May 5, 2021

Via Electronic Mail

Sarah E. Feinberg
Interim President
New York City Transit
2 Broadway, 30th Floor
New York, NY 10004

Re: MaBSTOA Assistant General Superintendent Covering of His License Plate and Failure to Pay TBTA Tolls
MTA/OIG #2021-11

Dear Ms. Feinberg:

The Office of the MTA Inspector General (OIG) received an anonymous complaint via our hotline that a Manhattan & Bronx Surface Transit Operating Authority (MaBSTOA) Assistant General Superintendent (AG Superintendent) bragged that he avoided paying MTA Bridges and Tunnels (B&T) tolls by obscuring his license plate. The OIG substantiated the allegation that his license plate was obscured. The OIG found that the AG Superintendent’s personal vehicle had a cloudy, semi-clear plastic cover over its rear plate and did not have a front plate, in violation of New York State Vehicle and Traffic laws. The OIG also found that B&T toll cameras were unable to capture the AG Superintendent’s vehicle plate for tolling purposes on approximately 11 trips during a 7-month period, in all likelihood due to the missing front plate and obscured rear plate. In addition, the AG Superintendent owed significant tolls and associated penalty fees to 3 tolling agencies¹ from February 2011 through September 2020 and, as of March 2021, still owed approximately $8,470 in tolls and $95,800 in penalty fees. Although the AG Superintendent denied that he intended to avoid paying tolls, the totality of the circumstances lead us to conclude that his conduct was intentional. Lastly, the OIG found that

¹ B&T, the New York State Thruway Authority (Thruway Authority), and the Port Authority of New York and New Jersey (Port Authority).
the AG Superintendent was not truthful during his interview when, among other things, he falsely claimed that he did not have a front license plate due to an accident and that he did not know he had significant outstanding balances with all 3 tolling agencies.

We recommend that NYC Transit discipline the AG Superintendent as it deems appropriate, up to and including termination, and recoup outstanding tolls and fees owed to B&T. The AG Superintendent’s conduct also appears to violate the New York State Public Officers Law. Accordingly, we are forwarding this matter to the NYS Joint Commission on Public Ethics (JCOPE) for any action as it may deem appropriate. The AG Superintendent’s conduct also appears to violate the New York State Vehicle and Traffic laws. Accordingly, we are also forwarding this matter to the New York State Department of Motor Vehicles (DMV) for any action as it may deem appropriate. In addition, we are forwarding our findings to the other tolling agencies that he owes.

I. BACKGROUND

A. The Tolling System

B&T is 1 of 3 agencies charged with administering the collection of tolls throughout the metropolitan area. B&T along with the Thruway Authority and Port Authority, uses the Customer Service Center system (CSC system), to collect tolls and fine vehicle owners for non- and late payments. B&T collaborates with the DMV to suspend registrations of vehicle owners who do not pay their tolls and fees.

There are 2 types of tolling accounts: an E-ZPass Account and a Video Account. An E-ZPass account is created when a car owner completes an E-ZPass application and receives an E-ZPass tag to be placed in the vehicle. A Video Account is created by the CSC system in the name of the vehicle owner identified by the DMV when a vehicle, without an active E-ZPass tag, passes a tolling location and its license plate is captured by the tolling cameras. This means a vehicle owner can have both an E-ZPass and Video accounts. Also, multiple license plates registered to the same owner and address can be linked to an E-ZPass or Video account.

