How Three Directors and a Hot Tub Closed a Memphis School

Tennessee Government Finance Officers Association Fall Conference September 28, 2023



Christy N. Tennant, CPA, CFE, CGFM Division of Investigations, Deputy Director



DISCLAIMERS

This presentation represents the opinions of the presenter only.

The materials presented herein do not necessarily reflect the opinions of the State of Tennessee or any part thereof. This presentation is not a reflection of all charter schools and will be discussed for educational purposes only





Objectives

- Function of the Comptroller's Office and the Division of Investigations
- Mandatory statutory duty to timely report fraud, waste, or abuse in public funded agencies
- Responsibility of entity management and those charged with governance
- Fraud Case Study Memphis Academy of Health Sciences
 - Thefts carried out over a period of four and a half years without scrutiny by the MAHS Board of Directors

OF THE TREASURY

Reliance on an Audit

- Management and oversight boards often disregard their responsibility for proper governance when they rely on internal and external audits/auditors
- Does a clean audit give assurance that there is no fraud, waste, or abuse in an entity?



My Background





TENNESSEE COMPTROLLER OF THE TREASURY

Tennessee Comptroller of the Treasury

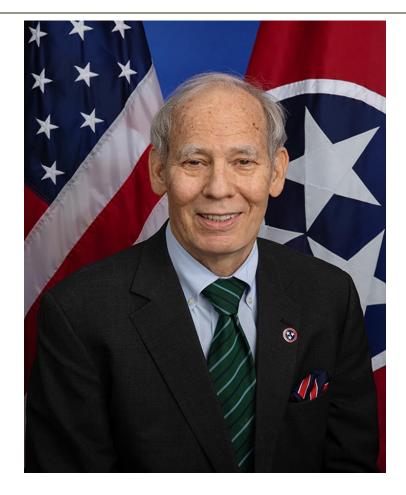


Comptroller Jason E. Mumpower

The Comptroller is elected by the Tennessee General Assembly to serve for a twoyear term and serves in the Legislative Branch of state government at the will and pleasure of the General Assembly.



Comptroller Emeritus Justin P. Wilson



Comptroller Emeritus Wilson previously served six terms as Tennessee's 34th Comptroller from January 15, 2009 until January 13, 2021.



Department of Audit

COMPTROLLER OF THE TREASURY

Jason E. Mumpower Comptroller of the Treasury

STATE AUDIT

Katherine J. Stickel, CPA, CGFM Director

LOCAL GOVERNMENT AUDIT

Jim Arnette, CISA, CGFM Director

INVESTIGATIONS

Jeff Puckett Director



Tennessee is a leader in government accountability.



Make Government Work Better

The Tennessee Comptroller of the Treasury has a wide range of responsibilities to ensure fiscal integrity within the State of Tennessee. The Comptroller is essentially the state's Money Cop. We are committed to our mission to <u>Make Government Work Better.</u>





Division of Investigations

INVESTIGATIVE TEAMS & JUDICIAL DISTRICTS

425 Rep. John Lewis Way N. • Nashville, TN 37243 • 615.401.7907

Director Jeff Puckett Jeff.Puckett@cot.tn.gov

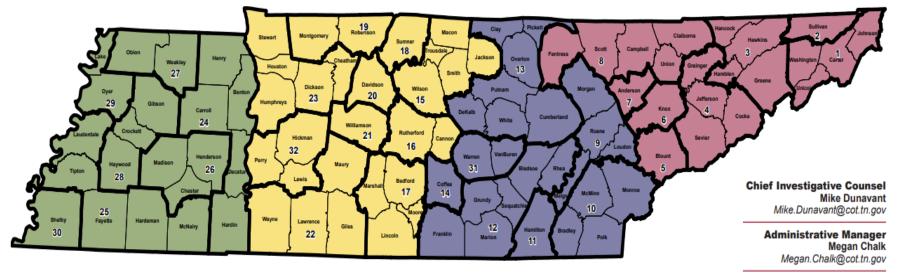
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MIDDLE REGION Kevin Huffman • Deputy Chief Investigator Kevin.Huffman@cot.tn.gov

MID EAST REGION Suzzie Singleton · Deputy Chief Investigator Suzzie.Singleton@cot.tn.gov

UPPER EAST REGION Joseph Ensminger • Deputy Chief Investigator Joseph.Ensminger@cot.tn.gov



