Is Investigation Into Possible Waste At Board Of Elections Stalling? #NYC2013

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A lack of cooperation appears to be stalling an investigation — before it even begins — into allegations of possible waste and abuse at the city's Board of Elections.

An attorney for the BOE said at a hearing of the agency's commissioners that he and another attorney had refused a request for full access to employees by the Department of Investigation, which is spearheading the investigation.

Asking that DOI send any future requests in writing, BOE attorney Steve Richman also told the commissioners that his legal team criticized what they considered the possible political motivations behind the investigation.

They told the DOI representatives during a closed-door meeting that "it is beyond dispute that the mayor is not a fan of the board," BOE attorney Steve Richman told the commissioners. The legal team also pointed to a recent DOI report on the agency's handling of the 2011 election, which they said was "unfair, biased and did not tell the complete story."

"I agreed that if that report is any indication of how the board would be treated in the future by DOI, the board’s concerns are entirely justified," Richman said at the BOE meeting on July 9.

The DOI would not confirm Richman's account.

"It is always troubling when there is a lack of willingness to cooperate in an investigation," the DOI said in a statement to the Gotham Gazette. "It is not clear that everyone at the City Board of Elections feels this way, however. Nevertheless, we will proceed with our investigative responsibilities with respect to BOE."

The BOE declined to respond to the DOI's statement.

In April, the DOI announced it would create a six-person unit to investigate the board after it reported that the BOE could have saved the city more than $2 million in 2011's off-year election.

Mayor Michael Bloomberg and DOI Commissioner Rose Gill Hearn have refused to detail the basis for the investigation, Richman told the commissioners. Bloomberg has publicly lambasted the BOE for various mishaps, and for being mismanaged by staff who rely on their connections to political parties for their jobs.

Reading from prepared statements during last week's hearing, Richman detailed how he and fellow BOE attorney Raphael Savino met with DOI Deputy General Counsel Benet J. Kearney and Inspector General Michelle Offsey Raimondi on Monday, July 7, for a half-hour sitdown, with mixed results.

According to Richman, the DOI investigators expressed concern their requests for information to the board would be revealed publicly or even during the board's closed-door executive sessions. Among the questions raised, according to Richman, was what would happen if "one of the commissioners or a member of the executive staff" was the subject of the investigation.

Richman said he pointed out to the DOI staff that all requests for information would have to be discussed — at the very least during executive sessions, regardless of who or what is being looked into.

As the board's representative at the meeting with the DOI, however, Richman also wasn't shy about revealing some of the conflicting points between the two city agencies.

He recounted how he began the meeting by suggesting that he intended to make a recording, calling it a practice "standard for anyone appearing before DOI."

"Ms. Raimondi would not consent to the recording and threatened to end the meeting," Richman told the board. "After further discussion, it was agreed that nothing of substance was to be asked at this time. DOI was only interested in determining how they would obtain documents and information needed in the course of their potential investigations in the future."

Richman said the investigation's price tag — last reported as $824,000 — would put the DOI under "a lot of pressure to come up with some results one way or another."

Richman said that Inspector General Raimondi told them the DOI had already received complaints about the board, but that any unfounded complaints would be reported as such. In order to proceed with those investigations, however, DOI said it needed full access to BOE employees.

"I added that it is unlikely," Richman said, citing the counting of ballots long after Nov. 5 election night, "that any employees will have free time for interviews until certification is complete."

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