

TOWN OF CLAYTON



INVESTIGATIVE AUDIT
ISSUED NOVEMBER 7, 2012

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LOUISIANA LEGISLATIVE AUDITOR
DARYL G. PURPERA, CPA, CFE

November 7, 2012

**THE HONORABLE RYDELL TURNER, MAYOR,
AND BOARD OF ALDERMEN
TOWN OF CLAYTON**
Clayton, Louisiana

We have audited certain transactions of the Town of Clayton. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the propriety of certain financial transactions.

Our audit consisted primarily of inquiries and the examination of selected financial records and other documentation. The scope of our audit was significantly less than that required by *Government Auditing Standards*.

The accompanying report presents our findings and recommendations as well as management's response. This is a public report. Copies of this report have been delivered to the District Attorney for the Seventh Judicial District of Louisiana and others as required by law.

Respectfully submitted,

Daryl G. Purpera, CPA, CFE
Legislative Auditor

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TOWN OF CLAYTON 2012

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BACKGROUND AND METHODOLOGY

The Town of Clayton (Town) is located in Concordia Parish, has a population of 711 (Year 2010 Census), and was incorporated in 1962 under the provisions of the Lawrason Act, which is a mayor-board of aldermen form of government. Mayor Rydell Turner took office in July 2008, and is currently serving his second four-year term. The board of aldermen consists of five elected members. The Town provides utility, public safety (police and fire), streets, sanitation, and general administrative services.

The Town's external auditor, Silas Simmons, LLP, disclosed in the Town's 2011 audit report several issues concerning fuel purchases, including missing purchase orders and that the mayor was purchasing fuel for his personal vehicle without any documentation to support the purchases. We reviewed available Town records to determine if fuel purchased for the mayor's personal vehicle was proper. The procedures performed during this audit included:

- (1) interviewing employees of the Town;
- (2) interviewing other persons as appropriate;
- (3) examining selected documents and records of the Town;
- (4) gathering documents from external parties; and
- (5) reviewing applicable state laws and regulations.

FINDING AND RECOMMENDATIONS

Improper Personal Fuel Purchases by Mayor

Mayor Rydell Turner may have violated state law¹ by using \$3,383 of Town funds, from June 2010 to February 2012, for the purchase of 1,049 gallons of fuel for his personal vehicle. Mayor Turner claimed the fuel was used in his personal vehicle for town business, but he did not have any records to support his claim.

Mayor Turner stated that the board of aldermen approved the use of his personal vehicle for Town business. He further stated that the fuel was used in his personal vehicle for official Town business and that he did not maintain a calendar or mileage log to document his business use. Mr. Willie Evans, a former Clayton alderman from 1988-2012, stated that he does not recall approving Mayor Turner's use of his personal vehicle, but that if the board of aldermen did discuss it, it would be in the Town's minutes. We reviewed the minutes from the meetings of the board of aldermen and did not find where approval was given to Mayor Turner to purchase fuel with Town funds for his personal vehicle.

Town of Clayton records indicate that from June 17, 2010, to February 6, 2012, Mayor Turner purchased approximately 1,049 gallons of fuel totaling \$3,383. Based on his personal vehicle's combined fuel economy rating of 15 miles per gallon (mpg),² we estimate that Mayor Turner would have been able to drive 15,735 miles³ (1,049 gallons x 15 mpg). We note that the Town only has a total land area of 1.59 square miles.⁴ According to Mayor Turner, Town business includes work done around Clayton as well as going to and from meetings throughout the state, including Baton Rouge and Monroe.⁵ He also claimed that he may have used some of the fuel in the Town's lawnmowers.

Town records show that Mayor Turner signed 11 of the 59 fuel receipts for his personal vehicle. Mr. Ronnie Parker, a former Town employee, signed 34 receipts and the remaining 14 were signed by other Town employees. Mr. Parker stated that he never purchased fuel for the mayor's vehicle unless he was instructed to do so by the mayor. Mr. Parker also said that fuel was put into the mayor's vehicle every time there was a purchase order or receipt that indicated the fuel was for the mayor.

¹ **Louisiana Revised Statute (R.S.) 42§1461** states, in part, that "officials, whether elected or appointed...by the act of accepting such office or employment 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."

² According to <http://www.fueleconomy.gov/feg/PowerSearch>, the fuel economy of the 2001 Chevrolet Silverado, the mayor's personal vehicle, is 14 city, 15 combined, and 18 highway.

³ This is the equivalent of seven trips from Atlanta, Georgia to Los Angeles, California.

⁴ According to <http://www.city-data.com/city/Clayton-Louisiana.html>

⁵ According to Mayor Turner, he traveled to Baton Rouge and Monroe to "learn his way around, learn people, and learn what the rules and laws are," as well as to try and get grant money for the Town.

In April and May of 2011 there were 16 fuel purchases attributable to Mayor Turner, including two separate occasions in which he purchased fuel on three consecutive days (April 13-15 and May 16-18). In addition, the records indicate that on April 13, 2011, Mayor Turner filled his vehicle twice, once at each of the two gas stations in Clayton.

Mayor Turner stated that (1) he was unaware that fuel was purchased three days in a row; (2) he never fills up three days in a row; and (3) he fills up once a week at most. He also stated that there would be no need to fill up twice in the same day and that he has never reviewed the gas receipts to see how much and how often fuel was purchased. Finally, Mayor Turner said that he should have been more responsible and filled up his vehicle himself or paid more attention to the receipts. Since Mayor Turner cannot provide documentation for the public purpose of the fuel purchases for his personal vehicle, he may have violated state law.¹

Recommendations:

We recommend that the Town:

- (1) seek legal advice as to the appropriate actions to be taken, including recovery of funds related to the unauthorized fuel purchased for personal vehicles;
- (2) require documentation for all fuel purchases, indicating the public purpose for each fuel purchase;
- (3) discontinue purchasing fuel for personal vehicles with Town funds unless appropriately documented and approved by the board of aldermen; and
- (4) require mileage logs to be maintained for all Town vehicles.

APPENDIX A

Management's Response

RYDELL TURNER
MAYOR

CLARENCE SKIPPER
POLICE CHIEF

MRS. SADIE G. JONES
CLERK

Town of Clayton

P.O. Box 277
CLAYTON, LOUISIANA 71326

ALDERMEN:
FLOYD L. BARBER

IRENE JEFFERSON

"THIS INSTITUTION IS AN EQUAL OPPORTUNITY PROVIDER"
15 October, 2012

Eric S. Sloan, CPA
Assistant Legislative Auditor
Director of Compliance Audit and Advisory Services
P. O. Box 94398
Baton Rouge, LA 70804-9397

Dear Mr. Sloan:

Reference is made to your letter dated October 15, 2012 concerning our audit compliance report. I will seek appropriate legal action on recovery of funds related to the unauthorized fuel purchases for personal vehicles.

The board of aldermen of the Town of Clayton has adopted a policy to discontinue purchase of fuel for personal vehicles unless properly documented and approved by them.

We will also require mileage logs for all town vehicles.

If you need any further information, please contact me.

Sincerely,



Rydell Turner
Mayor
Town of Clayton

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