Digital Forensics Analyst Howard Patterson

Howard.Patterson@cot.tn.gov

1 · Steve Finney

- 2 · Barry Staubus
- 3 Dan Armstrong
- 4 · Jimmy Dunn
- 5 Ryan Desmond 6 • Charme Allen
- 7 · Dave Clark

- ATTORNEYS GENERAL BY DISTRICT
 - 15 · Jason Lawson
 - 16 Jennings Jones

8 · Jared Effler

11 · Coty Wamp

9 • Russell Johnson

10 · Stephen Crump

12 · Courtney Lynch 13 · Bryant Dunaway

14 · Craig Northcott

- 17 Robert Carter
- 18 · Ray Whitley
- 19 · Robert Nash
- 20 · Glenn Funk 21 · Kim Helper
- 22 · Brent Cooper 23 · Ray Crouch 24 • Neil Thompson 25 · Mark Davidson 26 · Jody Pickens
- 27 · Colin Johnson
- 28 Frederick Agee
- 29 · Danny Goodman, Jr.
- 30 · Steve Mulroy
- 31 · Chris Stanford
- 32 · Hans Schwendimann

Effective March 1, 2023





WEST REGION Marvin Bond • Deputy Chief Investigator Marvin.Bond@cot.tn.gov

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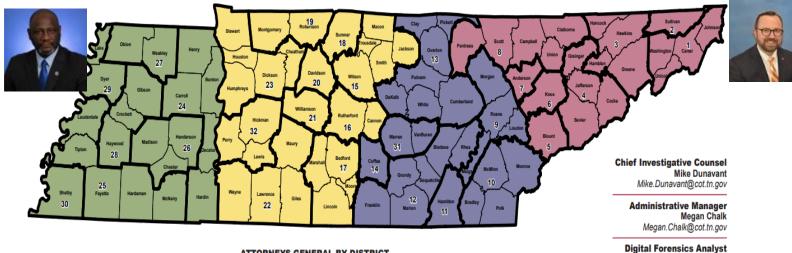


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Director

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REPORTING FRAUD, WASTE OR ABUSE

"Exposing fraud is one of the best ways to prevent fraud." – Comptroller Jason E. Mumpower

Citizens are encouraged to report fraud, waste or abuse committed by state or local governments or agencies that receive government funds. The report can be anonymous.

- Fraud Any intentional act of deception that violates a law or the public trust to obtain an unjust or illegal advantage.
- Waste The mismanagement, inappropriate actions, and inadequate oversight that results in taxpayers not receiving reasonable value for money in connection with any government-funded activity.
- Abuse Behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary given the facts and circumstances.

If a citizen suspects or has knowledge that an agency receiving taxpayer funds is engaging in an activity that is considered to be illegal, improper or wasteful, the citizen should make a report to:

Comptroller's Fraud, Waste and Abuse Hotline: 1.800.232.5454 http://comptroller.tn.gov/hotline





Fraud, Waste, and Abuse

- > For Citizens
- > For CPA's
- > For Public Officials

Please click here to be directed to the online reporting form





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Local Government Instances of Fraud Reporting Act T.C.A. § 8-4-501

Public officials "with knowledge based upon available information that unlawful conduct has occurred shall report..."





Fraud, Waste, and Abuse

- > For Citizens
- > For CPA's
- > For Public Officials

Please click here to be directed to the online reporting form

CPA Contract to Audit – Paragraph 7

> Any reasonable suspicion of fraud (regardless of materiality) or other unlawful acts...promptly reported in writing..."





Fraud, Waste, and Abuse

- > For Citizens
- > For CPA's
- > For Public Officials

Please click here to be directed to the online reporting form

T.C.A. §8-4-119 - Required Reports to Comptroller:

State agencies must report...theft, forgery, credit card fraud or any other intentional act of unlawful or unauthorized taking...





1 · Steve Finney

4 · Jimmy Dunn

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Effective March 1, 2023

IT IS THE STATUTORY RESPONSIBILITY OF THE COMPTROLLER OF THE TREASURY TO **REVIEW ALL ALLEGATIONS OF FRAUD,** WASTE, OR ABUSE OF PUBLIC FUNDS



We Have an Auditor/Audit...