The accounts of vehicle owners with unpaid balances can be revoked, sent to collections, and/or the vehicle registration suspended after the CSC system sends multiple notices to the vehicle owners of the default. On an E-ZPass Account, each notification includes a notice that failure to pay may result in fees up to $100 per unpaid toll, referral to a collection agency, and/or suspension of vehicle registration. Prior to revocation, the account holder is sent a warning letter and final revocation letter. On a Video Account, if a payment is not received, a 2nd invoice is mailed to the vehicle owner with a $5 late fee added to each unpaid toll. If still unpaid, a violation notice is mailed with a $50 or $100 violation fee added to each unpaid toll in place of the $5 late fee. The violation notice informs the owner that failure to pay may result in referral to a collection agency, imposition of additional fees and/or suspension of a vehicle registration, or exclusion from B&T facilities. In addition, the DMV separately sends out notices to vehicle owners that their license registration may be suspended due to failure to pay tolls.
B. B&T Cameras

There are 2 types of cameras at tolling locations. There are toll cameras at all B&T toll locations and the B&T Security Department has License Plate Reader cameras (B&T Security Cameras) on the overhead gantries. While both cameras capture license plate information, the toll cameras are used to assess tolls for vehicles while the Security Cameras do not. When a plate has a plastic covering, it can obscure the toll camera’s ability to read the plate. When this occurs, B&T Security Cameras, using different technology, may capture plates that the toll cameras fail to capture. In a perfect world, all plates would be captured by both cameras, but this does not always happen.

C. The Assistant General Superintendent

On April 4, 2016, New York City Transit hired the AG Superintendent as a Superintendent of Maintenance for MaBSTOA. In April 2019, he was promoted to his current position as AG Superintendent of Maintenance assigned to the MTA Bus Company. During the period of this investigation, his work location was the East New York Bus Depot in Brooklyn, New York, and his tour hours were from 6:00 a.m. to 2:00 p.m., Mondays through Fridays. As an AG Superintendent of Maintenance, he is responsible for assisting in the day-to-day maintenance activity at the facility to ensure safe and reliable buses for the riding public, including the development, implementation and maintenance of budgets, the management of the disciplinary and labor relations process, and the directing of managers and supervisors. The AG Superintendent completed the JCOPE Ethics Training in March 2018 and completed the MTA’s annual Code of Ethics certifications in 2016, 2017, 2018, and 2019.

Based on OIG observation of his vehicle at his work location and his statements to the OIG, the AG Superintendent drives a gray Nissan Sentra (the Nissan). At the time of the OIG visit, the Nissan was registered to him and had [REDACTED], but the vehicle has had multiple plate changes as described below.

II. INVESTIGATION

As outlined below, the AG Superintendent intentionally evaded paying tolls and fees; avoided having his registration suspended; and made misleading statements to the OIG.

A. The AG Superintendent’s Toll Evasion

1. OIG Observation of AG Superintendent’s Vehicle at His Work Location

On August 26, 2020, the OIG observed the AG Superintendent’s Nissan in the parking lot of his work location at East New York Bus Depot in Brooklyn, New York. The Nissan lacked a front plate and the rear plate had a dirty, semi-clear plastic covering in violation of New York State Vehicle and Traffic laws. See Photographs attached as Exhibit A.
2. **At Times, the Toll Cameras Failed to Capture His Vehicle Plate**

For the period from January 1, 2020 to July 14, 2020, the OIG compared B&T toll camera records with B&T Security Camera records for AG Superintendent’s Nissan under [redacted]. During that 6 ½ month period, the toll cameras captured the vehicle crossing B&T tolling locations over 80 times. However, on approximately 11 instances, more than 13% of the time, the toll cameras did not capture the plate that the B&T Security Cameras captured, in all likelihood due to missing front plate and the obscured rear plate. Accordingly, the AG Superintendent avoided being charged for tolls in the amount of $104.50.²

3. **AG Superintendent Owes Significant Tolls and Associated Fees**

Based on the review of B&T’s E-ZPass and Tolls by Mail³ records (B&T records), the AG Superintendent had 3 accounts – an E-ZPass Account in his name, a Video Account in his name, and a Video Account in his wife’s name.⁴ The charges on the 2 accounts in his name included charges for his vehicle (the Nissan) and his wife’s vehicle. However, all the outstanding charges on his wife’s account are attributable to the AG Superintendent’s Nissan.⁵

