



November 23, 2021

Erik Kulleseid, Esq.
Commissioner
New York State Office of Parks,
Recreation and Historic Preservation
625 Broadway, 10th Floor
Albany, New York 12207

Re: NYS IG 2907-010-2020

Dear Commissioner Kulleseid:

On December 25, 2020, the Offices of the New York State Inspector General received a complaint alleging that [REDACTED], a forest ranger with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), has "for years" been misusing a State vehicle to commute to and from his home and place of employment at [REDACTED] State Park. This letter reports the results of the Inspector General's investigation of this matter.

By way of background, the use of State vehicles assigned to OPRHP personnel is governed by both the New York State Vehicle Use and OPRHP policies.¹ Both policies prohibit the personal use of State vehicles, and commuting with State vehicles is prohibited unless authorization has been received from the director of state operations. The New York State Vehicle Use Policy, which is reflected in OPRHP's policy, reads:

State vehicles may be used only for official State business, and their use for any personal business is strictly forbidden except under very limited circumstances where (i) personal use such as commuting is expressly authorized by the Director of State Operations or (ii) the personal use is incidental to official business . . .

[REDACTED] is a forest ranger assigned to [REDACTED] State Park. In 1999, OPRHP assigned [REDACTED] a State vehicle to be used in the performance of his job duties, which included use of the State vehicle as a "take-home vehicle" to commute between his home and [REDACTED]. On January 1, 2012, over [REDACTED] objection, OPRHP revoked his authority to commute in the vehicle. This revocation was based on an

¹ See, New York State Memorandum to the Heads of State Agencies and Public Authorities entitled State Vehicle Use Policy (November 27, 2013) and OPRHP Policy OPR-PCD-002.

assessment conducted by an OPRHP Park Police major that found that [REDACTED] was no longer responding to emergencies on a weekly or monthly basis and therefore no longer qualified for the use of a take-home vehicle. Based on that revocation, [REDACTED] bargaining unit filed an improper practice charge on his behalf.² Since the January 1, 2012 revocation, although [REDACTED] was no longer authorized to use his State-assigned vehicle to commute to and from his home, OPRHP authorized [REDACTED] to leave the State vehicle overnight at [REDACTED] State Park, which is closer than [REDACTED] to [REDACTED] home. In 2015, a New York State Public Employment Relations Board administrative law judge held that the State had acted within its rights in revoking [REDACTED] authority to use the State vehicle to commute to and from his home.

The Inspector General reviewed [REDACTED] vehicle use logs, which provided little information in determining whether [REDACTED] was commuting to and from his home in his State-assigned vehicle. Although these Monthly Vehicle Use Reports include fields for daily starting and ending mileage, the reports do not require users to report starting and ending locations. Consequently, [REDACTED] did not report where he parked the State vehicle after each use. Of note, the New York State Vehicle Use Policy requires agencies to maintain vehicle use logs in which drivers report their starting location and destination for each leg of a trip, among other information.

In surveillance conducted on several occasions in early 2021, the Inspector General found no evidence that [REDACTED] was leaving his State-assigned vehicle overnight at [REDACTED] State Park. Between January 12 and February 4, 2021, investigators made several trips to [REDACTED] and observed a one-car garage adjacent to a parking area within the park. On each visit, investigators noted that access to the garage was blocked by a snowbank. Further, no vehicles were present in the parking area on any of those occasions. On February 4, 2021, investigators travelled to [REDACTED] residence and observed his assigned State vehicle parked on his property. According to [REDACTED] time and attendance records, he did not work on February 4, 2021. Given these observations, [REDACTED] actions appear to be in violation of his authorized use of his assigned vehicle.

