

**STATE OF NEW YORK**  
**OFFICE OF THE**  
**INSPECTOR GENERAL**

Joseph Fisch  
State Inspector General



**Report on Abuse of State Property at the**  
**New York State Department of**  
**Transportation**

June 2008

## **PREFACE**

Pursuant to Executive Law § 53, the New York State Inspector General is charged with investigating corruption, fraud, criminal activity, conflicts of interest, or abuse in agencies within its jurisdiction. The Inspector General is further directed to recommend appropriate action to be taken against individuals who have engaged in misconduct and remedial measures to be instituted by agencies to prevent or eliminate future wrongdoing. The Inspector General's jurisdiction extends to executive branch agencies, departments, divisions, officers, boards and commissions, public authorities (other than multistate or multinational authorities), and public benefit corporations, the heads of which are appointed by the governor and which do not have their own inspector general by statute, as well as persons doing business with any such agency.

This report is issued in accordance with Executive Law § 53(4), which provides for public written reports of the Inspector General's Investigations.

## **INTRODUCTION**

The following report details the findings of the New York State Inspector General (Inspector General) regarding six separate investigations of misuse or misappropriation of state property by employees of the Department of Transportation (DOT) at facilities throughout the state. DOT officials notified the Inspector General of three such allegations between May 2007 and November 2007. During this period, two additional investigations were initiated, one resulting from an anonymous complaint, and one originating from the chance observations of an investigator from the Inspector General's Office. An earlier allegation had been received from an anonymous complainant in October 2006.

The Inspector General's investigation revealed that some DOT employees and supervisors failed to respect the necessary separation between official and personal use of DOT equipment. They and other DOT employees also professed ignorance of DOT policies and state statutes governing the use of state equipment, or the proper method for its disposal. In one case, criminal charges were filed.

Because this investigation revealed similar types of violations at various DOT facilities around the state, the Inspector General has recommended, and DOT has commenced, a department-wide audit of inventory controls at garages. The audit will determine if the enclosed findings are evidence of a systemic problem and what, if any, additional measures are needed to improve the agency's control over its equipment. The Inspector General will monitor the audit and provide any necessary assistance to DOT.

In the interim, the Inspector General has recommended that DOT take appropriate disciplinary action against the employees cited in this report. DOT officials have already

begun examining the evidence and taking the necessary corrective actions. The Inspector General will also provide this report to the state Commission on Public Integrity for its review of possible violations of the Public Officers Law.

## **DOT POLICIES REGARDING EQUIPMENT MAINTENANCE, USE, AND DISPOSAL**

DOT coordinates, develops, and provides transportation facilities along New York's highways, railroads, and aviation facilities, with 10,000 employees statewide. Within 11 regions, DOT operates 62 smaller units called "transportation maintenance residencies." Each residency has smaller offices and facilities for equipment management, highway management, or construction.

DOT maintains an inventory of its property and is required to ensure its proper safeguarding, use, and maintenance. DOT policy strictly prohibits the removal of state property "from State buildings without proper authorization" (Code 4.4-6-1). Property that is no longer of use to the state must be disposed of in accordance with DOT policy (Code 2.04-07-01, *et seq.*) and the requirements of State Finance Law § 167. If the property is to be sold, the State Finance Law generally requires that the sale be advertised, or that the agency obtain at least three competing offers, with sale to the highest bidder and funds deposited in the General Fund. Under DOT policy, the state Office of General Services (OGS) must either dispose of surplus property itself or approve a local disposition, in which case OGS provides instructions regarding the disposal.

Another DOT policy entitled "Theft" (Code 4.15-3) states that "theft in the workplace is a serious matter and will not be tolerated." The policy explains that "even

property that is perceived to be ‘valueless’ to the State (E.g., scrap metal, wood, and surplus equipment) may not be taken without proper prior approval.” According to DOT policy, “theft” includes not only the taking of equipment but also the “improper use of state property, material, or vehicles.” Another DOT policy (Code 2.4-3-16) clearly states that “State vehicles are for business use only. They are not to be used for personal or other non-business reasons,” except under limited circumstances detailed in the policy (and not applicable to the events described herein). Additionally, the DOT Employee Handbook further warns DOT staff against the “use of State equipment for personal business,” and clearly states that “Department equipment ... and supplies are not to be used for any outside employment or activities.”

