



Lucy Lang  
Inspector General

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March 31, 2022

Matthew Driscoll  
Executive Director  
New York State Thruway Authority  
200 Southern Boulevard  
P.O. Box 189  
Albany, New York 12201-0189

Re: NYS IG 4557-041-2017

Dear Executive Director Driscoll:

On December 13, 2017, the New York City Department of Buildings' (NYC DOB) Special Enforcement Team, a unit that handles prosecutions of registered architects and professional engineers, alleged to the Offices of the New York State Inspector General that New York State Thruway Authority (TA) Civil Engineer 2 [REDACTED], while engaged in outside employment as a licensed professional engineer (PE) working on New York City projects, had filed an unusually high number of building permit applications with NYC DOB, including 1,400 such applications in 2017. In addition, NYC DOB alleged that it was investigating disciplinary action against [REDACTED] after finding he submitted an engineer's report to NYC DOB containing "egregiously incorrect" calculations and evincing that "he is not applying an acceptable standard of care . . . and is merely 'rubber stamping' his filings."

The Inspector General investigated these allegations and found that [REDACTED] filed building permit applications with NYC DOB under the business name "[REDACTED], [REDACTED]," which has a business address in Richmond Hill, New York. According to [REDACTED] TA supervisor, [REDACTED] filed a "Conditions for Outside Activity" form with the TA in 2015, 2017 and 2019, seeking and obtaining approval for this outside employment. Of note, [REDACTED] job duties and responsibilities at the TA do not involve New York City building permit applications.

The TA advised the Inspector General that it has procedures in place to identify some lapses in employees' professional licenses. The TA's Personnel Department produces a weekly internal report on its employees' professional and driver licenses, and other DMV information. If a report indicates a professional license has expired, the Personnel Department confirms the status of the license with the New York State Education Department's (SED) Office of the Professions through its verification search

for professional licenses. If it is determined that a professional license is inactive, the employee and the employee's supervisor are immediately notified. If the matter is not addressed, Labor Relations is notified for appropriate action to be taken.

Notably, however, the Inspector General learned that if SED revokes an individual's PE license, SED is not required to notify that individual's employer of the revocation. ██████ is required to maintain a PE license for his current DOT employment.

NYC DOB advised the Inspector General that it had referred this matter to SED, which audited the building plans submitted by ██████ to NYC DOB to evaluate the status of his PE license. Subsequently, SED offered ██████ an administrative settlement consisting of a five-year stayed<sup>1</sup> suspension of his PE license, five-years' concurrent probation, required ethics coursework, and a \$5,000 fine. ██████ accepted this settlement, which has yet to be approved by the SED Board of Regents.<sup>2</sup> ██████ also surrendered his self-certification privileges with NYC DOB.

Given the above, I recommend that the TA review the status of ██████ PE license, a precondition of his employment with TA, and determine if he continues to meet the requirements of his civil service job title.

Please advise me of any action taken by the TA in response to these recommendations within 45 days of the date of this letter. If you require further information, please contact Deputy Inspector General Jessica Silver at ██████.

Sincerely,



Lucy Lang  
Inspector General

cc: Frank Hoare, Esq.  
General Counsel

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<sup>1</sup> During a stayed suspension, professional engineers may continue to practice but may not self-certify building plans to NYC DOB and must submit projects for full review.

<sup>2</sup> Signed settlements require the approval of the SED Board of Regents. As of the writing of this letter, ██████ consent agreement with SED has yet to be approved by the Board.