



**Carolyn Pokorny**  
**MTA Inspector General**

**Office of the Inspector General**  
**Metropolitan Transportation Authority**  
One Penn Plaza, 11th Floor, Suite 1110  
New York, NY 10119  
212-878-0000

January 22, 2020

Andrew Byford  
President  
New York City Transit  
2 Broadway, 20<sup>th</sup> Floor  
New York, New York 10004

**Re: Misuse of NYC Transit Property  
(NYC Transit Analyst and Manager)  
MTA/OIG #2020-01**

Dear Mr. Byford:

The Office of the MTA Inspector General (OIG) has concluded its investigation into allegations against a New York City Transit (NYC Transit) Staff Analyst (Analyst) assigned to the Department of the Chief Financial Officer, Capital Planning and Budget (CP&B). The investigation began after the OIG received a complaint alleging that the Analyst was using MTA/NYC Transit envelopes to mail chain letters soliciting money. The OIG has substantiated the allegation. In addition, the OIG found that a CP&B Manager (Manager) permitted the Analyst to use his name and address in the “chain mail” solicitations. We recommend that the Analyst and Manager be disciplined, as NYC Transit deems appropriate.

## **I. BACKGROUND**

NYC Transit hired the Analyst in 1985 as an Associate Transit Management Analyst and in 2012, promoted him to Staff Analyst II. The Analyst’s primary job responsibility is data entry. NYC Transit hired the Manager in 1986 as an Associate Transit Management Analyst and in 2017, promoted him to Manager. The Manager does not supervise the Analyst.

## **II. INVESTIGATION**

### **A. Record Review**

The OIG received a complaint from a member of the public that included a copy of the MTA/NYC Transit envelope (the Envelope) and “chain mail” letter that the Analyst had sent to the complainant (the Letter). The Letter, a copy of which is attached, encouraged the recipient of the letter to send money and/or stamps to the Analyst. In return, the Analyst would send a list of people’s names and addresses which the recipient could then use to send the same type of letter. In the Analyst’s Letter, he explained various ways that the recipient could make money if the

recipient mailed similar letters to others, promising as much as a \$177,000 return. The Envelope is marked with the MTA/NYC Transit logo and MTA Headquarters address, which is partly obscured by an address label with the Analyst's name and home address.

A review the work emails of both the Manager and the Analyst, from January 1, 2019 through April 25, 2019, did not show any activity relating to this or any other inappropriate conduct on their work emails.

## **B. OIG's Interviews of NYC Transit Employees**

### *1. The Manager*

The Manager stated he knew the Analyst was conducting chain letter solicitations but did not think that the Analyst was conducting it during work hours. Yet, the Manager acknowledged that the Analyst frequently asked him and other co-workers to participate in the chain letter activity. The Manager stated that in early 2019, the Analyst had been pestering him to let him use his name for the mailed solicitations, which he agreed to allow. The Manager said that he received a couple of \$20 bills in the mail and had given them to the Analyst to buy more stamps. The Manager stated that he had no idea that the Analyst was using MTA/NYC Transit envelopes to send the mailings. However, the Manager stated that the Envelope was not the type that his department used. The Manager said that he and the Analyst had probably discussed the chain mails over lunch, but could not remember whether they were at NYC Transit offices or outside the building.

### *2. The Analyst*

The Analyst admitted that he sent the Letter and others like it, which he described as a "hobby." He admitted to using about two dozen MTA/NYC Transit envelopes as a part of these "chain mail" solicitations. However, he claimed that he took these envelopes from a recycling bin.<sup>1</sup> He had sent approximately a total of 124 solicitations. The Analyst stated that he had run out of his own envelopes and therefore, used MTA/NYC Transit envelopes. He stated that he had used return address labels and stickers to obscure the MTA/NYC Transit return address—though as noted above and clearly visible in the attachment to this letter, he was not entirely successful in covering that up on the Envelope mailed to the complainant. The Analyst claimed that he had stopped mailing the solicitations a few weeks prior to his interview with the OIG. He claimed to have received money on approximately four occasions, totaling about \$62, as well as stamps.

The Analyst asked the Manager if he could use the Manager's name on the mailings due to the fact that they are long-time friends. The Analyst denied asking any other NYC Transit employees to participate in his mailing solicitations. He admitted that he and the Manager discussed the matter over lunch, but could not remember where they had the conversation. The Analyst confirmed that the Manager gave him \$20 that the Manager received in the mail.

