



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
April 8, 2010

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that Leslie Krims, a professor of photography at Buffalo State College, part of the State University of New York (SUNY), improperly removed two cameras worth over \$45,000 to his home and used them for his personal photography including producing photographs for sale. Furthermore, the Inspector General found that neither camera was ever used as part of Krims's or any other faculty members' classes at Buffalo State College, but rather both cameras were solely used by Krims to further his personal photography business.

The Inspector General recommended that Buffalo State College implement further policies and procedures regarding state equipment to ensure that state-financed purchases are solely made to further official college business. The Inspector General referred this matter to Buffalo State College for disciplinary action.

ALLEGATION

In March of 2009, the Inspector General received a complaint alleging that Buffalo State College Professor Leslie Krims had purchased photography equipment through the college for his personal use. Specifically, it was alleged that Krims purchased a digital Hasselblad H3DII medium format camera and a Linhof technorama camera with state funds but has not allowed other faculty or students to use the equipment.

SUMMARY OF INVESTIGATION

Background

Leslie Robert Krims has been employed as a professor of photography at Buffalo State College for 41 years. Krims is the coordinator for the photography area of the Fine Arts Department in the College's School of Arts and Humanities which is comprised of Krims and two part-time faculty members. As the area coordinator and its only full-time professor, Krims has the primary role in determining what equipment is to be purchased for the area. Krims is also an established artist. According to the Inspector General's research, in 1967 Krims began working as a freelance photographer and, in the late 1960s to early 1970s, was prominent in the group of young photographers who devised fictional

scenes for the still camera which were directed and shot in sequence as in films. His photography has been published in several books, and his works have been displayed nationally and internationally.

The Inspector General reviewed inventory and purchase order records of the equipment in the Fine Arts Department which indicate that a technorama camera (the Linhof) was acquired by Buffalo State College in July 2003 for \$8,478. A purchase order also revealed that a Hasselblad H3DII camera (the Hasselblad), with accessories, was purchased April 1, 2008, for \$36,574.¹

Richard Saddleson, Director of Business Services/Property Control, is responsible for inventory control at Buffalo State College. Saddleson explained to the Inspector General that spot checks of college property are completed every year and a full audit is done every other year of all property over a specified value (e.g., over \$5,000 for the 2009 audit). He also advised the Inspector General that, as part of the audit, a member of his staff physically inspects the property items on the inventory lists.

Buffalo State College allows faculty and staff to remove college property from the campus for official work-related functions. Specifically, Buffalo State College's Inventory Procedures provide that SUNY and Buffalo State College "have long recognized that there are many legitimate reasons for faculty and staff to remove property from Buffalo State College for work-related functions." However, a borrower must complete a Loan of College Property Form for any such "removed property" including "assets transported back and forth . . . on a continual basis" The Loan of College Property Form delineates that college property should only be removed from campus for college-related activities and not for personal business. The form further unambiguously states that removed property "shall be used only for official College business." Additionally, the form provides: "A loan is not properly authorized without Chair/Director's signature and the Dean/Vice President's signature and notification to Business Services. Removal of property without proper authorization will be regarded as theft."

Buffalo State College policy also requires that a "Reason for the Loan" be provided on the applicable form. The Inspector General asked Director Saddleson whether any written criterion exists for what is considered an acceptable "Reason for the Loan." Saddleson answered that it was within the individual Dean's discretion. In follow-up questioning by the Inspector General, Benjamin Christy, the Dean of the School of Arts and Humanities, stated that he could not definitively answer that question. Dean Christy explained that he generally reads the explanation and decides, on a case-by-case basis, whether the request is appropriate. The Inspector General also queried Rebecca Schenk, Buffalo State College Director of Budget and Internal Controls, if any

¹ Initially, the Hasselblad was missing from the inventory lists, later determined to be a result of an error made by the Purchasing Department. That error was identified and corrected during the course of the Inspector General's investigation.

policies or guidelines existed, other than those set forth above, defining when it is appropriate to approve loan of Buffalo State College property. Director Schenk stated that she was unaware of any other guidelines or policies.

The Linhof Camera

The Inspector General found that, since at least 2007, Krims has possessed the Linhof camera at his residence and has used it solely for personal purposes. In fact, the Inspector General determined that, since its acquisition in July 2003, the Linhof has never been used by any student or by any other faculty member besides Krims. The Linhof also never has been used in teaching a class at the college.

