

Nashville audit of ex-Mayor Megan Barry's affair can't say how much taxpayer money misspent

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Audit can't say how much tax money misspent during Barry affair Nashville Tennessean



A six-month Metro investigation into former Nashville Mayor Megan Barry's affair with her police bodyguard did not determine how much public money was used for overtime and out-of-town trips.

A long-awaited city audit, released Wednesday, validates claims that former Sgt. Rob Forrest conducted non-Metro related activities while being paid by the city. The audit also says Barry and Forrest's guilty pleas of theft violated city ethics standards implemented by Barry.

Conversely, the report says the allegation Barry and Forrest used city funds for "exclusively personal" out-of-town trips is unsubstantiated.

But Metro Auditor Mark Swann's report, which he said took 1,400 hours to complete at a cost of \$100,000, offers few new details about the affair or possible misconduct.

For instance, it does not tally the total compensation Forrest received for non-Metro-related activities, which it called "not determinable."

Barry, elected Nashville mayor in 2015, resigned on March 6 after admitting on Jan. 31 to a nearly two-year affair with Forrest. Forrest and Barry both pleaded guilty to theft of more than \$10,000 as part of deal with Nashville District Attorney Glenn Funk. Barry agreed to reimburse Metro \$11,000 and Forrest agreed to pay back \$45,000.

Nashville Mayor Megan Barry pleads guilty Tuesday, March 6, 2018, to felony theft of property over \$10,000 related to her affair with former police bodyguard Sgt. Rob Forrest at the Justice

Barry declined interview request, didn't provide phone pin code

Swann faced constraints when investigating the affair, he said in his report.

The Davidson County District Attorney's Office did not provide details of the plea agreement with Metro auditors, according to a 39-page report. In addition, the Tennessee Bureau of Investigation did not release results of its investigation.

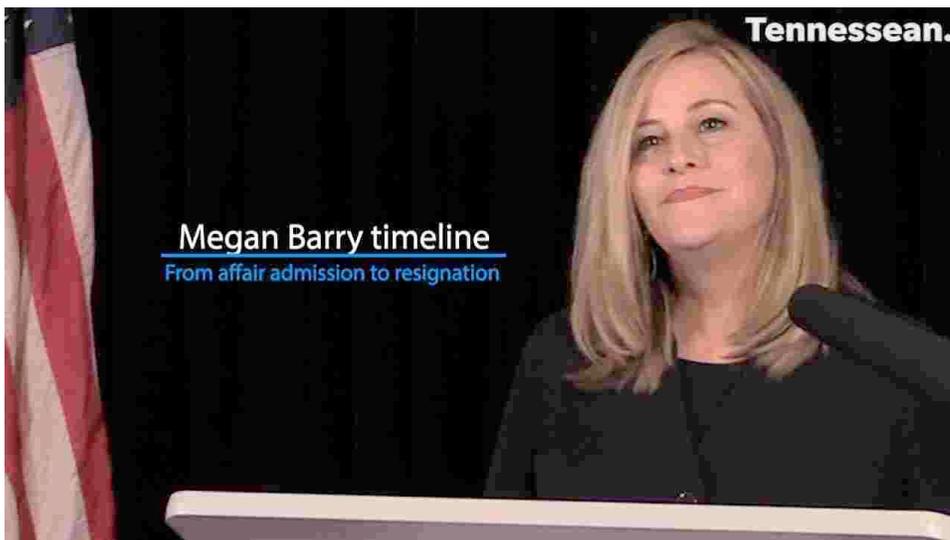
According to the report, Jerry Martin, Barry's attorney, told auditors that Barry "was having difficulty remembering the assigned pin code" to her Metro-issued cell phone. It was therefore not accessible. Photos and text messages that served as evidence in the initial TBI investigation were found on Forrest's phone.

A review of Verizon phone statements showed that Barry used the Metro-issued phone infrequently — an average of three text messages per month, with 31 total voice minutes and 608 megabytes of data.