All 3 accounts had unpaid balances. From February 2011 through September 2020,⁶ the 3 accounts owed the 3 tolling agencies approximately $9,000 in tolls, $92,000 in fees, and $256 in Prepaid Tolls⁷ – totaling approximately $101,000. Of this total, approximately $30,000 was owed to B&T – representing approximately $3,000 in tolls and $27,000 in fees.⁸

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² This calculation is based on $9.50 toll. There is also a $100 violation fee per trip which totals $1,100 for the 11 trips.
³ The Tolls by Mail records refer to the billing program by mail for both E-ZPass and Video account holders.
⁴ A second Video Account in the AG Superintendent’s name created in May 2020 is not included in this report. The account was created because the CSC system misread AG Superintendent’s address as 2 different addresses. As of November 2020, the unpaid balance on this account was $415 ($65 in tolls and $350 in fees), including a $100 fee owed to B&T.
⁵ All the outstanding charges on the account in his wife’s name were for [redacted] and [redacted]. These 2 plates were old plates assigned to AG Superintendent’s current vehicle (the Nissan).
⁶ The date ranges for the 3 accounts are: (1) E-ZPass account in AG Superintendent’s name is from 2/13/2011 to 9/17/2020; (2) Video account in AG Superintendent’s name is from 12/14/2017 to 9/17/2020; and (3) Video account in the wife’s name is from 12/18/2017 to 3/23/2020.
⁷ Name used to classify certain types of charges.
⁸ According to B&T, vehicle owners are only required to pay the tolls and 20% of the fees to balance out their accounts.
In November 2020, following his initial interview with the OIG, the AG Superintendent paid off what he owed to B&T on the E-ZPass Account in his name, but he still owed B&T approximately $2,400 in tolls and $38,000 in fees (totaling ~ $40,400) on the 2 other accounts. As of March 4, 2021, the AG Superintendent still owed to the 3 tolling agencies, approximately $8,600 in tolls and $99,800 in fees on the 3 accounts.

B. AG Superintendent Avoided Registration Suspension by Trading in his License Plates

The AG Superintendent avoided DMV suspension of his registration due to unpaid tolls and fees by trading in his license plates before the DMV received suspension notices. According to B&T, suspension notices are issued to DMV based upon the license plate numbers associated with the unpaid tolls. The DMV uses the suspension notices to identify the vehicle owners with unpaid balances. Since the unpaid tolls and fees remain with the surrendered plates and not the registered vehicle or owner, the delinquent owner’s vehicle is no longer subject to B&T’s registration suspension notice to DMV once the vehicle gets new plates.

To illustrate how the AG Superintendent avoided registration suspension, the OIG focused its review on the Nissan. While the Nissan previously was registered to his wife, during his interview the AG Superintendent acknowledged that he was the one who drove the vehicle and he used it to commute to work. The Nissan received 4 different plates from the DMV since it was registered in 2017. As of March 4, 2021, and associated with his Nissan still owed ~$59,000 in total tolls and fees, in the Video Account, to B&T and the Thruway Authority.

However, B&T is unable to have the vehicle’s registration suspended because B&T does not have the charges applied to the vehicle’s current plate. B&T or a collections agency could pursue a civil action to recover the money owed, but B&T stated to the OIG that civil actions are taken on only limited number of accounts due to time and resource considerations.

C. Interview of the AG Superintendent

In his initial OIG interview in October 2020, and follow-up calls and emails, the AG Superintendent confirmed that he drove a Nissan Sentra. As stated above, the AG Superintendent admitted that he used the Nissan regardless of whether it was registered to his wife or to him.

