



**CITY OF DETROIT
OFFICE OF INSPECTOR GENERAL**

James W. Heath, Esq.
Inspector General

TO: Michael Brady
General Counsel, Detroit Land Bank Authority

FROM: James W. Heath
Inspector General *Swet*

DATE: February 1, 2017

RE: Direct Construction Update
2016-CF-0083

I. Introduction

On December 1, 2016, the Office of Inspector General (OIG) received a complaint from Detroit Land Bank Authority (DLBA) General Counsel Michael Brady. Mr. Brady had concerns regarding documentation submitted to the DLBA by one of its demolition contractors, Direct Construction Services, LLC (Direct Construction). DLBA policy requires that contractors present before and after sidewalk photos to DLBA once they have completed a project as proof that they did not damage the sidewalk at a demolition site. DLBA employees presented strong evidence to the OIG that several photographs submitted by Direct Construction had been falsified.

II. Direct Construction

Direct Construction, formerly known as Drakeford and Sons Trucking, is owned by Timothy Drakeford, a civil engineer and equipment operator.¹ Mr. Drakeford submits bids and payment requests on behalf of the company. Direct Construction has had several contracts with the DLBA for residential demolition including 11.12A and 12.22C. Contract 11.12A was for the demolition of 38 properties and 12.22C involved 10 properties.

III. DLBA Policy

a. Sidewalks

DLBA's Request for Proposals (RFP) and executed contracts detail contractor requirements regarding sidewalks. Contractors are required to take before and after photographs of sidewalks, drive approaches, neighboring residences and/or structures, and all surrounding

¹ His partners are Jason Drakeford and Jason Moyer per RFP Group 11.12A response from Direct Construction, Section 6-Business Information Questionnaire, dated November 12, 2015.

areas to document existing conditions.² Contractors are required to protect sidewalks from damage.

The Contractor shall be held responsible for the repair or replacement of any sidewalks damaged during the project unless otherwise specified by the Owner. Photographic evidence of preexisting sidewalk damage will be required to waive the requirement of replacement.³

The DLBA and Direct Construction agreement outlines DLBA's sidewalk repair requirements.

- A. Upon completion of all work requiring equipment to transverse existing sidewalks, contractor shall remove and replace all damaged sidewalk flags. No partial flag replacement is allowed.
- B. Perform all work in accordance with the City of Detroit Department of Public Works, City Engineering Division Standard Specifications for Paving and Related Construction, March 2009 update Division 12 and other pertinent sections
- C. Obtain all necessary DPW permits, inspections, and approvals.
- D. Failure to replace damaged sidewalk flags will delay processing of pay applications.⁴

b. Payment

DLBA requires contractors to submit documents pertaining to repair work when sidewalk flags have been damaged during demolition. These include applicable sidewalk replacement permits, inspection tickets, and post repair photographs. Contractors do not receive payment without submitting all proper documentation.

² Request for Proposals for Structural Demolition of Residential Properties Group 12.22C, Section II(F): Contractual Requirements, pg. 21, dated December 22, 2015 and Detroit Land Bank Authority Demolition of Residential Properties Agreement Bid Group 12.22C between DLBA and Direct Construction, dated January 25, 2016, pg. 20

³ Request for Proposals for Structural Demolition of Residential Properties Group 12.22C, Section III(F): Site Preparation, pg. 23, dated December 22, 2015 and Detroit Land Bank Authority Demolition of Residential Properties Agreement Bid Group 12.22C between DLBA and Direct Construction, dated January 25, 2016, pg. 22

⁴ Detroit Land Bank Authority Demolition of Residential Properties Agreement Bid Group 12.22C between DLBA and Direct Construction, dated January 25, 2016, pg. 35 and Detroit Land Bank Authority Demolition of Residential Properties Agreement Bid Group 11.12A between DLBA and Direct Construction, dated February 18, 2016, pg. 35

IV. Discussion

a. Properties

DLBA identified five properties for which they questioned the validity of the photographs submitted.

1. 16134 Steel
2. 11860 Flanders
3. 12320 Mitchell
4. 8248 Marlowe
5. 3333 Edsel⁵

DLBA suspected that the photographs depicting the sidewalks for these properties had been altered. As a result, DLBA field liaisons went to each of the five properties to inspect and photograph the current condition of the sidewalks. The field liaison's photos revealed that the condition of the sidewalks at each property did not match the photos submitted by Direct Construction and were actually in need of repair. The OIG also examined the photos submitted by Direct Construction and concurred that the photographs had been altered. In addition to the sidewalk issues identified by DLBA, the OIG found additional areas on the photos which appeared to have been altered. The chart below summarizes the issues identified by the OIG in each photo.

