



Offices of the
Inspector General

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Inspector General

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July 20, 2021

RoAnn M. Destito
Commissioner
New York State Office of General Services
41st Floor, Corning Tower
Empire State Plaza
Albany, New York 12242

Re: NYS IG 1748-002-2020

Dear Commissioner Destito:

On July 29, 2020, the New York State Office of General Services (OGS) alleged to the Offices of the New York State Inspector General that [REDACTED], a construction manager /inspector hired by OGS through a contract with OGS consultant [REDACTED] Joint Venture, abused his position of authority while working on a State project. Specifically, OGS alleged that in December 2019, [REDACTED] while providing inspection services on a State project at the [REDACTED] in Albany, attempted to sell his van to a superintendent of project contractor [REDACTED]. When the superintendent did not purchase the van, OGS alleged, [REDACTED] retaliated by filing project deficiency reports and orchestrating the removal of the superintendent from the job site. OGS also alleged that [REDACTED] sold his motorcycle to the subsequent [REDACTED] superintendent, who then hired [REDACTED] son for masonry work on the project.

The Inspector General investigated this claim and found evidence that [REDACTED] actions may have violated provisions of New York State Public Officers Law sections 73 and 74. Accordingly, the findings of the Inspector General's investigation were referred to the New York State Joint Commission on Public Integrity on April 6, 2021 for its review and consideration.

The Inspector General's investigation found that text messages between [REDACTED] and the two superintendents appear to show that [REDACTED] solicited the sale of his van and motorcycle to the superintendents while he was acting as lead inspector over contractor [REDACTED] work. The first superintendent

testified that after he declined to purchase a van that [REDACTED] had offered to him on numerous occasions, [REDACTED] issued several deficiency notices on the project and had the superintendent removed from the job site. This superintendent believed [REDACTED] actions were a consequence of the superintendent's decision not to purchase the van. The second superintendent testified that he purchased [REDACTED] motorcycle because it was "a golden ticket." He further testified that prior to the purchase, [REDACTED] regularly rejected his work on the project, and after the purchase, his work was regularly approved.

The second superintendent also testified that when [REDACTED] publicly sought a mason for the project, [REDACTED] provided him a referral but initially failed to disclose to the superintendent that the mason he referred was his son. Following the hiring of [REDACTED] son on the project, [REDACTED] who had direct authority over the contractor as the lead inspector, did not recuse himself from inspections of work performed by his son. In fact, witnesses advised that [REDACTED] reportedly a strict and observant inspector, failed to correct or issue notices regarding deficiencies in the masonry work performed by his son. Notably, OGS records reveal that the lead inspector who replaced [REDACTED] when he was subsequently removed from the project issued deficiency notices regarding the same masonry work. [REDACTED] actions, at a minimum, appear to present a conflict of interest.

As the actions of [REDACTED] may warrant action be taken with respect to [REDACTED] I am providing the findings of this investigation to OGS for its review and referral to [REDACTED] Joint Venture.

Please advise me of the action taken by your agency in response to this referral 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.

Sincerely,

[REDACTED]
Letizia Tagliaferro
Inspector General

Cc: Bradley G. Allen, Esq.
Deputy Commissioner and General Counsel