



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL
Final Report
May 8, 2009

SUMMARY OF FINDINGS/RECOMMENDATIONS

The New York State Inspector General found that New York State Department of Transportation (DOT) Highway Maintenance Supervisor 1 Abraham Visscher stole at least 704 gallons of gasoline, with a value of \$2,597, from the DOT fueling facility in Dix, by repeatedly fueling his personal vehicle. As a result of the investigation, Visscher was convicted of Grand Larceny and resigned his position at DOT. The Inspector General recommended that DOT review its fueling procedures and consider implementing additional safeguards against theft, including requiring staff to enter a personal identification number prior to obtaining gasoline.

ALLEGATIONS

On June 11, 2008, the Inspector General received a complaint from DOT Chief Investigator Robert Keihm, who advised that on May 13, 2008, DOT employee Abraham Visscher was observed by another state employee pumping gasoline into his personal vehicle at a DOT Region 6 fueling facility.

SUMMARY OF INVESTIGATION

On May 13, 2008, shortly after 6:00 p.m., a state employee, while fueling a state vehicle at the DOT Region 6 fueling facility in Dix, observed a male individual pumping gasoline into what appeared to be a personal vehicle, a gray Ford Excursion with a large Harley Davidson sticker on the side window. The witness recorded the vehicle's license plate number and reported the matter to DOT Resident Engineer Timothy Alimossy.

At first, DOT was unable to match the license plate number to a DOT employee because the witness mistakenly reversed two numbers of the plate number. However, approximately one week later, the witness observed Visscher and recognized him as the person pumping gasoline into the Excursion on May 13, 2008. The witness later observed the same Ford Excursion parked at the DOT Dix facility and notified a DOT official.

Each DOT vehicle at the DOT Region 6 facility has a fuel card assigned to it, stored inside the vehicle, and used to activate the on-site pumps. The card is to be used only to fuel the state vehicle to which it is assigned. When the card is swiped, a record is

created of the time of the fueling and the amount pumped. The operator is also required to enter the vehicle's mileage at the time of fueling on an electronic key pad. However, the employee is not required to enter a personal identification number that would directly connect the fueling to that employee. In addition to the fuel cards, the facility has one fleet gas card used to fill lawn mowers stored in the garage. This card is kept in the garage, and all DOT employees at the facility have access to it. As with the fuel cards, use of the fleet gas card does not require the entering of any personal identifying information.

The Inspector General reviewed the records for the gasoline pumps at the facility. The records indicate that DOT gas card 12790 assigned to truck 085113 was used to dispense 31.8 gallons of unleaded gasoline on the date and time the witness saw Visscher fueling his personal vehicle. The Inspector General also determined that Visscher, who is assigned to the DOT Dix facility, has access to the gas card 12790 and owns a gray Ford Excursion.

On September 3, 2008, the Inspector General established surveillance to monitor the gasoline pumps at the facility. Visscher was observed fueling his personal vehicle, a gray Ford Excursion with a large Harley Davidson sticker in the side window, at the DOT gasoline pumps on four occasions between September 3, 2008, and October 9, 2008. On some of these occasions, Visscher turned off the outside lights at the facility in an apparent attempt to conceal his illicit conduct.

The Inspector General reviewed the gasoline pump records from the facility for the dates on which Visscher was recorded pumping DOT gasoline into his personal vehicle. The records confirmed that Visscher used fuel card 12790 from truck 085113 to pump gasoline into his personal vehicle in the following amounts: September 4, 2008, 18.6 gallons; September 11, 2008, 20.1 gallons; September 15, 2008, 20.8 gallons; and September 23, 2008, 24.6 gallons, for a total of 84.1 gallons of gasoline. Added to the 31.8 gallons from the initial witnessed incident, Visscher was observed stealing a total of approximately 115 gallons of gasoline from DOT. The average cost of gasoline at the time was \$3.69 per gallon. Therefore, the value of the gasoline stolen in these five incidents was \$427.67.

Visscher confessed to the Inspector General that he had fueled his personal vehicle at the DOT pump. Visscher stated that he had been taking DOT gasoline "sometimes twice a week, sometimes once a week, sometimes once every other week" since March 2008 to fill his personal vehicle. Visscher admitted to fueling his personal vehicle approximately 32 times at the DOT pumps. He said that he filled his truck's tank at least halfway on each occasion and sometimes he would also fill portable gas cans he brought with him. Visscher stated that his vehicle's gasoline tank holds 44 gallons.