Property	Items that appeared altered
16134 Steel	Sidewalk only
11860 Flanders	Sidewalk, areas where tires and other debris were covered with green paint (photoshop tool), possible alteration of straw/ seeding
12320 Mitchell	Sidewalk, alteration of straw/ seeding including unexplained shadows
8248 Marlowe	Sidewalk, alteration of straw/ seeding including unexplained shadows
3333 Edsel	Sidewalk, alteration of seeding

b. Direct Construction Interview

On December 8, 2016, the OIG interviewed Direct Construction owner Timothy Drakeford and had subsequent email conversations with him regarding the photos he submitted for payment. Mr. Drakeford stated that he prepares all bid submissions, which include the potential cost of sidewalk repair, on behalf of his company. He claimed that Direct Construction hires a subcontractor to complete the abatement work and occasionally hires a subcontractor to complete sidewalk replacement. Direct Construction does all other aspects of the demolitions including grading and seeding. Mr. Drakeford submits all documentation, including photos, necessary for payment by uploading the documents to DLBA's Google Drive. Mr. Drakeford explained that he typically uses his phone to take before and after photographs of all properties.

⁵ The DLBA identified issues with the photos for 16134 Steel, 11860 Flanders, 12320 Mitchell, and 8248 Marlowe on December 1, 2016. DLBA identified an issue with the photo for 3333 Edsel on December 9, 2016.

Mr. Drakeford acknowledged that he is responsible for repairing any sidewalk damage done during the demolition process. A permit is required to repair the sidewalk and the sidewalk itself must contain a stamp with the company name and date. He stated that permits are acquired from DPW. He stated that Direct Construction currently has 16 sidewalks it must repair and that his average cost to repair one flag is \$350-\$400.

Mr. Drakeford explained that Direct Construction occasionally hires a subcontractor for sidewalk replacement. He stated that he hired a subcontractor to replace the sidewalks at the five properties in question. However, during the interview, Mr. Drakeford was unable to recall the name of the subcontractor. In a December 12, 2016 email, Mr. Drakeford identified the subcontractor as "Dan Daville" and in a subsequent email later in the day on December 12, he identified the subcontractor as "Dan Danville." He provided a phone number for Mr. Daville but noted that he was unlikely to answer his phone.

On January 5, 2017, Mr. Drakeford provided a photocopy of a cancelled check made out to "Dan Danvillarreal" for \$2200 dated May 3, 2016. In the "for" section of the check was written "Refund/ Sidewalk Repair." Mr. Drakeford was not able to provide any documentation to support his contention that Direct Construction hired Mr. Daville to replace the sidewalks. Mr. Drakeford stated that the subcontractor is responsible for taking pictures of sidewalk replacement and forwarding the photo to him. However, Mr. Drakeford stated he broke his phone and was unable to forward the texts or emails he received from the subcontractor containing the photos.

Mr. Drakeford was shown the photos he submitted for 8248 Marlowe; 11860 Flanders; 12320 Mitchell, and 16134 Steel.⁶ He agreed that the sidewalks looked altered but stated that the subcontractor gave him the altered photographs. He denied any wrongdoing and stated that he did not review the photos before submitting them to DLBA for payment. Mr. Drakeford was also asked about other inconsistencies with the photos including a straight line where the straw was put down and unexplained shadows. He stated that he did not see anything wrong with the photos and that he is able to put the straw down in a straight line.

Mr. Drakeford was asked about the green spots that appeared to have been added into the photograph of 11860 Flanders. He admitted adding the spots to conceal tires that were on the property. He stated that he did this at the direction of someone at DLBA who told him to "brush out" the tires. He could not recall who told him to do it but believes contractors were told to do this at an April or May 2016 contractor meeting. He stated he was told to do this before Jim Wright left because MSHDA would not accept a photograph of a property with tires on it. Mr. Drakeford stated that someone else dumped the tires so he was not going to remove them.

Mr. Drakeford stated that he did not verify that his subcontractor actually repaired the sidewalks. He explained that the subcontractor pulled the sidewalk permits and he paid them based on his review of the permits. However, he said that he did not maintain a copy of the permits for his records and was therefore unable to provide these permits to the OIG.

⁶ 3333 Edsel was not identified by DLBA until December 9, 2016.

c. Alleged Subcontractor

On December 16, 2016 the OIG attempted to contact Dan Daville at the telephone number which Mr. Drakeford provided. A person who answered identified himself as Dan Villarreal and indicated that he was indeed a contractor and was familiar with Mr. Drakeford; however, he denied doing any recent work for Mr. Drakeford or taking or altering photographs on his behalf.

