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October 25, 2012

Ellen N. Biben, Executive Director
Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207

Re: NYS IG 0221-008-2011

Dear Executive Director Biben:

The New York State Inspector General received a complaint concerning the theft of state property from the Brookwood Secure Facility operated by the New York State Office of Children and Family Services. The Inspector General commenced an investigation involving Brookwood maintenance employee [REDACTED], and found that he was stealing scrap metal from the facility. The Inspector General's investigation further revealed that New York State Police Senior Investigator [REDACTED], a lifelong friend of [REDACTED], was aware of [REDACTED] conduct but took no action.

In August 2011, Inspector General's staff met with Columbia County Assistant District Attorney David Costanza to discuss the investigation and potential referral of [REDACTED]. Costanza discussed the matter with his superiors in the District Attorney's office. When interviewed by Inspector General's staff, [REDACTED] stated that, while present at the District Attorney's office sometime prior to December 15, 2011, on an unrelated matter, he overheard District Attorney's office staff discussing the facts and circumstances of an investigation into the theft of scrap metal. [REDACTED] claimed that although he became aware of an investigation, he did not know the identity of the individual under investigation or the facility from which the property was stolen.

According to [REDACTED], on or about December 15, 2011, [REDACTED] admitted to [REDACTED] that he had been taking scrap metal from Brookwood, selling it, and retaining the proceeds for personal use. [REDACTED] did not refer the matter to the Columbia County District Attorney's Office, file a criminal complaint, or, as required under Executive Law §55(1), refer the matter to the Inspector General. Rather,

██████████ suggested that ██████████ bring the matter to the attention of his supervisor, Brookwood Director Patrick Sullivan, "so that ██████████ wouldn't get into trouble." ██████████ retired from state service on December 31, 2011.

As noted above, the Inspector General's investigation revealed that ██████████ and ██████████ are lifelong friends. They attended the same ██████████, New York, school and served together as Chiefs of the ██████████ Volunteer Fire Department. The Inspector General's investigation further revealed that they socialize with each other on a regular basis and have vacationed together.

Based on the foregoing, the Inspector General is referring the matter to the Joint Commission on Public Ethics for a review of possible violations by ██████████ of the Public Officers Law, including Public Officers Law §§(74)(3)(d), (f) and (h), or any other applicable rule. The Inspector General's investigation of this matter is continuing, and we have referred ██████████ conduct to the New York State Attorney General's Office.

We will make our investigative file available to you. Please contact Deputy Inspector General Audrey Cunningham for further information.

Thank you for your time and attention to this matter.

Sincerely,

████████████████████
Catherine Leahy Scott
Acting Inspector General