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June 20, 2012

Joe Martens
Commissioner
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001

RE: NYS IG 1012-001-2011

Dear Commissioner Martens:

In September 2011, following an internal investigation, your office referred to the Inspector General information regarding the conduct of Department of Environmental Conservation (DEC) employee [REDACTED]. The Inspector General specifically was asked to determine whether reasonable cause exists to find that [REDACTED] engaged in criminal activity when he performed duties related to his outside employment during state work hours.

During the period relevant to this investigation, [REDACTED] was employed as a Pesticide Control Specialist II in DEC's Region 1. At the same time, [REDACTED] was employed as an independent contractor for Nor'east Media, LLC, which operates an online magazine, Noreast.com, devoted to saltwater fishing in New York and other states in the Northeast. As part of his duties for Nor'east, [REDACTED] monitored the Web site content and posted information to it.

DEC's policy on outside employment requires employees to seek permission from agency management when, in the employee's judgment, the secondary employment may be in conflict with the employee's official duties. [REDACTED] failure to request permission from DEC management for his outside employment appears inconsistent with this policy,

given that the Nor'east online magazine on which [REDACTED] worked, is largely, if not exclusively, devoted to an activity which DEC regulates.

The Inspector General also determined that [REDACTED] used an agency computer to access the Noreast.com Web site during official work hours. Indeed, the Inspector General's investigation revealed that during a 10-day period in February and March 2011, [REDACTED] DEC computer was logged onto the Nor'east Web site throughout the work day. During this period, [REDACTED] also used the DEC computer to post messages to the Nor'east Web site concerning DEC fishing regulations.

[REDACTED] conduct appears to violate agency policy on computer use, and might also constitute time abuse. However, the Inspector General further determined [REDACTED] postings on the Nor'east Internet Web site did not disclose confidential DEC information.

The Inspector General recommends that you review these findings and take appropriate action. It is requested that you advise us of the results of your review within 30 days.

If you require additional information about our investigation, you can contact me at (518) 474-1010.

Sincerely,

[REDACTED]
Catherine Leahy-Scott
Acting Inspector General

cc: Ann Lapinski
Acting Director, Internal Audit and Investigation