



# NEWS

From New York State Inspector General  
**Ellen N. Biben**

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## **Investigation Finds Driver in Fatal Bronx Bus Crash Exploited Flaws in Licensing Process**

New York State Inspector General Ellen Biben today released an investigative report that found the driver of the tour bus that crashed March 12 in the Bronx - killing 15 passengers and injuring many others - was able to exploit weaknesses in the state regulatory system and obtain a commercial bus driver license and employment with tour bus operators despite the fact that his driving privileges were suspended.

By using different names and submitting false or misleading information to law enforcement, State agencies and prospective employers, Ophadell Williams, Jr., 40, of Brooklyn, was able to conceal significant aspects of his driving and criminal history.

Because of limitations in the State Department of Motor Vehicle's procedures and the inadequate information available to them from other government agencies, licensing officials were unable to connect bus driver Ophadell Williams, Jr., to records they maintained on him under a different first name but with the same date of birth and address.

While it remains possible or even likely Williams would have been able to obtain and retain a license to drive a bus regardless of his past, new steps need to be taken for bus companies and licensing authorities to access all information necessary to determine a prospective driver's qualifications and fitness. Inspector General Biben's report found state licensing and regulating of commercial bus drivers needs to be strengthened, and it recommends several administrative and legislative reforms.

"New York passengers and the public at large deserve to have the utmost confidence in the fitness and qualifications of bus drivers," said Inspector General Biben. "There needs to be a higher level of scrutiny for licensing commercial bus drivers in this State."

At the time of the crash, Williams had three open suspensions to his driving privileges under an alias, Eric Williams. While some state agencies were aware of his alias, the Department of Motor Vehicles (DMV), which issued his license, was not. He also had a criminal record including first-degree manslaughter and grand larceny, neither of which

would prohibit somebody from obtaining a license to drive a commercial passenger bus in New York under current law.

The regulation and oversight of the commercial bus industry involves multiple federal and state agencies, including the U.S. Department of Transportation, New York State Department of Transportation and New York State DMV. The administration of licensing of bus drivers in New York is solely under the purview of the DMV. While other local, state and federal authorities investigated various aspects of the March 12 crash, the Inspector General's investigation, in coordination with those other authorities, was narrowly focused on how Williams was able to obtain and retain a commercial driver license enabling him to drive commercial passenger buses given his driving and criminal history.

**Inspector General Biben's recommendations include:**

Administrative proposals

- For commercial license applicants, especially those seeking to drive passenger buses, DMV should be more aggressive in its review of tickets, convictions and accidents attributed to individuals whose names do not match any license on file.
- The DMV should work with the Division of Criminal Justice Services and law enforcement agencies to better identify applicants and drivers who use aliases.
- The DMV should also work closely with law enforcement agencies to reduce the number of summonses issued that cannot be linked directly to a licensed individual.
- The DMV commercial driver license application should include additional questions such as whether a prospective driver has ever been ticketed for driving without a license and whether the applicant was ever licensed, ticketed or had their driving privileges suspended under a different name.
- The DMV should consider steps to more effectively deter false statements on license applications.
- Commercial bus companies should have more access to information about prospective job applicants, including related employment history and more extensive driving records.
- Consideration should be given to the creation of a new database or use of an existing database to track individuals who submit false or misleading paperwork to government agencies.

Legislative proposals

- The DMV should have the same statutory authority to require a commercial driver license applicant's fingerprints as it does with school bus drivers, especially for those seeking to drive passenger buses.

- Consideration should be given to increasing the disqualifications and waiting periods for non-school bus drivers convicted of criminal offenses and driving infractions, and the look back periods should exclude any time that the driver is incarcerated.
- Increase the penalties for driving without a license and consider similar deterrents for the owners of vehicles driven by unlicensed operators.
- The DMV should have the statutory authority to enforce driving-related conditions of parole.

### **Williams's case timeline:**

Between 1987 and 1990 – Ophadell Williams, Jr., was issued at least 10 tickets in New York City under the alias “Eric Williams” for such infractions as driving without a license and failing to stop at a red light, among others. He answered none of the tickets and the State Department of Motor Vehicles (DMV) issued 10 suspensions under his alias. DMV sent notice of the suspensions to his correct Brooklyn address.

May 2, 1991 – Williams, using his alias, is charged with intentional murder for a 1990 Brooklyn homicide.

March 18, 1992 – Williams, under the same alias, pleaded guilty to first-degree manslaughter and was sentenced to 3-to-9 years in state prison.

May 2, 1994 – Williams was released on parole and his court, prison and parole records all refer to him under the alias, “Eric Williams.” That same year, law enforcement records for the first time noted that “Eric Williams” was an alias used by Ophadell Williams, Jr.

July 1994 – Williams was ticketed in New York City for failure to produce a license. Later that year DMV issued a suspension for that ticket when he did not appear in court but released the suspension soon after when the fine was paid.

August 1994 – Williams, or someone acting on his behalf, appeared at the New York City Traffic Violations Bureau and eight of the previous 10 suspensions were rescheduled for a court date in December and the other two suspensions were resolved.

December 1994 – Williams failed to appear in court and the previous eight suspensions were reinstated shortly thereafter.

Dec. 8, 1994 – Williams, under his alias, was arrested on misdemeanor larceny charges. He pleaded guilty to disorderly conduct and was sentenced to three days of community service.

Jan. 3, 1995 – The State Division of Criminal Justice Services notified the State Division of Parole that Williams was known by two different names, but that information was never communicated to DMV. No protocol or requirement for such communication exists.

