



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
January 11, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General determined that Robert Colvin, a Principal Engineering Technician employed by the New York State Department of Transportation (DOT), misused his state-issued credit card by charging over \$1,200 in unauthorized purchases, including charging \$895 for bail to gain his release following his arrest on a harassment charge. The Inspector General further found that Colvin failed to return his DOT-assigned laptop computer upon his resignation from state employment and subsequently sold the computer for personal profit.

Colvin was arrested on criminal charges relating both to his misuse of his state credit card and theft of his DOT computer.

ALLEGATION

On June 3, 2009, DOT referred a complaint to the Inspector General alleging that Colvin used his state-issued credit card to make a bail payment following his arrest on a harassment charge. It was also alleged that Colvin made other unauthorized transactions with the credit card.

SUMMARY OF INVESTIGATION

Colvin commenced employment with DOT in 2004 and was assigned to DOT Region 9, the Binghamton area. As a Principal Engineering Technician, Colvin performed site inspections of construction projects and was issued a credit card for work-related travel expenses and a laptop computer for official business.

The Inspector General determined that Colvin was scheduled to attend training at the DOT office in Schenectady from May 19-22, 2009. On Thursday, May 21, Colvin left the training session at noon without approval and remained absent without permission the following day, Friday, May 22. On Saturday, May 23, 2009, Colvin was arrested in the Town of Guilford, New York, following an altercation with his girlfriend. Colvin was charged with Second-Degree Harassment and held in custody at the Chenango County Jail. Records indicate that following his booking at the jail, Colvin used his state-

issued credit card to make an \$800 bail payment to Government Payment Services, a bail service, plus a \$95 service fee. Colvin failed to return to work the following week, was cited by DOT for job abandonment, and subsequently resigned effective May 23, 2009.

During a review of Colvin's credit card charges, DOT administrative staff noticed Colvin's clearly improper and unauthorized use of the card to make his bail payment on May 23, 2009. DOT staff also discovered other improper charges, including a \$250 fee charged to the card by the Hampton Inn because Colvin was caught smoking in a non-smoking facility on May 20, 2009, during the time he was attending agency training in Schenectady. Additionally noticed were two charges totaling approximately \$26 that Colvin made at Red Apple convenience stores on May 23, a Saturday, when there would be no legitimate reason for Colvin to use a state travel card. DOT subsequently reported Colvin's misuse of his state credit card to the Inspector General.

On July 23, 2009 the Inspector General, in coordination with the State Police, arrested Colvin on charges of Petit Larceny and Official Misconduct, relating to his misuse of his state credit card. The prosecution by the Chenango County District Attorney's Office resulted in Colvin pleading guilty on December 17, 2009, to disorderly conduct and receiving a conditional discharge. He was also fined \$100.

The Inspector General further determined that at the time of his resignation from DOT, Colvin failed to return to the agency a laptop computer, valued at \$1,001, that he had been issued for official use, and that he had sold the computer to an acquaintance for \$100. The Inspector General recovered the computer from the acquaintance, who stated he was unaware the equipment was stolen when he purchased it from Colvin. The computer was returned to DOT. On August 20, 2009, the Inspector General and State Police arrested Colvin on a charge of Grand Larceny in the Fourth Degree relating to the theft of the computer. Colvin is scheduled to next appear in court on January 11, 2010. The Oneida County District Attorney's Office is prosecuting this case.

FINDINGS AND RECOMMENDATIONS

The Inspector General determined that DOT employee Robert Colvin used his state-issued credit card for unauthorized and improper charges totaling approximately \$1,246. The transactions included an \$895 charge to bail himself out of jail. Colvin also stole and sold his state-issued laptop computer. Colvin was arrested on criminal charges and resigned from DOT.