DOT policy also mandates that a DOT employee must immediately report any instance of suspected theft to his or her supervisor (Code 4.15-3). Executive Law § 55(1) further requires that “Every state officer or employee . . . shall report promptly to the state inspector general any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee relating to his or her office or employment. . . .” The knowing failure to make such a report “shall be the cause for removal from office or employment or other appropriate penalty.”

The actions of state employees are also governed by the state’s “code of ethics,” embodied in Public Officers Law § 74. Any state employee who uses or attempts to use “his official position to secure unwarranted privileges or exemptions for himself or others” violates Public Officers Law § 74(3)(d). Furthermore, a state employee should not give a “reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is

affected by the kinship, rank, position or influence of any party or person” (Public Officers Law § 74[3][f]). A state employee should also “endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust” (Public Officers Law § 74[3][h]).

The Inspector General’s investigation established that the DOT personnel discussed below violated one or more of these rules.

## **THE INVESTIGATIONS**

### **I. Oneonta**

In June 2007, the Inspector General received an allegation that Motor Equipment Mechanic Jay Whitehead, assigned to a DOT garage in Oneonta, in the Otsego residency, misappropriated a used motor vehicle radiator. It was further alleged that Whitehead removed from the garage an agency-owned vehicle diagnostic instrument, commonly called a ”scanner,” and provided it to a tool salesman as payment for personal debt. (A scanner attaches to a vehicle’s computer system to assist in diagnosing mechanical problems.)

The Inspector General interviewed Whitehead, his supervisors, and several of his co-workers. The Inspector General determined that in October 2004, Whitehead did provide state-owned scanner to a tool salesman to repay a personal debt. Whitehead claimed that he had planned to replace the agency scanner with his personal diagnostic vehicle scanner. Those interviewed stated that Whitehead’s personal scanner was available for use by the DOT mechanics, but because it was his personal property, Whitehead kept it in his private vehicle and took it home after work. A review of DOT purchase orders determined that the scanner currently at the DOT Oneonta garage is not

the scanner that was purchased by the state. Even if Whitehead had replaced the state equipment with his own personal equipment, it would not negate his theft of state property.

Regarding the allegation pertaining to the theft of a state-owned car radiator, the Inspector General learned that DOT supervisors questioned Whitehead about his conduct when he was observed at the DOT facility loading a used radiator and several boxes into the back of his personal pick-up truck. According to one supervisor, Whitehead replied that the boxes contained junk that he had accumulated over the years. However, when the supervisor asked him if he had taken anything else that day, Whitehead replied, “No, just an old junk radiator.” The supervisor asked Whitehead what he thought the radiator was worth. Whitehead answered, “The last ones I took, I got \$90 for.” Whitehead added, “I’ve taken several [radiators].”

The Inspector General interviewed Whitehead, who admitted taking the state-owned scanner in 2004 and the used radiator in 2007. As for the scanner, Whitehead explained that he used it to pay a personal debt that he owed a tool salesman. Whitehead stated that he returned the radiator after he was questioned by his supervisor, but sold another radiator that he removed from the facility for \$17.

DOT purchased the missing scanner in 2001 for approximately \$1,800 and its current value is approximately \$600. Whitehead was arrested by the Inspector General with the assistance of the New York State Police and charged in the Oneonta Town Court with two counts of petit larceny - one count for the scanner and another for the radiator. On November 27, 2007, Whitehead pleaded guilty to trespass in full satisfaction of the pending charges and was fined \$150 plus a \$100 surcharge. In addition to the Penal Law

violation, Whitehead also violated several DOT policies: theft of state property (Code 4.15-3), removal of state equipment from the site (Code 2.4-6-1), and disposal of surplus property (Code 2.4-7-1, -2).

The Inspector General's investigation further revealed that some DOT employees were aware that Whitehead removed the scanner from the garage, but took no action because, despite unambiguous reporting requirements contained in DOT policy and state law, in their judgment, the state purportedly "made out better," since Whitehead's scanner was of higher quality than the agency scanner. One employee, now a supervisor, knew of the missing scanner but failed to report it until 2007 when he became concerned that Whitehead's scanner would no longer be available to the residency because Whitehead was planning to sell it. This failure to promptly notify a supervisor is a violation of DOT policy (DOT Code 4.15-3). The Inspector General also was not notified in a timely manner, as required by Executive Law § 55(1).

