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June 11, 2014

Joan McDonald
Commissioner
New York State Department of Transportation
50 Wolf Road
Albany, New York 12232

Re: NYS IG 1015-007-2012

Dear Commissioner McDonald:

In July 2012, my office received an anonymous complaint alleging that [REDACTED] a Department of Transportation (DOT) Environmental Specialist 2 in Region 3, used his state-issued cell phone for personal business. It was also alleged that [REDACTED] showed naked pictures of himself to two female co-workers. At that time, my office referred both allegations to DOT to conduct an internal investigation. In March 2013, DOT requested our assistance in investigating these matters.

Our investigation revealed that [REDACTED] during the period June 2012 to June 2013, received approximately 800 personal emails on his state email. Our investigation also found that [REDACTED] regularly utilized his DOT-issued cell phone for personal calls. When questioned under oath by my investigators, [REDACTED] admitted this misuse of his state email and cell phone, and also admitted that he used his state computer to access the internet website Craigslist. [REDACTED] further admitted that he knew his actions violated DOT policy.

Our investigation also found that [REDACTED], around 2010 or earlier, had downloaded to his state computer a photo in which his penis was exposed. A female co-worker of [REDACTED] testified to my office that [REDACTED] showed the photo to her at that time. Another female co-worker testified that she inadvertently observed the same or similar photo on [REDACTED] work computer at about the same time. Both co-workers testified that they did not complain to their supervisors or any other DOT official about the photo. In his sworn interview, [REDACTED] admitted both incidents.

While investigating the above matters, we received an additional allegation that [REDACTED] was using his DOT-issued cell phone to store inappropriate photos. Our examination of the cell phone revealed a photo of [REDACTED] wearing a see-through top and a photo of his own naked buttocks. In his sworn interview, [REDACTED] admitted responsibility for the photos being on his state cell phone.

I recommended that DOT take appropriate action regarding [REDACTED] misuse of his DOT computer, email, and cell phone, and consider reiterating relevant policy to agency staff.

Within 45 days, please advise me of any actions or decisions taken in response to the above recommendations. If you require further information about our investigation, please contact Deputy Inspector General Audrey Maiello Cunningham at 518-474-1010.

Sincerely,

[REDACTED]
Catherine Leahy Scott
Inspector General