he would take care of such activities without the help of his secretary. He added, "After today she'll be doing absolutely zero, and I'm going to document that, and she's going to go down in her GS level." A reduction in GS level is, in effect, a reduction in pay. It would be inappropriate for Mr. Bella to take any such action against his secretary.

Misuse of Inmate

Without proper authorization, Mr. Bella transported an inmate from the State Police Barracks in Baton Rouge to help him cook for legislators during the 1997 regular legislative session, a violation of department policy.

On three occasions in the summer of 1997, Mr. Bella transported a Barracks inmate serving a sentence for bank robbery, from his job assignment at the State Fire Marshal's Office to Mr. Bella's home in Baton Rouge. There, the inmate worked about eight hours assisting in the preparation of spaghetti and meatballs to serve more than 100 persons at the Legislature. Mr. Bella later returned the inmate to the State Police Barracks.

Mr. Bella admitted he transported the inmate from the inmate's job assignment to his home where the inmate helped him prepare food for legislators.

Capt. Fred Kennedy, in charge of the State Police Barracks, said Mr. Bella violated two department policies when he transported and used the inmate in such a manner. Department of Public Safety and Corrections Policy No. 20-3(3-A) states that except for normal work requirements, inmates will not be allowed to leave the complexes with any employee unless authorized by the captain. Policy No. 20-1A(4-A) states that employees taking inmates off the complexes for work details will call the DPS Police Office and advise his name, work section, inmate's name, destination and time of return.

Mr. Bella said he thought he might have called the captain. Capt. Kennedy said not only did Mr. Bella fail to notify him of this use of the inmate, but even if he had been notified, he would have denied the request.

Misuse of Employees

On two occasions during the 1997 regular legislative session, Mr. Bella used three classified civil service employees of his office, while on state time, to serve food to legislators. Mr. Bella's use of employees in this manner is inappropriate as the activity was not a part of the job responsibilities of these employees.

According to Mr. Bella and the employees interviewed, the three employees participated in a serving line set up in an anteroom in the offices of the Legislature for about two and a half hours on each occasion. They served salad, spaghetti and meatballs, and hot dogs.

The employees said they were directed by Mr. Bella to be there because of pending legislation which concerned programs in which these particular employees had expertise. Mr. Bella said the employees volunteered, but that he did want them available to legislators to answer any questions that might come up about the pending legislation. He said serving legislators food was "good PR" and might help with legislation favorable to his office.

Personal Recommendation on Letterhead

Mr. Bella made a personal recommendation for clemency to the State Board of Pardons on behalf of a convict who had received a 21-year sentence for manslaughter. The written

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recommendation was signed by Mr. Bella as State Fire Marshal and was made on agency letterhead.

The letter, dated Aug. 19, 1996, to the Pardon Board chairman includes references by Mr. Bella to his positions as a former state representative and State Fire Marshal. Mr. Bella stated in the letter that he would like to "play my 'blue chip'" on the inmate's behalf and that he would be pleased with a decision by the board to recommend clemency to the Governor.

Citing the serious nature of the offense, the board denied a recommendation for clemency.

Mr. Bella said he wrote the board on the inmate's behalf because he thought the inmate deserved it, but he admitted it was improper to issue the letter on agency letterhead and over his title. He said the letter was a personal endeavor, and he did not realize it was on agency letterhead. He said his secretary typed this personal letter for him and she should have known not to type it on agency letterhead.

Vending Machines

Mr. Bella failed to clear with the Office of Blind Services the placement of four vending machines in his agency, as required by state law.

Mr. Bella allowed his regional supervisor, who owns a vending machine business, to install two small vending machines in the lobby of the main building and two small machines in the lobby of a secondary building. The machines were available to employees and visitors. The employee paid nothing to the agency for the privilege of operating the machines and personally profited.

La. R.S. 46:333 requires that state agencies give preference to Blind Services in the operation of vending machines on the premises.

Blind Services personnel stated they had been contacted and had given clearance for vending machines previously installed in the State Fire Marshal's Office, but had not been contacted relative to these four machines. Mr. Bella said he thought he might have called someone at Blind Services, but he could not be sure.

Shortly after this investigation began, the vending machines were removed from the office.

Accidental Gunfire

The head of the State Fire Marshal's Arson Unit may have violated department policy when he failed to report the accidental discharge of a weapon in the office by an employee. The incident occurred during the administration of the previous State Fire Marshal.

Arson Unit Manager Rick Combs was present in the Baton Rouge office Dec. 19, 1995, when one of his employees brought into the office a Glock 9mm semi-automatic handgun. As the employee was showing the gun to Mr. Combs and other employees, it accidentally fired. The single round struck the floor, and no one was injured.

