



NEWS

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

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INSPECTOR GENERAL UNCOVERS MORE MISDEEDS IN STATE ATTORNEY HIRES

Civil Service Department To Boost Safeguards

Inspector General Joseph Fisch found three lawyers were hired improperly after state officials manipulated the state's Legal Specialties Exam. The investigation also revealed that state Department of Civil Service safeguards were insufficient to prevent or detect fraud related to the exam.

Specifically, two attorneys at the New York State Department of Taxation and Finance (Tax and Finance), Tyler Feane and Sarah Larsen Dasenbrock, and one at the state Division of the Lottery (Lottery), Kent Vanderwal, were hired in apparent violation of state law after their agencies customized exams to guarantee the hires. As a result of the manipulation all three scored "100" on the Legal Specialties Exam and were hired immediately. The Inspector General found no evidence that the three attorneys were aware of the improprieties.

Contriving a profile to fit a specific candidate violates the state Civil Service law. New York's attorney exams quantify a candidate's training and experience, as opposed to a test of knowledge.

"New York law mandates an honest and transparent examination process," Inspector General Joseph Fisch said. "We must protect the integrity of our civil service system to provide all job candidates an equal playing field."

Fisch's report follows a March 2009 investigation which found that former Acting Taxation and Finance Commissioner Barbara Billet improperly obtained tenured positions for herself and nine other tax attorneys, five of whom were dismissed from their tenured positions last year. The department abused the system for more than a decade, the investigation concluded.

As a result of that finding, the Department of Civil Service conducted a rigorous statewide review of attorneys appointed from the Legal Specialties Exam. Upon discovering that its own procedures were insufficient to guard against wrongdoing, the Department of Civil Service teamed with the Governor's Task Force to implement new safeguards against fraud. They include:

1. Conducting audits to root out customized job profiles.
2. Training agency counsel and personnel directors on the proper use of the Legal Specialties Exam.
3. Requiring job candidates to certify that they have not shared their exam profile with potential employers.
4. Requiring state agencies to justify that their exam criteria fill a public need and aren't crafted for a specific individual.

The Inspector General will forward his report to the state Attorney General and the Commission on Public Integrity for a review of potential criminal and ethical violations, as well as Governor Paterson's task force examining civil service irregularities in the attorney hiring process.

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