

Lucy Lang Inspector General

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March 3, 2022

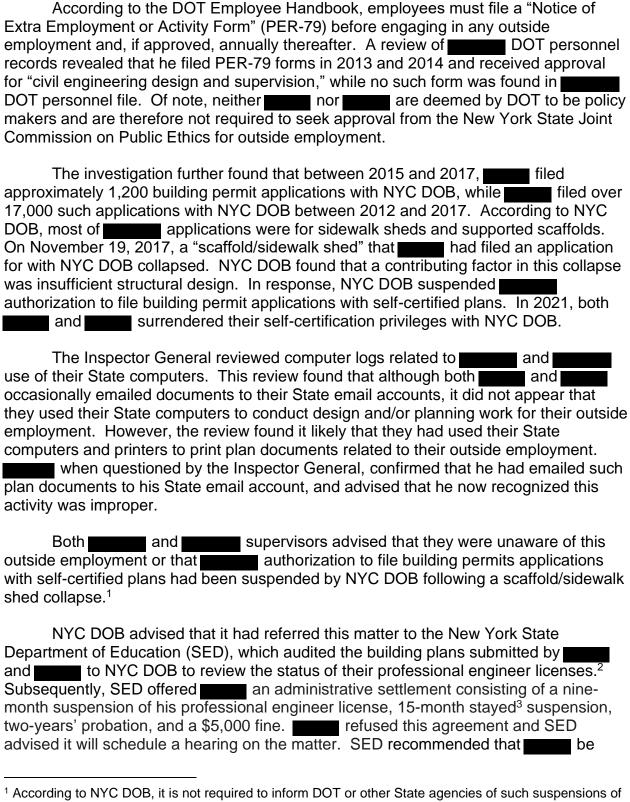
Marie Therese Dominguez Commissioner New York State Department of Transportation 50 Wolf Road Albany, New York 12232

> Re: NYS IG 0102-007-2018 0621-007-2018

Dear Commissioner Dominguez:

Enforcement Team, a unit which handles prosecutions of registered architects and professional engineers, alleged to the Offices of the New York State Inspector General that two New York State Department of Transportation (DOT) employees, a civil engineer 2, and a civil engineer 1, may be engaged in outside employment as licensed professional engineers working on New York City projects during the course of their State workday. The Special Enforcement Team further advised that both professional engineers had filed unusually high numbers of building permit applications with NYC DOB.
The Inspector General investigated these allegations and found evidence that and misused State resources in furtherance of their outside employment, although this misuse appeared to be infrequent. Additionally, the investigation found that submitted for approval from DOT for his outside employment while did not seek such approval. Lastly, the investigation found that and supervisors were unaware of the volume of building permit applications their subordinates were filing with NYC DOB or that their authority to file such building permit applications had been subsequently suspended by NYC DOB. The following is a summary of the Inspector General's investigation of these allegations.
The Inspector General learned that has worked for DOT since 2008, as a project manager and consultant liaison in the Consultant Management Unit. has been employed with DOT since 1998, and has held various titles, including consultant manager and bridge inspector. Neither nor State job duties and responsibilities involve New York City building permit applications.

In January 2018, the New York City Department of Buildings' (NYC DOB) Special



¹ According to NYC DOB, it is not required to inform DOT or other State agencies of such suspensions of plan self-certification privileges by professional engineers.

² Notably, if SED revokes an individual's professional engineer license, it is not required to notify that and are required to maintain a professional engineer license individual's employer. Both for their current DOT employment.

³ During a stayed suspension, professional engineers may continue to practice but may not self-certify building plans to NYC DOB and must submit projects for full review.

disciplined⁴, and he was offered an administrative agreement, which included a ten-year stayed suspension of his privileges with NYC DOB and a ten-year concurrent probation on his professional engineer license on the condition that he complete 80 hours of ethics coursework and pay a \$10,000 fine. accepted this agreement, and a consent order is pending.⁵

Given the above, I recommend that DOT review the status of professional engineer licenses and determine if they continue to meet the requirements of their civil service job titles. Additionally, I recommend that DOT review the status of those employees who possess professional engineer licenses and determine if they are engaged in outside employment for which they have received approval from DOT. Lastly, I recommend that DOT consider monitoring the professional license status of those engineers who engage in outside employment so that DOT is aware of any matters that may impact employees' licenses, which are a precondition of their employment.

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

Sincerely,

Lucy Lang Inspector General

cc: Janice McLachlan, Esq.
Acting Assistant Commissioner and General Counsel

was charged under New York Education Law section 6509(9), in specific violation of 8 N.Y.C.R.R. section 29.1(b)(1), which is willful or grossly negligent failure to comply with substantial provisions of Federal, State, or local laws, rules or regulations governing the practice of the profession. Signed agreements require the approval of the SED Board of Regents. As of the writing of this letter, the consent order has not been approved by the Board.