The investigation revealed other deficiencies and violations in addition to Whitehead's thefts. Specifically, the Inspector General learned that required inventories at the Oneonta garage had not been conducted, and that employees violated DOT policies regarding personal use of state equipment. Employees at the facility admitted that it is an accepted practice for mechanics to borrow state-owned tools and equipment overnight or on weekends for personal use. Mechanics informed investigators that the supervisors are aware of and condone this practice.

## **II. Spencerport**

In October 2007, the Inspector General received an anonymous complaint that Vinton Michael, a Motor Equipment Maintenance Supervisor I assigned to the DOT

Monroe West residency in Spencerport, had on several occasions taken home a state-owned scanner for his personal use. It was further alleged that this DOT facility has insufficient inventory controls.

Basic hand tools used by the mechanics at the Spencerport facility and elsewhere are owned by the mechanics. Although not expressed in DOT policy, mechanics are required by DOT to supply their own hand tools in accordance with industry practice. The mechanics are informed of this requirement during the job interview. The remainder of equipment, such as lifts and jacks, is provided by the residency or the regional Equipment Management Shop.



View of a storage closet in the DOT Spencerport facility taken during the Inspector General's inspection of its inventory list.

The Inspector General's Office conducted an unannounced inspection at DOT's Spencerport facility to assess the accuracy of the facility's inventory list. Investigators requested to see all 162 items on the list. The mechanics at the facility located 138 of the 162 items. Most items were not marked for identification in any way, and it was unclear which items belonged to the facility and which to the Region 4 Equipment Management

Shop. The mechanics were unable to locate 24 (or over 14%) of the items on the facility's inventory list.

The mechanics advised the Inspector General that the inventory list was outdated and many of the items on it were obsolete and no longer used. The mechanics also stated that they had never seen the inventory list before the Inspector General's inspection. The list had been provided to Inspector General by Michael Zalikowski, the supervisor responsible for the Region 4 Equipment Management Shop. Zalikowski confirmed that the inventory list was created "probably sometime in the mid- '90s."

When the mechanics were asked when the last inventory of tools or equipment was performed, they replied that an inventory of jacks had been conducted recently, but otherwise they had never seen a tool inventory. Significantly, the mechanics were certain that no inventory of tools had been conducted in more than five years. Zalikowski also could not recall the last inventory of tools.

DOT policy does not identify which tools are to be inventoried. In general, specialized and larger tools are inventoried, according to DOT officials.

As for the scanner, the Inspector General established that, despite DOT policy prohibiting personal use of state equipment (Code 2.4-6-1), on numerous occasions Vinton Michael requested and received permission from his immediate supervisor to take the scanner home for personal use. Michael admitted to using the scanner for his personal benefit approximately 10 to 12 times, but claimed that it was always available to DOT personnel during work hours. Michael's supervisor, William Chiro, a Motor Equipment Manager II, confirmed that he gave Michal permission to take the scanner home.

When asked about DOT policy on the matter, Chiro told the Inspector General, “I don’t know if there is a written policy [against taking DOT property home], but it’s always something we’ve done here.” When asked if any DOT policy prohibited mechanics from taking tools home, he replied, “No.” Chiro explained that it is considered a “professional courtesy” among the mechanics to take home state-owned tools that they need for personal use as long as they were returned.

As noted above, the DOT Employee Handbook prohibits the “use of State equipment for personal business,” and instructs DOT personnel that “Department equipment ... and supplies are not to be used for any outside employment or activities.” Accordingly, state equipment cannot be used for one’s personal benefit, regardless of any permission. DOT supervisors do not have the authority to, and should not, grant permission to their subordinates to breach DOT policy, by allowing them to “borrow” state equipment.

### **III. Hamburg**

In October 2006, the Inspector General’s Office received a complaint from a DOT employee alleging that Jeffrey Kral, a Motor Equipment Manager I assigned to the Erie South residency, located in Hamburg, had traded DOT surplus tools and equipment to private contractors in exchange for services, without authorization. During a subsequent interview with the Inspector General, the complainant alleged that Kral had improperly traded property obtained through the Excess Federal Property Program on two separate occasions.

Through a series of interviews and examination of numerous documents, the Inspector General substantiated the allegations against Kral. Kral disposed of DOT

property in a manner that violated state law, DOT policies, and in some cases, federal regulations requiring that DOT keep the equipment for at least one year. In addition, Kral exceeded his authority in trading DOT property for other equipment or services. Kral ignored state regulations regarding procurement, inventory control, and disposal of state property that are designed to ensure accountability and prevent public employees or others from benefiting unfairly from transactions with the state.