Feb. 28, 1995 – Williams obtains his first driver license under his legal name of Ophadell Williams, Jr. He presumably did not disclose his eight open suspensions under his alias and DMV did not make the connection. In the following 20 months, Williams, under his legal name, was ticketed six times for driving without insurance and running a red light, among other infractions. He did not answer those tickets and DMV ultimately issued six suspensions.

June 26, 1996 – Williams obtains a commercial driver license, permitting him to drive a vehicle over 26,000 pounds, but had yet to receive a special endorsement to operate passenger buses.

December 1996 – Williams's driving privileges were suspended for failure to pay child support.

Feb. 11, 1997 – By this date, five of the six most recent suspensions resulting from traffic tickets issued to Williams were cleared. With respect to the sixth, he pleaded guilty to operating without insurance and his license was revoked. The eight previous suspensions issued under his alias remained in effect.

April 2, 1998 – Williams pleads guilty to grand larceny for his part in the theft of \$83,905 from the Police Athletic League in New York City. He was sentenced to two to four years in prison and was released in May 2002.

June 4, 2003 – Williams was charged with unlawful possession of radio devices and unlicensed operation of a motor vehicle. He pleaded guilty to operating without a license and paid a \$180 fine.

July 2003 – State Parole imposes a special condition in which Williams would face revocation of his parole if he is caught driving without a license. The DMV is not told of the special condition (which likely would have occurred had Williams been on probation instead of parole), as there is no mechanism to share such information between those agencies, and DMV remains unaware of his alias.

November 2003 – Williams's 1996 suspension for failure to pay child support and his 1997 revocation for operating without a license were both cleared. He applied for and obtained a driver license in his legal name but his application contained false or misleading information. The application included a "yes" answer to both whether his driving privileges were ever suspended or revoked and whether his privileges had been restored. It also included a "no" answer to the question as to whether his name had changed. At the time, however, the eight suspensions remained open under his alias.

May 10, 2004 – Williams applied through the New York State Department of State for a security guard license. An answer on the application indicated falsely that he had never been convicted of a crime and that he never had a license suspended. He was fingerprinted as permitted by law and his application was denied when his criminal history was revealed.

June 30, 2004 – Williams applied to the New York Racing Association for employment as a pari-mutuel clerk at a thoroughbred race track but the application included non-responsive and misleading answers. He affirmatively answered that he had been convicted of a crime but when asked to explain he only wrote, “I had to pay a 25 dollar fine.” At the same time, he applied for a pari-mutuel clerk’s license through the State Racing and Wagering Board and his application falsely indicated that he had never been convicted of a crime. He was fingerprinted for a routine background check and was denied a license when his criminal history was revealed.

January to March 2006 – DMV purged records of tickets issued by police officers who were no longer in service. This purging eliminated five of the eight suspensions listed under Williams’s alias.

Between March and November 2006 – Williams, under his legal name, submitted to DMV the three applications necessary for a commercial driver license with the endorsement needed to drive a passenger bus, but the applications contained false, incomplete or inconsistent statements each time. The first application included an answer in which it states his driving privileges were never suspended or revoked. On the second and third times the applications confirmed his privileges had been suspended but also stated they were restored. All three applications included an answer that his name had not changed. Because the records of Ophadell Williams and Eric Williams had never been merged, DMV did not pick up on the false statements and issued his license.

April 2006 – Williams secures a job as a bus driver with New Jersey-based commercial bus operator Coach USA, Inc. He disclosed to that employer that he had a criminal history but since DMV only provides employers with a four-year driving history, Coach was not made aware of the 1995 and 1996 driving suspensions or of the three active suspensions listed under his alias.

February 2007 – While still employed at Coach, Williams secures employment as a bus driver with the New York City MTA. During training, and prior to being assigned a bus route with passengers, the MTA terminated Williams after learning through a fingerprint background check that he had been convicted of a felony which he failed to disclose.

April 2007 – DMV posted two separate suspensions on Williams’s license for failure to pay child support. DMV issued letters to Coach USA, Inc., indicating that Williams was disqualified as a bus driver as a result of these two suspensions. Williams, however, remained on Coach’s payroll through the end of the year.

May 8, 2007 – Williams cleared one of the two suspensions issued the prior month by providing proof of payment.

May 15, 2007 – Williams applied for and was issued a restricted driver license but was not eligible under it to drive a passenger bus.

May-December 2007 – According to Coach, Williams continues driving for them during this period on chartered trips between Atlantic City and points in New Jersey.

December 2007 – Williams ceases employment with Coach USA.

July 15, 2009 – Williams cleared the second 2007 suspension after providing proof of payment.

Between 2007 and 2010 – Williams updated and maintain his commercial license, but the applications continued to include false or misleading statements. His Sept. 10, 2009 license renewal application included an answer indicating that his license was never suspended. On his Feb. 10, 2010 license upgrade application the question as to whether his driving privileges were ever suspended or revoked remained blank. Regardless, and contrary to a policy calling for the rejection of incomplete applications, the application was approved by DMV.

August 2010 – Williams secures employment as a bus driver with the Brooklyn-based tour bus operator World Wide Travel of Greater New York, Inc. His application there appears to have included false or misleading information. Asked about prior license suspensions, the application includes an answer disclosing a suspension in 2007 for failure to pay child support, but it did not disclose his numerous others. The application did disclose that he had a criminal history.

March 12, 2011 – Williams, driving a World Wide Tours bus returning to New York City from the Mohegan Sun casino in Connecticut, crashes on I-95 in the Bronx. Fifteen of the passengers were killed and numerous others were injured.

March 17, 2011 – DMV suspended Williams's license charging him with providing false statements on license applications in 2003 and 2006. An administrative judge since affirmed the decision and Williams is appealing.

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A copy of the report can be found by clicking [here](#)

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