The AG Superintendent stated he had an E-ZPass account since 2005 or 2006. In 2018, he learned that his E-ZPass tag had stopped working and he owed money, when his vehicle was

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9 In 2017, the Nissan was registered in his wife’s name and had [REDACTED]. In 2018, the vehicle was impounded for unpaid tolls and fees and the plate turned over to the DMV. After payment of all the tolls and percentage of the fees owed, the vehicle, still registered in his wife’s name, received new [REDACTED]. In 2020, the AG Superintendent became the registered owner and the vehicle received new [REDACTED]. In November 2020, the AG Superintendent obtained new [REDACTED] for the vehicle.
confiscated by a New York State trooper while he was driving to work. He stated he owed E-ZPass ~$40,000, but he was able to negotiate with E-ZPass and get his vehicle back by paying ~$6,700. He stated he obtained new plates, when he got his vehicle back. The AG Superintendent claimed he tried to open a new E-ZPass account at this time but was told that his account was suspended, and he was not eligible to open a new E-ZPass account for a year. He further claimed that E-ZPass told him they would mail him the invoices for his tolls during the suspension period.

When informed by the OIG that he still owed a significant amount in tolls and fees, the AG Superintendent stated his wife opened an E-ZPass account in November 2019, and he had been driving with the E-ZPass tag issued under her account since that time. He claimed that he was unaware he owed money in tolls because the E-ZPass account was linked to his wife’s credit card and charges were automatically deducted. When informed that he would have been sent multiple notices about the unpaid tolls and fees, he stated he separated from his wife and moved out of the house in around March 2020. He stated his wife told him he had bills at the house, including bills from E-ZPass, but he did not think much about them since he paid his bills online and believed he was up to date. He claimed he tried to contact E-ZPass by calling the 1-800 number that is written on all of the toll crossings but had a hard time getting through. When he finally got through in late September 2020, he was told he owed ~$5,400 in tolls and more in fees, but he explained his situation and the representative stated a case would be opened for him.

Regarding the missing front plate on his vehicle, the AG Superintendent stated he was in a car accident in February 2020 and he claimed the front plate bracket came off. In follow-up calls and emails, he corrected the date to December 2019. According to the AG Superintendent, the repair shop told him he had to come back for the front plate bracket to be put on because the shop did not have the bracket for his type of vehicle and had to place an order. Although, according to him, the repair shop later called to say they had the bracket. the AG Superintendent stated he never returned to the shop because he had a lot going on and it was not a priority for him. As to the clear plastic covering on his rear plate, the AG Superintendent stated it was to protect the plate from peeling during bad weather, nothing more. He denied that the covering had anything to do with trying to avoid paying the tolls.

In his January 7, 2021 email to the OIG, the AG Superintendent stated he paid off the balance he owed to B&T on his E-ZPass Account in November 2020 and opened a new E-ZPass account. He stated he also obtained new plates for his Nissan Sentra, because E-ZPass told him he needed to get new plates to open a new E-ZPass account.

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10 AG Superintendent’s wife does not have an E-ZPass Account with B&T. However, according to the Thruway Authority’s June 26, 2020 letter, AG Superintendent’s wife had a Thruway Authority E-ZPass account, but the last recorded toll activity was on August 5, 2019.

11 Multiple attempts to reach the AG Superintendent’s wife were unsuccessful.

12 B&T confirmed that the AG Superintendent paid the amount he owed to B&T on his E-ZPass Account. B&T could only provide limited information regarding his new E-ZPass Account because it was a Thruway Authority account but noted it was not in the AG Superintendent’s or his wife’s name.
D. Inconsistencies in AG Superintendent’s Statements

1. No Wait Period to Open a New E-ZPass Account

The AG Superintendent was dishonest about his ability to open a new E-ZPass Account. According to the AG Superintendent, the E-ZPass office told him he could not open a new E-ZPass account after his vehicle was impounded in 2018 because his account was suspended for a year. However, according to B&T, there is no such thing as a suspension period during which an individual is prohibited from opening a new account. An account holder can open a new E-ZPass account by paying the money owed on the revoked account. The only restriction is that 1 license plate can be associated with 1 E-ZPass account at a time, although an E-ZPass account can have multiple plates. Hence, when the AG Superintendent got his vehicle back with a new plate from the impound, the AG Superintendent would have been able to open a new E-ZPass account for the vehicle under the new plate number.

