



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
May 22, 2008

FINAL REPORT ON LARCENY BY DHR TYPIST

SUMMARY OF FINDINGS/RECOMMENDATIONS

An investigation by the New York State Inspector General (Inspector General) substantiated an allegation that Michelle Griffin, a Keyboard Specialist with the State Division of Human Rights (DHR), stole a check made payable to DHR, forged her own name as the intended payee, and cashed it at a private check cashing establishment in the Bronx. The Bronx County District Attorney has charged Griffin with grand larceny and criminal possession of a forged instrument. It is recommended that these findings also be referred to DHR for appropriate disciplinary action.

ALLEGATIONS

The Inspector General received a complaint from Alphonso David, Special Advisor to the DHR Commissioner, on December 19, 2007. In substance, it was alleged that a check, erroneously made out to DHR in the amount of \$2,450 by the law firm Pirrello, Missal, Personte & Feder, was inappropriately cashed by a DHR employee.

SUMMARY OF INVESTIGATION

Michelle Griffin was hired by DHR on June 1, 1987. She is currently employed as a Keyboard Specialist at DHR's Fordham Plaza office in the Bronx. Griffin's responsibilities include processing checks submitted as payment to DHR for the production of documents requested pursuant to the state's Freedom of Information Law (FOIL).

On October 29, 2007, the Pirrello firm submitted a check to DHR as payment for expenses incurred by DHR in granting the firm's FOIL request. The check was made payable to DHR, with no other payee. However, the firm by its own admission mistakenly typed in a pay amount of \$2,450 instead of the intended amount of \$24.50. Upon reconciling its November 2007 bank statement, the firm realized that this check had been cashed in the full mistaken amount of \$2,450. The firm obtained a copy of the cashed check and determined that it had not been deposited into a DHR agency account. The Pirrello firm contacted DHR, which in turn conducted an internal review. The

review determined that there was no record of the Pirrello check having been received by DHR. DHR then contacted the Inspector General.

The Inspector General's examination of the cashed check revealed that the name "Michell Griffin" had been fraudulently added as a payee, and that the check had been cashed on November 2, 2007, at Cash Transactions Inc., a private check cashing establishment located at 2539 Webster Avenue in the Bronx. The New York State employee identification card bearing the name and photograph of Michelle Griffin had been photocopied onto the back of the check.

Inspector General staff interviewed Kathleen Andersen, Manager of Cash Transactions Inc. Andersen confirmed that the check in question was cashed by Michelle Griffin at Cash Transaction's 2539 Webster Avenue branch. According to Andersen, she had counseled Pilar Lopez, the employee who cashed the check, because of the apparent discrepancy in the intended payee (Griffin or DHR).

When interviewed, Lopez said she had been confused as to whether the payee was Griffin or DHR, but proceeded to cash it for Griffin because Griffin was a regular customer. Furthermore, Griffin had provided her New York State DHR employee photo ID card as proof of identity for the transaction, and endorsed the back of the check at the branch.

The Inspector General was informed by DHR that there have been no other complaints from companies or individuals who had submitted checks or money orders to DHR in relation to FOIL requests. In addition, DHR stated that they had received no reports from Griffin claiming that she lost her employee photo ID card, nor had any replacement cards been issued to her.

Inspector General staff interviewed Michelle Griffin at her residence. Griffin stated that she does not work for the Pirrello law firm, and had no reason to be receiving a check from them. Griffin further stated that she could not recall anything about the check in question, including whether or not she cashed it. Subsequently, however, Griffin admitted to the Inspector General that she cashed the check.

According to DHR, Griffin has not been at work since December 5, 2007. She was placed on an unauthorized leave without pay, which was subsequently changed to Family Medical Leave for the period of January 28, 2008, through February 19, 2008. Although Griffin's expected return to work was February 20, 2008, she has not returned as of the date of this report. The Inspector General has been further advised that DHR has reimbursed the Pirrello law firm for the full amount of their loss, \$2,450, minus the proper fee of \$24.50.

FINDINGS AND RECOMMENDATIONS

The Inspector General's investigation determined that Michelle Griffin stole a check made payable to DHR in the amount of \$2,450, forged her own name as the intended payee, and cashed it at Cash Transactions, Inc in the Bronx. The matter was referred to

the Bronx County District Attorney, who has brought criminal charges of grand larceny and criminal possession of a forged instrument. The Inspector General recommends that this matter be referred to DHR for appropriate disciplinary action with respect to Griffin. The Inspector General further recommends that the DHR seek restitution in the amount of \$2,450.