When asked by the Inspector General why he turned off the lights that illuminate the gas pumps, Visscher admitted that "he did not want to get caught stealing gas." Visscher said he started using DOT gas to fill his vehicle because of the "price of gas and [he] is strapped out." Visscher added, "I am guilty of stealing gas, so I am willing to do whatever to make it right." Visscher further admitted that he entered false mileage numbers when he accessed the pump.

The Inspector General analyzed records for the fuel card Visscher admitted using for the period from December 31, 2007 to September 3, 2008. The review showed that the card was used more than 80 times over the eight-month period, more than twice per week, consistent with Visscher's explanation of his practice. In addition, the records show that, as Visscher admitted, he regularly made false mileage entries, and on some occasions reported a mileage of zero. Because Visscher did not record accurate mileage of the state vehicle for which the card is assigned, it is impossible to determine from the records exactly how much gas was diverted to Visscher's personal vehicle. DOT had not reviewed Visscher's mileage records, so his practice of recording inaccurate mileage was not identified until after he was witnessed fueling his personal vehicle. In addition, it is impossible to attribute all of the fuelings to Visscher, since DOT did not require users to input unique identifying information when accessing the gasoline pumps.

Although it is difficult to attribute individual incidents to Visscher's personal use by reviewing data collected by DOT, Visscher admitted that he stole gasoline approximately 32 times, filling a 44-gallon tank at least halfway (22 gallons) for a total of 704 gallons. At an average cost of \$3.69 per gallon, the total value of fuel stolen by Visscher was at least \$2,597.

The State Police and the Inspector General arrested Visscher on January 12, 2009. Visscher was charged with Grand Larceny in the Fourth Degree, four counts of Falsifying Business Records, and four counts of Offering a False Instrument for Filing. The case was prosecuted by the Schuyler County District Attorney's Office, and on March 26, 2009, Visscher pleaded guilty to the felony Grand Larceny charge. On May 7, 2009, Visscher was sentenced to five years probation. Visscher resigned from his position at DOT.

FINDINGS AND RECOMMENDATIONS

The Inspector General found that DOT employee Abraham Visscher stole at least \$2,597 worth of gasoline from the DOT fueling facility in Dix, by repeatedly fueling his personal vehicle and gas cans.

The Inspector General also found that DOT does not require employees to input a personal identification number when accessing gasoline pumps, although such information would assist greatly in tracking individual usage. In addition, the Inspector General determined that DOT does require that operators input the mileage of the state vehicle being fueled, but has no process for review of this information. Visscher repeatedly input erroneous mileage amounts when he fueled, including mileage of zero, but these false entries were not identified until after Visscher was observed diverting fuel to his personal vehicle.

The Inspector General, therefore, recommended that DOT review its fueling procedures and, to the extent technically feasible, implement an employee-specific identification system, such as requiring an operator to input a personal identification number when accessing DOT gasoline pumps.

The Inspector General also recommended that a periodic review of records of vehicle mileage and fuel dispensing be instituted to check for inconsistencies such as

those that were present in this case. These measures would serve to safeguard against similar thefts and make detection of such easier if they do occur.

Response by the Department of Transportation

By letter of April 22, 2009, the DOT advised the Inspector General that it has reviewed its fueling procedures several times over the past few years. Based on these reviews, DOT has explored various options for better protecting its fuel supply, including the Inspector General's recommendation of requiring an operator to input a personal identification number when accessing DOT gasoline pumps. DOT determined that using a "fuel ring" on all facilities and vehicles to secure the gas supply was the most cost-effective solution; however, the cost of such a system is approximately \$2 million.

Due to the current fiscal situation, DOT said it is looking at alternative, short-range measures to improve accountability, and has been working with its information technology division to explore software improvements. DOT said it has also reminded employees of the importance of fuel accountability, including an agency-wide electronic announcement in July 2008 and "tail gate talks" in each region. Updated training on the subject has also been provided to field personnel.

DOT further advised that because its fuel system is not fully automated, and data are not consolidated in a single system, generating reports to review information is difficult. DOT said it is in the process of requesting budget approval to perform a software upgrade to address this problem, at an estimated cost of \$118,600. After an upgrade, according to DOT, further steps will be needed to fully implement an automated reporting system.