



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
December 1, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General determined that Higher Education Service Corporation (HESC) employee Rosemarie Cervini improperly used a parking permit issued to a co-worker, Rosanna Olsen, and then falsely claimed that the permit was lost while continuing to utilize it. The Inspector General recommended that HESC take appropriate disciplinary action against Cervini. Additionally, the Inspector General's findings were provided to the New York State Office of General Services for appropriate action concerning Cervini's and Olsen's parking privileges and recoupment of funds by the state.

ALLEGATION

The Office of General Services (OGS) advised the Inspector General that HESC employee Rosemarie Cervini was observed utilizing a parking hang tag issued to a co-worker, Rosanna Olsen, at the Elk Street Garage in Albany on July 8, 2010. OGS further advised that the hang tag had been reported as lost by Olsen on October 27, 2008.

SUMMARY OF INVESTIGATION

OGS operates numerous parking facilities in downtown Albany for use by state employees including the Elk Street Garage. Use of these state parking facilities is only granted to state employees who have obtained a permit and a numbered hang tag from OGS and paid a specified fee to the state for use of the parking structure. Under state regulations (9 N.Y.C.R.R. Part 296), parking permits may not be shared or transferred by an employee to another employee. The current bi-weekly fee for use of the Elk Street Garage is \$10.97.

The Inspector General interviewed Rosemarie Cervini and Rosanna Olsen under oath, both of whom are employed by HESC. Olsen testified to the Inspector General that she had been issued a hang tag for the Elk Street Garage but admitted that she had shared the tag with her co-worker, Rosemarie Cervini, even including Cervini's vehicle information on her permit application claiming that both vehicles were used by her. Both

Olsen and Cervini stated that Olsen worked part time for HESC and on days Olsen was not working, Cervini used Olsen's tag.

According to both Olsen and Cervini, Olsen was absent from work on approved leave in 2008, and when she returned to work, Cervini informed Olsen that she had lost the parking tag. Accordingly, Olsen advised OGS that her tag was lost on October 27, 2008, paid a lost tag fee and received a new parking pass with a different number.

Contrary to Cervini's claim, the Inspector General determined that Cervini had not lost the tag (which she was not entitled to utilize in the first instance) but, instead continued to use such to park her vehicle free of charge. During her sworn interview with the Inspector General, Cervini initially supplied the Inspector General with inconsistent accounts concerning the purported loss of the tag, including: (i) that she inadvertently left the tag in a vehicle she had sold; (ii) that she lost the tag but located it much later; and (iii) that Olsen failed to ask for the tag when she returned from leave. Eventually, Cervini admitted to the Inspector General that she had continued to use the tag after she falsely informed Olsen that it was lost, but in an attempt to minimize her use of the tag, claimed that she used it, at most, on a dozen occasions. For her part, Olsen claimed that she was unaware that Cervini possessed the reported lost tag.

In addition to knowingly providing false information to the Inspector General, Cervini received an unjust benefit in the amount of \$464.18 by parking without paying the required fee to the state.¹

FINDINGS AND RECOMMENDATIONS

The Inspector General determined that Rosemarie Cervini fraudulently obtained and misused a state parking permit without paying the applicable fees to the state. Cervini fraudulently appropriated parking privileges from the state in the amount of \$464.18.

The Inspector General recommended that HESC take appropriate disciplinary action against Cervini. Additionally, the Inspector General's findings were provided to OGS for appropriate action concerning Cervini's and Olsen's parking privileges and recoupment of funds by the state.

Responses by HESC and OGS to the Inspector General's Recommendations

HESC advised the Inspector General that it will pursue appropriate disciplinary action against Cervini and will work cooperatively with OGS to ensure that appropriate

¹ The figure was calculated using only full pay periods of use. There are three additional days when Cervini used the tag that are not included in this calculation. The rate for the Elk Street Garage until the April 1, 2010 pay period was \$10.47 per two-week pay period. There were 37 pay periods. The rate for the garage commencing with the April 1, 2010 pay period was \$10.97. There were seven full two week pay periods before Cervini surrendered the parking tag to OGS. Thus the amount due is $(\$10.47 \times 37) + (\$10.97 \times 7)$ which equals \$464.18.

action is taken regarding parking privileges and the recoupment of funds. OGS advised that it will seek repayment from Cervini of \$464.18, the value of the inappropriate parking privileges she received. OGS further stated that while Olsen currently does not have a parking permit, in the event she applies for a permit in the future, her request will not be processed for at least 60 days – in effect, suspending her parking privileges for that period.