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Inspector General

**Office of the Inspector General**  
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December 19, 2016

Ms. Veronique Hakim  
President  
Metropolitan Transportation Authority  
MTA New York City Transit  
2 Broadway, 30<sup>th</sup> Floor  
New York, NY 10004

**Re: Program Officer's Improper  
Intervention in Job Shopper  
Process  
MTA/OIG #2016-25**

Dear Ms. Hakim:

The MTA Office of the Inspector General (OIG) has completed an investigation into the improper selection of the nephew of Dilipkumar Patel (D. Patel), Program Officer, Station Rehabilitation, Capital Program Management (CPM), MTA New York City Transit (NYC Transit), for a job shopper position at NYC Transit. We believe that D. Patel used one of his subordinate employees in an attempt to ensure that his nephew was selected for a job, and that Patel did not cooperate fully and honestly during our investigation.<sup>1</sup> We recommend that NYCT discipline D. Patel as it deems appropriate.<sup>2</sup>

### INVESTIGATION

NYC Transit currently has indefinite quantities contracts with five technical staffing firms, largely administered by Consultant Services, CPM, which allows it to hire temporary employees, or "job shoppers." When an employee is needed, work requests are sent to each of the five firms with a description of the requisite experience and a description of the job tasks.

In May 2015, Kenneth Norman (Norman), the Assistant Chief Operating Officer, Vendor Relations, NYC Transit, contacted OIG because he was asked to approve a contract hiring Vinit Patel (V. Patel) as a job shopper to work as an Associate Project Manager I, assigned to the

<sup>1</sup> Although Patel's nephew was selected for a job he ultimately was not hired due to our investigation results.

<sup>2</sup> We note that Patel has an underlying New York City Civil Service title and because the misconduct set forth in our letter (other than not being untruthful during our investigation) occurred more than 18 months ago, termination may be statutorily prohibited.

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Small Business Mentoring Program. Norman was concerned that V. Patel, the nephew of D. Patel, would be working in D. Patel's line of supervision and on the same floor as D. Patel, Norman referred the matter to the OIG for review.

#### *Work Order Request #265*

On November 17, 2014, Work Order Request #265 (Work Order #265) authorized NYC Transit's Consultant Services to solicit resumes for a consultant Associate Project Manager I, to support the Small Business Mentoring and Federal Program projects. The hiring manager was Talib Lokhandwala (Lokhandwala), the former Construction Administrator and Senior Director of the Small Business Mentoring Program.<sup>3</sup> The position required a "Bachelor's Degree in Engineering, Business Administration, or Public Transportation" and "one year of full time satisfactory experience in supervising employees, performing project management work such as planning, administering, and coordinating engineering work." Work Order #265 was sent to staffing firms and on December 11, 2014, Consultant Services sent four resumes to Lokhandwala. Three of these candidates had engineering degrees and at least one year working on construction projects in titles such as Staff Engineer or Project Manager. The fourth candidate had a Bachelor's Degree in Architecture Technology and four years of experience as a project manager on construction projects acting as a liaison between the owner and contractors. Lokhandwala did not interview any of these four candidates.

On January 2, 2015, Sanjay Gohil (Gohil), Senior Director of Program Planning, sent an email to Consultant Services requesting Work Order #265 be reopened that stated, "From the submitted resumes, we have not found any candidate to be qualified based on the experience and education."<sup>4</sup> Consultant Services reopened Work Order #265, received two additional resumes, and those two candidates, V. Patel and Emil Schwartz (Schwartz), were interviewed. Schwartz had a Bachelor's Degree in Civil Engineering, a Master's Degree in Construction Engineering, and 34 years of construction management experience. V. Patel had a Bachelor's Degree in Business Administration and five years of experience as a General Manager of a Days Inn hotel. Lokhandwala completed an interview evaluation form and wrote that Schwartz was rejected because he "Did not meet our requirements." In a portion of the form labeled "Special Skills Training," Lokhandwala checked that V. Patel had special skills and that Schwartz did not, but did not identify those skills.

### INTERVIEWS

Monte Block (Block), Chief Executive Officer, Rotator Staffing Services Inc. (Rotator), told OIG investigators that on September 11, 2014, V. Patel contacted Rotator to express interest specifically in Work Order #230, for a position as an Associate Project Manager III. Block

<sup>3</sup> Lokhandwala resigned during the course of our investigation.