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<sup>1</sup> The Manager stated that the office number included in the Envelope's return address had never been assigned to anyone in the unit.

### III. POLICIES AND ANALYSIS

#### A. MTA All-Agency Code of Ethics

Section 8.04, Prohibition Against the Use of MTA Property, states, in pertinent part:

MTA's names logos, supplies, equipment, computer resources, personnel, and other resources may not be utilized for non-governmental purposes, including for personal purposes or for outside activities of any kind as may be specifically authorized . . . [MTA] Official stationery may not be used for non-governmental purposes, nor may MTA resources be used to mail personal correspondence.

The Analyst's use of MTA/NYC Transit envelopes to solicit money violated Section 8.04 of the MTA All-Agency Code of Ethics.

#### B. NYC Transit Rules and Regulations

##### 1. *Rule 10: Conduct of Employees*

Rule 10 (a) states:

Employees are required to avoid behavior which would tend to create adverse criticism of the Authority or of the System. Their conduct, whether on or off duty, is required to be such as to merit the confidence and respect of the public and their superiors.

Both the Analyst and Manager's participation in this chain letter solicitation violated their obligations to conduct themselves in a manner that merits the respect and confidence of their superiors and the public.

##### 2. *Rule 11: Certain Acts of Employees Prohibited*

Rule 11(c) states:

Employees must not indulge in card playing, dice throwing or gambling, pyramid schemes or distributing chain letters in any form while on System property.

Rule 11(f) states:

Employees must not violate any criminal law or commit any illegal act while on or off duty.

While there is no evidence that the Analyst and Manager conducted the chain letter solicitations on MTA property, according to the Manager, the Analyst frequently asked co-

workers to participate in this activity, and used MTA/NYC Transit property (envelopes) to mail the chain letters. This may violate Rule 11(c)'s prohibition on distributing chain mail in any form while on MTA property. These chain letter solicitations also may constitute a violation of 18 U.S.C. § 1302: Mailing Lottery Tickets or Related Matter, in that they request money and other items of value (stamps) and promise a substantial return to the participants. This, in turn, would violate Rule 11(f)'s prohibition on illegal activity.

#### **IV. FINDINGS**

1. The Analyst violated the MTA All-Agency Code of Ethics section 8.04 by using MTA/NYC Transit stationary to mail chain letters.
2. The Analyst violated NYC Transit Rules & Regulations Rule 10(a) when he used MTA/NYC Transit stationary to send chain letters.
3. The Manager violated NYC Transit Rules & Regulations Rule 10(a) when he agreed to allow the Analyst to use his name and address to send the solicitations.
4. The Analyst and Manager violated NYC Transit Rules & Regulations Rule 11(f) when they engaged in chain letter solicitations.

#### **V. RECOMMENDATION**

We recommend that the Analyst and Manager be disciplined, as NYC Transit deems appropriate.

As always, we appreciate your continued courtesy and cooperation. Please advise me within thirty (30) days of any actions you take pursuant to this letter. Should you have any questions, or need additional information, please contact me at Executive Deputy Inspector General for Legal Pei Pei Cheng-de Castro at (212) 878-0072.

Very truly yours,

/S/

Carolyn Pokorny

cc: David Farber, General Counsel, NYC Transit  
Kim Moore-Ward, Vice President, Office of Labor Relations, NYC Transit

Enc.



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**Agency Response**  
**to**  
**MTA/OIG #2020-01**

**Misuse of NYC Transit Property by NYC Transit Analyst and Manager**

In March 2020, in response to the OIG's investigation and report, NYCT brought disciplinary charges against the Analyst. On March 11, 2020, the Agency and the Analyst entered into a settlement agreement whereby the Analyst acknowledged the charges, agreed to retire on March 13, 2020, and forfeited 1553 hours of sick leave in resolution of the charges. The MTA plans to pursue non-termination discipline against the Manager.



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**Addendum**  
**to**  
**MTA/OIG #2020-01**

**Misuse of NYC Transit Property by NYC Transit Analyst and Manager**

On September 4, 2020, NYCT entered in to a settlement agreement with the Manager whereby the Manager accepted a 20-day suspension. NYCT allowed the Manager to use 10 vacation days to cover 10 of the 20-day suspension.