



H. Tina Kim  
DEPUTY COMPTROLLER

CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
JOHN C. LIU

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BUREAU OF AUDIT

MUNICIPAL BUILDING  
ONE CENTRE STREET, ROOM 1100  
NEW YORK, N.Y. 10007-2341  
TEL: (212) 669-8459  
FAX: (212) 815-8559  
TKIM@COMPTROLLER.NYC.GOV

June 25, 2012

The Honorable Shari C. Hyman  
Commissioner/Chair  
New York City Business Integrity Commission  
100 Church Street, 20<sup>th</sup> Floor  
New York, New York 10007

Ms. Joan M. Thompson  
Executive Director  
New York City Civilian Complaint Review Board  
40 Rector Street, 2<sup>nd</sup> Floor  
New York, New York 10006

The Honorable Patricia L. Gatling  
Commissioner/Chair  
New York City Commission on Human Rights  
40 Rector Street  
New York, New York 10006

The Honorable Michael A. Cardozo  
Corporation Counsel  
New York City Law Department  
100 Church Street  
New York, New York 10007

The Honorable Suzanne A. Beddoe  
Chief Administrative Law Judge  
New York City Office of Administrative Trials and Hearings  
40 Rector Street, 6<sup>TH</sup> floor  
New York, New York 10006

**Re: Letter Report on the Legal Affairs Agencies' Monitoring of Their Employees  
Who Drive City-Owned or Personally-Owned Vehicles on City Business (Audit  
Number 7R12-133AL)**

We are sending you this Letter Report regarding the audit of the Legal Affairs agencies' monitoring of their employees who drive City-owned or personally-owned vehicles on City

business. The Legal Affairs agencies include the:

Business Integrity Commission  
Civilian Complaint Review Board  
Commission on Human Rights  
Law Department  
Office of Administrative Trials and Hearings

The objective of this audit is to determine if the Legal Affairs agencies are effectively monitoring their employees who drive City-owned or personally-owned vehicles on City business. We found that the five Legal Affairs agencies effectively monitor the driving behavior of their authorized drivers. This opinion and report does not include our review of your agencies' controls regarding your drivers' vehicle usage, which is still ongoing. We anticipate issuing separate reports on these aspects of our engagement. The details of our opinion and this audit follow.

## **Background**

As you are aware, New York City requires that only those employees who exercise reasonable care in operating City- or personally-owned vehicles be allowed to use them to conduct City business. This requirement is outlined in the City of New York's "City Vehicle Driver Handbook" (Regulations). All agency heads through the Agency Transportation Coordinator (ATC) must ensure that all employees assigned a City-owned vehicle either for full-time use or temporary use are authorized to drive. It is also the ATC's responsibility to ensure that these drivers have valid licenses and insurance (if they are driving their personal vehicles). The driver's license should be a New York State License unless the employee is exempt from City residency requirements. If this is the case, then the authorized driver must have a valid license from the state where he/she resides and must have the appropriate classification for the vehicle which he/she is driving on City business. The Regulations further specify that City agencies must establish programs that promote safety along with proper training in the use of motor vehicles.

In following these criteria, City agencies use the New York State Department of Motor Vehicles (DMV) License Event Notification System (LENS). The ATC is responsible for notifying DMV of all agency-authorized drivers. This enables the DMV's LENS program to notify the ATC of any event that affects the driver's license. This includes: if a license is expiring; points accrued; accidents; driving while impaired; or driving while under the influence. This enables the ATC to ensure that only employees with valid licenses are driving on City business. The City's policy recommends that agencies participate in LENS to monitor the driving behavior of their employees.

## **Conclusion**

We found that all five Legal Affairs agencies effectively monitor the driving behavior of their authorized drivers. They subscribe to the DMV's LENS program and receive their updates and revoke the privileges of those drivers who have a suspended or revoked license in a timely manner as prescribed by regulations. They also verify that their employees who drive their personal vehicles for City business have insurance. In addition, all five of the Legal Affairs agencies provided their employees with a required safety awareness program.

## Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93 of the New York City Charter.

The scope period of this audit was from January 1, 2010, through March 30, 2012. Our audit reviewed all 315 drivers in our scope period for the five City agencies categorized as “Legal Affairs” in the Fiscal Year 2011 Mayor’s Management Report.