On January 12, 2017, the OIG communicated with Mr. Villarreal regarding the \$2,200 check Mr. Drakeford stated that he gave to Mr. Villarreal for sidewalk repair. Mr. Villarreal stated the money was actually for a refund on a demolition job that Mr. Drakeford was supposed to do for one of Mr. Villarreal's private clients. Mr. Villarreal provided a copy of Mr. Drakeford's bid for the property dated January 14, 2016.

Additionally, the \$2,200 check was dated May 3, 2016. However, only one of the properties was demolished before this date as detailed below. This raises questions concerning Mr. Drakeford's statement that he gave during his OIG interview that he paid the subcontractor based on sidewalk permits indicating the work had been completed.

Property	Demolition Date⁷
16134 Steel	07/07/2016
11860 Flanders	06/30/2016
12320 Mitchell	05/19/2016
8248 Marlowe	03/25/2016
3333 Edsel	06/23/2016

d. Photograph Analysis

Forensic photo analysis expert Mark St. Peter, Managing Director and CEO of Computing Source, completed a forensic photographic analysis which included the following properties:

- 11317 Kennebec
- 11860 Flanders
- 12320 Mitchell
- 16134 Steel after sidewalk repairs
- 16134 Steel before sidewalk repairs
- 8248 Marlowe

11860 Flanders, 12320 Mitchell, 16134 Steel after sidewalk repairs, and 8248 Marlowe were uploaded to a DLBA Dropbox by Direct Construction. The DLBA forwarded the photos to the OIG. The OIG then shared these photos with Computing Source for analysis. 11317 Kennebec and 16134 Steel before sidewalk repairs were submitted to the OIG by Timothy

⁷ <https://data.detroitmi.gov/Government/Detroit-Demolitions/rv44-e9di/data>

Drakeford. Mr. Drakeford stated that he took those photos. The OIG also shared those photos with Computing Source for analysis.

The photographs were processed using Payne Metadata Assistant to extract all available metadata from each photograph. Information extracted included Date Taken, Camera Make, Camera Model, and Software Version. The metadata from all the other photos indicated that the photos were originally taken with a Samsung SM G890A model camera which is a type of camera installed in the Samsung Galaxy S6.

The report also detailed the software version. Mr. St. Peter wrote

This piece of metadata is left by the last piece of software to “touch” the photographic (or graphic) file. In this instance, photographs for [11860 Flanders, 16134 Steel after sidewalk repairs, and 8248 Marlowe] all contain metadata indicating that they were edited or processed in some fashion, using Adobe Photoshop CS5 Macintosh. The photograph for 11317 Kennebec contains metadata indicating that it was processed in some fashion by Microsoft Windows Photo Viewer (version 6.1.7600.16385). The only photograph that appears to possess metadata relating to the software used by a Samsung SM G890A model camera is photograph 16134 Steel before sidewalk repair.*

Below is a summary of the findings of the Forensic Photographic Analysis

Property	Date Taken	Camera	Software
16134 Steel	09/12/2016	Samsung SM G890A	Adobe Photoshop CS5 Macintosh
11860 Flanders	08/03/2016	Samsung SM G890A	Adobe Photoshop CS5 Macintosh
12320 Mitchell	No Metadata	No Metadata	No Metadata
8248 Marlowe	06/30/2016	Samsung SM G890A	Adobe Photoshop CS5 Macintosh
11317 Kennebec	08/16/2016	Samsung SM G890A	Microsoft Windows Photo Viewer 6.1.7600.16385
16134 Steel	09/12/2016	Samsung SM G890A	G890AUCU3BOJE

Mr. St. Peter also examined the photos under magnification and close visual inspection. He observed the following anomalies.

11860 Flanders

This photo has black paint brush strokes digitally added to the shrubbery in the mid-point of the depicted property; the photo has two different levels of pixilation inconsistent with that which would be found in an unaltered photo; and the sidewalk shows digital editing marks along with blurry edges.⁹

⁸ 16134 Steel before sidewalk repairs also contains what is known as “Application Added Metadata” which indicates that the photograph may have possibly been altered by the software on the cellular phone in which the Samsung SM G890A model camera was installed. This would require additional laboratory-level analysis beyond the scope of this report.

⁹ Forensic Photographic Analysis Report dated January 30, 2017, pg. 2.

