



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
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SUMMARY OF FINDINGS/RECOMMENDATIONS

The Inspector General working in conjunction with the State Department of Motor Vehicles (DMV) and the New York County District Attorney's Office found that three DMV employees engaged in schemes to alter moving violation summonses in exchange for cash payments. Two of the employees, Norma Lamboy and Debra Perez, worked cooperatively to alter the tickets while the third employee, Jose Concepcion, the son of Norma Lamboy, operated alone employing a different scheme.

All three DMV employees were arrested and have pleaded guilty to criminal charges. Three intermediaries, Abdoulaye Diaw, Robert Vera and Hector Viveros, who brought tickets to be altered to Lamboy and Perez at the DMV, were also arrested and have pleaded guilty to criminal charges. All of the cases were prosecuted by the New York County District Attorney's Office. On March 24, 2010, Lamboy was sentenced to a conditional discharge, and on April 7, 2010, and May 28, 2009, respectively, Perez and Concepcion were sentenced to probation.

As a result of the investigation, Concepcion was terminated and Lamboy and Perez resigned their state employment. In addition, DMV has taken appropriate steps to correct the summonses that were fraudulently altered.

ALLEGATION

In February 2008, DMV informed the Inspector General of allegations of potential misconduct by Jose Concepcion, a temporary employee at DMV's Traffic Violations Bureau office, located on 19 Rector Street in Manhattan. DMV discovered that Concepcion had altered the original violation charged on a number of tickets to allow the recipient motorist to pay a lower fine and, more importantly, ensure that no record of the original violations would appear on his or her license.

While reviewing the allegations involving Concepcion, the scope of the Inspector General's investigation was expanded to include two other DMV employees, Concepcion's mother, Norma Lamboy, and Debra Perez, both of whom worked at DMV's Traffic Violations Bureau, located on Atlantic Avenue in Brooklyn. An analysis of records revealed that Lamboy and Perez were also engaged in a separate ticket altering scheme.

SUMMARY OF INVESTIGATION

Traffic Violation Summonses

Traffic violation summonses are issued to motorists for infractions such as failure to stop at a red light or speeding. In addition to a fine, these summonses cause motorists to accrue points on their licenses which may lead to suspension or revocation of their driving privileges and increased insurance rates. The accrual of points poses a particular problem to those with professional licenses, such as taxi drivers, because the suspension of their privileges could result in the loss of their livelihood.

Traditionally, traffic violation summonses were, and to some extent still are, handwritten by the police officer issuing tickets. A copy of the summons is provided to the motorist and to DMV, in New York City, to DMV's Traffic Violations Bureau. With a handwritten summons, DMV manually enters the ticket information into a computer database.

If a motorist wishes to pay a ticket that has not yet been entered into DMV's computer system, a Traffic Violations Bureau clerk must manually enter the information from the copy of the ticket provided by the motorist. However, if the ticket had already been entered, the Traffic Violations Bureau clerk still has the ability to alter the information in the database, such as changing the violation or the pedigree information of the driver.

New York State is in the process of transitioning from handwritten summonses to electronically generated summonses. The information from these electronically generated summonses is automatically transferred in the DMV database and is not capable of being altered by Traffic Violation Bureau clerks. However, to date, the New York City Police Department still issues handwritten summonses. All the traffic violation summonses related to the Inspector General's investigation were handwritten.

Jose Concepcion

Jose Concepcion commenced employment with DMV on February 10, 2006, as a temporary employee in DMV's Traffic Violation Bureau. In addition to other administrative duties, Concepcion interacted with motorists in processing traffic violation summonses. During a routine review, DMV discovered tickets processed by Concepcion where the violation on the actual summons issued by law enforcement differed from that entered in DMV's database. Upon further review, DMV determined that Concepcion had processed an inordinately large number of violations for improper use of a bicycle, an infraction which does not result in the accrual of points on the offender's license. This unusual activity prompted DMV to analyze the original tickets that had been issued and compare them with the information Concepcion had entered into the DMV database. Based on the comparison, it was determined that Concepcion had altered the violation information from the issued tickets.

The Inspector General interviewed multiple ticket recipients whose infraction information had been fraudulently altered by Concepcion. Through these interviews, the Inspector General discovered that the majority of the motorists had provided their tickets to one individual, an intermediary, who then took the tickets to Concepcion to be altered when entered into the DMV database. The Inspector General then interviewed this intermediary, who admitted his role in the scheme and agreed to cooperate with the Inspector General's ongoing investigation. The intermediary stated that he took tickets to a person he knew as "Iz," who was later determined to be Concepcion, at the Rector Street Traffic Violations Bureau office, so that the violations could be altered, resulting in a lower fine and no points on the license of the ticket recipient. According to the intermediary, in addition to any lower fines the ticket recipient was required to pay after the ticket had been altered, he charged the ticket recipients approximately \$120, \$80 of which he kept for himself and the remaining \$40 he paid to Concepcion.

With the assistance of the New York City Police Department, the Inspector General engaged in a sting operation in which moving violations summonses were issued to an undercover investigator's license. The Inspector General outfitted the intermediary with audio and video recording equipment and provided him with the tickets and \$200 in cash. Under the supervision of an Inspector General's investigator, the intermediary went into the Rector Street Traffic Violations Bureau office and approached Concepcion with the traffic violation tickets. The intermediary presented the summonses obtained by the Inspector General's Office to Concepcion. After a brief conversation, Concepcion processed the summonses. However, rather than legitimately entering the summonses as failure to stop at a red light and failure to signal violations, Concepcion processed the summonses as tinted glass violations. In exchange, the intermediary provided Concepcion with \$200, \$160 to pay the fines on the newly created violations and \$40 as payment to Concepcion for altering the tickets. Had the tickets been properly processed and paid, Concepcion would have collected \$400 in fines to be remitted to DMV instead of \$160.

