



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
September 4, 2008

**DMV Employee Quits After Arrest For Accessing
Women's Driver Data**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The State Inspector General's investigation, conducted jointly with the New York State Department of Motor Vehicles' (DMV) Division of Field Investigations (DFI), found that on numerous occasions DMV employee Guy Rivers accessed DMV's computer database for non-business purposes. On June 20, 2008, Rivers was arrested and charged with felony computer trespass and misdemeanor official misconduct. Rivers resigned from DMV following his arrest.

ALLEGATIONS

On June 18, 2008, DFI reported to the Inspector General information indicating that Rivers was accessing the DMV records of numerous persons, including current and former DMV employees, for non-business purposes. Nearly all of the individuals whose records Rivers improperly accessed are women.

SUMMARY OF INVESTIGATION

Rivers, 38, began his DMV employment in September 2005 and was appointed a Supervisory Motor Vehicle Representative in the DMV Insurance Services Division in Albany in December 2007. He was earning \$40,394 a year. In this position, Rivers had authority to access DMV computerized databases for DMV-related business. DMV databases contain confidential and personal information such as the Social Security numbers, home addresses, and telephone numbers of drivers and other individuals who conduct business with DMV.

The DMV Employee Handbook (section 10.6 entitled "Disclosure of Information") sets forth agency policy governing access and use of DMV information. It states:

Any misuse of file information by an employee (that is, the use of information for any purpose other than the processing of official Department business) could lead to legal action against the Department [of

Motor Vehicles]. Therefore, an employee may not obtain, ask any other employee to obtain, or use customer file information for any purpose other than carrying out his or her assigned duties in the Department. Any violation of this policy is subject to disciplinary action.

New York State Penal Law Section 156.10 prohibits the unauthorized use of a computer. Under this section, a person is guilty of computer trespass when he knowingly uses a computer or computer service without authorization and he thereby knowingly gains access to computer material. In addition, Penal Law section 195.05 Official Misconduct prohibits a public servant from obtaining a benefit by knowingly committing an act relating to his official duties when such act is unauthorized.

An examination of Rivers' DMV computer activity showed that on numerous occasions in 2007 and 2008 Rivers improperly accessed the secure computerized DMV records of at least 12 individuals, including seven DMV employees.

Nearly all of those individuals are women. On 35 occasions, Rivers accessed the records of his former girlfriend. He also accessed the records of four women he had met socially as well as five female DMV employees. In an interview with the Inspector General, Rivers admitted that he accessed the records of women he was interested in dating to determine their ages, birth dates, and driving records.

Rivers asserted that he accessed the records of two of the female state employees because he was carpooling with them and needed to submit their driver license information to the Office of General Services (OGS) car pool unit to obtain a shared parking permit. However, a review of OGS records contradicted this claim, showing that Rivers has a valid carpool permit with persons other than the two female employees he identified and that he had never supplied information to OGS pertaining to these two women in an effort to add them to his car pool list. Even if Rivers had been intending to carpool with the women in question, his use of the DMV system in this manner would not be permissible.

Rivers further admitted that he accessed the records of a male DMV employee because he suspected the employee was dating one of Rivers' female friends in the office. In his interview with the Inspector General, Rivers acknowledged that he was aware of DMV policy prohibiting access to computer information for non-business purposes.

FINDINGS AND RECOMMENDATION

This investigation established that DMV employee Guy Rivers accessed DMV computer databases for non-official business on numerous occasions. The primary purpose of these accesses appears to have been Rivers' interest in obtaining information on women he was dating or in whom he had a romantic interest. On June 20, 2008, Rivers was arrested and charged with felony Computer Trespass and misdemeanor Official Misconduct. The charges are pending. Following his arrest, Rivers resigned his DMV employment.