



# NEWS

From the Office of the New York State Inspector General  
**Joseph Fisch**

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## **INSPECTOR GENERAL FINDS FORMER TAX CHIEF IMPROPERLY SECURED JOBS FOR HERSELF AND OTHERS**

### *Pervasive Manipulation of Civil Service Spanned a Decade*

Inspector General Joseph Fisch has determined that Barbara Billet, former Acting Commissioner of the New York State Department of Taxation and Finance (DTF), violated state law by acquiring tenured jobs for herself and nine other attorneys. She then retired and telecommuted in her new position from South Carolina.

The Inspector General also concluded that DTF abused the civil service system for more than a decade by routinely tailoring civil service exams to fit favored applicants for tenured positions. The manipulation violates the state's Civil Service and Public Officers laws and a longstanding guarantee of open, competitive examinations. The abuse dates back to the 1990s, rendering the appointments of possibly dozens of attorneys potentially illegal.

The comprehensive report, released today, caps a 10-month investigation into a string of appointments at DTF in 2006. It calls for a full review by the state Department of Civil Service (Civil Service) of all senior attorney hires at DTF and other agencies where tenured jobs may have been obtained through illegality, fraud, or irregularity. The Inspector General is also forwarding a copy of the report to the New York State Attorney General for review.

“Cheating is cheating, whether you copy an answer or fix the test,” Inspector General Joseph Fisch said. “The civil service merit system is a well-established and cherished institution in New York since 1883. It is designed to recognize and reward merit and protect against favoritism and political influences. This investigation has uncovered the corruption and perversion of one of our most deeply-rooted principles.”

Civil Service Commissioner Nancy G. Groenwegen said, “The merit and fitness system necessarily relies on the integrity of officials at State agencies who help administer it. I was stunned by the Inspector General’s finding that there was an institutionalized disregard for the law and deliberate manipulation of the civil service examination process, orchestrated by the highest ranking official at the DTF. The Department of Civil Service is immediately instituting a series of safeguards to prevent the recurrence of abuse and will conduct an independent review to determine if any permanent appointments granted previously should be revoked.”

The Inspector General found that DTF took resumes and pre-interviewed favored attorneys to customize the job requirements it sent to Civil Service, creating an unfair advantage. Contriving a profile in advance for a specific job candidate violates Civil Service law.

In New York State, attorney examinations asks candidates to list their training and experience, as opposed to a test of knowledge. Civil Service then rates the attorneys and provides candidate lists to the agency.

Specifically, the Inspector General found:

- Former Acting Commissioner Barbara Billet instigated and supervised a scheme to manipulate the Civil Service process to gain tenured “hold items” for herself and nine other non-tenured attorneys. At the time, as Governor George Pataki declined to seek re-election, many “at-will” employees, concerned about the loss of their jobs, sought tenured posts.
- Billet circumvented usual channels, using DTF staff to create a profile for which she scored 100, landing at the top of the list. She did the same for DTF attorney Marvis Warren, whose score of 82 on a previous exam was too low to guarantee a job.
- Billet, after receiving clearance from Governor Pataki’s Office, had DTF staff secure eight more “hold items” by customizing profiles for a targeted group of attorneys. As a result, most of them scored 100 - the only candidates to do so statewide. One such candidate was not even a DTF attorney, but worked in Governor Pataki’s office.

The manipulation spanned more than a decade at DTF and pre-dated the Pataki administration, the report concludes.

After retiring, Billet used her senior attorney “hold item” to become DTF’s first-ever “full” telecommuter, working from South Carolina under a computer “alias” of Barbara Clarkstone. She did not inform the new Commissioner, Robert Megna, that she used an assumed name or how she obtained her tenured position.

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