



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
October 27, 2009

**Wayne County Clerks Gave Enhanced License to Woman Who Used
Canadian Birth Certificate for ID**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that the Wayne County office of motor vehicles negligently issued a New York State Enhanced Driver License to an individual who, although apparently eligible for the license, failed to provide adequate proof of identify at the time of her application.

ALLEGATION

On April 18, 2009, the Inspector General received a complaint alleging that on October 24, 2008, an individual wrongfully obtained an Enhanced Driver License (EDL) from the Department of Motor Vehicle (DMV) office in the City of Lyons, County of Wayne, without the proper identification documents. Specifically, the individual allegedly provided DMV clerks with a Canadian birth certificate, which is not an acceptable form of identification to obtain an EDL under DMV rules.

SUMMARY OF INVESTIGATION

While DMV operations in New York State are governed by the Commissioner of DMV, in 51 counties, including Wayne County, DMV's duties are fulfilled by the office of the County Clerk. Although these county employees are hired and supervised by the County Clerk, when conducting DMV business, they operate as agents of the DMV Commissioner and possess the same duties and responsibilities as those employed directly by DMV, including issuing driver licenses and non-driver identification cards.

On September 16, 2008, DMV commenced issuing EDLs to applicants who offer sufficient proof of U.S. citizenship and New York State residency. The EDL was developed as part of the Western Hemisphere Travel Initiative, enabled by the federal Intelligence Reform and Terrorism Prevention Act of 2004. An EDL may be used in lieu of a passport to travel by land and/or sea between the U.S. and Canada, Mexico and some countries in the Caribbean. An EDL, however, is not acceptable for air travel between

these countries. Since an EDL facilitates international travel, the issuance of EDLs implicates national security concerns.

The Inspector General found that on October 24, 2008, the individual obtained an EDL from the DMV office in the City of Lyons, Wayne County. As proof of her identity, U.S. citizenship, and New York State residency, she provided Wayne County Clerk's Office employees William DiSanto and Stephanie DeLisio a New York State driver license, a Social Security card, a bank statement, and a Canadian birth certificate. However, under DMV rules, a Canadian birth certificate is not an acceptable form of identification for obtaining an EDL.

The individual related to the Inspector General that she applied for an EDL in order to go on a family vacation to the Caribbean. She asserted that because the EDL application states that the EDL is accepted for travel to the Caribbean, she chose not to obtain a U.S. passport. The DMV fee for an EDL is substantially less than the fee for a U.S. passport. The individual further informed the Inspector General that even though she was born in Canada, her father was an American soldier at the time. As a result, she stated, she holds dual American and Canadian citizenships. The U.S. Department of State confirmed that the individual is a U.S. citizen and that she has been issued a foreign-born citizen certificate affirming her U.S. citizenship. However, she did not provide this document to the DMV clerks when she applied for the EDL. She reported to the Inspector General that she assumed her Social Security card, driver license, and bank statement were sufficient proof of her U.S. citizenship. The individual learned of problems with her EDL when she was forced to cancel an international vacation upon being informed that she possibly would be denied reentry into the United States. She thereafter complained to DMV. DMV requested and received from the individual a U.S. consular report on her birth abroad, which is an acceptable proof of citizenship for an EDL. This action enabled the individual's EDL to remain valid. DMV also informed the Inspector General of its concerns with the issuance of the EDL.

In an interview with the Inspector General, Wayne County Senior Motor Vehicle Clerk William DiSanto admitted, based on a review of his notations on the individual's EDL application, that he had processed the application on October 24, 2008 and mistakenly accepted the Canadian birth certificate submitted by the individual in support. Wayne County Motor Vehicle License Clerk Stephanie DeLisio also acknowledged, as the document's notations indicated, that she erroneously accepted the Canadian birth certificate as proof of identification and processed the individual's EDL application following its initial review by DiSanto. DeLisio denied any intentional wrongdoing and stated, "I would not have taken the [Canadian birth certificate], not intentionally."

DeLisio informed the Inspector General that she and DiSanto had received very little training in the processing of EDL applications, and that the training they had received had taken place in January 2008, eight months prior to the first issuance of EDLs by DMV. Both DeLisio and DiSanto informed the Inspector General that they believed they also had made mistakes in processing other EDL applications in the initial weeks of the program. Although additional training and periodic reminders of proper

procedures are always beneficial and advisable, DeLisio's and DiSanto's attempt to attribute any significant portion of their negligence to inadequate training is unavailing. Form MV-44.1EDL, the relevant DMV documentation which must be completed in order to process an EDL, clearly states that "US or US Territory Birth Certificates" are the only types of birth certificates which may be properly accepted. Both employees stated that they received no money or other benefit from the individual for approving her EDL application, and the Inspector General has discovered no evidence of any prior connection between the individual and DeLisio or DiSanto or any benefit received by the clerk's employees for erroneously processing the EDL application.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that two employees of the Wayne County DMV office improperly issued an EDL to an applicant without obtaining proper identification documents. The Inspector General found that the employees' errors were the result of negligence and discovered no evidence of corruption. The Inspector General referred this finding to the Wayne County Clerk for its consideration of appropriate disciplinary action against DeLisio and DiSanto. The Inspector General further advised DMV of DeLisio's and DiSanto's admissions that they may have committed other errors when processing other EDL applications and recommended that DMV review any EDLs processed by Wayne County. The Inspector General further recommended that DMV review the training provided to County Clerk employees regarding the EDL process and assess its sufficiency.

Responses of Wayne County Clerk and Department of Motor Vehicles

The Wayne County Clerk advised the Inspector General that it will refer DeLisio and DiSanto for appropriate disciplinary action, reinforce to staff the importance of adherence to procedure in handling legal citizenship and identification documents, and request additional training on EDL and identification procedures from the New York State Department of Motor Vehicles.

The Department of Motor Vehicles advised that its audit unit will review a statistically valid sample of the EDL transactions processed by Wayne County, approximately 1,000 to date. The audit will result in recommendations for improvement, as warranted.

DMV further advised that it reviewed the EDL training offered to state and county employees and concluded it was sufficient. DMV noted that between January and November 2008 it disseminated six electronic "notices" to all offices relating to how EDL proofs are to be processed on document scanning workstations, and 14 notices on other aspects of EDL processing. DMV also stated it provided on-site training to Wayne County employees on use of the scanning workstations in January 2008. Further, DMV advised that it provided additional training on EDL processing to Wayne County employees in August 2008 and will provide additional training to Wayne County as needed.