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September 19, 2014

William R. Davis, Jr.  
Director  
New York State Office of Emergency Management  
1220 Washington Avenue  
Building 22, Suite 101  
Albany, New York 12226-2251

RE: NYS IG 1327-168-2013

Dear Mr. Davis:

On July 18, 2013, the Office of Emergency Management (OEM) filed a complaint with this office alleging that OEM employee [REDACTED] falsified a document after it had been returned to OEM by the Federal Emergency Management Agency (FEMA) for revision.

As you are aware, FEMA allocated funding to municipalities and counties for flood damage resulting from Hurricanes Irene and Lee. OEM's Mitigations Program Office is tasked with processing grant applications and serving as a conduit for funding from FEMA to New York State municipalities and counties.

[REDACTED] a Disaster Preparedness Program Representative in the Mitigations Program Office, is responsible, among other duties, for preparing and reviewing grant application forms prior to submission to FEMA. In March 2013, as part of a grant request from the Village of Mamaroneck, [REDACTED] prepared a FEMA Construction Project Budget form (form 20-15), which includes a breakdown of costs for the project under consideration. [REDACTED] forwarded the form to Mamaroneck Assistant Manager [REDACTED] for his signature. [REDACTED] returned the signed form on the same day, and several days later [REDACTED] forwarded the signed form, along with the grant application package, to FEMA.

On June 21, 2013, FEMA emailed [REDACTED] advising that his calculation of the total project cost of \$494,983 was erroneous; the actual total was \$503,983, as reflected in budget information previously submitted to FEMA by Mamaroneck. The FEMA email directed [REDACTED] to submit a new form with the correct sum. Twenty minutes later, [REDACTED] emailed FEMA a revised form that

reflected the correct total of \$503,983, obviously altered by hand. In his sworn testimony to my office, [REDACTED] admitted that he altered the number to make the form "congruent" with the budget numbers. [REDACTED] further admitted that he did not submit a revised form to [REDACTED] in Mamaroneck for signature before emailing it to FEMA, nor did he advise [REDACTED] of the mistake or ask his permission to correct it.

When [REDACTED] supervisor, [REDACTED] who had been copied on the email from FEMA, inquired into the matter, he discovered that [REDACTED] had already altered the document and returned it to FEMA without [REDACTED] approval. Despite [REDACTED] protests that he did not alter the document, [REDACTED] ordered him to withdraw the application from FEMA and obtain a corrected set of documents from Mamaroneck. According to [REDACTED] he was unaware of any alterations to the form he signed in March 2013 until [REDACTED] asked him to sign a revised form on July 3, 2013.

On September 2, 2013, an outside auditor retained by OEM, advised our office that he did not find any additional documents altered by [REDACTED]

In addition to the improper conduct described above, our investigation uncovered evidence that [REDACTED] provided false information on his application for employment with OEM as well as on his application submitted to the Department of Civil Service to qualify for the Disaster Preparedness Program Representative 2 examination, both dated March 2007. On his OEM application, [REDACTED] answered "no" to the question if he had ever been convicted of a crime or a violation. In fact, [REDACTED]

[REDACTED] On his Civil Service examination application, [REDACTED] also answered "no" to the question if he had been convicted of any misdemeanor or felony. Due to his status as a Public Employees Federation represented employee, upon transfer to OEM position in 2007, [REDACTED] was not subject to a criminal background check. However, reference checks with his prior employers, including the Department of Health, should have uncovered [REDACTED] false statements on the applications and OEM may have chosen not to hire him.

Based on these findings, I recommend that OEM take appropriate disciplinary action against [REDACTED]. In addition, OEM should ensure that all appropriate employees are aware of established procedures for processing grant applications, including procedures for amending previously submitted grant applications. OEM should also review its practices with respect to consulting job applicants' former employers.

I request that within 45 days of this letter, you advise my office of any actions or decisions taken in response to our recommendations. If you have any questions regarding the implementation of my recommendations, please contact Audrey Maiello Cunningham at 518-474-1010.

Sincerely,

[REDACTED]  
Catherine Leahy Scott  
Inspector General