The Fine Arts Department's 2009 inventory lists Krims as the contact person for the Linhof and in handwriting next to the item is the annotation "Home." Krims first completed a Loan of College Property Form regarding the Linhof after the college discovered, during an audit in 2007, that he had taken the Linhof home without submitting the required form. In an e-mail dated June 6, 2007, Lauren White of Buffalo State College Business Services/Property Control advised Krims that he was required to complete the form, and Krims subsequently submitted a Loan of College Property Form, dated July 1, 2007, declaring that he would return the camera by September 1, 2007. Although the form was signed by the Department Chairperson, it was not signed by a Dean/Vice President as required by Buffalo State College policy.

White told the Inspector General that after she sent this e-mail to Krims, she spoke with him and advised him of the requirement to complete a Loan of College Property Form whenever he removed property from the campus. She reported that she also informed Krims that the approved form was only valid for one year. Krims subsequently submitted additional Loan of College Property Forms for the same camera for the succeeding two years: the first was dated March 17, 2008, with a listed return date of March 17, 2009; the second was dated April 29, 2009, with a return date of April 29, 2010. In all three forms, Krims stated the reason for the loan of equipment was "to make panoramic landscape photographs." Like the initial form, the March 17, 2008 form does not contain the requisite signature of a Dean/Vice President.

Krims testified to the Inspector General that the Linhof is used to take panoramic images. When asked by the Inspector General what he does with those images, Krims responded, "So far nothing, but I've been working with students, and this semester [Fall 2009] I have one student who will be working with panoramic images and he will from time to time be using that camera." However, Krims admitted that the Linhof was kept at his home and not at the college where it would be available for use by students or other faculty.

When asked if he had ever used the Linhof camera in teaching his students, Krims responded, "Not until this semester [Fall 2009]," six years after the camera was purchased and at least two after it was removed to Krims's home. Krims then stated that, "One of the students in one of those classes has decided that they [sic] wanted to do a

senior studio project making panoramic pictures and he will be using the camera.” Krims conceded that he has never taught a class using the Linhof, explaining “you don’t really teach a class in it; you just show someone how to use it.” Krims further acknowledged that no other student has used the Linhof camera since its purchase in 2003. The Inspector General then asked if any other professor has used the Linhof, to which Krims replied, “No, nobody has asked to use it.” Krims claimed that, since it was purchased, sometime before June 2007, he has taken it out, but has brought it back from time to time. Krims stated that he owns a personal Linhof, but the school’s Linhof takes a wider image.

The Hasselblad Camera

The Inspector General found that, as with the Linhof camera, Krims possessed the Hasselblad camera since at least September 1, 2009, without submitting a Loan of College Property Form or obtaining the required approvals. Krims admitted that he used the Hasselblad camera to take personal photographs, and the Inspector General found that, since its acquisition on April 1, 2008, the Hasselblad has never been used as part of teaching a class at the college. In fact, the Inspector General confirmed that the college did not even possess the software with which to utilize the camera until August 2009.

The Inspector General’s review of the Loan of College Property Forms revealed that Krims failed to submit a Loan of College Property Form for the Hasselblad. On September 1, 2009, the Inspector General asked Saddleson if he could locate the Hasselblad and accompanied him to Krims’s office. When Krims was asked about the camera, he stated that it was at his home. Krims added that he could return it later in the day, and he was asked to do so.

Upon return of the camera, the Inspector General spoke with Krims. When asked by the Inspector General where the camera had been earlier in the day, Krims again admitted that the camera was at his home. Krims claimed that he had taken it home at the end/middle of the preceding week, to take personal photographs.

When the Inspector General showed Krims the April 1, 2008 purchase order for the Hasselblad, two additional lenses, and a battery grip, Krims acknowledged that it was the purchase order for the camera that he had taken home. Despite having taken the equipment to his home, Krims admitted that he failed to submit a Loan of College Property Form for the Hasselblad camera equipment maintaining that no one had reminded him to complete the form. Krims explained to the Inspector General that the Hasselblad is used to make extremely high resolution (39 megapixels) digital photographs. He reported that the value of the camera, along with the lenses, was approximately \$32,000 to \$34,000 when the college purchased it. Krims claimed to the Inspector General that, “The purpose [for purchasing the camera equipment] was to add a high quality digital camera to the area’s component of equipment.” Notwithstanding Krims’s justification for the purchase of the camera, upon further questioning by the Inspector General, Krims conceded that the college’s photography area did not even possess the software or the computers to process very large files, until a week or two prior to his interview with the Inspector General when the college installed 18-20 copies

of this software. Krims added, “It hasn’t been used much because I’ve been learning how to use it. Recently I purchased and installed software on all the area’s computers with which we will begin to use this camera to produce High Definition Range (HDR) photographs.”

