



LUCY LANG
Inspector General

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October 25, 2022

Daniel W. Tietz, Esq.
Commissioner
New York State Office of Temporary
and Disability Assistance
40 North Pearl Street
Albany, New York 12243

Re: NYS IG 1879-318-2018

Dear Acting Commissioner Tietz:

On June 6, 2018, the New York State Office of the Medicaid Inspector General referred a complaint to the Offices of the New York State Inspector General alleging that [REDACTED], then a New York State Department of Health (DOH) employee, may have abused her authority when working in a prior position for the [REDACTED] County Office for the Aging. Specifically, the complaint alleged that [REDACTED], in 2017, facilitated the improper transfer of property from an elderly, disabled woman to herself and her husband so that the woman could receive maximum Medicaid benefits. This letter is to inform you of the findings of the Inspector General's investigation into [REDACTED], who is currently a New York State Office of Temporary and Disability Assistance (OTDA) [REDACTED].

By way of background, the investigation found that in May 2015, [REDACTED] left her position as a social welfare examiner for the [REDACTED] County Department of Social Services ([REDACTED] DSS) to become an aging services specialist at the [REDACTED] County Office for the Aging. In May 2015, [REDACTED] also served as the [REDACTED] County NY Connects Coordinator. In this position, [REDACTED] was responsible for providing long term care support services, assisting with Medicaid applications, and providing assistance in managing assets relative to Medicaid eligibility.

In May 2017, [REDACTED] began assisting a family with their elderly, disabled mother's application for stay-at-home Medicaid benefits. In June 2017, the family transferred a Florida property from their family trust to [REDACTED] and her husband, in consideration of zero dollars. In April 2018, the elderly woman's family submitted a Medicaid application to [REDACTED] DSS on her behalf. In review of the application, [REDACTED] DSS called into question the Florida property transfer and discovered that it had been transferred to [REDACTED]. By this date, [REDACTED] was working for DOH.

The investigation found that the elderly woman's family agreed to transfer the property to [REDACTED] believing it was in their mother's best interest and would assist with her eligibility for full Medicaid benefits. The investigation also found that [REDACTED] actions likely violated the [REDACTED] County Code of Ethics. Specifically, the [REDACTED] County Policy and Procedures Manual states:

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

In January 2020, [REDACTED] testified to the Inspector General about the matter. In her testimony, [REDACTED] contended that her intent had not been to take advantage of the involved parties and that the acquisition had been legitimate. However, when confronted with the [REDACTED] County Code of Ethics, [REDACTED] admitted that she was likely in violation of the code.

During the investigation, the Inspector General learned that the New York State Police had investigated [REDACTED] for attempting to execute a new will and testament for an elderly man who had sought her assistance while she served at the [REDACTED] County Office for the Aging. Specifically, in January 2018, [REDACTED] was investigated for having created a will on her office computer naming herself as executor and her relatives as beneficiaries of the elderly man's estate. Notably, the elderly man had an existing will naming his nephew as executor. Upon the elderly man's death, his nephew discovered the existence of the will created by [REDACTED] and notified the State Police. When confronted by the State Police, [REDACTED] withdrew the will she had created from probate consideration. As the elderly man's death prevented the State Police from pursuing criminal charges against [REDACTED], the State Police referred its findings to the Inspector General.

In her testimony to the Inspector General in January 2020, [REDACTED] admitted to creating the will for the elderly man but contended that the will conformed with the elderly man's final wishes. Incredibly, [REDACTED] could not clearly explain why, when confronted by the State Police, she chose to withdraw the will from probate rather than supporting the elderly man's final wishes.

Although no criminal charges were brought against [REDACTED] in either matter, the Inspector General's investigation found [REDACTED] actions alarming and possibly indicative of a pattern of taking advantage of elderly persons. As such, I recommend that you review [REDACTED] access to and communications with elderly persons in her current role as an OTDA [REDACTED] and report any findings to the appropriate authorities.

Please advise me of any action taken by your office in response to this recommendation 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.

[REDACTED]

Lucy Lang
Inspector General

cc: Tiffinay Rutnik, Esq.
General Counsel