



STATE OF NEW YORK  
OFFICE OF THE STATE INSPECTOR GENERAL

**Final Report**  
**December 21, 2007**

**OMRDD EMPLOYEE ARRESTED IN FORGED CHECK INCIDENT**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Inspector General found that Office of Mental Retardation and Development Disabilities (OMRDD) employee Marilyn Rodriguez signed and cashed an altered New York State payroll check. OMRDD terminated Rodriguez's employment on August 6, 2007, as a result of discipline arising from habitual absenteeism. Following a referral from the Inspector General, the Port Jervis City Police Department arrested Rodriguez on December 12, 2007.

ALLEGATIONS

On July 17, 2007, the Office of the State Inspector General received a complaint from James Nellegar, OMRDD Director of Internal Audit, based on information from the New York State Department of Taxation and Finance (DTF) that a state payroll check issued to Rodriguez was altered and the check was then cashed at a beverage store in Port Jervis.

SUMMARY OF INVESTIGATION

This office conducted an investigation with the assistance of the New York State Department of Motor Vehicles (DMV) Division of Field Investigation and the Port Jervis City Police Department.

A review of Rodriguez's payroll records and time and leave records, obtained from OMRDD, the Office of the New York State Comptroller and DTF shows that during an earlier pay period, the State paid Rodriguez for approximately three days to which she was not entitled, totaling \$408.24 of unearned compensation. This overpayment was a result of Rodriguez's failure to report to work. Prior to the issuance

of Rodriguez's next payroll check, the overpayment was discovered during a routine check by the Comptroller's Office.

DTF is responsible for printing state payroll checks, prepared from information provided by the Comptroller. To recoup the overpayment of \$408.24 to Rodriguez, the Comptroller's Office arranged to have that amount automatically deducted from her next paycheck. However, during the subsequent pay period, Rodriguez's earnings totaled \$394.50, less than the scheduled deduction. As a result, on June 7, 2007, Rodriguez was issued a payroll check for \$0.00. The check was labeled "void." The Comptroller's Office later discovered that the check was cashed on July 9, 2007 in the altered amount of \$907.54.

The Inspector General's Office learned that on July 9, 2007, the altered check was presented at the Easy Way Beverage. The check bore a signature of "Marilyn Rodriguez" followed by a DMV driver license number and a telephone number. The check was deposited into the bank account for Easy Way Beverage Center, and both sides of the check were ultimately electronically scanned into a computer by the bank that deposited the check for Easy Way Beverage Center. Pursuant to bank policy, after the check was scanned, it was destroyed.

Federal law allows for the elimination of paper checks in bank-to-bank transactions. If a paper document is needed later, the scanned images of the two sides of the check are used. These are called "substitute checks" or image replacement documents, which are accepted as an original document.

The Inspector General obtained a certified copy of the "substitute check." An examination of the check shows that the original amount of \$0.00 had been altered to read \$907.54. DMV records confirm that the driver's license number written on the back of the check was issued to Rodriguez. Investigators also located known samples of Rodriguez's handwriting from DMV license files and OMRDD records. Investigators subsequently requested that a DMV expert in handwriting analysis conduct a comparison of the known samples of Rodriguez's handwriting with the signature on the back of the check. This comparison concluded that the signature on the back of the check was that of Rodriguez.

On November 16, 2007, the Inspector General informed the Port Jervis City Police Department of the results of its investigation. After repeated unsuccessful attempts by the police to locate and speak with Rodriguez, on November 28, 2007, the Port Jervis City Police Department obtained an arrest warrant for Rodriguez charging her with Criminal Possession of a Forged Instrument in the Second Degree.

The Inspector General was informed that on August 6, 2007, Rodriguez was terminated from her employment at OMRDD due to multiple Notices of Discipline, served prior to the commencement of this case, due to her failure to report to work for approximately 34 days from February to June, 2007.

On December 12, 2007, Port Jervis police arrested Rodriguez.

#### FINDINGS AND RECOMMENDATIONS

OMRDD employee Marilyn Rodriguez cashed a fraudulently altered payroll check in the amount of \$907.54. OMRDD terminated Rodriguez's employment as a result of discipline arising from a Rodriguez's repeated failure to come to work. The Inspector General referred this matter to the Port Jervis City Police Department, and on December 12, 2007 Rodriguez was arrested on a charge of Criminal Possession of a Forged Instrument in the Second Degree.