



NEWS

From the Office of the New York State Inspector General
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DMV Employee Docked Leave for Misusing Database in Family Tiff

New York State Inspector General Joseph Fisch announced Tuesday that Jennifer Berry, a state Department of Motor Vehicles (DMV) employee, improperly accessed driver's license information to use as "evidence" in a legal dispute. After accessing the files, Berry then presented fallacious information to Albany County Family Court.

After receiving a complaint, the Inspector General uncovered proof that Berry, 29, who is assigned to the Albany office, inappropriately accessed driver's license records. She then claimed, in audio-recorded court testimony, that her ex-boyfriend's new girlfriend was driving her children around without a valid New York State driver's license. In fact, the woman is a licensed driver.

"This case is a classic example of what can occur if state employees abuse protected information," Inspector General Joseph Fisch said. "She did the wrong thing, with the wrong information."

A review of DMV computer data revealed that Berry, a Motor Vehicle Representative earning \$31,481 a year, searched the system for her ex's girlfriend. Berry told the Inspector General she "wanted to know who was in the company of [her] children." Based on her search, she concluded that the woman was unauthorized to drive. However, Berry had used the wrong name in her search, leading to the false assumption.

DMV employees with records access do not have the right to use or disclose this data for non-DMV matters. Such actions are prohibited by DMV policy and by the Federal Driver's Privacy Protection Act.

The Inspector General recommended that DMV take disciplinary action. On June 5, 2008, DMV notified the Inspector General that, following a formal disciplinary proceeding, Berry, an employee since 2006, immediately forfeited two days of paid leave. Another three days of paid leave are being held in abeyance dependent on Berry's good conduct over the next year.

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