12320 Mitchell

This photo has unusual straight hard edges along the hay adjacent to the sidewalk; the sidewalk lacks dimension or shadow or any drop off and appears to have been digitally added; there is a piece of hay “floating” near the left edge of the photo in what appears to be a leftover from a cut-and-paste operation; and the photo has two different levels of pixilation inconsistent with that which would be found in an unaltered photo.¹⁰

16134 Steel after sidewalk repair

This photo has green brush strokes that have been added in to resemble grass; grey brush strokes that are digitally added; and the sidewalk lacks dimension or shadow or any drop off and appears to have been digitally added.¹¹

8248 Marlowe

This photo has unusual grey brush strokes on the sidewalk, green brush strokes (added in) to resemble grass, and the sidewalk lacks dimension, shadow and appears unusual in geometry.¹²

V. Conclusion

The DLBA should be credited with discovering the issues with the five properties in question through its normal review process. The OIG is aware that Direct Construction has demolished other properties for DLBA. Neither the DLBA nor the OIG have specific information at this point indicating that Direct Construction failed to perform its work on other projects in a manner consistent with its contractual obligation. No issues were detected in earlier reviews. But given the false information submitted regarding the five properties, the OIG is concerned about the accuracy of all of the information submitted by Direct Construction. Direct Construction should not be paid for completed work until DLBA verifies through appropriate means that the work has in fact been done satisfactorily.¹³ Once the DLBA is satisfied that all work has been completed as contractually specified, the DLBA should evaluate whether payment is warranted.

Direct Construction should have their payment withheld for the following properties until they replace the sidewalks and address other issues identified in the photos to the satisfaction of the DLBA.

1. 16134 Steel
2. 11860 Flanders
3. 12320 Mitchell
4. 8248 Marlowe
5. 3333 Edsel

¹⁰ Forensic Photographic Analysis Report dated January 30, 2017, pg. 3.

¹¹ Id.

¹² Id.

¹³ The DLBA conducted a review of the properties related to Direct Construction contracts 11.12A and 12.22C to assess the validity of the photos submitted. DLBA did not find additional issues. However, given that Direct Construction owner Timothy Drakeford admitted to falsifying a photo that was submitted for payment, a review of all submissions should be undertaken.

The DLBA should re-evaluate its relationship with Direct Construction moving forward. Direct Construction submitted falsified photos for payment. Mr. Drakeford admitted to removing tires and other debris out of the photo for 11860 Flanders because he knew the property in its current condition would not be acceptable to MSHDA. However, he did not take responsibility for the other four properties or the sidewalk issue at 11860 Flanders. Instead, Mr. Drakeford blamed a subcontractor. The OIG attempted to verify Mr. Drakeford's assertion but the subcontractor denied ever doing work for Direct Construction. The OIG also contacted the City of Detroit Department of Public Works, City Engineering Division, which indicated that no sidewalk permits existed for the 5 properties. Additionally, Mr. Drakeford was unable to provide any documentation to suggest that a subcontractor was indeed responsible.

The Forensic Photographic Analysis Photo analysis also casts doubt on Mr. Drakeford's assertion that a subcontractor altered the photos. All of the photos, including the photos Mr. Drakeford admitted that he took,¹⁴ were all taken with a Samsung Galaxy 6S. Mr. Drakeford confirmed to the OIG that he has a Samsung phone. The photo analysis expert also identified several areas of the photos which were altered. His observations included not just sidewalks but also areas of hay and grass that were altered. As discussed above, Mr. Drakeford stated that Direct Construction does grading and seeding for demolished properties. A sidewalk subcontractor would have no reason to alter these other portions of photos identified by the expert.

Based on Mr. Drakeford's actions, the DLBA should not allow Direct Construction to do work for the City of Detroit's demolition program. Direct Construction is responsible for ensuring that all documentation submitted for payment is accurate. At best, Direct Construction was negligent in this regard. At worst, the firm acted in a purposely deceitful manner. In the future, the DLBA and City of Detroit should not continue its relationship with such contractors.

¹⁴ 11317 Kennebec and 16134 Steel before sidewalk repairs are photos that Mr. Drakeford sent to the OIG in a December 12, 2016 email in response to an OIG request that he send photos he had taken.

