



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
June 8, 2009

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Inspector General found that three employees of the New York State Office of Mental Retardation and Developmental Disabilities (OMRDD), Michael Butkiewicz, Albert Carey and Lloyd Schmidt, all groundskeepers at the O.D. Heck Developmental Center in Niskayuna, smoked marijuana during their lunch breaks while in close proximity to the facility. The Inspector General arrested all three individuals on January 5, 2009, charging them with Criminal Possession of Marijuana in the Fifth Degree; Schmidt was also charged with Driving While Under the Influence of Drugs or Alcohol. OMRDD placed them on suspension without pay pending the outcome of any disciplinary proceedings. Carey and Butkiewicz subsequently pleaded guilty to Unlawful Possession of Marijuana, and Schmidt pleaded guilty to Driving While Ability Impaired. All three employees have been disciplined by OMRDD. Carey and Butkiewicz resigned from State service as the result of a disciplinary settlement and Schmidt accepted a demotion.

ALLEGATION

On September 4, 2008, OMRDD referred an anonymous complaint to the Inspector General, alleging that Schmidt, Carey and Butkiewicz were abusing drugs while at work at the O.D. Heck facility. It was also alleged that the subjects were engaging in these activities while in a state car and that they operated machinery, such as lawnmowers, under the influence of drugs.

SUMMARY OF INVESTIGATION

The three O.D. Heck groundskeepers, Schmidt, Carey and Butkiewicz, have worked for OMRDD 27 years, 32 years, and three years respectively. These employees all operate machinery as part of their responsibilities, and they were allegedly witnessed completing these tasks while under the influence of drugs.

The Inspector General conducted surveillance of the subjects while on and around the O.D. Heck facility grounds on multiple occasions. In several instances, the trio was observed on a golf course adjacent to the facility, sharing and smoking from a pipe. On January 5, 2009, the three men were again observed engaging in this activity by the

Inspector General. They then entered a personal vehicle operated by Schmidt and drove out of the golf course parking lot. The Inspector General, with assistance from the Schenectady Police Department, stopped the vehicle. Butkiewicz, Carey and Schmidt admitted to smoking marijuana during their lunch breaks at the O.D. Heck facility. Butkiewicz added that he smoked marijuana during almost every lunch break over the course of the preceding months.

They were then each charged with Criminal Possession of Marijuana in the Fifth Degree, in violation of Penal Law § 221.05(1), and Schmidt, the operator of the vehicle the three were arrested in, was also charged with Driving While Under the Influence of Drugs or Alcohol, in violation of Vehicle and Traffic Law § 1192(4).

The Inspector General notified OMRDD officials of their arrests, and OMRDD suspended the three employees without pay. Carey ultimately pleaded guilty on January 15, 2009, to the violation of Unlawful Possession of Marijuana and was sentenced to pay a \$100 fine along with a \$220 surcharge. Butkiewicz pleaded guilty to Unlawful Possession of Marijuana on February 3, 2009, and was fined \$100 with a supplementary court surcharge of \$120. Schmidt subsequently pleaded guilty to Driving While Ability Impaired and was fined \$500 and a \$250 surcharge. In addition, Schmidt's driver license was suspended for 90 days.

On March 4, 2009, Carey resigned from State service as part of a disciplinary settlement initiated by OMRDD. Butkiewicz resigned from State service on March 20, 2009, also in response to a disciplinary settlement. In addition, Schmidt accepted a demotion from a grade 9 to a grade 6 on March 20, 2009 in settlement of disciplinary proceedings against him.

FINDINGS AND RECOMMENDATIONS

The Inspector General's investigation established that OMRDD employees Albert Carey, Lloyd Schmidt and Michael Butkiewicz smoked marijuana during their lunch breaks from the O.D. Heck Development Center and then returned to the facility. On January 5, 2009, the Inspector General and the Schenectady Police Department arrested Carey, Schmidt and Butkiewicz. All three employees have been disciplined by OMRDD, and they have entered guilty pleas in court and have paid fines and fees levied against them.