Like the above misleading statement, the AG Superintendent stated in his January 7, 2021 email that he got a new plate in November 2020 because the E-ZPass office told him he needed to get new plates in order to open a new E-ZPass account. However, according to B&T, since his then existing plate was not associated with an active E-ZPass account, he would have been able to open a new E-ZPass account without having to obtain new plates for his vehicle.

2. Notices of E-ZPass Revocation, Fees and Registration Suspension

The AG Superintendent was dishonest when he claimed he was unaware that his E-ZPass tag had stopped working and that he owed money in unpaid tolls and fees until his vehicle was confiscated by a New York State trooper in 2018. As described above, the CSC system issues multiple notices to default E-ZPass and Video account holders prior to any action. According to B&T, a revocation warning letter and final revocation letter on his E-ZPass account were mailed to him prior to his vehicle being impounded. Also, from January 2018 to January 2021, approximately 98 toll bills and B&T violation notices were mailed to the AG Superintendent on the Video account in his name. Although he claimed he did not get the current notices from E-ZPass because he separated from his wife and moved out in around March 2020, the period of the unpaid tolls and fees range from February 2011 to September 2020, prior to when he allegedly separated from his wife. The AG Superintendent received multiple notices prior to moving out in March 2020.

3. Auto Repair Shop

The AG Superintendent was dishonest when he claimed he did not have a front plate on his vehicle because the front plate bracket came off following an accident in 2019 and the repair shop could not put on a new bracket because it was on order. His claim that the repair shop later called to say they had it, but he never went back to the shop to have it put on is not true. On January 25, 2021, the OIG spoke with a representative of the auto repair shop that repaired the AG Superintendent’s vehicle. Contrary to the AG Superintendent’s statements, the auto repair shop stated that the AG Superintendent’s vehicle does not come with front plate brackets and requires a special bracket. When towed to the shop, the vehicle did not have a front plate or
bracket and the repair shop did not do any work related to the front plate, bracket, or ordering of a front plate bracket.

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In summary, the AG Superintendent owes over $100,000 in tolls and associated fees to the 3 tolling agencies. The AG Superintendent’s personal vehicle also did not have a front license plate and a cloudy, semi-clear plastic cover on the rear license plate in violation of the New York State Vehicle and Traffic laws. Likely due to his failure to have a front license plate and obscuring of the rear plate, the OIG found that the B&T toll cameras failed to capture the plate for tolling purposes on approximately 11 trips during a 6 ½ month period. Lastly, the OIG also found that the AG Superintendent was not truthful during his OIG interview as detailed above.

III. POLICIES AND ANALYSIS

A. MTA All-Agency Code of Ethics

1. § 1.07: Cooperation with Audits and Investigations

The MTA All-Agency Code of Ethics Section 1.07 provides that employees must cooperate fully and honestly with audits and investigations conducted by the MTA Inspector General or other governmental agencies. Failure to so cooperate will subject an Employee to appropriate disciplinary penalty, up to and including dismissal.

Here, the AG Superintendent failed to cooperate fully and honestly when he gave false or misleading answers to OIG’s questions. Specifically, he claimed he was unable to open a new E-ZPass account after getting his vehicle back from the impound in 2018 because E-ZPass told him his account was suspended and he was not eligible to open a new account for a year. However, according to B&T, there is no such suspension period, and anyone can open a new E-ZPass account as long as the plate number is not listed under an existing E-ZPass account. Since he received new plates when he got his vehicle back, the new plate number would not have been listed on an existing account and he would have been able to open a new account. The AG Superintendent made the same misleading statement in his January 7, 2021, email to the OIG regarding his most recent plates when he stated he was told he needed to get new plates in order to open a new E-ZPass account. Also, the AG Superintendent consistently claimed he was unaware of his unpaid tolls and fees, including in 2018 when his vehicle was confiscated by a New York State trooper, prior to his separation from his wife. However, according to B&T, multiple notices are sent to the vehicle owners about unpaid tolls and fees before an account is revoked, sent to collections, or has its registration suspended, and based on their records, multiple notices were mailed to the AG Superintendent. Finally, the AG Superintendent claimed he did not have a front plate on his vehicle because the front plate bracket came off during an accident in 2019, and he did not get it repaired because the repair shop told him the brackets were on order and he had to come back to get it put on the vehicle. However, according to the repair shop, the repair for AG Superintendent’s vehicle does not come with front plate brackets and requires a special bracket. When towed to the shop, the vehicle did not have a front plate or
bracket and the repair did not involve any work related to the front plate, brackets, or ordering of a bracket.

