

Pretend Work: An Interim Report to The Tree Next Door

By Tom Coffin, Ph.D.
Technical Advisor to TTND

Background

In July 2010 the City of Atlanta reduced the field arborist staff in the Office of Buildings from five to two because of budgetary constraints. Arborists Stan Domengeaux and Michael Franklin were retained in that reduction. Arborist David Tachon was rehired and rejoined the field arborist staff in September 2010.

In order to better understand and track the impact of these changes on the implementation and enforcement of the city's Tree Protection Ordinance, The Tree Next Door used Georgia's Open Records Act to obtain copies of the field book notes and the database entries of the arborists both before and after the staff reduction. Analysis of this official data to date has revealed severe discrepancies between what is recorded in their field books and subsequently entered in the database by both Domengeaux and Franklin. Suspected fraudulent field book entries, particularly by Domengeaux, have also been uncovered. Most seriously, the data reveals that dangerous tree conditions recognized by both Domengeaux and Franklin were simply not addressed by either of them, despite clear legal and ethical requirements. These analyses, and much more, are available at www.treenextdoor.org.

The paper presented here continues this data analysis by focusing on "No Trees Impacted" (NTI) inspections reported by the field arborists in July and August 2010. Mr. Franklin claims no NTI inspections for those months, so Mr. Domengeaux's activities are considered, by default, in isolation.

Introduction

All building permit applications in Atlanta are routed through the arborist division to check for compliance with the city's Tree Protection Ordinance. Many applications, particularly for small projects – interior renovations, porch additions, deck expansions – include a signed affidavit that no trees will be impacted by the planned construction. These plans are termed "No Trees Impacted" or "NTI" plans.

Most NTI plans, particularly those involving no earth disturbance, are approved without field inspection. However, even small projects can result in significant tree damage if potential construction impact is either not recognized at the plan review level or ignored during building. Therefore if the plan reviewer questions the sufficiency of the plan or its tree survey, he will request field verification before approving a "No Trees

to be Impacted” stamp. In addition, the Arboricultural Manager may randomly select a number of these NTI plans for inspection simply as a quality control measure.

In either case the field arborist is assigned NTI sites for inspection, either by a plan reviewer or the Arboricultural Manager. The field arborist’s task is to inspect the site, compare it to the submitted plan, document findings in both field book and database, and schedule follow-up activities if warranted (*see the “No Trees Impacted Inspections” Standard of Practice at www.treenextdoor.org*).

Data Presentation

According to his field book notes, field arborist Stan Domengeaux experienced a dramatic one-month jump in NTI inspections in August 2010. Following a single NTI inspection in July, Domengeaux records 22 such inspections in August. The following table details these inspections:

“No Trees Impacted” Inspections, August 2010

Address	Type Const	App Date	FB Date	DB Date	DB notes
1004 North Ave NW	Deck	6/18/10	8/4/10		
130 W Paces Ferry NW	Trail	3/26/10	8/4/10		
1411 P’tree Battle Ave NW	Porch	6/23/10	8/4/10		
1640 W Wesley Rd NW	Demo	7/8/10	8/4/10		
3360 Grant Valley Rd NW	Driveway	6/22/10	8/4/10		
3363 Wood Valley Rd NW	Driveway	6/15/10	8/4/10		
971 Rice St NW	Plumbing	6/30/10	8/4/10		
*1004 North Ave NW	Deck	6/18/10	8/6/10		
*130 W Paces Ferry NW	Trail	3/26/10	8/6/10		
*1411 P’tree Battle Ave NW	Porch	6/23/10	8/6/10		
*1640 W Wesley Rd NW	Demo	7/8/10	8/6/10		
*3360 Grant Valley Rd NW	Driveway	6/22/10	8/6/10		
*3363 Wood Valley Rd NW	Driveway	6/15/10	8/6/10		
*971 Rice St NW	Plumbing	6/30/10	8/6/10		
34 Montgomery St NE	Fence	7/2/10	8/10/10		
44 Montgomery St NE	Fence	7/2/10	8/10/10		
3084 W Roxboro Rd NE	Porch	6/17/10	8/16/10	8/16/10	In compliance
3101 W Roxboro Rd NE	Fence	5/12/10	8/16/10	8/16/10	In compliance
560 Martina Dr NE	Porch	5/14/10	8/16/10	8/16/10	In compliance
831 Camden Park Ct NE	Wall	5/25/10	8/16/10	8/16/10	In compliance
2080 Delano Dr SE	Addition	5/19/10	8/16/10	8/16/10	In compliance
2394 Hosea Williams Dr SE	Addition	5/20/10	8/16/10	8/16/10	In compliance

Where App Date = Date plan approved by the Arborist Division

FB Date = Date inspection reported in field book

DB Date = Date inspection reported in database

Discussion

Several anomalies are apparent in this table:

- Domengeaux reports NTI inspections at seven sites on August 4. He claims the same seven inspections again on August 6 (entries marked by an *asterisk). He gives no explanation for these repeat visits, either why they occurred or what was discovered.
- None of these dual August 4 and August 6 inspections are recorded in the database. Nor are the two fence inspections at 34 and 44 Montgomery St. recorded on August 10 in Domengeaux's field book.
- Eight of the nine site plans claimed to have been checked by Domengeaux in his field book but which he did not enter in the database had been approved by the Arborist division between five and seven weeks earlier, without inspection. The single exception, at 130 W. Paces Ferry, received plan approval five months before Mr. Domengeaux's recorded inspection.
- The six sites deemed "in compliance" with their plans by Domengeaux in both his field book and the database had been approved by the Arborist division, again without field inspection, at least two months before Domengeaux records his visits on August 16.

To cross check these anomalies separate Open Records requests were made for (1) any written documentation from the plan reviewers, the Arboricultural Manager, or anyone else asking for these NTI inspections or assigning them to Domengeaux; and (2) all plan sign-out sheets – required to access any approved and stamped plan – bearing Domengeaux's signature for the month of August 2010. In its response the City confirms that no such records, of either type, exist.

Conclusions

These reported NTI inspections either happened ... or not. If they did occur and were legitimate, Mr. Domengeaux should be able to explain who assigned him the tasks, how he was assigned the tasks (phone calls, emails, etc.), what plans he took with him for his inspections and how he obtained those plans. Since that entire record does not exist it is incumbent that his supervisors find out the reason or reasons, for clearly there is a breakdown in established procedure and documentation.

If not – if the reported inspections did not occur – the questions Mr. Domengeaux's supervisors need to ask turn from "who?" and "how?" to "why?" and "what?" Why did he make fraudulent entries and create fraudulent records? What is the extent and duration of this practice? And what was he actually doing that he needed to cover-up with false inspection claims?

Domengeaux has experience with these type questions. See the *Ethics Office Investigative Report Case Number: CO-06-024 "City Arborist – Falsification of Documents"* available at www.treenextdoor.org. Beyond a 3-day suspension for Mr. Domengeaux at the time, neither the Arborist Division nor the Planning Department took any steps to guard against the abuses revealed by the Ethics Office in this 2006 report. There is no excuse for fraud, but managerial inattention and inaction (at best) or even active collusion (at worst) set the stage for and encouraged such illegitimate and destructive practice.