On December 12, 2005, Kral transported 19 articles of DOT property to HGR Industrial Surplus in Euclid, Ohio, to sell on consignment. The property that Kral delivered included a current drive, stainless steel couplers, and pipes. HGR sold 11 of the 19 items for \$2,273.24 and disposed of the rest. HGR took a 50 percent consignment fee. In violation of state law requiring that the proceeds of the sale of state property be placed in the state's General Fund, the 50 percent owed to DOT, \$1,136.63, was deposited in an account maintained by HGR to the credit of DOT. Kral later used this credit to buy items from HGR for the residency.

The 19 pieces of equipment that Kral provided to HGR for sale on consignment had been obtained by DOT through the Excess Federal Property Program. This program allows state agencies like DOT to obtain excess property such as trucks and construction equipment at no cost from the Federal Transportation Administration. The Inspector General determined that Kral's consignment of the 19 items to HGR violated federal requirements that these items be used and not be sold, loaned, leased, or traded for at least 12 months. Kral also violated state law regarding the sale of state property by consigning it to HGR.

Kral advised the Inspector General's investigators that he brought the excess federal property to Euclid, hoping to exchange it for a milling machine to repair DOT trucks. When HGR refused the trade, Kral gave HGR the equipment to sell on consignment and purchased the mill with a DOT-issued check. The mill that he purchased for \$2,600, he said, was "slightly used but in very good shape." A new mill, Kral said, would have cost approximately \$16,000.

On the return trip from Euclid, Kral used the DOT truck to transport six stainless steel tool boxes to K&H Industries in Angola New York. K&H is a lighting product retailer that is owned by Kral's friend.

The tool boxes had been purchased from HGR by K&H. Kral told investigators that he had arranged with K&H to deliver the tool boxes in exchange for a Night Ray Light worth \$329 for his DOT facility. DOT policy regarding the use of a state vehicle prohibits the transportation of "material that is not directly related to the conduct of official state business." Kral violated this policy in transporting the tool boxes on behalf of a third party, a personal friend who owns K&H.

Kral also acknowledged that on a previous occasion he had acquired "fluorescent drop cord lights, cord reels, quad lights, and a variety of other lighting products" from K&H in exchange for a mower and a metal sheer. Kral stated that the mower was incapable of moving in reverse and that the metal sheer had been in storage since the DOT Sign Shop closed in April 2005. A company officer for K&H Industries confirmed that Kral had traded equipment, including a manual hoist, a finishing mower, and scaffolding, to K&H in exchange for lighting products. Although none of the equipment

Kral traded to K&H was acquired through the Excess Federal Property Program, Kral nonetheless was not authorized to barter with it.

The Inspector General also determined that Kral improperly traded DOT equipment in exchange for services provided to the DOT facility by Hohl Industrial of Tonawanda, New York. In July 2006, an employee of Hohl, who was also Kral's personal friend, removed a gas pipe from the DOT garage and framed and welded steel around the garage windows. Rather than paying Hohl approximately \$1,400 for the labor, Kral negotiated a deal with his friend to surrender two pieces of welding equipment obtained through the Excess Federal Property Program to Hohl. As the welding equipment had been in DOT's possession for less than 12 months, this exchange violated federal regulations.



Photo of a welding unit traded by Kral, taken in the Hohl garage. The markings reveal that the unit was formerly used in a federal program to clean up radioactive waste in West Valley, New York.

The Inspector General interviewed Kral's supervisor, Alan Taylor, Region 5 Director, to determine whether he was aware of Kral's activities and whether Kral was

authorized to use DOT property in lieu of payment for new purchases. Taylor stated that Kral had given him “limited” information about “some transactions.” He said that Kral should not have traded any excess federal equipment, which is subject to rules governing its disposal. Taylor claimed that he was not aware that Kral sold excess federal items to third parties on consignment, that Kral traded the welding equipment for \$1,400 in labor, or that Kral delivered toolboxes to K&H from Ohio in a DOT vehicle. Taylor stated that Kral is not authorized to “horse trade” or “wheel and deal” with DOT property.

Kral explained that he disposed of the property acquired through the Excess Federal Property Program because the program had required DOT to accept items it cannot use. Kral claimed that he was not aware of any policies specific to disposal of property acquired through the Excess Federal Property Program. Kral contended that he followed the general DOT policy and procedure for the disposal of DOT property, but did not refer to any specific policy.