2. § 9.01: General

The MTA All-Agency Code of Ethics, Section 9.01, states, in pertinent part, that employees who violate any provision of the State Ethics Laws or of this Code may be subject to disciplinary action consistent with that administered for violations of the rules and regulations of the applicable MTA Agency, up to and including termination.

Here, in addition to failing to answer the OIG’s questions fully and honestly, the AG Superintendent, an MTA supervisor, disregarded his obligation to pay the required tolls and fees totaling in excess of $100,000, approximately $40,000 of which was owed to an affiliate MTA agency. Also, the AG Superintendent’s vehicle did not have a front plate and the rear plate had a cloudy, semi-clear plastic covering in violation of the New York State Vehicle and Traffic laws.

B. NYC Transit Rules and Regulations

1. Rule 4 General Duties and Obligations of Employees

Rule 4(e) states in pertinent part, that all employees are required to extend the fullest cooperation to duly authorized investigative personnel.

Here, for the same reasons stated above in MTA All-Agency Code of Ethics Section 1.07, the AG Superintendent failed to extend the fullest cooperation to the OIG.

2. Rule 10 Conduct of Employees

Rule 10(a) provides that employees are required to avoid behavior which tend to create adverse criticism of the Authority or of the System. Their conduct, whether on or off duty on System property, is required to be such as to merit the confidence and respect of the public and their superiors.

Here, for the same reasons stated above in MTA All-Agency Code of Ethics Sections 1.07 and 9.01, the AG Superintendent failed to cooperate fully and honestly with an OIG investigation and disregarded his obligation to pay the tolls and fees he incurred to an affiliate MTA agency, and thereby engaged in conduct which tends to create adverse criticism of the Authority or of the System. Also, his vehicle did not have a front plate and the rear plate had a cloudy, semi-clear plastic covering in violation of the New York State Vehicle and Traffic laws.
C. The New York State Vehicle and Traffic Law

1. § 402(1)

New York State Vehicle and Traffic Law § 402(1) subsection states, in pertinent parts, (a) that vehicles shall have plates in the front and rear of the vehicle; and (b) that the plates shall be kept clean and in a condition that is easily readable. Specifically, the plates shall not be covered by glass or any plastic material, and not be knowingly covered or coated with any artificial or synthetic material or substance that conceals or obscures the plates or distorts a recorded or photographic image of such number plates.

Here, the AG Superintendent did not have a front plate and a cloudy, semi-clear plastic cover on his rear plate, which likely prevented the B&T tolling cameras from capturing his plate on 11 occasions described above.

2. § 510 (3)(d)

New York State Vehicle and Traffic Law § 510(3)(d) states, in pertinent part, that licenses and registrations may be suspended or revoked for “habitual or persistent violation” of the relevant provisions of the Vehicle and Traffic laws or any lawful ordinance, rule or regulation made by local authorities in relation to traffic.

Here, the AG Superintendent has repeatedly failed to pay the required tolls and associated fees imposed by the 3 tolling agencies. According to B&T, multiple toll bills and B&T violation notices were mailed to him. In November 2020, he owed over $100,000 to the 3 tolling agencies, over $40,000 of which was to B&T. As of March 4, 2021, he still owed over $100,000 to the 3 tolling agencies.

D. New York State Public Officers Law

§ 74(3)(h)

New York State Public Officers Law § 74(3)(h) states, in pertinent part, that an officer or employee of a state agency should endeavor to pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.

