



NEWS

From New York State Inspector General
Ellen N. Biben

FOR IMMEDIATE RELEASE:
February 27, 2012

Former DEC Wildlife Pathologist Ward Stone's Career-Long Misconduct and Abuse Tolerated and Excused by Former DEC Executives; Second Employee's Time Abuse Unchecked by Supervisor Despite Repeated Co-Worker Complaints

New York State Inspector General Ellen Biben today announced the release of two investigative reports involving the failure of the Department of Environmental Conservation's former top management to promptly address complaints of abuse and misconduct by DEC employees.

STONE REPORT

The first report found that throughout his long career, former Department of Environmental Conservation (DEC) wildlife pathologist Ward Stone engaged in chronic misconduct with near impunity, including abuse of staff, misappropriation of state resources, and insubordination. Stone's misconduct, which continued for nearly four decades, resulted in improper personal benefits to Stone worth tens of thousands of dollars.

That investigation also found that a succession of former top DEC executives ignored Stone's misconduct or even protected him from disciplinary actions initiated by his direct supervisors, in part out of fear of negative reactions from his supporters and the news media.

Inspector General Biben said, "Regardless of their accomplishments or stature, no state employee is above the law. The integrity of state agencies and their disciplinary processes requires that all employees be held equally accountable to abide by the law and agency policies."

For most of his 40 years with DEC, Stone was warned, but not officially disciplined, for extensive misconduct and abuse:

- Stone improperly used the DEC Wildlife Resource Center, a scientific work station located near the Five Rivers Environmental Education Center in Delmar, as his residence for nearly a decade, a personal benefit worth at least \$29,000.

- Employees in the Wildlife Resource Center feared for their personal safety after Stone would threaten, yell, and curse at them. Several employees sought transfers from his unit due to his behavior and one employee took a position at reduced pay to get away from him. One employee went as far as to file a discrimination case against Stone with the State Division of Human Rights. The Division found no discrimination because he treated everyone poorly, regardless of their sex or race.
- Stone failed to properly instruct and train employees at the Wildlife Resource Center, leading to accidents and injuries. Two members of the relatively small staff contracted the potentially deadly West Nile Virus while employed at the Center.
- Stone used his DEC staff for non-DEC business, such as college courses he taught and a radio show he hosted. Stone used employees for other personal matters, including babysitting for his children when they were at the Center and chauffeuring him to his outside employment activities even though they were not part of Stone's work for New York State.
- Employees also had to care for chickens and other domesticated animals Stone bought for his children but kept at the Resource Center. The state expense for animal food and employee time spent on animal care was estimated at approximately \$12,500.
- Stone stored personal firearms in the Wildlife Resource Center despite agency policy against it and being told to remove them.
- Stone almost never filled out or submitted time records, which are usually required for all state employees to be paid.

On several occasions over the years when Stone's immediate supervisors threatened or attempted disciplinary actions to address Stone's misconduct, these actions were thwarted by the agency's top executives, including former commissioners. Following one such intervention, a frustrated manager summarized the problem in an email he sent to a colleague: "Stone (got) yet another pass on misconduct that any other employee would surely be disciplined or otherwise held accountable for."

Following years of frustrated efforts by Stone's immediate supervisors, the DEC ultimately served Stone with an official Notice of Discipline in April 2010 regarding his repeated personal use of a State vehicle and his repeated failure to submit time records, among other issues. The DEC sought approximately \$6,400 in restitution for the vehicle use, as well as Stone's immediate retirement. His annual salary at the time was \$83,954.

In a settlement agreement, Stone accepted the retirement and agreed to pay only \$1,565.58 for abuse of the State vehicle. Other funds sought, including money for care and feeding of his domesticated animals, were to be submitted for arbitration, which to date has not occurred.

The Inspector General's investigation found that during Stone's tenure, DEC employees other than Stone would have been – and were – disciplined for similar misdeeds. This disparate treatment of Stone by former DEC management damaged morale among

employees who viewed Stone, despite blatant insubordination and repeated misconduct, as immune to discipline.

The investigation also determined that the Office of the Inspector General itself could have been more effective in the past by following up with DEC to determine what if any action DEC took on complaints regarding Stone's misconduct that OIG forwarded to DEC in 2002, 2005 and 2008. Inspector General Biben implemented new procedures during her tenure to ensure effective follow up with agencies regarding complaints referred to state agencies by the OIG.

The Inspector General's report was forwarded to the DEC and the New York State Attorney General for review and any further appropriate action. Previously during the investigation, information regarding Stone's conduct was also forwarded by the Inspector General to the Commission on Public Integrity, now the Joint Commission on Public Ethics.

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

PEYSER REPORT

The second report, also released today, found that DEC employee Jennifer Peyser, an artist/designer in the DEC's Creative Services Unit, engaged in substantial time abuse for an extended period, even while other employees repeatedly complained about her work hours to management. The investigation found that between October 2009 and October 2010, Peyser improperly received pay of more than \$3,940 for more than 160 hours that she did not work.

The investigation further found that had DEC former management promptly and appropriately handled co-worker complaints about Peyser's time abuse, her misconduct could have been addressed months earlier.

As a result of the Inspector General's findings, the DEC suspended Peyser for 20 days without pay and required that she forfeit 150 hours of vacation time.

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

###

Additional releases available at www.ig.ny.gov
For more Information Contact (518) 474-1010 or email IGPress@ig.ny.gov