The Inspector General’s investigation established that Kral violated applicable DOT policies and the State Finance Law regarding the proper handling and disposal of surplus property. Kral did not obtain the requisite approval to dispose of the property, as required by DOT policy. Kral violated the State Finance Law by failing post an open advertisement of surplus items for sale and by failing to deposit funds from the sale into the state’s General Fund. In transporting a third party’s goods from Ohio to New York, Kral violated DOT vehicle-use policy (Code 2.4-3-16). Kral also violated federal regulations applicable to the Excess Federal Property Program prohibiting the sale, trade, lease, or loan of excess property within one year of the agency’s acquisition of the property. The federal regulations are also referenced in DOT policies. Although the

Inspector General determined that Kral was friendly with both the owner of K&H Industries and an employee of Hohl Industrial, the investigation found no evidence indicating that Kral's purchases of services and supplies from these vendors were improper.

#### **IV. Waterford**

In May 2007, the Inspector General received an allegation that Traffic Signal Mechanic Leonard Borden, assigned to the DOT equipment management shop for the Saratoga residency in Waterford, improperly installed a DOT camera on his property for surveillance purposes. The complainant also alleged that Borden kept unspecified DOT equipment in "sheds" on his personal property and that he used a DOT vehicle to remove trees from his property and to decorate neighbors' houses for the Christmas holiday.



DOT camera mounted on a tree near Borden's property.

Inspector General investigators observed a camera and transformer box mounted on a tree in front of property co-owned by Borden and his brother. The camera was placed in a position to monitor passing traffic. A photograph of the camera and

transformer box was taken and shown to a DOT administrator, who said that the transformer box resembles boxes used at many different locations by DOT. He also stated that the camera is similar to equipment that DOT removed several years ago from the Patroon Island Bridge on the Hudson River.

The Inspector General's investigation could not establish upon inspection that the camera and transformer were DOT property, because DOT does not record serial numbers or otherwise inscribe an inventory number on its cameras or transformer boxes.

Borden admitted to investigators that the camera was DOT property but asserted that in 2006 he received permission from his supervisor to borrow the camera and transformer box. The camera was intended to serve as a deterrent because he suspected that loggers were removing timber from his property and he wanted to create the impression that the property was under video surveillance. When he received permission to take the camera, Borden stated that he took a rusted, inoperable DOT camera from a storage closet and a DOT transformer box from a scrap pile. He then installed the camera and transformer box at the property. Borden also told investigators that he was periodically on 24-hour call to respond to emergencies from his home and on those days was required to take a DOT "bucket truck" home in the event of an emergency call. He admitted that on one occasion, perhaps in 2005, he had used the truck to install Christmas decorations on his house.

The Inspector General interviewed Supervising Traffic Signal Mechanic Fred Robinson, who admitted that he authorized Borden to borrow the camera, which at the time had been in storage for approximately six years. He considered it "junk" and thought that Borden would eventually return it. Robinson indicated that this type of

equipment was not routinely inventoried. He further revealed that he occasionally allowed employees to borrow small hand tools - such as drills - for their personal use.

At the request of the Inspector General, Borden returned the camera and transformer box to DOT and allowed investigators to examine the sheds on his property. No other recognizable DOT equipment was observed. Borden violated DOT theft policy (DOT Code 4.15-3) by improperly using state equipment, even though his supervisor had given him permission to do so. Robinson, by authorizing such use, also violated agency policies (Code 2.4-6-2-1; 2.4-7-1 & -2) and State Finance Law § 167 procedures for the disposal of a state property that is no longer useful. As noted above, Robinson is not permitted to authorize employees to borrow tools.

## **V. Tonawanda**

On May 9, 2007 at approximately 7:00 p.m., an investigator from the Inspector General's Office observed an individual unloading large patio blocks from the back of a DOT pick-up truck. The blocks were then loaded onto a utility cart and transported to the backyard of a private residence. Following this chance observation, the Inspector General opened an investigation and learned that the vehicle was assigned to DOT employee Daniel Gentry, a Maintenance Supervisor assigned to a Tonawanda facility in the Erie North residency.

Gentry is assigned the vehicle for use in connection with his official duties, and is permitted to park it at his residence when he is not on duty. The Inspector General ascertained that Gentry's normal work schedule is 7:30 a.m. to 4:00 p.m., Monday through Friday. A review of Gentry's time and attendance records indicate that he was not working the evening of May 9.