<sup>4</sup> OIG staff interviewed Gohil, who stated he played no role in the selection of the candidates and merely acted as a liaison between Consultant Services and Lokhandwala.

stated that Rotator never includes the work order number for NYC Transit positions on their website. Work Order #230 had already closed when Rotator received V. Patel's resume, so it was not sent to NYC Transit. V. Patel called Rotator again on January 9, 2015, and this time specifically requested his resume be submitted for NYC Transit Work Order # 265. Block reviewed V. Patel's resume and gave it to a recruiter. The recruiter determined that V. Patel's degree and work experience met the minimum requirements for the position because V. Patel told the recruiter that he had overseen the construction of an addition at the Days Inn hotel where he worked. Block also noted that V. Patel was the only Rotator candidate willing to accept the job for \$35 an hour.<sup>5</sup>

V. Patel told OIG staff that in June 2014 he returned to live in New Jersey from North Carolina and was looking for a job. He stated that he attended some job fairs and had been told at one of them that he should use a staffing firm, so he sent his resume to Rotator, Hepco and Merc. V. Patel claimed Rotator contacted him and asked if they could submit his resume to employers. V. Patel claimed that he saw Work Order #265, with the job description and work order number "posted on some website," but when pressed to name the website responded, "I don't know." V. Patel stated his bachelor's degree in Business Administration qualified him for the position, and added that he had managed some renovation projects at the Days Inn such as painting the interior and exterior of the building, and structural changes that enlarged individual rooms. V. Patel stated he was contacted for an interview and met with Lokhandwala and someone from budgeting. V. Patel stated he did not mention to Lokhandwala he had two relatives employed by NYC Transit and that Lokhandwala did not ask about relatives. V. Patel stated he had two family members who work for NYC Transit, a cousin and uncle. He admitted he told his cousin, Rupesh Patel, Assistant Engineer, NYC Transit, that he was interviewing at NYC Transit, but claimed did not tell his uncle, D. Patel.<sup>6</sup>

Lokhandwala told OIG investigators that for Work Order #265, they were looking for a person who could do paperwork and be responsible for the daily reports and the person hired would report directly to him. Lokhandwala was shown the resumes of the four candidates whom he had initially rejected without interviews as not meeting the qualifications. When asked why they were rejected, Lokhandwala stated he did not know if the resumes we were showing him were actually the four resumes that he had initially rejected. We nevertheless asked Lokhandwala to explain why these candidates would have been rejected based solely on their resumes as unqualified for the position.

Lokhandwala was shown a candidate's resume from among the four he did not interview and stated he would have rejected him because his experience was "too geotechnical, and not civil." Lokhandwala stated he would have rejected a second candidate because the resume reflected only managing "lighting projects not civil projects." He looked at the remaining two resumes

<sup>5</sup> Schwartz' resume was submitted to NYC Transit by LJ Gonzer Associates.

<sup>6</sup> Rupesh Patel told OIG investigators that he did not know Rotator and did not tell his cousin about the position because he did not know about the position.

and conceded that either applicant “could have been a candidate,” and stated he doubted that those two resumes had been sent to him. He added that a hiring manager does not need to complete a written evaluation when candidates are rejected without an interview.

Lokhandwala was then asked about the two candidates that he did interview, V. Patel and Schwartz, and about the information Lokhandwala wrote on the evaluation form. He stated that V. Patel’s “special skills” were knowledge of Microsoft Office and Adobe Acrobat. When asked whether he had asked Schwartz if he knew how to use Office and Adobe, Lokhandwala responded that he did not. He added that V. Patel’s resume included his knowledge of Office and Adobe. Lokhandwala said that because Schwartz’s resume did not state that he was able to use Office and Adobe, he concluded that Schwartz lacked those “special skills.” Lokhandwala also stated Schwartz was retired, and claimed Schwartz had told him during the interview that he did not want to work evenings or weekends, which the position required. Lokhandwala stated V. Patel’s resume described educational and work experience sufficient for the position. When asked what V. Patel’s civil construction experience was as a hotel manager, Lokhandwala claimed that he could not recall the questions and answers, but insisted that V. Patel must have convinced him that he could manage the work.

Lokhandwala denied knowing that V. Patel was related to D. Patel. He also stated he was not a direct report to D. Patel, but instead reported to Siraj Attia, who in turn reports to D. Patel.

During his interview Emil Schwartz stated he did not specifically recall being asked about working nights and weekends, but added that he understood when he applied that weekend and evening work would be expected, and would not have objected to that requirement. Schwartz told us that he would have accepted the MTA position if it had been offered to him.

OIG investigators interviewed D. Patel twice. D. Patel was first interviewed on July 2, 2015, and told OIG investigators he did not know that his nephew (Vinit Patel) V. Patel was looking for employment in the New York area until he received a nepotism questionnaire from NYC Transit’s Vendor Relations. D. Patel denied telling Lokhandwala or Gohil to look for V. Patel’s resume. When asked whether he believed V. Patel’s experience working at Days Inn qualified him to be a resident engineer, D. Patel stated that he had no idea what a resident engineer does. D. Patel claimed that Lokhandwala never spoke to him about hiring V. Patel, and would have made the hiring decision on his own. D. Patel told us that Lokhandwala does not report to him directly, but does report to Siraj Attia, who reports directly to D. Patel.

