



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
June 17, 2011

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that Cecil Libert, a former New York State Department of Health (DOH) employee who worked as a Nursing Assistant at the Veterans' Home at St. Albans, a DOH facility in Queens, New York, claimed that he had not received his New York State paycheck and requested that it be reissued. He then cashed both the original and the reissued paychecks in the amounts of \$965.67, causing him to be paid twice for the same pay period. As a result of the Inspector General's investigation, Libert was arrested and the matter was referred to the Queens District Attorney's Office. To resolve the matter, Libert agreed to resign from his position with DOH and pay restitution.

ALLEGATION

On June 9, 2010, Neville Goldson, CEO and Administrator of the Veterans' Home at St. Albans, reported to the Inspector General that Nursing Assistant Cecil Libert claimed not to have received his paycheck in the amount of \$965.67. A check was reissued to Libert for same amount and bearing the same check number, and Libert was specifically instructed not to cash the original check should he receive it. Libert then cashed both checks at different check cashing locations.

SUMMARY OF INVESTIGATION

On April 26, 2010, Libert contacted Antionette Gibbons, the Principal Clerk of Personnel at St. Albans, and represented to her that he had not received his April 22 paycheck in the mail. Gibbons spoke with Libert several times about the matter and on May 5, 2010, the payroll department placed a "stop" on the check and requested that a replacement check be issued. On May 18, 2010, the payroll department provided Libert a new check in the same amount and bearing the same check number; and he signed a copy of the check acknowledging receipt. Gibbons then specifically instructed Libert not to cash the original check should he receive it.

On June 2, 2010, an employee of Check-Busters, a check cashing business in Queens, contacted Gibbons and told her that Libert had cashed a check on May 24, 2010,

and that the check had been returned by the bank as “non-negotiable.” Prior to contacting Gibbons, the Check-Busters employee contacted Libert about the returned check, but he refused to cooperate with her. The next day, June 3, 2010, Gibbons contacted the New York State Department of Taxation and Finance, which had issued both checks, and learned that Libert had cashed the original check on May 24, 2010, and the reissued check on May 20, 2010.

On June 4, 2010, this matter was brought to the attention of Neville Goldson, CEO and Administrator of the Veterans’ Home, who immediately contacted the Inspector General’s Office. The Inspector General then commenced an investigation into the matter. As part of its investigation, the Inspector General conducted several interviews, including that of the Check-Busters employee who dealt with Libert. The employee stated that on May 24, 2010, she was working at Check-Busters when Libert presented his New York State payroll check for cashing. The employee stated that she requested Libert’s employee identification and cellular telephone number, both of which she verified prior to cashing the check. Then on May 28, 2010, she received a notice from the bank that Libert’s check was “non-negotiable.” The employee reported that she called Libert twice about the check, but Libert refused to discuss the matter and told her, “you do what you got to do.” On May 28, 2010, the employee contacted the Veterans’ Home and spoke with Gibbons.

The Inspector General referred the matter to the Queens District Attorney’s Office. The matter was then disposed of by the Queens District Attorney through an agreement with Libert pursuant to which he agreed to resign his position with DOH and to make restitution to the State, which he has since done. On April 19, 2011, Neville Goldson confirmed to the Inspector General that Libert resigned from DOH effective January 13, 2011.

FINDINGS AND RECOMMENDATIONS

The Inspector General established that Cecil Libert, a DOH nursing assistant, caused his New York State paycheck to be reissued and then cashed it along with the original check. Following a referral by the Inspector General to the Queens District Attorneys Office, the matter was disposed of by Libert agreeing to resign from his position with DOH and to make restitution to the state.

The Inspector General notes that DOH management at the Veterans’ Home at St. Albans acted appropriately and expeditiously by reporting this incident to the Inspector General, which allowed for prompt action to be taken to remedy the actions of the employee.