- A majority of organizations consider their internal and external auditors pivotal for uncovering fraud and minimizing the risk of loss incurred due to fraud.
 - HOWEVER
- Auditors rarely find fraud.



We Have an Auditor/Audit...

FIG. 10 HOW IS OCCUPATIONAL FRAUD INITIALLY DETECTED?

Tip	40%
	42%
Internal audit	16%
Management review	12%
Document examination	6%
By accident	5%
Account reconciliation	5%
Automated transaction/data monitoring	4%
External audit	4%
Surveillance/monitoring	3%
Notification by law enforcement	2%
Confession	1%
Other	1%

- 2022 ACFE's Report to the Nations: Auditors rarely find fraud –
 - Internal Audit 16%
 - External Audit 4%



We Have an Auditor/Audit...

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Management Responsibility

- The primary responsibility for the prevention and detection of fraud rests with both:
 - Those charged with governance of the entity and
 - Management

 Design and implement adequate accounting and internal control systems to prevent, detect, and mitigate fraud



Board/Management Failed...

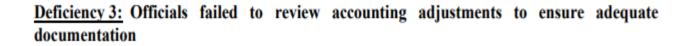
Many of our investigative results can be attributed to management's or an oversight board's failure to ask tough questions, perform due diligence, and establish clear policies and internal controls related to financial activities.

Deficiency 5: MAHS Board of Directors failed to provide adequate oversight of Johnson's and Williams' time/work schedules

<u>Deficiency 1</u>: MAHS Board of Directors failed to provide adequate oversight of school operations

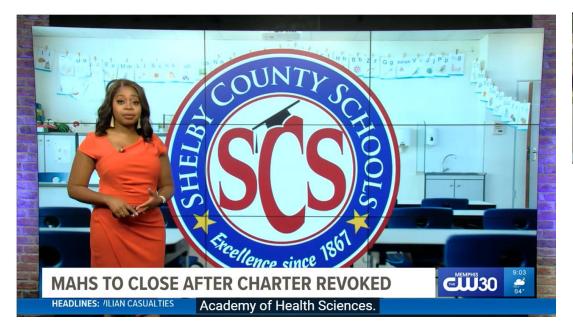
Deficiency: The TACP Executive Board failed to provide adequate oversight of TACP

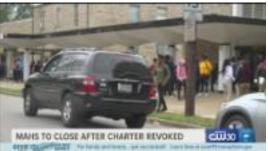
<u>Deficiency 4</u>: Several school officials failed to report Johnson's suspected unlawful conduct to the state Comptroller of the Treasury





Fraud Case Study





MAHS to close at the end of the academic year

"In pain comes beauty also, so there's no telling what's going to happen," said parent Lakisha Morris.



Memphis Academy of Health Sciences



COMPTROLLER'S INVESTIGATIVE REPORT

Memphis Academy of Health Sciences

December 1, 2021



Jason E. Mumpower Comptroller of the Treasury



DIVISION OF INVESTIGATIONS



Background - MAHS

- Located in Shelby County
 - Independently operated under the Shelby County School System
- Opened 2003
- 2 Campuses:
 - Middle School
 - High School
- Governing Board of Directors
- Funded by State, Federal and Private Grant Funds





Charter Schools

- Independent, Accountable, Public Schools of Choice
- Control:
 - Curriculum
 - Staffing
 - Organization
 - Budget
- Students apply to attend free of charge
- Aim to maximize student potential and exceed TN academic standards

OF THE TREASURY

Notifications

- December 14, 2018 Comptroller's Office received allegations via online reporting form
 - School official alleged:
 - School monies used to pay child support, fix executive director's car, for personal trips, paid for executive director's son's graduation party
 - During Fall 2017 Spring 2018



Subjects

Corey Johnson, Executive Director

- Appointed Interim Executive Director, July 2015
- Prior to July 2015 served as Chairman of the Board
- Appointed by board as Executive Director July 1, 2016 June 30, 2018
- Contract renewed July 1, 2018 June 30, 2020
 - Added discretionary expenses not to exceed \$25,000
 - Vehicle, travel, fuel, communications
- Responsible for day-to-day operations, administrative oversight and reporting to board of directors



Subjects

Robert Williams, Finance Director

- Long time employee of MAHS 2008-2016, various functions with finance department including Contract Financial Analyst
- Appointed by board as Director of Finance July 1, 2015
- Reports to Executive Director



