



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
July 18, 2011

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Inspector General determined that William Finamore, a Fire and Safety Representative with the New York State Office of Children and Family Services (OCFS), improperly used his state-assigned vehicle, engaged in time abuse, submitted false time sheets, and violated agency policy on outside employment. OCFS has commenced disciplinary proceedings against Finamore seeking his termination and will seek restitution for monies paid to Finamore for hours not actually worked.

As recommended by the Inspector General, OCFS also will develop a plan to enhance monitoring of Fire and Safety Representatives and other employees who have exclusive use of a state vehicle and only sporadically report to an agency office.

ALLEGATION

In April 2010, Larry Gravett, Director of the OCFS Special Investigations Unit, reported to the Inspector General that evidence was discovered that OCFS Fire and Safety Representative William Finamore was engaged in secondary employment for which he lacked agency approval.

SUMMARY OF INVESTIGATION

The Office of Children and Family Services provides a system of family support, juvenile justice, child care and child welfare services that promote the safety and well-being of children and adults in New York State. OCFS divides its responsibilities into two main areas: program and support. The program divisions/offices include: Division of Child Care Services, Division of Child Welfare and Community Services, Division of Juvenile Justice and Opportunities for Youth, and the Commission for the Blind and Visually Handicapped. The support divisions/offices include: Division of Administration, Division of Legal Affairs, Division of Information Technology, Office of Communications, Office of Strategic Planning and Policy Development, and the Office of Special Investigations.

William Finamore has been employed since 2003 as a Fire and Safety Representative for the Division of Child Care Services, Long Island Region, which is

comprised of Nassau and Suffolk Counties. As a Fire and Safety Representative, Finamore conducts inspections of state-licensed day care providers. Currently, Finamore reports to Regional Manager Robin Beller, who assumed this supervisory position in January 2010 upon the retirement of the previous supervisor.

Because Fire and Safety Representatives spend much of their time in the field conducting inspections, they are assigned state vehicles, which they are permitted to use for commuting. Prior to Beller assuming supervision of the Fire and Safety Representatives at the Long Island Regional Office, they were permitted to park their state vehicles at their homes. However, when Beller began to supervise them, she tried to establish a system of accountability for all the staff, which included requiring the fire and safety representatives to park the state vehicles at a neutral location rather than at their residences. Pursuant to this oral policy, Finamore was required to park his state-assigned vehicle at the Miller Place Fire Department, which is located just a few minutes from his residence. After the Inspector General's interview of Finamore, during which he admitted to engaging in both abuse of his state vehicle and time abuse, Beller modified Finamore's parking assignment to require him to park his state vehicle at the Long Island Regional Office and retrieve it from there each morning. The workday of Fire and Safety Representatives commences upon retrieval of their state vehicle and concludes upon return of the vehicle to the neutral site. When this investigation commenced, Finamore was scheduled to work a 7:30 am to 3:30 pm shift, Monday through Friday. However, as of June 29, 2010, Finamore modified his shift to 8:00 am to 4:00 p.m.

Suspicion that Finamore was engaging in unapproved outside employment arose when an information technology employee working on Finamore's computer discovered a paystub from the Miller Place School District near Finamore's computer. The employee brought this information to the attention of OCFS management. The remuneration listed on the paystub indicated that Finamore may have been working fulltime for the school district. For the calendar year 2010, Finamore had not requested permission to engage in outside employment, as required by OCFS policy. Accordingly, the information was relayed to OCFS Special Investigations Unit Director Gravett who promptly reported the matter to the Inspector General.

Initially, the Inspector General confirmed that Finamore did in fact have secondary employment with the Miller Place School District as a security officer. Finamore testified and records confirmed that Finamore completed a "Request for Approval of Extra Employment" regarding employment with the school district in March 2005 which was approved; however, he failed to resubmit the request annually after that date as required by OCFS policy. According to records obtained from the school district, Finamore is an hourly part-time employee and works two shifts daily: approximately 6:00 a.m. until 7:30 a.m., and 4:00 p.m. to 10:00 p.m. He is required to use a time card to punch in and out.

Finamore also holds a third job as a part-time code enforcement officer with the Village of Belle Terre. Finamore testified that he mostly works for the village on

weekends. As with the outside employment at the Miller Place School District, Finamore formally requested to engage in this outside employment on March 2005 and was granted permission, but failed to renew his request for subsequent years.

On August 26, 2010, during the pendency of this investigation, Finamore formally requested to engage in both outside employments and received Beller's approval with the caveat "as long as hours do not conflict with work schedule."

During May and June 2010, the Inspector General surveilled Finamore on multiple dates and discovered numerous instances of misuse of his state vehicle and time abuse. Surveillance revealed that Finamore regularly parked his state vehicle at his residence in direct contravention of the orders he had received from Regional Director Beller. In addition, Finamore used his state vehicle to commute to the school prior to commencing his state job, and even to his weekend job with the Village of Belle Terre. Most notably, Finamore was found to be engaging in repeated time abuse; specifically, he reported on his time sheets submitted to OCFS that he had worked his regular shift of 7:30 a.m. to 3:30 p.m. when, in fact, he was observed on some dates at the school district as late as 10:25 a.m.¹

The Inspector General also interviewed David Wolosin, Acting Chief of the Village of Belle Terre's Constabulary, regarding Finamore's employment there. Wolosin reported that Finamore generally works an eight-hour day tour on weekends and/or holidays. Wolosin was aware of Finamore's employment with New York State, and recounted that he witnessed Finamore consistently driving a vehicle with an official New York State license plate to the village. While working for the village, according to Wolosin, Finamore did not use the state vehicle but rather drove a constabulary vehicle.

When questioned by the Inspector General regarding the misuse of his state vehicle, Finamore initially claimed to have only sporadically brought the vehicle home and/or to his other employment. However, when confronted with the Inspector General's evidence of repeated misuse, Finamore admitted that, prior to August 2010, he brought the car to his home approximately "90 percent, 95 percent" of the time. Finamore explained further: "There were periods of time I didn't do it and there were periods when I did it, you know, frequent, consistently because of personal issues, and things like that. I thought I really didn't have a choice. I tried to be a good employee and, you know, make up for it in other ways."

In May 2011, the Inspector General presented the findings of this investigation to the OCFS Special Investigations Unit and recommended discipline. OCFS served Finamore with a Notice of Discipline on June 1, 2011, based on, among other information, the findings reported herein. The Notice of Discipline seeks Finamore's termination.

¹ Even though Finamore was found to have remained at the school until after 7:30 a.m. on numerous occasions, his Miller Place School District time cards reflect a punch out time of around 7:30 a.m. Therefore, while he defrauded the state of time, he appears not to have been double billing.

FINDINGS AND RECOMMENDATIONS

The Inspector General determined that William Finamore, an OCFS Fire and Safety Representative, improperly used his state-assigned vehicle, engaged in time abuse, submitted false time sheets, and violated agency policy on outside employment. On June 1, 2011, OCFS served Finamore with a Notice of Discipline, which encompassed the Inspector General's findings and additional allegations, seeking termination.

The Inspector General recommended that OCFS seek restitution for monies paid to Finamore for hours not actually worked. The Inspector General also recommended that OCFS institute enhanced monitoring of Fire and Safety Representatives and other employees who have exclusive use of a state vehicle and only sporadically report to an agency office.

Response of the Office of Children and Family Services

The Office of Children and Family Services advised the Inspector General that it is proceeding with disciplinary action against Finamore and also will seek restitution for unearned salary he received. The agency further advised that it will develop a plan to improve employee monitoring as recommended by the Inspector General.