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May 9, 2012

Thomas A. Beilein  
Chairman  
New York State Commission of Correction  
Alfred E. Smith State Office Building  
80 South Swan Street, 12<sup>th</sup> Floor  
Albany, New York 12210

RE: NYS IG 0331-055-2010

Dear Chairman Beilein:

This letter advises you of the results of an investigation by the Inspector General's Office of an allegation that State Commission of Correction (SCOC) Director of Operations [REDACTED] and SCOC Counsel [REDACTED] traveled to Oneida County at state expense for purposes unrelated to SCOC business.

When interviewed, [REDACTED] and [REDACTED] stated that they do not often engage in SCOC-related travel. In fact, SCOC vehicle use records show that [REDACTED] traveled a total of 11 times during 2009 and 2010: six trips to New York City, four to Oneida County, and one to Suffolk County.<sup>1</sup> Significantly, on two occasions when [REDACTED] traveled to Oneida County — in July 2009 and April 2010 — he accepted an invitation from [REDACTED] the then Oneida County undersheriff, to stay overnight at [REDACTED] personal residence approximately 40 miles from the Oneida County jail. [REDACTED] joined [REDACTED] on the 2010 trip and also stayed at [REDACTED] residence. [REDACTED] and [REDACTED] admitted that the only time they stayed at a personal residence while traveling on SCOC-related business was on trips to Oneida County.

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<sup>1</sup> In addition to the four trips documented in vehicle use records, other SCOC and Oneida County records indicate that [REDACTED] traveled to Oneida County on SCOC-related business at least twice during the period 2007-2008.

██████████ the Oneida County undersheriff in charge of the jail operations overseen by SCOC, was previously employed by SCOC and, according to ██████████ the two have been "close friends for 40 years." Despite his admitted long friendship with ██████████ ██████████ continued to have direct involvement in SCOC activities related to oversight of the Oneida County Jail. A prudent course of conduct would have been for ██████████ to recuse himself from any involvement with the Oneida County Jail during ██████████ tenure as Undersheriff. ██████████ retired in January 2011.) ██████████ who also serves as SCOC's designated ethics officer, failed to identify any potential or apparent conflict of interest created by ██████████ conduct. With respect to lodging with ██████████ ██████████ should have recognized the inappropriateness of this action and addressed the issue both on his own behalf and that of ██████████

When queried by the Inspector General, ██████████ and ██████████ sought to justify their lodging with ██████████ as saving the state the expense of hotel rooms.<sup>2</sup> This proffered explanation, however, fails to excuse their conduct given the distance between Oriskany, the location of the jail, and Albany – approximately 103 miles by highway. Indeed, ██████████ conceded that these trips could have been concluded in a single day as occurred when subordinate staff inspected the jail and even on other occasions when ██████████ or ██████████ themselves went to Oneida County.

The Inspector General determined that ██████████ and ██████████ created an appearance of impropriety in staying overnight at the private residence of ██████████ when they traveled to Oneida County on SCOC business related to the Oneida County jail, which was overseen by ██████████. In addition, the Inspector General found that SCOC lacks formal policy or procedures to guide staff in identifying, disclosing, and resolving potential, apparent, or actual conflicts of interest. The Inspector General recommends that the SCOC review these findings and take appropriate action. As ██████████ and ██████████ conduct potentially implicates the Public Officers Law, the Inspector General previously provided these findings to the Joint Commission on Public Ethics.

It is requested that within 30 days you advise this Office of any actions or decisions taken in response to the above recommendation. If you require additional information about our investigation, you can contact me at (518) 474-1010.

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Catherine Leahy Scott  
Acting Inspector General

<sup>2</sup> Concerning the July 2009 overnight trip, ██████████ but not ██████████ submitted a travel voucher and received an "unreceipted" per diem reimbursement of \$35 to which he was entitled regardless of where he lodged.