OIG interviewed D. Patel a second time on November 3, 2016, after reviewing emails found on his and Lokhandwala’s NYC Transit email accounts. We found several email conversations between D. Patel and V. Patel, during the summer of 2014, in which D. Patel offered V. Patel advice about jobs which V. Patel should apply for at NYC Transit. D. Patel also had V. Patel send him his resume. Thereafter, in October 2014, V. Patel sent a copy of his updated resume to Lokhandwala at a private Hotmail account, which Lokhandwala then forwarded to his own NYC

Transit email. Notably, the resume V. Patel sent to Lokhandwala differed significantly from the one sent to D. Patel in June 2014 in that it had been revised to enhance his project management experience, and included: "managed building renovation project consist [sic] of repair walls, columns and roof, painting of exterior and interior of the building and repair of sidewalk and parking lot." The resume V. Patel originally sent to D. Patel did not include any of this experience.

During OIG's second interview of D. Patel, he also admitted that V. Patel had contacted him about getting employment with NYC Transit prior to receiving the nepotism form from Vendor Relations. He added that V. Patel contacted him a "number of times." He stated he directed V. Patel to the MTA website and, when shown emails, also admitted to suggesting he apply for specific NYC Transit job postings. When asked if he gave V. Patel Lokhandwala's personal email address, D. Patel insisted that he did not because he claimed he did not know it himself. D. Patel claimed he did not recall whether he gave V. Patel Lokhandwala's telephone number or if he asked Lokhandwala to contact V. Patel, but admitted that it was possible since Lokhandwala was looking for people. He claimed he could not recall whether he had given Lokhandwala V. Patel's resume and also claimed to have no idea how V. Patel obtained the work order number.

*New York State Public Officers Law and the MTA All-Agency Code of Ethics*

MTA All-Agency Code of Ethics § 1.07 Cooperation with Audits and Investigations provides: "Employees must cooperate fully and honestly with audits and investigations conducted by the MTA Inspector General, Joint Commission on Public Ethics, Auditor General, Chief Compliance Officer, Agency Ethics Officer, or other governmental agencies. Failure to so cooperate will subject an Employee to appropriate disciplinary penalty, up to and including dismissal."

Both the New York State Public Officers Law (POL) § 74(3)(d) and MTA All Agency Code of Ethics (Code of Ethics) § 4.02 (b) prohibit employees from using or attempting "to use their official position to secure unwarranted privileges or exemptions for themselves or others." D. Patel offered no credible explanation for how his nephew obtained Lokhandwala's contact information or the work order number. A logical inference to be drawn from V. Patel's contact with Lokhandwala before the job shopper position was ever posted is that D. Patel arranged for the two men to contact one another to assist V. Patel to secure employment at NYC Transit. D. Patel's appeal to a subordinate to assist in finding employment for his nephew plainly constitutes an improper use of his position to secure an "unwarranted privilege" for "another."

Lokhandwala's process for selecting the candidate in this matter further suggests that he was acting on D. Patel's behalf. Lokhandwala rejected four apparently qualified candidates without conducting any interviews. He then selected V. Patel over the far more qualified Schwartz, and indicated on the interview evaluation that Schwartz lacked the "special skills" of knowing Microsoft Office and Adobe without having asked Schwartz about those programs.

Lokhandwala then claimed to OIG investigators that Schwartz had said he did not want to work weekends or evenings, which Schwartz credibly denied when interviewed.

During his first interview with OIG investigators D. Patel falsely denied any involvement in V. Patel's job search. It was only when confronted with his own email exchanges with V. Patel during the summer of 2014 that D. Patel admitted that he knew his nephew was looking for work, and that he was providing V. Patel guidance on obtaining positions in NYC Transit. D. Patel also provided an incredible denial of involvement in how V. Patel and Lokhandwala came into contact. Based on the totality of circumstances, including D. Patel's admissions during his second interview, we conclude that D. Patel improperly enlisted Lokhandwala to assist in finding V. Patel a position in NYC Transit, in violation of POL § 74(3)(d) and MTA Code of Ethics §§ 1.07 and 4.02 (b).

### FINDINGS

- 1) D. Patel failed to cooperate fully and honestly with OIG investigators when he was initially interviewed about his knowledge of, and efforts to, assist his nephew's job search, in violation of MTA Code of Ethics § 1.07.
- 2) D. Patel improperly enlisted assistance from his subordinate Lokhandwala to assist V. Patel find a position at NYC Transit, in violation of the POL § 74(3)(d) and MTA Code of Ethics § 4.02 (b)

### RECOMMENDATIONS

- 1) NYC Transit should discipline Dilipkumar Patel as it deems appropriate for failure to cooperate fully and honestly during OIG's investigation.
- 2) NYC Transit should discipline Dilipkumar Patel as it deems appropriate for misusing his position to enlist a subordinate to help his nephew find a NYC Transit job.

As always, we appreciate your continued courtesy and cooperation. Should you have any questions, or need additional information, please contact me at (212) 878-0007 or Deputy Inspector General, Legal & Investigations Demetri M. Jones at (212) 878-0279.

Very truly yours,

  
Barry L. Kluger