To meet our objectives, we obtained and reviewed the City of New York “City Vehicle Driver Handbook” issued February 2009 and the subsequent addendum. To determine whether the Legal Affairs agencies monitor their drivers in accordance with the City’s Regulations, we obtained and reviewed the following: 1) list of all employees for each agency who were authorized to drive on City business during our scope period, which included whether a license was necessary to maintain employment; 2) copy of the agency’s annual LENS Report, which should list all the individuals that the agency has authorized to drive on behalf of City business; 3) copy of the monthly LENS reports for October 2011 through December 2011; 4) copies of the weekly LENS reports through March 30, 2012; 5) documentation that the agency periodically checks the driver’s license and insurance coverage of all employees who use a personally-owned vehicle; 6) documentation regarding disciplinary action (if necessary) for DMV notifications of change in driver’s license status; and 7) copy of policies and procedures concerning driving a City- or personally-owned vehicle on City business. We used the LENS reports and agency documentation to determine if the agencies were appropriately notifying DMV of drivers who were authorized to drive for City business as well as to determine if agencies were monitoring those drivers’ DMV records.

To assess the reliability of the database of authorized drivers received from each agency, we matched the number of drivers on each agency’s list with the number of drivers on each agency’s LENS report listing.

To determine whether Legal Affairs agencies offered driver’s safety programs according to the Regulations, we requested and reviewed documentation regarding their safety programs. We also accessed the DMV-Dial-In Inquiry to determine the driving status of those employees who resided outside of New York State. We also performed DMV searches for the driving records of those employees.

Based on our positive conclusion, we have no recommendations and do not see the need for a formal exit conference. On June 6, 2012, we submitted a draft letter report providing you with an opportunity to formally respond. The Legal Affairs agencies’ responses were received by June 19, 2012. In their written responses, all Legal Affairs agencies agreed with the report.

The full texts for the Legal Affairs agencies' comments are included as addenda to this report.

Sincerely yours,



Tina Kim

- c. Jennifer Hoo, Director, Budget and Finance, Business Integrity Commission
- Brian Connell, Deputy Executive Director, Civilian Complaint Review Board
- Clifford MulQueen, Deputy Commissioner, Commission on Human Rights
- Paul Inselmann, Director of Internal Audit, Law Department
- Linda May, Deputy Commissioner, Office of Administrative Trials and Hearings
- Elizabeth Weinstein, Director, Mayor's Office of Operations
- George Davis III, Deputy Director, Mayor's Office of Operations



Shari C. Hyman  
Commissioner and Chair

100 Church Street  
20th Floor  
New York, NY 10007

+1 212 676 6219 tel  
+1 212 676 6204 fax  
www.nyc.gov/bic

June 19, 2012

Ms. Tina Kim  
Deputy Comptroller, Bureau of Audit  
Office of the Comptroller  
Municipal Building  
1 Centre St, Room 1100  
New York, NY 10007

Re: **AGENCY RESPONSE TO DRAFT LETTER AUDIT REPORT ON LEGAL AFFAIRS AGENCIES' MONITORING OF THEIR EMPLOYEES WHO DRIVE CITY-OWNED VEHICLES ON CITY BUSINESS (#7R12-133A)**

Dear Ms. Kim:

I write in response to the Office of the Comptroller's Draft Letter Audit Report on *Legal Affairs Agencies' Monitoring of their Employees who Drive City-Owned Vehicles on City Business*. We concur with the findings that the five legal affairs agencies, of which the Business Integrity Commission (BIC) is one, "effectively monitor the driving behavior of their authorized drivers."

Thank you for the opportunity to respond to the draft letter audit report.

Sincerely,

A handwritten signature in black ink that reads "Shari C. Hyman". The signature is written in a cursive style.

Shari C. Hyman  
Commissioner and Chair

cc: Elizabeth Weinstein, Director, Mayor's Office of Operations  
George Davis III, Deputy Director, Mayor's Office of Operations



COMMISSION ON HUMAN RIGHTS

40 RECTOR STREET, NEW YORK, NY 10006

Dial 311 www.nyc.gov/cclu

PATRICIA L GATLING

*Commissioner and Chair*

June 19, 2012

Ms. Tina Kim  
Deputy Comptroller, Bureau of Audit  
Office of the Comptroller:  
Municipal Building  
1 Centre St, Room 1100  
New York, NY 10007

Re: AGENCY RESPONSE TO DRAFT LETTER AUDIT REPORT ON LEGAL  
AFFAIRS AGENCIES' MONITORING OF THEIR EMPLOYEES WHO DRIVE  
CITY-OWNED VEHICLES ON CITY BUSINESS (#7R12-133A)

Dear Ms. Kim:

I write in response to the Office of the Comptroller's Draft Letter Audit Report on *Legal Affairs Agencies' Monitoring of their Employees who Drive City-Owned Vehicles on City Business*. We concur with the findings that the New York City Commission on Human Rights, "effectively monitors the driving behavior of their authorized drivers."