On February 17, 2021, [REDACTED] was interviewed by the Inspector General and stated that after OPRHP revoked his commuting privileges in 2012, a now-retired regional director told [REDACTED] that he could park his State vehicle at [REDACTED] between shifts. Accordingly, [REDACTED] stated, he parks his personal vehicle in the [REDACTED] garage before each work shift, travels to [REDACTED] using the State vehicle, and reverses the process at the end of each shift. Pursuant to this practice, [REDACTED] stated that, *at that moment*, his personal vehicle was parked in the [REDACTED] garage. When advised that the Inspector General had received a complaint that he was using the State vehicle to commute to and from his home, [REDACTED] became uncooperative and refused to answer any further questions on that topic. Additionally, [REDACTED] claimed that approximately one year earlier, his current supervisor, a supervising forest ranger, had implied that [REDACTED] had his permission to use the State vehicle to commute to and from his home.

² [REDACTED] stated to the Inspector General that he believed OPRHP had unfairly revoked his access to a take-home vehicle, which he viewed as a perk that came with the job when he was hired.

Testimony elicited from [REDACTED] current supervisor contradicts these claims. In fact, [REDACTED] supervisor advised the Inspector General that he explicitly informed [REDACTED] that the State vehicle is to be left at either [REDACTED] or [REDACTED] at the end of [REDACTED] shifts.

Upon conclusion of the interview, Inspector General investigators immediately travelled to [REDACTED] where they observed that access to the garage was still obstructed by a snowbank. Given these observations, [REDACTED] statements to the Inspector General appear untruthful.

Of note, shortly after his interview with Inspector General investigators, the [REDACTED] garage was once again accessible. On February 23, 2021, investigators visited the [REDACTED] garage and observed that the snowbank had been cleared and access to the garage was no longer obstructed. In addition, tire tracks were visible in the snow, indicating that a vehicle had recently entered or exited the garage. Through a garage window, investigators observed a vehicle parked inside.

[REDACTED] immediate supervisor stated to the Inspector General that [REDACTED] should park his State-assigned vehicle at [REDACTED] or [REDACTED] when he is off-duty. [REDACTED]'s supervisor noted that, on rare occasions, he has authorized [REDACTED] to take the State vehicle home for specific work-related reasons (i.e., if [REDACTED] had training at the Academy or was involved in an active search and rescue), but he did not recall any such occasions in early 2021. [REDACTED] supervisor further stated that given the nature of their respective job duties and responsibilities, he remotely supervises [REDACTED]. According to [REDACTED] supervisor, he works at Bear Mountain headquarters, which is an hour drive from [REDACTED] and an hour-and-a-half drive from [REDACTED]. As such, he physically meets with [REDACTED] "maybe four times a year" and has not visited [REDACTED] in approximately five to six years.

The Inspector General finds likely that, on at least two confirmed occasions during the instant investigation, [REDACTED] used his State-assigned vehicle to commute to and from his home. Any such commuting following the 2012 revocation of his commuting privileges would be in contravention of New York State Vehicle Use Policy and OPRHP policy. Furthermore, the Inspector General found that [REDACTED] supervisor's infrequent visits to [REDACTED] facilitated a lack of oversight and accountability of [REDACTED] State vehicle use. In addition, OPRHP's failure to maintain vehicle use logs that include all information required by New York State's Vehicle Use Policy—including starting location and destination—impacted the Inspector General's ability to fully investigate these allegations.

In light of these findings, I recommend that OPRHP take any action it deems appropriate against [REDACTED]. Additionally, I recommend that OPRHP evaluate [REDACTED] supervisor's management of [REDACTED] and take steps to evaluate the efficacy of remote supervision as related to proper use of an employee's State vehicle. Lastly, I recommend that OPRHP revise its vehicle use logs to include all data fields required by the New York State Vehicle Use Policy including starting location and destination of travel.

Please advise me of any action taken by OPRHP in response to these recommendations within 45 days of the date of this letter. If you require further information, please contact Deputy Inspector General James R. Davis at 518.474.1010.



Robyn A. Blair
Acting Inspector General

Cc: Jennifer Maglienti, Esq.
General Counsel