



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
May 28, 2008

SUMMARY OF FINDINGS/RECOMMENDATIONS

An investigation by the New York State Inspector General's Office, conducted jointly with the New York State Department of Motor Vehicles (DMV) and New York State Police, determined that DMV employee Lincoln Dwarika improperly accessed DMV files to obtain personal information about a female state employee he wanted to date. Dwarika was terminated by DMV and arrested on a criminal charge as a result of his actions.

ALLEGATION

DMV officials notified the Inspector General that Dwarika, a probationary employee in DMV's Title Unit in Albany, allegedly accessed DMV records to obtain personal information about a female state employee he was interested in dating.

SUMMARY OF INVESTIGATION

On April 7, 2008, Dwarika entered into the DMV computer system a female state employee's vehicle license plate number that he had observed at a state employee parking lot. Through this access, Dwarika learned her name, address, and date of birth.

Three days later, Dwarika approached the female state employee, confirmed her first name, and wished her a "happy birthday." Dwarika told the woman that he was a DMV employee and had learned her name and birthday by looking up her DMV record. After wishing her happy birthday, Dwarika asked her for a date. At the time, the female state employee only knew Dwarika's first name. She decided to end the conversation by providing him with her e-mail address in hopes that he would e-mail her and she would learn his last name to report him to the proper authorities.

Soon after their conversation, Dwarika e-mailed the woman and asked her to have dinner with him. She then notified the authorities. The Inspector General subsequently

obtained a copy of the e-mail sent by Dwarika, and DMV records indicating that Dwarika accessed the female state employee's DMV records.

When interviewed by Inspector General and State Police investigators, Dwarika admitted to accessing DMV records and asking the female state worker if it was her birthday. He confirmed that she had provided her e-mail address and that he had asked her to dinner.

DMV immediately terminated Dwarika. Due to his status as a probationary employee, Dwarika was not entitled to a hearing prior to termination. He was arrested on April 11, 2008, and charged in Albany City Court with official misconduct in violation of New York State Penal Law § 195.00. At arraignment, the court issued a temporary order of protection to the female state employee and released Dwarika on his own recognizance. On May 16, 2008, Dwarika's case was adjourned in contemplation of dismissal and will be dismissed on November 15, 2008 provided he refrains from additional misconduct.

Dwarika's actions also appear to violate the Federal Drivers Privacy Protection Act.

FINDINGS AND RECOMMENDATIONS

DMV employee Lincoln Dwarika was arrested and terminated for accessing state DMV records to obtain personal information about a woman he wanted to date. Dwarika approached the woman, wished her a happy birthday, and asked her to dinner. Dwarika had learned her name, address, and birth date by running her vehicle license plate number through the DMV computer system.

Dwarika was charged with official misconduct and was released on his own recognizance at arraignment. The court issued a temporary order of protection to the female state employee and the case was later adjourned in contemplation of dismissal.

The Inspector General notes that immediately after Dwarika's misconduct came to light, the DMV Commissioner issued a memorandum to all agency employees reiterating the prohibition on unauthorized access to personal information in agency databases.