Sincerely,

Clifford Mulqueen  
Deputy Commissioner/General Counsel



CIVILIAN COMPLAINT REVIEW BOARD  
40 RECTOR STREET, 2<sup>ND</sup> FLOOR  
NEW YORK, NEW YORK 10006 ♦ TELEPHONE (212) 442-8833  
www.nyc.gov/ccrb

MICHAEL R. BLOOMBERG  
MAYOR

JOAN M. THOMPSON  
EXECUTIVE DIRECTOR

June 14, 2012

Tina Kim  
Deputy Comptroller, Bureau of Audit  
Municipal Building  
One Centre Street – Room 1100  
New York, NY 10007

RE: Draft Letter Audit Report on the Legal Affairs Agencies' Monitoring of Their Employees who Drive City-owned or Personally-owned Vehicles on City Business (Audit Number 7R12-133A)

Dear Ms. Kim:

We are in receipt of your June 6, 2012 draft letter regarding the Audit Report on the Legal Affairs Agencies' Monitoring of Their Employees who Drive City-owned or Personally-owned Vehicles on City Business (Audit Number 7R12-133A). We are pleased with the favorable findings for the CCRB as stated in the letter.

Given that there will not be an exit conference, as you have also stated, I would like to thank you at this time for your work on the audit and feedback to our agency. You are welcome to contact us for any further information you may require as you work towards finalizing the audit report.

Sincerely,

  
Joan M. Thompson

c: Brian Connell, Deputy Executive Director for Administration  
Elizabeth Weinstein, Director, Mayor's Office of Operations  
George Davis II, Deputy Director, Mayor's Office of Operations



THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET NEW  
YORK, N.Y. 10007-2601

G. FOSTER MILLS  
*Managing Attorney*

(212) 788-0300  
FAX: (212) 732-3097  
gmills@law.nyc.gov

June 11, 2012

Ms. H. Tina Kim  
Deputy Comptroller for Audit  
NYC Office of the Comptroller  
1 Centre Street  
New York, NY 10007-2341

Re: Draft Letter Audit Report on the Legal Affairs  
Agencies' Monitoring of Their Employees Who Drive  
City-Owned or Personally-Owned Vehicles on City  
Business (Audit Number 7R12-133A)

Dear Ms. Kim:

Thank you for giving us the opportunity to respond to the above-mentioned draft report. The Law Department was pleased that the Comptroller's Office found that we are effectively monitoring the driving behavior of our employees and following the proscribed City guidelines.

If you have any questions please contact Paul Inselmann, Director of Internal Audit at (212) 341-3980.

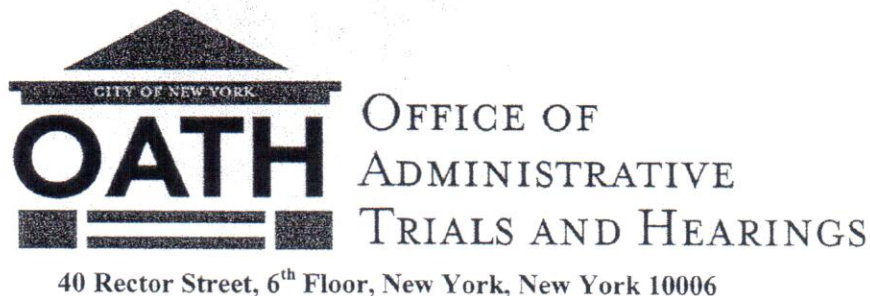
Sincerely,

A handwritten signature in black ink, appearing to read "G. Foster Mills".

G. Foster Mills

cc: Michael A. Cardozo





Suzanne A. Beddoe, Esq.  
Commissioner & Chief Administrative Law Judge

June 14, 2012

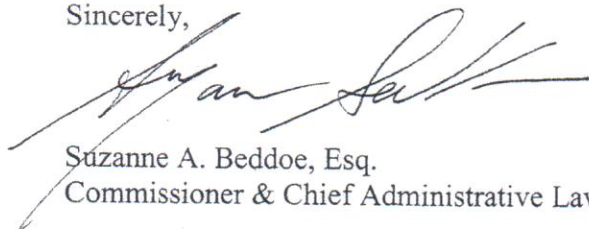
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One Centre Street, Room 1100  
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Re: Draft Letter Audit Report on the Legal Affairs Agencies' Monitoring of Their Employees  
Who Drive City-Owned or Personally-Owned Vehicles on City Business  
(Audit Number 7R12-133A)

Dear Ms. Kim,

We have reviewed the letter audit report and are pleased with the outcome of the audit. OATH is committed to continuing to provide proper oversight of its employees who drive city-owned or personally-owned vehicles on City business.

Sincerely,



Suzanne A. Beddoe, Esq.  
Commissioner & Chief Administrative Law Judge

c: Linda May, Deputy Commissioner of Administration  
Peggy Kuo, Deputy Commissioner and General Counsel