



STATE OF NEW YORK  
OFFICE OF THE STATE INSPECTOR GENERAL  
**Final Report**  
**November 1, 2010**

## SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that New York State Education Department (SED) Information Technology Specialist 2 Betty Thomas utilized SED computer equipment to create a counterfeit New York State Office of General Services (OGS) parking permit and hang tag in order to park in the OGS Sheridan Hollow Garage in Albany, from June 2009 until January 26, 2010. The Inspector General referred this matter to SED, which advised that it has commenced disciplinary proceedings against Thomas. The Inspector General also provided these findings to the Albany County District Attorney for consideration of criminal prosecution.

## ALLEGATION

On January 27, 2010, the Inspector General received a complaint from OGS that SED employee Betty Thomas utilized a counterfeit permit and hang tag registered to another SED employee to park in the OGS Sheridan Hollow Garage.

## SUMMARY OF INVESTIGATION

OGS operates three state employee parking garages and nine parking lots in Albany. Relevant to this report, the three OGS parking garages include space under Empire State Plaza, the East Garage (near Empire State Plaza) and the Sheridan Hollow Garage, located within a block of SED offices. Various state agencies are allotted a specific number of spaces in these garages. State employees may apply for parking permits for these facilities and long waiting lists for parking permits are not uncommon in regard to spaces located in close vicinity to employees' workstations. Permit holders pay bi-weekly fees for parking through automatic payroll deductions. Hang tags, which bear an identifying number of the permit holder, must be displayed at all times when a vehicle is parked in a facility or lot. Pursuant to applicable regulations, parking permits are not transferable except as part of authorized car pool arrangements.<sup>1</sup>

On January 26, 2010, OGS Bureau of Parking Management discovered two vehicles parked in the Sheridan Hollow Garage both bearing what appeared to be the

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<sup>1</sup> 9 NYCRR 296-1.9

same parking hang tag with identifying number 041238. One vehicle was registered to an SED Clerk 1 to whom this particular parking permit and hang tag were assigned. The second vehicle was determined by OGS to be registered to Betty Thomas, an SED Information Technology Specialist 2, who has been employed at the SED office located near the garage at 89 Washington Avenue in Albany for approximately four years. Since Thomas did not have parking privileges in the Sheridan Hollow Garage, her vehicle was towed and the hang tag confiscated.

SED's parking coordinator informed the Inspector General that SED maintains 399 spaces in the Sheridan Hollow Garage and 121 in the East Garage and that parking assignments within the agency are based on seniority. According to the parking coordinator, a parking space in the OGS Sheridan Hollow Garage was assigned to an SED Clerk 1 in 2006, and a parking permit and hang tag bearing identifying number 041238 were issued by OGS to that employee. The fee for this space was \$20.94 per bi-weekly pay period, during the relevant time. A parking assignment had also been made for SED employee Betty Thomas on July 22, 2009, at the OGS East Garage, a location almost one-half mile from the SED building. The fee for the East Garage parking was \$10.97 per payroll period.

The Inspector General interviewed the SED Clerk 1 who was legitimately issued the parking privileges at issue in the instant matter. The Clerk 1 testified that she had car-pooled with Thomas in Thomas's car during the summer of 2009, and on occasion since that time, and had used her own parking permit and hang tag to park in the Sheridan Hollow Garage. She further stated she had listed Thomas's vehicle as an alternate on her parking application, allowing the use by Thomas during this period.<sup>2</sup> The Clerk 1 denied any knowledge of the counterfeit parking permit and hang tag.

The Inspector General then questioned Thomas, under oath, about her parking privileges. She confirmed that around June 2009, the Clerk 1 had added Thomas's vehicle to her permit application and Thomas began parking in the Sheridan Hollow Garage utilizing the authentic hang tag. Thomas testified that at one point during this period while she was in possession of the parking permit and hang tag, she scanned the items in the SED office using state equipment and made a color copy of the originals. Thomas further testified that she returned the original parking permit and hang tag to the Clerk 1 at the end of the summer, without informing the clerk of her actions. Thomas said that she continued to occasionally park in the Sheridan Hollow Garage using the counterfeit tag until her vehicle was towed and the hang tag were confiscated in January 2010.

Thomas's creation and use of a counterfeit OGS parking permit and hang tag may constitute, among other offenses, the crimes of Forgery in the Second degree and Criminal Possession of a Forged Instrument in the Second Degree.<sup>3</sup> Therefore, the Inspector General is forwarding a copy of this report to the Albany County District Attorney for review and consideration of a criminal prosecution. The Inspector General

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<sup>2</sup> The listing of alternate vehicles for a parking space in the case of a car pool is permitted under OGS regulations. See 9 NYCRR 296-1.4.

<sup>3</sup> Penal Law §§ 170.10(3) and 170.25.

is further referring this matter to SED for appropriate disciplinary action against Thomas for her misuse of agency resources to facilitate her misconduct.

Additionally, Thomas's conduct clearly violated OGS policy as delineated in the OGS Bureau of Parking Management Parking Permit Users' Manual, Suspension of Privileges, which prohibits the duplication of parking permits, among other things:

If a parked vehicle is found displaying an altered permit, the permit holder will have their parking privileges suspended for a period of 60 days, beginning on the day the vehicle is found in violation. In addition, the vehicle displaying the altered permit will be subject to towing. An altered parking permit is defined as any authorized parking permit which has been duplicated, or a portion of which has been altered, erased, obliterated, removed or covered in order to conceal its original design and purpose.

The Inspector General therefore forwarded these findings to OGS for appropriate action regarding Thomas' continued entitlement to parking services.

## FINDINGS AND RECOMMENDATIONS

The Inspector General found that SED Information Technology Specialist 2 Betty Thomas, utilizing SED computer equipment, created and used a counterfeit OGS parking permit and hang tag to occasionally park in the OGS Sheridan Hollow Garage from June 2009 until it was discovered on January 26, 2010. The Inspector General referred this matter to SED, which advised that it has commenced disciplinary proceedings against Thomas. The Inspector General also provided these findings to the Albany County District Attorney for consideration of criminal prosecution.