



NEWS RELEASE

From New York State Inspector General
Catherine Leahy Scott

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INSPECTOR GENERAL INVESTIGATION RESULTS IN TIGHTER VEHICLE USE POLICY AND PRACTICES AT STATE DIVISION OF HUMAN RIGHTS

The New York State Division of Human Rights (DHR) has tightened internal controls over the use of agency vehicles by division officials and employees as a result of an [investigation](#) by New York State Inspector General Catherine Leahy Scott, which found that DHR's former Commissioner and former First Deputy Commissioner violated state and agency vehicle policy.

Former DHR Commissioner Galen Kirkland violated state policy by utilizing a driver for commuting and for transportation to personal events, and former First Deputy Commissioner Luis Burgos, Jr. violated policy by commuting to and from his home with a state vehicle and charging the State to park his personal vehicle, according to a report released today by the Inspector General.

"Guidelines for the proper use of state-owned vehicles exist so that all state employees, including those in charge of state agencies, understand what is permissible when utilizing vehicles that are paid for with taxpayer dollars," said Inspector General Scott. "Disregarding the rules is a breach of the public trust that sends exactly the wrong message to hard-working New Yorkers who pay for their own transportation to and from their jobs."

In May 2008, when Kirkland was appointed, the Governor's office issued to members of his staff guidelines restricting the use of a state driver to business-related events only, and specifically prohibited the use of a driver for commuting or other personal uses. In addition, in 2009, the State Division of the Budget (DOB) issued an updated state vehicle use policy, and DHR revised its vehicle use policy to conform to the new state policy.

Inspector General Scott's investigation found that contrary to these guidelines, Kirkland employed a designated driver to transport him to official and personal events from 2008 to until DOB defunded the driver position in March 2011. However, even after DOB defunded the position, Kirkland did not stop using a driver. Instead, DHR hired a temporary employee to drive the commissioner until early May 2011 when DOB denied payment.

The DHR-adopted state policy also did not permit anyone except an agency head to have a dedicated state vehicle for business use except in "extraordinary circumstances." Despite this clearly stated policy, Burgos commuted to and from work in a state vehicle from the time of his arrival at DHR in 2008 until his interview by the Inspector General in June 2012. He also parked his personal vehicle each week in a parking space paid for by the agency.

Kirkland and former DHR Deputy Commissioner for Finance and Administration Stephen Rolandi, who was charged with monitoring DHR vehicle use, both said they were unaware of Burgos's unauthorized vehicle use until Burgos, in May 2011, independently decided to reimburse the state for parking his car at

DHR. Moreover, Burgos failed to pay taxes on the fringe benefit of utilizing the state vehicle for commuting. In May 2011, Burgos requested Rolandi complete the required taxable fringe benefit forms for three years of personal use, reflecting not only his misconduct but a lack of oversight by DHR. Due to a lack of record keeping and supervisory oversight, the Inspector General found it infeasible to determine if then-DHR management provided Burgos with taxable fringe benefit forms for the period 2010-2012. Current DHR management is providing these forms to Burgos.

In the wake of the Inspector General's investigation this year, Kirkland, Burgos, and Rolandi resigned their DHR positions.

As of December 2013, New York State has implemented a revised, comprehensive vehicle use policy that strictly prohibits the conduct found in this investigation and clearly outlines the parameters of the use of state vehicles to ensure that such use serves legitimate state needs and is subject to appropriate review and approval.

DHR has informed the Inspector General it has revised its vehicle use policy to comport with the new state policy and has instituted stronger internal controls to regularly monitor vehicle use and ensure conformance with state policy. The Inspector General is referring this matter to the New York State Department of Taxation and Finance. A copy of the Inspector General's report can be found [here](#).

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