Here, for the same reasons as stated above in MTA All-Agency Code of Ethics Sections 1.07 and 9.01, and NYC Transit Rules and Regulations, Rules 4(e) and 10(a), the AG Superintendent engaged in acts that raised suspicion among the public that he is likely to engage in acts that violated public trust. The AG Superintendent failed to cooperate fully and honestly with an OIG investigation, disregarded his obligation to pay over $40,000 in tolls and fees owed to an affiliate MTA agency, and failed to install a front plate and had a cloudy, semi-clear plastic cover over the rear plate in violation of the Vehicle and Traffic laws. Perhaps most concerning is that his failure to follow the Vehicle and Traffic laws at times allowed him to avoid pay tolls.
IV. FINDINGS

1. The AG Superintendent violated §1.07 of the MTA All-Agency Code of Ethics and Rule 4(e) of the NYC Transit Rules and Regulations by providing false or misleading statements to the OIG.

2. The AG Superintendent violated §9.01 of the MTA All-Agency Code of Ethics and 10(a) of the NYC Transit Rules and Regulations by disregarding his obligation to pay the required tolls and fees in excess of $100,000, approximately $40,000 of which is currently owed to an affiliate MTA agency, and by engaging in conduct in violation of the New York State Vehicle and Traffic laws.

3. The AG Superintendent violated New York State Vehicle and Traffic Law §§ 402(1) and 510(3)(d) by failing to have a front plate and a cloudy, semi-clear plastic cover on the rear plate that likely prevented the tolling cameras from capturing his plates for tolling purposes, and repeatedly failing to pay the required tolls and fees.

4. The AG Superintendent violated New York State Public Officers Law §74(3)(h) by engaging in acts that violated public trust by providing false and misleading statements to the OIG. Also, as an MTA supervisor, the AG Superintendent disregarded his obligation to pay the required tolls and fees, including over $40,000 to an MTA affiliate agency, and engaged in conduct in violation of the New York State Vehicle and Traffic laws.
V.  RECOMMENDATIONS

We recommend that NYC Transit impose discipline on the AG Superintendent as it deems appropriate, up to and including termination, and recoup the monies owed to B&T. A copy of this report will be provided to JCOPE, DMV and the other tolling agencies for their review and any action they deem appropriate.

As always, we appreciate your continued courtesy and cooperation. Please advise our office within thirty (30) days of any action you intend to take, and the result of any action taken. In addition, please indicate your acceptance or rejection of each recommendation and the proposed quarter in the calendar year that the recommendation will be implemented. Please be advised that the Office of the MTA Inspector General may publicly disclose this report consistent with its statute and other state law, which may include name(s) of individuals and entities. Should you have any questions, or need additional information, please contact 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
     Monica Murray, Chief Administrative Officer, NYC Transit
     Kim Moore-Ward, Deputy Chief People & Labor Relations, NYC Transit
     Monica Stamm, General Counsel, JCOPE
     Timothy (Tim) Lennon, Deputy Commissioner and Counsel, DMV
     Frank G. Hoare, General Counsel, New York State Thruway Authority
EXHIBIT A
Agency Response to MTA/OIG #2021-11

MaBSTOA Assistant General Superintendent Covering of His License Plate and Failure to Pay TBTA Tolls

In May 2021, in response to the OIG’s investigation and report, NYCT placed the Assistant General Superintendent on suspension without pay and filed disciplinary charges against him. On August 18, 2021, after an arbitration hearing was held, the arbitrator issued their decision finding that the Assistant General Superintendent was culpable for serious misconduct. The Assistant General Superintendent was assessed (1) a 12-week time-served suspension without pay from May 27, 2021 to August 20, 2021; (2) demoted to his previous title of Superintendent; and (3) required to pay restitution to the TBTA in full by December 31, 2021.

In August 2021, the TBTA and the Assistant General Superintendent agreed to a settlement amount of $10,373.50 to cover the full amount he owes to the TBTA. The 12-week suspension was worth approximately $32,592.