



Barry L. Kluger
Inspector General

Office of the Inspector General

Metropolitan Transportation Authority
Two Penn Plaza, 5th Floor
New York, New York 10121
212-878-0000

June 5, 2013

Carmen Bianco
Acting President
MTA New York City Transit
2 Broadway, 30th Floor
New York, NY 10004

**Re: Unauthorized Dual Employment
MTA/OIG #2013-04**

Dear Mr. Bianco:

An MTA Office of the Inspector General (OIG) investigation has established that Mikhail Bershchanskiy, a Computer Specialist with New York City Transit's Division of Technology and Information Services, has been operating an outside business without the express approval of NYC Transit, a violation of the MTA Code of Ethics and NYC Transit's dual employment policy.

Bershchanskiy, a MTA NYC Transit employee with over 10 years work experience, admitted owning and operating M&L Services ("M&L") for a number of years, providing software, technology and other computer-related support services to various clients.¹ He stated that, on average, he works approximately 10 to 20 hours a week during his personal time in connection with M&L related activities and that in year 2012, he was compensated approximately \$40,000.00 for M&L related work.

Although he acknowledged disclosing his association with M&L on his financial disclosure form submitted to the New York State Joint Commission on Public Ethics, a copy of which he submitted to this Office, he admitted that he did not obtain authorization for such dual employment from the MTA. When asked, he stated in sum and substance that, although aware of this requirement, he neglected to comply with same because of his concern that the MTA would reject this request.

Based upon the above, this Office finds that Bershchanskiy is in violation of the MTA Code of Ethics ("Code") and the New York City Transit's Division of Human Resources Policies

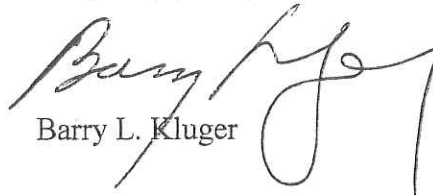
¹ M&L does not do business with the MTA.

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and Procedures (“NYCT Policies”). Specifically, under Section 4.07 of the Code and Number 4.32.2 of the NYCT Policies, all MTA and NYCT employees are required to notify and obtain advance approval from the Human Resources Department (“HRD”) of any outside employment. Bershchanskiy never notified HRD nor obtained advance approval from HRD of his involvement with M&L. Indeed, Bershchanskiy admitted that, although he knew of these requirements, he failed to comply with same.

We refer this to you for whatever action you deem appropriate. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Barry L. Kluger