



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL

Final Report
December 10, 2007

**AIDE TO JUVENILES OPERATES ESCORT
SERVICE ON STATE TIME**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Office of the State Inspector General determined that Jennifer Schultz, 22, a three-year employee of the New York State Office of Mental Retardation and Developmental Disabilities (OMRDD), violated agency policy by making and receiving thousands of non-business telephone calls during her work shifts, in connection with an escort service. OMRDD is taking action to terminate Schultz's employment. Inspector General Kristine Hamann referred the findings to the Erie County District Attorney for possible criminal prosecution.

ALLEGATION

The Inspector General was notified by OMRDD that Schultz, a Developmental Aide assigned to OMRDD's Western New York Developmental Disabilities Services Office (Western DDSO), was allegedly making personal calls on her cell phone while she was supposed to be caring for under age disabled residents of the group home.

The calls, of short duration, were made to a number of Buffalo-area motels and a multitude of individuals, allegedly to connect escorts with customers.

SUMMARY OF INVESTIGATION

The Western DDSO has oversight of the state-operated Individual Residential Alternatives facilities (IRAs), or group homes, in its region. IRAs house approximately eight mentally retarded or developmentally disabled residents in a non-institutional setting. Each home is staffed 24 hours a day by Developmental Aides and Team Leaders who supervise and care for the residents. Schultz worked at the Courtland Avenue group home in Buffalo when the alleged activities occurred.

DDSO policy relating to Employee Responsibilities (Policy Number 4A.18.0) specifically prohibits both the use of personal cellular telephones on duty and the use of state time to conduct personal or non-business activities.

On December 14, 2006, the Western DDSO received an allegation that Schultz was operating an escort service using her personal cell phone while on duty at the group home. According to the information, Schultz had placed advertisements touting “Transsexuals available around the clock” and “Hiring reliable girls” in the adult classified section of a Buffalo area newspaper, listing her cell and home telephone numbers. The text of another ad read: *Kimberly 5’6”, 130, 38DD. Red hair, brown eyes. 20 yrs old.*

OMRDD immediately placed Schultz on administrative leave in response to the allegation. Also, Schultz and a female co-worker were disciplined for a prior misdeed at work. In that incident, Schultz and the co-worker sent text photos of the co-worker’s genitalia via cell phone to Schultz’s boyfriend. Schultz was docked three vacation days and retrained in sexual harassment prevention.

The Western DDSO began its internal investigation and subsequently sought the help of the State Inspector General’s Office.

Schultz’s cellular telephone records obtained by the Inspector General’s Office revealed more than 14,000 calls over the course of a year to numerous individuals and area motels.

In an interview with the Inspector General’s Office, Schultz admitted making the calls on her cell phone. But she claimed that the residents in her care were never neglected as a result. Despite the evidence, she denied participation in any outside business.

The Inspector General also obtained the billing records for advertisements that had appeared in a Buffalo-area newspaper. Billing records indicated that Schultz and another individual were responsible for placing the ads. In addition, it was learned that Schultz’s credit card was used to pay for some of the ads. Schultz stopped credit card payment for the ads on December 14, 2006, the date she was placed on leave by OMRDD.

In October 2007, the Western DDSO commenced disciplinary proceedings against Schultz, seeking to terminate her employment for excessive telephone usage while at the workplace in violation of agency policy.

During the time period for which Schultz can be disciplined under contract -- from mid-October to Dec. 14, 2006 -- she made or received 1,148 phone calls, taking up 52 hours of work time. More than 300 of these calls were made to numbers listed in the escort advertisements.

FINDINGS AND RECOMMENDATIONS

The Inspector General's investigation established that Schultz engaged in an excessive number of private phone conversations while on state time, in violation of agency policy.

Given the listing of her cell phone number in the advertisement, it is clear that at least some of these conversations were related to Schultz's involvement in outside business.

The extraordinary volume of the calls raises serious questions about Schultz's ability to have performed required job duties related to the supervision and care of juvenile residents of the IRA to which she was assigned. The Western DDSO has initiated disciplinary proceedings against Schultz seeking her termination.

In addition, the Inspector General concluded from this evidence that Schultz was operating or involved in an escort service, warranting further investigation. Therefore, the Inspector General referred this matter to the Erie County District Attorney for possible criminal prosecution.