



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
April 27, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that Denise Clark, a Mental Health Therapy Aide employed by the New York State Office of Mental Health (OMH) at the Capital District Psychiatric Center (CDPC), Union Street Residence in Schenectady, stole and misused two food stamp benefit cards owned by two mentally ill residents to purchase over \$545 in personal food items.

Clark was arrested by the Inspector General and State Police and was subsequently convicted of criminal possession of stolen property in the fifth degree and official misconduct by the Schenectady County District Attorney's Office. Clark also resigned from employment with OMH, and as part of the disposition of a criminal matter, agreed that she would not again seek employment with New York State.

ALLEGATION

On July 9, 2009, OMH referred a complaint to the Inspector General alleging that Clark stole two food stamp benefit cards, belonging to two Medicaid patients residing at CDPC's Union Street Residency, and that she used the cards to make personal food purchases.

SUMMARY OF INVESTIGATION

Background

Clark worked for OMH as a Mental Health Therapy Aide assigned to the CDPC Union Street Residency in Schenectady since 2000. Her duties included providing personal care, treatment and rehabilitation to individuals diagnosed with mental illness. Under supervision, she groomed, fed, and washed individuals who are unable to take care of themselves. Additionally, she assisted individuals in their participation in recreational activities and development of daily living skills.

Some CDPC residents are enrolled in the New York State Food Stamp Program. The program provides monthly benefits through an electronic benefit card which, similar to a debit or credit card, can be used in lieu of cash at authorized retail food stores. The Director of the Union Street Residency reported that staff members assist residents in the use of their food stamp benefit cards, including assisting residents in entering their benefit card Personal Identification Number (PIN) in credit card terminals at checkout counters and in keeping track of their account balances. In addition, the Director informed the Inspector General that the residents use their food stamp benefit cards only to buy snacks, as the facility uses State vouchers to purchase all groceries necessary to provide the residents nutritious meals.

The Inspector General's Investigation

OMH's internal investigation unit reported to the Inspector General that the Union Street Residency Director had discovered three unusually large charges on two residents' food stamp benefit cards during a review of card balances. The suspicious charges had been made on June 27, 2009, at the Wal-Mart Supercenter in Glenville and the Price Chopper Supermarket in Schenectady. In addition, the Director noted that residents who owned these cards required assistance from staff members when utilizing the cards. OMH obtained surveillance video recordings from the two stores that showed Denise Clark making the purchases.

The Wal-Mart receipts indicated that Clark incurred charges on two different benefit cards in the amounts of \$60.32 and \$133.26. The Price Chopper receipt indicated a \$353.31 charge on one of the benefit cards. As further evidence, Price Chopper representatives confirmed that Clark's driver license had been used as personal identification for that transaction.

The Inspector General interviewed Clark who admitted to having used two benefits cards owned by two residents of the CDPC Union Street Residency to make purchases at Price Chopper and Wal-Mart on June 27, 2009, for her personal benefit. On August 20, 2009, following her admissions, the Inspector General and the New York State Police arrested Clark on various criminal charges.

Clark was later served with a Notice of Discipline by OMH and placed on suspension. On September 24, 2009, Clark resigned from employment with OMH.

Clark pleaded guilty on October 13, 2009, in Glenville Town Court to a misdemeanor charge of criminal possession of stolen property in the fifth degree, and was ordered to pay \$193.58 in restitution and a \$505 fine/surcharge. On December 17, 2009, Clark pleaded guilty in Schenectady City Court to official misconduct and was ordered to pay an additional \$353.31 in restitution. At that time, she also agreed on the record that she would not again seek employment with New York State.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that OMH employee Denise Clark stole and misused two food stamp benefit cards owned by two OMH facility residents to purchase \$546.89 in personal food items on June 27, 2009. Clark was arrested by the Inspector General and State Police, and she has resigned from her OMH position. Clark was convicted of criminal possession of stolen property in the fifth degree and official misconduct. Clark was ordered to pay restitution and a fine/surcharge, and she acknowledged before the Schenectady City Court that she would not again seek employment with the state.