

# **EL DORADO COUNTY GRAND JURY 2013-2014**

## ***ALLEGATION OF CONFLICT OF INTEREST IN FACILITIES DEPARTMENT UNFOUNDED***

Case Number GJ-13-10

### **REASON FOR REPORT**

The Grand Jury received an allegation that Chuck Harrell, an employee in the Facilities Department, was involved in the making of a contract between the County and a heating and air conditioning firm in which he has a financial interest in violation of California Government Code § 1090. That statute prohibits public officers or employees from having any financial interest in any contract made by them or in their official capacity.

### **BACKGROUND**

The Facilities Department is responsible for heating and air conditioning contracts for the County. One of the firms that has previously provided heating and air conditioning services under these contracts is Comfort King of Placerville.

Chuck Harrell is employed as the Buildings and Grounds Superintendent within the Facilities Department. Mr. Harrell has worked for the Facilities Department since before 2010.

### **ACTIONS**

- The Grand Jury interviewed County personnel assigned to Facilities Department about heating and air conditioning contracts and reviewed summaries of the contracts made.
- The Grand Jury interviewed persons who have ownership positions at Comfort King.
- The Grand Jury reviewed the applicable contracting, purchasing, and procurement policies of the County and the Facilities Department as well as the applicable state law, Government Code §1090.

### **FINDINGS**

1. The Grand Jury finds that, since his employment with the Facilities Department, Chuck Harrell has not participated in heating and air conditioning contracts and has been specifically excluded from that process. Further, the Facilities Department has not entered into a contract with Comfort King since Mr. Harrell has been employed there. Comfort King has not and has vowed not to bid on any contracts with the County as long as Mr. Harrell is both an employee of the County and an officer of that company.
2. None of the allegations within the reason for this report were proven to the Grand Jury.
3. Mr. Harrell does keep his contracting license with Comfort King and is listed as an officer of that Company, although he has not done any work for the company. Because of these facts, the Grand Jury understands that there can be the appearance of impropriety.

## RECOMMENDATION

1. The Grand Jury recommends that the Facilities Department enter into an agreement with Comfort King that they not bid or procure any contract with the county while Mr. Harrell is an employee of the county and has any association with the company. That agreement should be done in writing and filed with the County.

## RESPONSES

Responses to both findings and recommendations in this Report are required by law in accordance with California Penal Code §933 and §933.05. Address responses to:

The Honorable Suzanne N. Kingsbury, presiding judge of the El Dorado County Superior Court, 1354 Johnson Blvd., South Lake Tahoe, CA 96150.

This Report has been provided to the Facilities Department and the Board of Supervisors.

The Presiding Judge of the El Dorado County Superior Court additionally requests that the responses be sent electronically as a "Word" file or "PDF" file to facilitate the economical and timely distribution of such responses. Please email responses to the El Dorado County Grand Jury at:

[courtadmin@eldoradocourt.org](mailto:courtadmin@eldoradocourt.org)