Because no one was hurt, Mr. Combs did not report the incident to anyone.

Agency Procedural Order 502 states that the accidental discharge of a weapon by an employee of the State Fire Marshal's Office must be reported and investigated.

Conclusions:

1. Mr. Bella failed to account for the use of his state car and routinely used it for personal benefit, in violation of state regulations.
2. Mr. Bella failed to timely report an accident involving his state car, as required by state law and department policy.
3. Mr. Bella used his secretary and state equipment to perform work for the Marine Corps League, which is prohibited by state law.
4. Mr. Bella transported a State Police Barracks inmate without authorization from his job assignment to Mr. Bella's home to assist in preparing food for legislators, a violation of department policy.
5. Mr. Bella inappropriately used three of his employees to serve food to legislators, an activity not among the employees' job duties.
6. Mr. Bella exercised poor judgment by writing on agency letterhead and

over his signature as State Fire Marshal to the Pardon Board on behalf of a convict.

7. Mr. Bella allowed an employee to install vending machines in the office without approval from the Office of Blind Services, a violation of state law. The vending machines have been removed.
8. Mr. Combs, head of the Arson Unit, failed to report the accidental discharge of a handgun by an employee as required by department policy.

Recommendations:

1. Mr. Bella should use his state car for official business only and properly account for its use in accordance with state regulations.
2. Mr. Bella should reimburse the state for his use of his state car for personal benefit.
3. Mr. Bella should not use his secretary and state equipment for his Marine Corps League activities.
4. Mr. Bella should follow department policy regarding his use of inmates.
5. Mr. Bella should not use his employees to serve food to legislators.
6. Mr. Bella should take steps to insure that any accidental discharge of a weapon by an employee is properly reported.

Responses:

Responses from Mr. Bella and Mr. Combs are attached.



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Public Safety Services



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

V. J. BELLA
STATE FIRE MARSHAL

February 3, 1998

Mr. William Lynch
Inspector general
Post Office Box 94095
Baton Rouge, Louisiana 70804-9095

Dear Mr. *Bill* Lynch:

This is in response to the draft report of your Office's review of the State Fire Marshal's Office.

Steps have already been taken to address all the findings and recommendations in the report. Copies of all laws, rules and regulations pertaining to this office carrying out our mandate to protect the citizens of Louisiana will be reviewed and disseminated so that these problems never occur again.

Finally, I made some mistakes. Never was there any intention to violate any laws or regulations. Any errors made on my part were out of ignorance. However, ignorance of the law is no excuse.

Thank you for the opportunity to respond to your report. Your Investigator was very thorough, professional and courteous during his time at our office.

Sincerely,

V.J. Bella
State Fire Marshal

VJB:eg
wmlynch

"Is Yours Working" ??

Smoke Detectors Save Lives !!

Rick Combs
Office of State Fire Marshal
5150 Florida Blvd.
Baton Rouge, Louisiana 70806

February 2, 1998

Office of State Inspector General
P.O. Box 94095, State Capitol Annex
Baton Rouge, LA 70804-9095
Attn: Mr. Bill Lynch, State Inspector General

Re: Accidental Discharge of a Firearm

Dear Mr. Lynch:

This letter is in response to your review of the State Fire Marshal's Office and the report of an accidental discharge of a firearm that occurred on December 19, 1995 that was reported to you September of 1997 by Fire Marshal Bella.

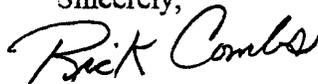
Be advised that the discharge did occur while one investigator was showing the new gun to another investigator. It was an accident, there was no horseplay or carelessness on anyone's part. However, the employee should not have done this in the office.

- To assure that this regrettable incident would not occur again, I took the following steps:
- 1) Advised all employees never remove a weapon from their holster while in the office.
 - 2) In June of 1996, had one of my investigators certified as a P.O.S.T. Certified Firearms Instructor to work with the investigators at least once a year on safe handling practices in between going to the State Police firing range.
 - 3) The new weapon was sent back to the manufacturer for inspection and testing.

At the time of the discharge in 1995, it was an oversight not to have reported this incident. However, this event occurred in my presence and the circumstances were not in dispute and therefore, no further investigation was warranted. Even though I took corrective measures, I should have reported this incident later and I take full responsibility for not doing so.

In closing, I would like to ask why Fire Marshal Bella waited almost a year and a half to report this incident since he knew about it as far back as July 15, 1996 when he brought it up at a staff meeting with the Enforcement Division.

Sincerely,



Rick Combs
Chief Deputy, Arson