



October 6, 2021

Joan McDonald  
Chair  
Board of Commissioners  
New York State Bridge Authority  
PO Box 1010  
Highland, New York 12528

Re: NYS IG 2233-039-2020

Dear Chair McDonald:

On September 25, 2020, a senior laborer employed with the New York State Bridge Authority alleged to the Offices of the New York State Inspector General that a week earlier, while conducting a routine inventory audit at the Kingston-Rhinecliff Bridge offices with the Authority's internal controls officer, the two discovered a miniature camera in the men's locker room.<sup>1</sup> According to the senior laborer, the camera had been installed by the Bridge Authority in an attempt to discover who was tampering with another employee's work computer.

From the sworn testimony of seven witnesses, statements of other witnesses, and review of relevant records and video, the Inspector General learned the following: On May 22, 2020, an assistant foreman at the Authority was unable to log in to his office computer and discovered that four keyboard keys had been removed and placed on other keys. The assistant foreman's computer and office at the time were located in a former storage area that had been converted into an office and staff changing area based on a change in operational needs during the COVID-19 pandemic. On May 26, 2020, the assistant foreman emailed his supervisors to report the incident.

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<sup>1</sup> The investigation found that the covert camera was not located in a men's locker room but rather at a workstation in a temporary office space. This office space was open to Bridge Authority employees and visible through an uncovered window to the outside, and the camera was not within range to record activity in nearby locker/changing rooms or bathrooms.

Shortly thereafter, the Authority's security director advised the assistant foreman that a hidden camera should be set up to monitor his workstation. The assistant foreman, who felt uncomfortable with the use of a covert camera, wavered. When on June 5, 2020, the assistant foreman again discovered that his keyboard had been damaged, the security director informed him that he was going to install a camera at the assistant foreman's workstation.

Testimony differed as to who specifically allowed the placement of the camera. Regardless, Tara Sullivan, then the Bridge Authority's acting executive director, testified that it was solely her decision to authorize the purchase of two video cameras and the placement of one camera at the assistant foreman's workstation. According to Sullivan, she was unaware of any prior use of covert cameras at Bridge Authority facilities. Other witnesses also testified to having no recollection of the Bridge Authority's use of covert cameras in employee matters. Sullivan further testified that she had spoken with the Bridge Authority's then general counsel about the matter, and he told her that there would be no legal issues with the placement of a video camera at this location. Sullivan did not notify the Bridge Authority's Board of Commissioners of the keyboard damage or the camera installation.

Sullivan requested that the Bridge Authority purchase two motion-activated video cameras that had no audio recording capabilities. The Authority's IT director then bought two small, identical cameras.

On June 17, 2020, the security director placed one camera at the assistant foreman's workstation and showed him how to start and stop recording sessions.<sup>2</sup> The security director testified that after several weeks passed without incident, he obtained Sullivan's permission to remove the camera. However, he did not retrieve the camera before its discovery during the audit.

On October 6, 2020, acting on a complaint from a Bridge Authority employee, the New York State Police seized the two cameras and began an investigation. The State Police found seven hours of video footage and discovered that the cameras also recorded audio.<sup>3</sup> The State Police closed its case in June 2021, after consulting a local district attorney's office, which declined to prosecute Sullivan under New York's eavesdropping statute.<sup>4</sup>

Upon the discovery of the covert camera, union attorneys representing two employees contacted the Bridge Authority about possible violations of employee privacy protections found in New York State Labor Law.<sup>5</sup> In addition, labor union representatives voiced their objections to the Bridge Authority's use of covert surveillance cameras in employee matters and advised they were considering filing an improper practices complaint with the New York State Public

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<sup>2</sup> The second covert camera was never deployed.

<sup>3</sup> According to the Bridge Authority, the cameras had not been tested for this feature and therefore it was not discovered by the Bridge Authority.

<sup>4</sup> New York Penal Law Article 250.

<sup>5</sup> New York State Labor Law § 203(c) addresses employer video surveillance of employees without notice.

Employment Relations Board. The labor union also advised it intended to raise the issue of covert cameras in upcoming collective bargaining agreement negotiations.

Sullivan testified to the Inspector General that she authorized the purchase and installation of a video camera as she believed that the keyboard damage was a criminal act preventing the assistant foreman from logging in to Bridge Authority systems and accessing bridge cameras for a day or more each occurrence. She further noted that the assistant foreman needed access to these bridge cameras in emergency situations. However, testimony confirmed that bridge cameras may be accessed by multiple employees from different workstations, and by an application on mobile devices. Moreover, a damaged keyboard could be easily exchanged for a functioning one.

Despite characterizing the keyboard damage as a criminal act, Sullivan advised that she had not reported it to police or the Inspector General but instead chose to handle the matter internally. Sullivan further testified that she was unaware that New York State Executive Law section 55 requires all covered agencies to promptly report “any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee.”

The Inspector General found that Sullivan’s authorization of the use of a covert camera to conduct an internal investigation of minor property damage was imprudent. Of most importance, at the outset, Sullivan was required under the Executive Law to notify the Inspector General of these issues. However, she failed to adhere to this statutory requirement. Witnesses testified that Sullivan’s decision also caused workplace disruption, created conflict and concerns between management and staff, and increased the Bridge Authority’s litigation risk.

The use of covert cameras at Bridge Authority properties to investigate employee matters should always be a last resort and done after significant consultation with the Bridge Authority Board of Commissioners, general counsel, and executive management. Additionally, all potential crimes should be immediately reported to the Inspector General when discovered and prior to the commencement of any internal investigations, and to law enforcement if appropriate under the specific circumstances.

During the investigation, Sullivan resigned her position at the Bridge Authority effective July 15, 2021. Since Sullivan’s departure, the Bridge Authority is under new leadership, and this presents a good opportunity for staff to be reminded of their reporting responsibilities under Executive Law Article 4-A.

Please advise me of any action taken by the Bridge Authority in response to these recommendations within 45 days of the date of this letter. If you require further information, please contact Deputy Inspector General James R. Davis at 518.474.1010.

Sincerely,



Robyn Adair  
Acting Inspector General

Cc: Maureen A. Coleman, Esq.  
Executive Director

Frank Hoare, Esq.  
General Counsel