"Without the pin code, we were unable to perform digital forensic on this equipment without paying a third party to unlock the iPhone," the audit says.

Barry, who worked as a corporate ethics compliance executive prior to her election as mayor, was not among the Metro officials interviewed for the audit. Swann said auditors requested to speak to Barry for the interview but Barry declined, instead sending a letter from her attorney.

Watch the timeline of Megan Barry's downfall from admission of affair to resignation:



The downfall of Megan Barry: From affair admission to resignation

Mayor Megan Barry admitted to having had an extramarital affair with Sgt. Robert Forrest Jr., the police officer in charge of her security detail, on Jan. 31.

Michael Schwab

'No new information,' audit committee member says

Forrest spoke with auditors while his attorney, David Raybin, was present, Raybin said.

"It seems like there is no new information," said At-large Metro Councilman Bob Mendes, who serves on the city's audit committee. "It looks like the auditor was limited by not having access to the DA's file, the TBI's file or the former mayor's phone password."

The Metro Audit Committee voted Feb. 13 to launch the audit before Barry resigned on March 6. It was originally set to be part of an investigation led by the council. That probe was abandoned after Barry left office.

At the direction of the council and committee on April 10, Swann pushed ahead with the investigation, even though Barry had resigned. The stated purpose was to review whether there was any improper use of public money involving the travel and expenses related to the affair.

Martin could not be immediately be reached for comment about the audit.

Swann said Barry did not violate internal policies for getting travel or expenses on trips approved. However, whether the nature of the trip was for city business was never called into question prior to her resignation.

Raybin said he and the former bodyguard "appreciate the auditor's thorough and comprehensive investigation."

"We think the report will be helpful to the Employee Benefit Board when it reviews Mr. Forrest's pension issue," Raybin said.

Audit compared Forrest's OT with Barry's schedule

The audit says it reviewed 949.5 hours of overtime that Forrest collected in 2016 and 2017 escorting Barry, but found only 13 extra hours that did not overlap with Barry's itinerary and calendar. It found 12 instances in which his overtime did not match Barry's schedule.

The audit did not say if it sought to verify the accuracy of Barry's calendar or the legitimacy of Forrest's hours.

A separate investigation by The Tennessean in February found Forrest racked up hundreds of hours of overtime in Nashville, escorting the mayor to hot yoga classes and hockey games, late-night concerts and trendy restaurants — many of which were listed on her public schedule.

The Tennessean's review found, in some instances, there were no events on Barry's calendar during times Forrest earned overtime pay.

Audit calls for more transparency on trips, new code of ethics

The audit recommended establishing a new code of ethics handbook for the mayor's office to "help and support employees' understanding of the expectations for conducting themselves in an honorable manner and making the right decisions when faced with an ethical dilemma." Additionally, the audit recommended an annual report listing all trips related to official duties by the mayor.

“This handbook should illustrate and define attributes of high employee standards of honesty, integrity, impartiality and conduct,” the audit states.

The audit recommended changing how the police department schedules mayoral bodyguard shifts, including using “rotating stacked shifts” that would spread out hours among multiple officers.

Overtime reports for Forrest showed that he routinely clocked out in the afternoon during the work week and immediately began accumulating overtime hours. Scheduling a second officer to work afternoon hours would decrease the overtime pay. The audit also called for additional monitoring of the top five police department employees’ discretionary extra time and court appearance time.

Report identifies 24 trips between Barry, Forrest

Swann’s audit called for changes to how travel expenses are approved for the mayor’s office. In some cases, the organization hosting the trip paid for Barry’s lodging and travel costs.

“Clarity on the funding sources for specific type trips would reduce the risk of public funds being used inappropriately,” the audit concludes.

Barry took 38 total trips, including 34 after March 2016 when records indicate their affair began. Forrest was present on 24 of those trips. On seven of those trips, Barry and Forrest were the only Metro officials who traveled.

“All seven trips were verified as related to official duties of then-Mayor Megan Barry,” the audit report concluded.