Subjects

Michael Jones, Director of Nutritional Services

- Appointed by board July 1, 2016
- Reports to Executive Director



Analysis

- July 1, 2015, through February 28, 2021
- Review of School Records:
 - Personnel Files
 - Employee Handbook
 - Employee Contracts
 - Accounting Records
 - Bank Statements
 - Invoices
 - Payroll Records



Analysis – Renasant Bank

Bank Records

- 3 Bank Accounts
 - Operating Checking Accounts
 - High School
 - Middle School
 - Philanthropy Account

- February 2017
 - Johnson obtained a debit card bearing his name and the name of the school



Analysis – Commercial Bank & Trust

Bank Records

- 2 Bank Accounts
 - Operating Checking Accounts
 - High School
 - Middle School



Johnson Misappropriated School Funds Totaling at least \$337,955.13

- Disbursements from MAHS bank accounts
 - \$253,863.33
- Received improper payroll payments
 - \$84,091.80



Analysis February 2017 – December 2019

- Johnson made personal purchases from HS and MS accounts:
 - Auto Repairs
 - Online Payments of Child Support
 - Airline, Hotel, and Restaurant for Vacations
 - Including alcohol
 - Ticketmaster
 - Steelers vs. Saints

- Graduation Party and Senior Photos
- Divorce
- Hot Tub
- Lease of Piano
- Checks
 - Himself
 - His Church
 - 100 Black Men of America



Analysis February 2017 – December 2019

- Johnson linked MAHS Philanthropy account to his personal PayPal Account
 - Transactions solely completed by Johnson
 - Various personal transaction using PayPal account
 - Be Getting Fit Nutrition Club \$900
 - Shari's Berries \$217.31
 - American Airlines \$633.90
 - Multiple Uber Technologies
 - Multiple iTunes and App Store



Summary of Bank Account

Misappropriatio	Amount	Total	
	High School Account	\$ 152,365.00	
Renasant Bank	Middle School Account	59,065.45	\$ 221,487.15
	Philanthropy Account	10,056.70	
Commercial Bank	High School Account	5,000.00	22 276 19
and Trust Company	Middle School Account	27,376.18	32,376.18
	Total		\$ 253,863.33



Misappropriations by Type of Spending	# of Transactions	Amount
Lodging and Travel Expenses	97	\$ 45,562.62
Entertainment	15	44,210.45
Unauthorized Cash Withdrawals/Wire Transfers	11	22,118.98
Child Support Payments	18	19,621.00
Purchases at Retail Stores	60	18,119.28
Phone/Internet Services	25	8,697.78
Restaurant Charges for Food and Alcohol	44	6,862.36
Fuel Purchases	69	4,306.86
Medical and Veterinary Care Charges	4	1,869.58
Various Services and Other Personal-Related Charges	219	82,494.42
Total	562	\$ 253,863.33



Johnson used the MAHS debit card to purchase a hot tub located at his personal residence for \$5,108.98





Other Purchases for Personal Benefit

Lodging and Travel

- Las Vegas, Florida, New Orleans
- Entertainment
 - Season Tickets Memphis Grizzles
- Food and Alcohol
 - Love Lounge, Outback Steakhouse, Red Fish, Blue Monkey
- Veterinary Care
- Personal Services
 - Barbershop, massages, cleaning and plumbing, piano rental







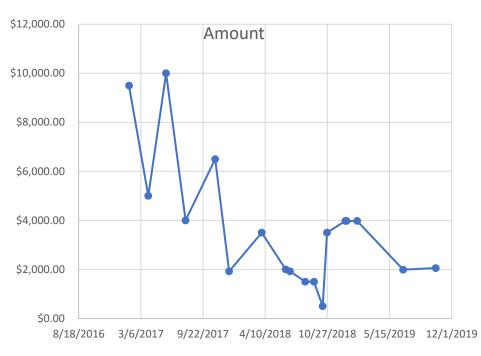
Improper Payroll Payments

- Johnson self-approved stipend and bonus payments \$84,091.80
 - No board approval
 - No documentation
 - Duplicate payments



