



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
December 1, 2008

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General determined that Sara Bogart, a former employee of the Hudson Valley Developmental Disabilities Services Office (DDSO) of the New York State Office of Mental Retardation and Developmental Disabilities (OMRDD), worked as a caregiver for a privately-owned care center while falsely reporting on her state time sheets that she was performing her state-assigned duties. As a result, Bogart received in excess of \$32,000 in unearned compensation from the state. The Inspector General provided the results of this investigation to the Rockland County District Attorney's Office for prosecution.

ALLEGATION

On February 23, 2007, James Nellegar, then-Director of Internal Affairs for OMRDD, informed the Inspector General of an anonymous complaint alleging that Sara Bogart was working for Another Step, Inc. a private facility, while she was supposed to be performing duties related to her state employment.

SUMMARY OF INVESTIGATION

Background

The Hudson Valley DDSO provides services to individuals with developmental disabilities and their families in the counties of Westchester, Orange, Rockland, and Sullivan. The DDSO manages 130 state-operated community homes, 52 family care providers, and funds or regulates services of approximately 180 voluntary agencies that provide care to people living independently in the community. The DDSO's main office is located at 9 Wilbur Road, Thiells, New York.

Sara Bogart was hired by the Hudson Valley DDSO in October 1972 as a Direct Care Worker, providing care to residents as needed. In 1996, Bogart was elected president of the local chapter of the Civil Service Employee's Association (CSEA). As president of the CSEA local chapter, Bogart was released from her normal DDSO duties so that she could manage and supervise the CSEA office, which is located on the DDSO campus. Her duties included maintaining the office, supervising at least three other DDSO employees holding positions in the CSEA, meeting with DDSO employees

regarding union and disciplinary matters, and answering telephone questions. Bogart continued in this position until her retirement in July 2007, except for an interruption of approximately six months in 2004-2005 during which Bogart assumed a supervisory position within the DDSO.

According to Bogart's assigned supervisor, during the period in which Bogart served as the CSEA president, she was required to work a 40-hour week. While Bogart was required to submit monthly time sheets to her supervisor indicating the hours she worked and any absences, the supervisor did not oversee Bogart's daily activities as CSEA president.

Bogart's Employment with Another Step Inc.

Another Step is a privately-owned, state-funded organization that provides services to individuals with developmental disabilities. Another Step is located at 216 Congers Road, Building 6, New City, New York. Bogart began working for Another Step in March 2002 as a Residential Habilitation Trainer. Her responsibilities included assisting consumers, helping with cooking and cleaning, and attending to personal needs. Bogart reported directly to the consumer's home or apartment. Bogart submitted a time sheet to her supervisor at the end of each bi-weekly period indicating her hours of arrival and departure at the assigned consumers' homes. Another Step provided the Inspector General with these records.

According to the records, in March 2002, when Bogart began working at Another Step, she initially cared for one consumer, working as many as 30 hours every two weeks. In late October 2002, Bogart assumed the care of an additional consumer and began working as many as 70 hours every two weeks. From February 2003 to July 2007, Bogart cared for at least two and sometimes three consumers, working from 70 to 110 hours every two weeks. Bogart's Another Step supervisor explained to the Inspector General that he was confident in the accuracy of Bogart's Another Step time sheets. Since Bogart was responsible for one-on-one direct care of clients, her absence would have been immediately noticed.

Bogart Falsified Her State Time and Accrual Records

During the entire period that Bogart worked for Another Step, she was compensated for a full-time position at the Hudson Valley DDSO. The Inspector General's investigation determined that Bogart falsified her state time sheets, reporting that she was working at the DDSO during times that she was actually working for Another Step.

Bogart's time sheets for the period from December 2004 until her retirement in July 2007 were provided to the Inspector General by the DDSO. A comparison of Bogart's DDSO time sheets with her Another Step time sheets covering the same period showed that, during this period, Bogart reported that she worked approximately 1,344 hours for Another Step while she was also reporting to have been working at the DDSO. For most of this period, Bogart was serving as CSEA president. However, Bogart also submitted false time sheets, albeit to a lesser extent, during the six-month period in 2004-2005 when she worked as a supervisor within the DDSO.

Bogart's regular state work schedule required her to be present at the DDSO from 8 a.m. to 4:30 p.m. every weekday, working an eight-hour day with a 30-minute unpaid lunch. However, Bogart regularly reported to work for Another Step in the middle of her state workday. Bogart performed shifts for Another Step beginning as early as 11 a.m. During some weeks, Bogart's time sheets disclose as many as 20 hours of overlapping shifts.

Using Bogart's annual salary, the Inspector General calculated Bogart's hourly rate of pay for the period in question and determined that Bogart defrauded the state of \$32,232 by falsifying her time and attendance records.

During an interview with the Inspector General Bogart admitted that the times she wrote on her state time sheets do not always represent the exact hours she worked, but claimed that she did work eight hours each day. Bogart's supervisor stated that Bogart's CSEA duties may have required her occasionally to attend meetings or accept phone calls outside of her regular work hours, but that Bogart was required to reflect these activities on her time sheets. The DDSO time sheets reviewed by the Inspector General did not contain any documentation reflecting that Bogart had performed work outside of her regular work schedule.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that Bogart knowingly submitted falsified time sheets in which she overstated the hours she worked for the state. Over the two and one-half year period reviewed by the Inspector General, Bogart improperly accepted compensation of approximately \$32,232 for approximately 1,344 hours that she falsely claimed to have worked for the state.

Bogart's submission of false timesheets and theft of this money may constitute criminal activity including Grand Larceny in the 3rd Degree, Offering a False Instrument for Filing in the 1st Degree, and Official Misconduct. In addition, Bogart violated OMRDD's policy expressly prohibiting employees from engaging in outside employment during normal assigned duty hours.

On May 27, 2008, the Inspector General referred the findings of this investigation to the Rockland County District Attorney's Office. The Inspector will also refer its findings to the Office of the State Comptroller to determine if the results of this investigation affect Bogart's state pension benefits.