



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
January 14, 2009

Maintenance Boss Gets Improper Deliveries At Home

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that John Warnes, Facilities Building and Maintenance Director at the Western New York Children's Psychiatric Center (CPC), an Office of Mental Health (OMH) facility, received multiple deliveries of dirt from a state contractor without paying for them. During the course of the investigation, the Inspector General also found that Warnes routinely directed subordinate employees to run errands for him, during state business hours and using state vehicles.

OMH advised the Inspector General it is reviewing Warnes's conduct for appropriate action.

ALLEGATIONS

The Inspector General received a complaint alleging that John Warnes, Maintenance Director at CPC, had inappropriately accepted multiple dump truck loads of dirt at his home. The dirt was delivered to his home after it was excavated from the grounds of CPC by a contractor working at the facility pursuant to a state contract.

SUMMARY OF INVESTIGATION

In 2007, the Children's Psychiatric Center, an OMH facility in West Seneca, installed new underground water drainage lines as part of a project funded and supervised by the Dormitory Authority of the State of New York. The project required the general contractor, Smith Brothers Construction, to remove "all waste," including excess dirt, from the CPC property. The Inspector General determined that Warnes improperly accepted deliveries of dirt excavated from the site from Smith Brothers.

Dormitory Authority Project Manager Charles Everett told the Inspector General that he was present at a discussion between Smith and Warnes during which Warnes suggested purchasing the soil for \$50 per load. Everett said that he saw nothing improper with this arrangement provided Warnes paid for the dirt. Although Everett was not

present when the dirt was transported from CPC, he said he was under the impression that Warnes had paid Smith for it. However, according to Kevin Smith of Smith Brothers, in August 2007 he transported the excess dirt, six or seven small dump truck loads, to Warnes' home at no cost to Warnes.

During the course of the investigation, the Inspector General also determined that Warnes directed subordinate employees to run personal errands for him during state business hours and using state vehicles. At Warnes's direction, CPC maintenance employees often picked up maintenance supplies for CPC from various vendors in the area. At these times, Warnes provided these employees with cash or his personal credit card and directed them to purchase and transport personal items for him as well.

In one instance, on September 27, 2007, the Inspector General observed a CPC van at IRR Plumbing in East Aurora. The van was operated by Joseph Gordon, a CPC employee supervised by Warnes. The Inspector General obtained the invoices for the transactions conducted by Gordon at the time. The invoices showed purchases for OMH and for Warnes. When questioned by the Inspector General, Gordon admitted that he made the personal purchase for Warnes and that other CPC maintenance workers regularly make such pickups for Warnes. Gordon said that Warnes instructed him to make personal purchases for him during nearly half of the trips Gordon made to purchase supplies for CPC.

In another instance, on October 31, 2007, Warnes sent Todd Harmon, a CPC electrician, to Johnstone Supply in Depew to pick up supplies for Warnes's home heating project. The Inspector General obtained a copy of a Johnstone Supply invoice for items purchased with Warnes's credit card on that day. When questioned, Harmon admitted that he made this purchase at the direction of Warnes. On November 5, 2007, the Inspector General observed Warnes operate a state vehicle to deliver tools to IRR Plumbing. Warnes had borrowed the tools for a personal project.

Various subsequent allegations arose against Warnes, which were investigated following the initial complaint. The Inspector General did not substantiate the additional allegations.

Warnes retained counsel and refused to speak with the Inspector General.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that OMH employee John Warnes received an improper benefit from a contractor performing work at the facility he supervises when he accepted several truck loads of dirt. The Inspector General also found that Warnes misused state resources for personal benefit by directing subordinate employees to perform personal errands for him on state time using state vehicles.

The Inspector General recommended OMH take appropriate disciplinary action against Warnes. By letter of January 7, 2009, OMH advised it is reviewing Warnes' conduct to determine what action is appropriate.