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WWW.COMPUTINGSOURCE.COM

January 30, 2017

Jennifer Bentley, Investigator
CITY OF DETROIT-OFFICE OF INSPECTOR GENERAL
65 Cadillac Tower - Suite 3210
Detroit, MI 48226

Re: Forensic Photographic Analysis

Hello Ms. Bentley:

At your department's request, I have performed forensic analysis of the photographs listed below which have been numbered for reference throughout the remainder of this report:

- 1) 11317 Kennebec 2.jpg
- 2) 11860 Flanders After Demo-1.jpg
- 3) 12320 Mitchell After Demo from Direct 10.27.16.jpg
- 4) 12320 Mitchell.jpg
- 5) 16134 steel sidewalk repairs.jpg
- 6) 16134 Steel.jpg
- 7) 8248 Marlowe after from Direct 10.3.16.jpg
- 8) DR_8248 Marlowe.Direct_2016-0083_19DEC16_JB.jpg

All of the photographs were processed using Payne Metadata Assistant (version: 4.1.1411.612) to extract all available metadata from each photograph.

A complete listing of the metadata elicited from the eight photographs is included with this report. The metadata includes a bevy of information about the graphic file but, for the purposes of this report, I focused on the following metadata elements; Date Taken, Date Last Changed, Date Digitized, Camera Make, Camera Model, and Software Version.

For two (2) of the eight (8) photographs, there exists no photographic nor EXIF¹ metadata at all which is typically the result of a digital picture being cut/pasted or copied in a manner outside of its photographic medium such that the file becomes a basic graphic (JPEG in this case) file. Photos 3 and 4 are absent this photographic and/or EXIF metadata. For six (6) of the eight (8) photographs, however, enough metadata remains to make meaningful conclusions. These elements are discussed more fully below:

Camera Model, Camera Make: The metadata from photographs 1, 2, 5, 6, 7, and 8 all indicate that the photos were originally taken with a Samsung SM G890A model camera which is a type of camera installed in cellular telephones, most notably the Samsung Galaxy S6.

Date Taken, Date Last Changed, Date Digitized: Photographs 1, 2, 5, 6, 7, and 8 all have differing dates (as enumerated in the table below) which indicate that the photo was altered on a date later than it was taken by the digital camera.

<i><u>Date taken</u></i>	<i><u>Date Last Changed</u></i>	<i><u>Date Digitized</u></i>	<i><u>Photo</u></i>
08-16-2016	12-12-2016	08-16-2016	(1)
08-03-2016	09-24-2016	08-03-2016	(2)
09-12-2016	10-02-2016	09-12-2016	(5)
09-12-2016	09-12-2016	09-12-2016	(6)
06-30-2016	10-02-2016	06-30-2016	(7)
06-30-2016	10-02-2016	06-30-2016	(8)

Software Version: This piece of metadata is left by the last piece of software to “touch” the photographic (or graphic) file. In this instance, photographs 2, 5, 7, and 8 all contain metadata indicating that they were edited or processed in some fashion, using Adobe Photoshop CS5 Macintosh. Photograph 1 contains metadata indicating that it was processed in some fashion by Microsoft Windows Photo Viewer (version 6.1.7600.16385). The only photograph that appears to possess metadata relating to the software used by a Samsung SM G890A model camera is photograph #6²

In addition to observing these technological indicia, I also examined the subject photographs under magnification and close visual inspection and observed the following anomalies:

Photo 2: This photo has black paint brush strokes digitally added to the shrubbery in the mid-point of the depicted property; the photo has two different levels of pixilation inconsistent with that which would be found in an unaltered photo; and the sidewalk shows digital editing marks along with blurry edges.

¹ EXIF is an abbreviation of Exchangeable Image File and is a standard used in the formats for digital cameras.

² That said, photograph #6 also contains what is known as “Application Added Metadata” which indicates that the photograph may have possibly been altered by the software on the cellular phone in which the Samsung SM G890A model camera was installed. This would require additional laboratory-level analysis beyond the scope of this report.

Photo 3: This photo has unusual straight hard edges along the hay adjacent to the sidewalk; the sidewalk lacks dimension or shadow or any drop off and appears to have been digitally added; there is a piece of hay “floating” near the left edge of the photo in what appears to be a leftover from a cut-and-paste operation; and the photo has two different levels of pixilation inconsistent with that which would be found in an unaltered photo.

Photo 5: This photo has green brush strokes that have been added in to resemble grass; grey brush strokes that are digitally added; and the sidewalk lacks dimension or shadow or any drop off and appears to have been digitally added.

Photo 7: This photo has unusual grey brush strokes on the sidewalk, green brush strokes (added in) to resemble grass, and the sidewalk lacks dimension, shadow and appears unusual in geometry.

If you have any questions, or if you need any additional information, please let me know.

Sincerely,

COMPUTING SOURCE


Mark St. Peter, CCE CFE
Managing Director and CEO

cc: Timothy P. Smith, Esq., Computing Source
File: DET9