Stipends and Bonuses

Bonus/Stipend Payments	Date Paid	Amount
1	1/27/2017	\$ 9,500.00
2	3/30/2017	5,000.00
3	5/26/2017	10,000.00
4	7/28/2017	4,000.00
5	10/31/2017	6,500.00
6	12/15/2017	1,920.00
7	3/30/2018	3,500.00
8	6/15/2018	2,000.00
9	6/29/2018	1,920.00
10	8/17/2018	1,500.00
11	9/14/2018	1,500.00
12	10/12/2018	500.00
13	10/26/2018	3,500.00
14	12/24/2018	3,978.00
15	12/28/2018	3,978.00
16	1/31/2019	3,978.00
17	6/28/2019	1,989.19
18	10/11/2019	2,054.25
To	tal	\$ 67,317.44





Summary of Improper Payroll

Type of Payments	Description of Transactions	Amount				
Stipends and Bonuses	18 different payments ranging from \$500 through \$10,000 (Refer to Exhibit 5).	\$ 67,317.44				
*Duplicate Salary Payments	\$4,083.33 paid on November 13, 2015, and November 27, 2015, respectively.	8,166.66				
Additional Salary Payment	\$3,200 paid on June 30, 2017.	3,200.00				
Salary Received Above the Contract Salary	\$3,750 paid during fiscal year 2018; \$1,657.70 paid during fiscal year 2020.	5,407.70				
	Total					



Corey Johnson, Executive Director

 Johnson's employment was terminated by the board on December 3, 2019



Williams Received Improper Payroll Payments Totaling at least \$35,295.95

- ◆ November 2015 October 2017
 - Duplicate salary payments
 - Excessive stipends
 - Questionable buy-back vacation payment
 - Approved by Executive Director Johnson without board approval



Williams Summary of Improper Payroll Payments

Impro	oper Payments	Date Paid	Amount	Total
*Dunlia	ata Salarry	11/13/2015	\$2,375.00	\$ 4,750.00
*Dupite	ate Salary	11/27/2015	2,375.00	\$ 4,730.00
		1/27/2017	9,500.00	
Excessiv	ve Stipends	5/26/2017	10,000.00	25,000.00
		10/31/2017	5,500.00	
Vacatio	n Buy-Back	10/31/2017	5,545.95	5,545.95
		Total		\$ 35,295.95
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\$35,000.00	Incre	ase 📕 Decrease 🔳 Total	\$5,545.95	
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\$35,000.00 \$30,000.00 \$25,000.00 \$20,000.00 \$15,000.00	Incre \$2,375.00	\$10,000.00 \$9,500.00	\$5,500.00	TENNESSEE

Robert Williams, Finance Director

 William's employment was terminated by the board on February 12, 2021



Jones Misappropriated School Funds Totaling at least \$25,114.19

- Unauthorized food purchases for personal
 - \$21,586.05
- Repair Services on non-school vehicles
 - \$3,528.14

Misappropriations	Total
A. Unauthorized Food Purchases	\$ 21,586.05
B. Unauthorized Repairs on Non-School Vehicles	3,528.14
Total	\$ 25,114.19



Unauthorized Food Purchases

- ◆ U.S. Foods MAHS authorized food vendor
- Jones made food purchases and removed the food from MAHS
- Invoices paid by MAHS Finance Department



Unauthorized Food Purchases

LOBSTER, AMER CNDN 5-6 Z TL IN	HB-D	10 LB	CS	\$253,4000	\$253.40
CRAB, SNOW CLSTR 8+ Z IN SHL	PACKER	30 LB	CS	\$347.7600	\$347.76
SHRIMP, RAW 26-30 WHT P&D T/ON	ASIAN GOLD	5/2 LB	CS	\$60.6700	\$121.34
BEEF, GRND 100% PURE 90/10 MED	ROCHESTER	4/5 LB	CS	\$76.2900	\$76.29
BEEF, STK RIBEY RL 1112 BNLS	CTLMN SLCT	28/6 OZ	CS	\$67.8300	\$135.66

PORK, RIB BABY BACK 2.25 LB UP	SWIFT PORK	6/3/2.25 LB+	54.10	LB	\$3,0600	\$ 165.55
CS: 1 54.10 lbs SALMON, ATLNTC 8 Z PBO SKON	HARBOR BNK	10 LB		CS	\$85.6600	\$85.66
SHRIMP, RAW 26-30 WHT P&D T/ON	ASIAN GOLD	5/2 LB		CS	\$51.1400	\$51.14
CRAB, SNOW CLSTR 8+ Z IN SHL	PACKER	30 LB		CS	\$334.3200	\$334.32
CATFISH, 5-7 Z FIL BND DEEP	HARBOR BNK	15 LB		CS	\$72.6300	\$72.63
BEEF, STK RIBEY RL 1112 BNLS	CTLMN SLCT	28/6 OZ		CS	\$71.8000	\$71.80

