



November 23, 2021

Erik Kulleseid, Esq.
Commissioner
New York State Office of Parks,
Recreation and Historic Preservation
625 Broadway, 10th Floor
Albany, New York 12207

Re: NYS IG 2907-010-2020

Dear Commissioner Kulleseid:

On December 25, 2020, the Offices of the New York State Inspector General received a complaint alleging that Michael Carlson, a forest ranger with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), has “for years” been misusing a State vehicle to commute to and from his home and place of employment at Minnewaska State Park. This letter reports the results of the Inspector General’s investigation of this matter.

By way of background, the use of State vehicles assigned to OPRHP personnel is governed by both the New York State Vehicle Use and OPRHP policies.¹ Both policies prohibit the personal use of State vehicles, and commuting with State vehicles is prohibited unless authorization has been received from the director of state operations. The New York State Vehicle Use Policy, which is reflected in OPRHP’s policy, reads:

State vehicles may be used only for official State business, and their use for any personal business is strictly forbidden except under very limited circumstances where (i) personal use such as commuting is expressly authorized by the Director of State Operations or (ii) the personal use is incidental to official business . . .

Carlson is a forest ranger assigned to Minnewaska State Park. In 1999, OPRHP assigned Carlson a State vehicle to be used in the performance of his job duties, which included use of the State vehicle as a “take-home vehicle” to commute between his home and Minnewaska. On January 1, 2012, over Carlson’s objection, OPRHP revoked his authority to commute in the vehicle. This revocation was based on an

¹ See, New York State Memorandum to the Heads of State Agencies and Public Authorities entitled State Vehicle Use Policy (November 27, 2013) and OPRHP Policy OPR-PCD-002.

assessment conducted by an OPRHP Park Police major that found that Carlson was no longer responding to emergencies on a weekly or monthly basis and therefore no longer qualified for the use of a take-home vehicle. Based on that revocation, Carlson's bargaining unit filed an improper practice charge on his behalf.² Since the January 1, 2012 revocation, although Carlson was no longer authorized to use his State-assigned vehicle to commute to and from his home, OPRHP authorized Carlson to leave the State vehicle overnight at Bristol Beach State Park, which is closer than Minnewaska to Carlson's home. In 2015, a New York State Public Employment Relations Board administrative law judge held that the State had acted within its rights in revoking Carlson's authority to use the State vehicle to commute to and from his home.

The Inspector General reviewed Carlson's vehicle use logs, which provided little information in determining whether Carlson was commuting to and from his home in his State-assigned vehicle. Although these Monthly Vehicle Use Reports include fields for daily starting and ending mileage, the reports do not require users to report starting and ending locations. Consequently, Carlson did not report where he parked the State vehicle after each use. Of note, the New York State Vehicle Use Policy requires agencies to maintain vehicle use logs in which drivers report their starting location and destination for each leg of a trip, among other information.

In surveillance conducted on several occasions in early 2021, the Inspector General found no evidence that Carlson was leaving his State-assigned vehicle overnight at Bristol Beach State Park. Between January 12 and February 4, 2021, investigators made several trips to Bristol Beach and observed a one-car garage adjacent to a parking area within the park. On each visit, investigators noted that access to the garage was blocked by a snowbank. Further, no vehicles were present in the parking area on any of those occasions. On February 4, 2021, investigators travelled to Carlson's residence and observed his assigned State vehicle parked on his property. According to Carlson's time and attendance records, he did not work on February 4, 2021. Given these observations, Carlson's actions appear to be in violation of his authorized use of his assigned vehicle.

On February 17, 2021, Carlson was interviewed by the Inspector General and stated that after OPRHP revoked his commuting privileges in 2012, a now-retired regional director told Carlson that he could park his State vehicle at Bristol Beach between shifts. Accordingly, Carlson stated, he parks his personal vehicle in the Bristol Beach garage before each work shift, travels to Minnewaska using the State vehicle, and reverses the process at the end of each shift. Pursuant to this practice, Carlson stated that, *at that moment*, his personal vehicle was parked in the Bristol Beach garage. When advised that the Inspector General had received a complaint that he was using the State vehicle to commute to and from his home, Carlson became uncooperative and refused to answer any further questions on that topic. Additionally, Carlson claimed that approximately one year earlier, his current supervisor, a supervising forest ranger, had implied that Carlson had his permission to use the State vehicle to commute to and from his home.

² Carlson stated to the Inspector General that he believed OPRHP had unfairly revoked his access to a take-home vehicle, which he viewed as a perk that came with the job when he was hired.

Testimony elicited from Carlson's current supervisor contradicts these claims. In fact, Carlson's supervisor advised the Inspector General that he explicitly informed Carlson that the State vehicle is to be left at either Minnewaska or Bristol Beach at the end of Carlson's shifts.

Upon conclusion of the interview, Inspector General investigators immediately travelled to Bristol Beach where they observed that access to the garage was still obstructed by a snowbank. Given these observations, Carlson's statements to the Inspector General appear untruthful.

Of note, shortly after his interview with Inspector General investigators, the Bristol Beach garage was once again accessible. On February 23, 2021, investigators visited the Bristol Beach garage and observed that the snowbank had been cleared and access to the garage was no longer obstructed. In addition, tire tracks were visible in the snow, indicating that a vehicle had recently entered or exited the garage. Through a garage window, investigators observed a vehicle parked inside.

Carlson's immediate supervisor stated to the Inspector General that Carlson should park his State-assigned vehicle at Minnewaska or Bristol Beach when he is off-duty. Carlson's supervisor noted that, on rare occasions, he has authorized Carlson to take the State vehicle home for specific work-related reasons (i.e., if Carlson had training at the Academy or was involved in an active search and rescue), but he did not recall any such occasions in early 2021. Carlson's supervisor further stated that given the nature of their respective job duties and responsibilities, he remotely supervises Carlson. According to Carlson's supervisor, he works at Bear Mountain headquarters, which is an hour drive from Minnewaska and an hour-and-a-half drive from Bristol Beach. As such, he physically meets with Carlson "maybe four times a year" and has not visited Bristol Beach in approximately five to six years.

The Inspector General finds likely that, on at least two confirmed occasions during the instant investigation, Carlson used his State-assigned vehicle to commute to and from his home. Any such commuting following the 2012 revocation of his commuting privileges would be in contravention of New York State Vehicle Use Policy and OPRHP policy. Furthermore, the Inspector General found that Carlson's supervisor's infrequent visits to Bristol Beach facilitated a lack of oversight and accountability of Carlson's State vehicle use. In addition, OPRHP's failure to maintain vehicle use logs that include all information required by New York State's Vehicle Use Policy—including starting location and destination—impacted the Inspector General's ability to fully investigate these allegations.

In light of these findings, I recommend that OPRHP take any action it deems appropriate against Carlson. Additionally, I recommend that OPRHP evaluate Carlson's supervisor's management of Carlson and take steps to evaluate the efficacy of remote supervision as related to proper use of an employee's State vehicle. Lastly, I recommend that OPRHP revise its vehicle use logs to include all data fields required by the New York State Vehicle Use Policy including starting location and destination of travel.

Please advise me of any action taken by OPRHP 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: Jennifer Maglienti, Esq.
General Counsel