Krims further admitted to the Inspector General that he has occasionally used the Hassleblad for personal purposes and that he intermittently took photographs with the camera, mostly during the summer. Krims explained that he is an artist and takes photographs with a variety of cameras. He added that he purchased the software to utilize the Hassleblad with his own funds as well as a flash card and an extra battery for the camera. Krims posited that, once he was convinced it was worth using, he had the software purchased for the college’s photography area. In a further effort to justify the purchase, Krims averred that he plans to teach advanced students how to use HDR equipment, but when the Inspector General inquired if he had a syllabus or lesson plan for the class, Krims asserted that there is only a general syllabus which does not include the equipment to be used during the semester.

Krims’s Use of the State-Purchased Cameras to Further His Private Business

The Inspector General found that Krims used both the Linhof and Hasselblad cameras to produce photographs for sale and personal profit. Specifically, Krims informed the Inspector General that he is represented by a number of galleries and also maintains a Web site from which people can purchase his photographs. Krims admitted that at the time of his interview he had one photograph that he produced with the college’s Linhof (a photograph of a B-17 bomber from the Geneseo Air Show) on his Web site for sale and also admitted that he recently sold “one or two photographs” made with the Hasselblad for approximately \$300 a piece. Compounding his misuse of college resources for personal gain, Krims admitted that he prints the photographs on one of the printers in his college office but claimed that he purchases the ink and paper himself.

Krims claimed to be unaware of any policy at the college prohibiting his use of school equipment for his personal profit. He further stated that as part of his role as an art professor, he exhibits his work, as do other professors in other fields, and that such a practice is “fairly standard.” Contrary to Krims’s claims, Benjamin Christy, Dean of the School of Arts and Humanities, advised the Inspector General that equipment, like the cameras at issue, is solely permitted to be used in the classroom for instructional purposes or, possibly, for hands-on work in advanced classes. Christy summarized college policy stating, “These things are to be used for the benefit of the students.”

Christy added that it is important for a professor to be acknowledged nationally or internationally within his discipline. To accomplish such, a professor is required to not only teach but also to work broadly across his discipline. Christy averred that he was unaware of any policy regarding professors selling work product prepared with state equipment. The Inspector General recognizes that the reputation garnered by college professors in their respective fields may enhance the reputation of the college. Nevertheless, state funds should not be utilized for personal gain and state purchases

should not be made for the individual benefit of a state employee. In this matter, the cameras at issue appear to have been solely purchased and undeniably have been solely used in furtherance of Krims's personal endeavors to his personal financial gain without any connection to a valid college purpose.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that Krims removed two Buffalo State College cameras valued at over \$45,000 to his home without obtaining the necessary approval and used them for personal purposes. The Inspector General found that Krims used both cameras to create photographs for sale and used a Buffalo State College printer to print these pictures.

The Inspector General further found that these cameras, to date, have been used exclusively for Krims's personal purposes and that neither camera has ever been used in teaching a class at Buffalo State College or for any other school-sanctioned purpose. In addition, the Inspector General found that Krims did not submit the required Loan of College Property Form for the Hassleblad and only submitted this form for the Linhof after it was discovered during the 2007 audit that the camera was at his residence. Furthermore, two of the forms he submitted for the Linhof lacked all the required signatures. Despite the lack of requisite approvals, the Inspector General found, the forms were accepted by Buffalo State College administration.

The Inspector General recommended that Buffalo State College review the existing Loan of College Property Forms to ensure that they contain the required information and signatures. The Inspector General also recommended that Buffalo State College instruct the faculty and staff regarding the proper use of college-purchased property.

The Inspector General further recommended that Buffalo State College review the equipment currently assigned to the photography area of the School of Arts and Humanities and determine if any other equipment is not being utilized for legitimate teaching purposes.

Lastly, the Inspector General referred this matter to Buffalo State College for appropriate disciplinary action.

Response of Buffalo State College

In a response to the Inspector General's report, James A. Thor, Buffalo State College's Associate Vice President for Finance and Management and Comptroller, advised that the college accepts and will implement the report's administrative recommendations. Thor further advised that the college president's designee for employee relations will initiate an investigation of this matter for potential disciplinary action.