Repair Services

- Jones submitted an invoice for repairs to his personal vehicle
 \$1,300
- Jones submitted an invoice for repairs to a MAHS employee's vehicle
 - \$2,228.14
- Invoices paid by MAHS Finance Department
 - 3 vehicles in Nutrition Department
 - Jones altered certain information on the invoices



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BRIAN MASSEY AUTOMOTIVE

5332 PLEASANT VIEW ROAD Memphis, TN. 38134 Phone: 901-937-1255 Fax: 901-507-0084

INVOICE	-
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INVOICE Lawson, Marlon	HANGE	> TO	BI	LL MAHS	Date: 06/18/	2010
1956 Bonnie Dr #5 Memphis, TN 38116				2011 Chevrolet - Impala LS - 3.5L, V6 (2 Lic # : S8399E	13CI) VIN(K) Odometer In : 19 Odometer Out : 19	1441
Part Description / Number	Qty	a la	North Co. North	VIN # : 2G1WF5EK8 B1142032	out: 10	1441
TRANSMISSION	1.00	Sale		Labor Description	Hours	Ext
65097 AT FILTER KIT		985.00		Check transmission customer said has to shift from low gear up to regular drive then car	10.00 85	0.00
FK190	1.00	32.19	32.19	REPLACED TRANSMISSION ASSEMBLY		
ENGINE MOUNT B2987	1.00	56.80	56.80			
AXLE ASSEMBLY MP1250	1.00	108.43	108.43			
AUTO. TRANS. FLUID MAXLIFE	14.00	13.98	195.72			
		5332 PLE Memphis	ASANT	AUTOMOTIVE VIEW ROAD 134 255 Fax: 901-507-0084		
NVOICE				Work Completed : 06/18/20		21/2019
MAHS - Michael Jones 3608 Hawkins Mills Memphis, TN 38128 Office 901-213-4123 Ce	Mular 901-674-	1614		2011 Chevrolet - 3.5L, V6 Lic # : S8399E	(213CI) VIN(K) Odometer In : Odometer Out :	
Part Description / Number	Qty	Sale	Ext	Labor Description	Hours	Ex
TRANSMISSION 65097	1.00	985.00	985.00	Check transmission customer said has to s from low gear up to regular drive then car	hift 10.00	850.0
AT FILTER KIT FK190	1.00	32.19	32.19	REPLACED TRANSMISSION ASSEMBL	Y	
ENGINE MOUNT B2987	1.00	56.80	56.80			
AXLE ASSEMBLY MP1250	1.00	108.43	108.43			
AUTO. TRANS. FLUID MAXLIFE	14.00	13.98	195.72			

Michael Jones, Nutritional Services Director

 Jones' employment was terminated by the board on September 28, 2020



Summary of Misappropriations by the Three Former Directors

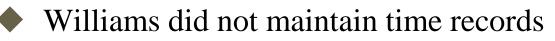
Misappropriations	Total
Former Executive Director Corey Johnson (Finding 1)	\$ 337,955.13
Former Finance Director Robert Williams (Finding 2)	35,295.95
Former Nutritional Services Director Michael Jones (Finding 3)	25,114.19
Total	\$ 398,365.27



Questionable Disbursements

Williams Payroll Payments

\$360,350.94



- No employment contracts for FY 2016, 2018, and 2020
- Johnson Disbursements
 - \$40,170.51
 - Payments made to or on behalf for the 100 Black Men civic organization

No board approval or documentation



Board Failed to Provide Adequate Oversight

Board of Directors (a 9-member governing body)

- Unaware of Johnson's and Williams' mismanagement.
- During periodic board meetings, no indication of fraud discussed.
- Relied on Johnson and Williams to obtain relevant reports.
- Relied on auditors performing annual audit.

Auditors

- Performed annual required audit.
- No findings reported.
- Johnson "filtered" information for the board and the auditors.
- Lack of independence between Johnson and certain board members.