On December 4, 2008, Concepcion was arrested, and, after being advised of his Miranda rights, voluntarily confessed to having begun altering tickets approximately two years prior. He stated that he was approached by a motorist who was willing to pay in order to keep his license "clean." Concepcion further admitted that he had changed the violation that was listed on the ticket to a violation that would not add points to the recipient's license. Concepcion reported that the same individual returned on a regular basis, often bringing tickets for other motorists. In addition, Concepcion admitted that he had altered tickets for approximately six other people. Concepcion stated that, for every violation he changed, he personally received \$20 to \$40 and a discounted rate of \$10 each if the motorist had three or four tickets at the same time.

In total, DMV has uncovered approximately 78 summonses which were fraudulently altered by Concepcion. Concepcion pleaded guilty to Tampering with Public Records in the Second Degree and on May 28, 2009, he was sentenced to

probation. As a result of the Inspector General's investigation, Concepcion was terminated by the DMV.

Norma Lamboy and Debra Perez

Norma Lamboy commenced employment with DMV on June 24, 1993, and was assigned to the Brooklyn Traffic Violations Bureau, Atlantic Avenue office, as a motor vehicle representative. Debra Perez commenced employment with DMV on May 12, 1988, as a motor vehicle representative, assigned to the same office. Similar to Concepcion, both Lamboy and Perez processed traffic violation summonses issued to motorists.

The scheme used by Lamboy and Perez operated differently from that of Concepcion. Rather than merely change the nature of the violation, Lamboy and Perez altered the information in the DMV database to make it appear as if the summons was given to a person other than the actual motorist who had been issued the ticket. To accomplish this fraud, they deleted the client identification number, a unique number assigned to each motorist in the state, in the database and then manipulated the driver's pedigree information, such as changing the motorist's name and address slightly. Once the true client identification number was deleted, the DMV system automatically creates a new one not associated with the original motorist but, rather, associated with the fictional pedigree information fraudulently entered into the system. The legitimate purpose of this mechanism in DMV's system is to assign a unique number for a motorist who may not have already been assigned one in New York, such as an out-of-state driver.

Once the database was altered, the fine would sometimes be paid by the actual motorist issued the ticket, still affording the motorist of the benefit of having no record of the infraction on his or her driving history or the potential accrual of points. Other times the fine was left unpaid. In those situations, based upon the fabricated name and identification number contained in the system, DMV sent letters and possibly suspended the driving privileges of the fictitious motorist at the fictitious address created by Lamboy or Perez. In such cases, the letter would normally be returned back to DMV as undeliverable and no further action would be taken.

Lamboy and Perez formed a quasi-partnership in order to alter tickets. Lamboy and Perez received the majority of the tickets they altered through three intermediaries: Abdoulaye Diaw, Robert Vera and Hector Viveros. Diaw, Vera and Viveros brought summonses they received from motorists to the Atlantic Avenue office and Lamboy and Perez fraudulently processed the tickets, charging \$25 to \$50 for each summons, depending on the violation and the age of the ticket. To date, DMV has identified more than 640 tickets fraudulently altered by Lamboy and more than 750 similarly altered by Perez.

Abdoulaye Diaw, Robert Vera and Hector Viveros operated independently of each other. Each developed a connection to a group of drivers who wanted to have their tickets altered. The majority of the altered tickets were for motorists with professional

drivers' licenses, such as taxi cab operators. It should be recognized that the Taxi and Limousine Commission assisted the Inspector General in locating and interviewing witnesses.

When Lamboy was arrested on December 4, 2009, she had in her possession a number of summonses that Viveros had provided to her to alter. Lamboy resigned from DMV on June 11, 2009. She pleaded guilty to Tampering with Public Records in the Second Degree, and on March 24, 2010, was sentenced to a conditional discharge.

Perez was arrested on December 9, 2009, having resigned her DMV position September 3, 2009. Perez pleaded guilty to Tampering with Public Records in the Second Degree, and on April 7, 2010, was sentenced to probation.

Roberto Vera was arrested on December 9, 2009, and pleaded guilty to Attempted Tampering with Public Records in the First Degree, and on July 29, 2009, was sentenced to probation. On March 4, 2009, Abdoulaye Diaw was arrested. Diaw pleaded guilty to Tampering with Public Records in the Second Degree and was sentenced to probation on May 4, 2010. Hector Viveros was arrested on June 29, 2009. Viveros pleaded guilty to Attempted Tampering with Public Records in the First Degree and on November 23, 2009, was sentenced to probation.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that DMV employees Norma Lamboy, Debra Perez, and Jose Concepcion engaged in schemes to alter moving violation summonses in exchange for cash payments. All three employees were arrested and have pleaded guilty to criminal charges. Lamboy and Perez resigned their DMV positions, and DMV terminated Concepcion. Three intermediaries who assisted in the schemes, Abdoulaye Diaw, Robert Vera and Hector Viveros, were also arrested and have pleaded guilty to criminal charges.

DMV advised the Inspector General that the tickets identified as mishandled in this matter have been addressed as follows: Each ticket was individually researched, re-opened and corrected, with written notice to the motorist. For example, fines were assessed or hearings were scheduled for motorists who were originally cited with violations requiring an appearance.