



# GRUNDY COUNTY HIGHWAY DEPARTMENT

**Comptroller's Investigative Report**  
August 23, 2018

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**Justin P. Wilson, Comptroller**





JUSTIN P. WILSON  
*Comptroller*

JASON E. MUMPOWER  
*Chief of Staff*

August 23, 2018

County Mayor and Members of the  
County Commission  
Grundy County  
P. O. Box 177  
Altamont, TN 37301

Gentlemen:

The Office of the Comptroller of the Treasury conducted an investigation of selected records of the Grundy County Highway Department, and the results are presented herein. We also investigated some nonroad-related work performed by the highway department. These results have been reviewed with the district attorney general for the Twelfth Judicial District.

Copies of this report are being forwarded to Governor Bill Haslam, the State Attorney General, the District Attorney General, certain state legislators, and various other interested parties. A copy is available for public inspection in our office and may be viewed at <http://www.comptroller.tn.gov/ia/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin P. Wilson", is written over a light gray rectangular background.

Justin P. Wilson  
Comptroller of the Treasury

JPW/RAD

# INVESTIGATIVE REPORT

## GRUNDY COUNTY HIGHWAY DEPARTMENT

### BACKGROUND



**Highway Department Office**

The Grundy County Highway Department is based in Tracy City, Tennessee. The department maintains all Grundy County roads and is led by the highway superintendent who is an elected county official with a four-year term. The department does not receive any county property tax revenue but is instead supported by local and state gasoline/fuel taxes. These taxes are collected by the State of Tennessee, and a portion of these taxes are subsequently returned to the county. The highway department is subject to the Tennessee County Uniform Highway Law codified in Section 54-7-101 et seq., *Tennessee Code Annotated*.

### INVESTIGATIVE FINDINGS AND RECOMMENDATIONS

#### **FINDING 1: The highway department performed work on some private properties and cemeteries**



**Entrance to farm used by the superintendent**

Our investigation revealed the highway department performed work on at least two private properties as well as several cemeteries using highway department employees and equipment as noted below:

A. The highway superintendent has cattle on an individual's farm and at various times over approximately nine years, the highway department performed work on this individual's farm using department employees and equipment. For example, our investigation determined that employees bulldozed stumps and hauled the stumps, dirt, and old tile to fill in a hollow below the dam of a pond on the farm. This work served no highway department purpose. The investigation also revealed the highway superintendent

did not lease the farm nor did the owner charge him rent on the farm for the period he has used it. The highway superintendent stated that he began using the farm when he purchased the individual's cattle.

B. Our investigation revealed the highway department performed work on a second individual's farm. While working on a county road, the highway department widened the right-of-way along a section of the road. A portion of this widened section had a gated entrance to the backside of the farm. The highway department left the right-of-way and drove a bulldozer onto the farm where they "cleaned up" a wooded area.



**Partial view of area "cleaned up"**



**Widened right-of-way and gate**

The owner of the farm stated that someone had moved the fence and gate further back from the county road, but she was not aware of any bulldozer work performed on the farm. Neither the owner nor the highway superintendent farm this property; however, it is farmed by an acquaintance of the superintendent. We could not determine if the highway superintendent received any compensation for the work performed on this farm.

C. Our investigation also revealed that the highway department performed nonroad-related work at various cemeteries. We observed a highway department low-boy truck and trailer, a bulldozer, and a track-hoe at one cemetery. It appeared the equipment had been located at the area for quite some time, and that a wooded area had been cleared, but we could not determine the full extent of the work performed. The superintendent stated that he had worked on several cemeteries in the county, and that he did not receive any compensation for this work.

Section 54-7-202(d), *Tennessee Code Annotated*, states: "Neither the chief administrative officer nor any other official or employee of the county may use any county vehicle, equipment, supplies or road materials for other than official county road purposes...." Section 54-7-202(e) states: "A violation of the section is a Class C misdemeanor. Each separate use of the same for other than authorized purposes constitutes a separate offense and is subject to a separate punishment."



**Views of the cemetery area where work was performed**







**Additional view of cemetery where work was performed**

**RECOMMENDATION:**

Highway department employees and equipment should be used only for official county road purposes as provided by the Tennessee County Uniform Highway Law.

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**FINDING 2: The highway department maintains a portion of a private road for a department employee**

The highway department maintains a county road that is approximately one-tenth of a mile in length, which serves a Head Start facility and only one property owner who happens to be a highway department employee. The employee's home is beyond the end of the county road where someone in the past erected a gate at the entrance to the employee's property. However, we were unable to determine how often the gate was used by the employee. The highway superintendent advised us that the department maintains a portion of the road on the employee's private property.



**Gate in lower left of driveway picture**

Section 54-7-202(d), *Tennessee Code Annotated*, states: "Neither the chief administrative officer nor any other official or employee of the county may use any county vehicle, equipment, supplies or road materials for other than official county road purposes...." Section 54-7-202(e)

states: "A violation of the section is a Class C misdemeanor. Each separate use of the same for other than authorized purposes constitutes a separate offense and is subject to a separate punishment."

**RECOMMENDATION:**

Highway department employees and equipment should be used only for official county road purposes as provided by the Tennessee County Uniform Highway Law.

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**FINDING 3: The highway superintendent allowed employees to work on personal vehicles in the highway department garage during work hours**

The highway superintendent allowed employees to work on personal vehicles in the highway department garage during normal work hours using department tools and equipment. During our investigation, a vehicle associated with one employee was inside the department's maintenance garage with the bed removed from the frame. We subsequently noted the bed had been placed back

on the frame. We asked the highway superintendent who the vehicle belonged to, and he named an employee and stated they used the lift to replace the fuel pump on the trucks.

In addition, we asked an employee what work had been performed on the truck, and he stated that the fuel pump had been changed, and the frame had been painted.

Section 54-7-202(d), *Tennessee Code Annotated*, states: “Neither the chief administrative officer nor any other official or employee of the county may use any county vehicle, equipment, supplies or road materials for other than official county road purposes.”

**RECOMMENDATION:**

Employees of the highway department should not perform work on personal vehicles during regular work hours.



**Personal vehicle in highway department garage after repairs and truck bed were reattached**