Former Executive Director Cory Johnson

- Reported to the board and "handled" the communication with auditors regarding his transactions.
- Abused his position and authority to carry out and conceal his misappropriations (Finding 1).
- Described as a "charismatic manipulator" by certain board members and administrative staff.
- Approved Williams' excessive bonuses outside his authority (Finding 2).

Together exercised management overrides, collusion practices, and <u>total control</u> over finances.

Former Finance Director Robert Williams

- Was aware of Johnson's theft but did not apprise the board and auditors of this information. Stated that he did not know how and to whom to properly report Johnson's actions.
- Made questionable accounting entries in the general ledger (<u>Deficiency 3</u>).
- Failed to exercise sound judgements, due diligence, and was noncompliant with basic accounting
 rules and principles and the MAHS *Employee Handbook* (Deficiencies 2 and 3).
- Received executive-level salary, excessive and other questionable bonuses/stipends while stating his annual performance evaluation was not good (<u>Findings 2 and 4</u>).



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Audit Reports

- High School
 - 2014 2018
 - No Findings Reported

- Middle School
 - 2014 2018
 - No Findings Reported

FY 2019 and FY 2020 Audit Finding:

The Comptroller's Division of Investigations is currently reviewing certain operations of the Memphis Academy of Health Sciences High School. Findings, if any, resulting from this review will be included in a subsequent report.



Internal Control Deficiencies

- 3 Former Directors did not comply with the employee handbook
- Williams made questionable accounting entries and maintained questionable accounting records
- School officials failed to report suspected unlawful conduct
- MAHS board failed to provide adequate oversight of time/work schedules



Shelby County Grand Jury Indictments – November 9, 2021

- Corey Johnson indicted on
 - one count of theft over \$250,000 and one count of theft over \$10,000
- Robert Williams indicted on
 one count of theft over \$250,000
- Michael Jones indicted on
 one count of theft over \$10,000 and one count of theft over \$2,500



1/20/2021



ROBERT WILLIAMS





Closing of a Memphis School

♦ January 2022

Based on the results of the investigation, Shelby County Schools voted to revoke the MAHS charter and close both the middle and high school campuses at the end of the 2021-2022 school year



Trends

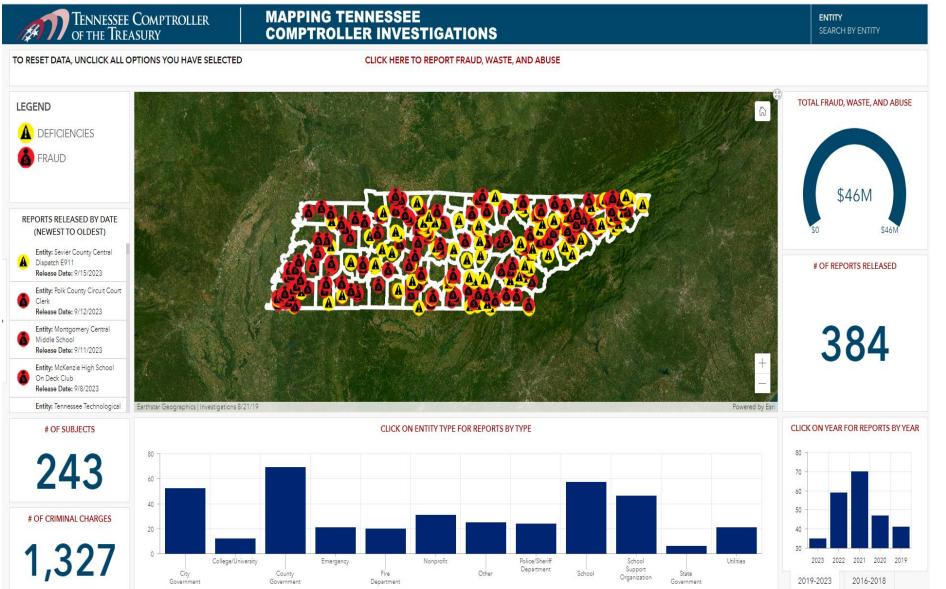




https://www.comptroller.tn.gov/officefunctions/investigations.html



Mapping TN Comptroller Investigations



Summary

- Report Fraud, Waste, and Abuse
- Auditors Rarely Find Fraud
- Fraud Prevention is the Mutual Responsibility of Oversight Boards and Entity Management



Christy.Tennant@cot.tn.gov 615-762-7610