When interviewed by the Inspector General's investigators, Gentry stated that he purchased the patio blocks on his way home from work and used the DOT vehicle to deliver the blocks to his residence. The Inspector General confirmed upon inspection that Gentry installed the blocks around the perimeter of his backyard swimming pool. Despite clear DOT policies to the contrary, Gentry stated that he did not believe that he had violated any agency policy by utilizing the state vehicle in this manner. As noted above, DOT policy strictly prohibits the use of state vehicles for the "transportation of people or material that is not directly related to the conduct of official State business" (Code 2.4-3-16). Gentry violated this DOT policy when he used a state-owned vehicle to transport patio blocks for personal use.

## **VI. Schenectady**

In July 2007, the Inspector General's Office received an anonymous complaint that Jill Dittmar, a Highway Maintenance Supervisor I in DOT's Schenectady residency, took a concrete cutting saw home for personal use.

All DOT personnel in Schenectady interviewed by the Inspector General except Dittmar acknowledged that DOT prohibits the personal use of state equipment and tools. They conceded that some people borrow tools, but claimed no knowledge of any specific incidents. No one could remember seeing Dittmar take the concrete cutting saw from the DOT residency. In fact, witnesses said that the concrete cutting saw is heavy and would take two people to load onto a pickup truck.

During questioning by the Inspector General, Dittmar admitted using a DOT concrete cutting saw on her driveway. However, she asserted that that she did not remove the equipment from the DOT residency, and claimed that another DOT

employee, who had the saw at his house, brought it to Dittmar's home so she could make a cut in her driveway. The machine was then returned to the DOT facility. The DOT employee named by Dittmar denied bringing the saw to Dittmar's house. Dittmar also admitted to borrowing other DOT equipment for her personal use, and stated, "People take things all the time. People use things all the time ... like saws, chain saws, pull saws." Dittmar denied knowing that DOT policy prohibits the personal use of equipment and tools, but conceded that the Resident Engineer does not want employees borrowing DOT gear. Dittmar violated DOT theft policy (Code 4.15-3) by improperly removing or using state property.

## **FINDINGS/RECOMMENDATIONS**

Having found that several DOT employees throughout the state used state equipment – from vehicles and heavy machinery to tools – for their personal benefit and that many of their supervisors accepted such practice, the Inspector General recommends that DOT conduct a department-wide audit. DOT has already commenced the audit, which will determine if the enclosed findings are evidence of a systemic problem and what, if any, additional measures are needed to improve the agency's control over its equipment. The Inspector General will monitor the audit and provide any necessary assistance.

Meanwhile, DOT has advised the Inspector General that it will take steps to ensure that both supervisors and subordinates understand that state property cannot be used for one's personal benefit, as such conduct violates the department's "theft" policy (Code 4.15-3), regardless of whether a supervisor grants approval.

The Inspector General also recommends that DOT revise its policies to clarify what tools should be part of an inventory, either by monetary value, by the nature or size of the tool, or by some other means, and the frequency of such inventories. DOT has indicated that it will review its relevant policies and make any appropriate amendments.

Executive Law § 55(1) requires that all state employees within the jurisdiction of the Inspector General's Office promptly report allegations of misconduct to the Inspector General. While three of the complaints discussed in this report came from DOT officials in the central office, the investigation revealed that some DOT personnel in the field have refrained from making the requisite reports to their supervisors and the Inspector General. The Inspector General recommends that DOT take appropriate action to instruct DOT staff and supervisors of their duty pursuant to DOT policy and Executive Law § 55(1) to report thefts, improper sales or misuse of state property, and other misconduct.

The Inspector General recommends that DOT take the appropriate disciplinary action against those employees and supervisors identified in this report who have violated DOT policies. DOT has advised the Inspector General that it will do so.

Additionally, the conduct of many of the DOT employees described herein may have violated Public Officers Law § 74. For example, through his various trades of DOT equipment, Jeffrey Kral "secure[d] unwarranted privileges for ... others," specifically K&H Industries, HGR, and Hohl. Kral's actions, and the actions of some other DOT employees, for example Jay Whitehead's theft of the scanner, may "raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust." Accordingly, the Inspector General will provide a copy of this report to the New York State Commission on Public Integrity for its review and any action it deems appropriate.