



City of Albany
Common Council

January 14, 2009

Mark Pattison
Executive Deputy Comptroller for
State and Local Government Accountability
Office of State Comptroller
110 State Street
Albany, NY 12236

Dear Mr. Pattison:

We are writing to request your office, through the Division of Local Government and School Accountability, undertake a review and audit of policy and procedure within the City of Albany of practices related to the issuance of "no-fine" warning tickets for parking violations.

Recently it has come to light that an informal and not officially sanctioned, process within the City of Albany has existed whereby "no-fine" parking violation warning tickets were issued to vehicles bearing an unofficial "bulls-eye" decal. This system has since been discontinued and will be replaced by a formal system of officially issued placards. However, we think it important to understand how this policy evolved and was implemented.

We are requesting your office conduct a review of the following areas:

- The policy and procedure for issuance of "no-fine" warning tickets for parking violations, both historic and current;
- The training Public Safety Officers (PSOs) receive for issuance of parking violation tickets;
- The extent to which a data-base of "no-fine" warning tickets is maintained and accessible through archival retrieval.

In addition to review of these areas, we are also requesting an assessment of practices within the City of Albany regarding the handling of parking violations, contrasted with best practices in other municipalities.

Thank you in advance for your consideration of this request; we look forward to your response.

Sincerely,

Richard S. Conti
President Pro Tempore
Council Member 6th Ward

Dominick Calciano
Council Member 1st Ward

Daniel Herring
Council Member 13th Ward

John Rosenzweig
Council Member 8th Ward

James P. Sano
Council Member 9th Ward

Joseph Igou
Council Member 14th Ward

Sandra Fox
Council Member 15th Ward

Carolyn McLaughlin
Majority Leader
Council Member 2nd Ward

Michael O'Brien
Council Member 12th Ward

Barbara Smith
Council Member 4th Ward

Catherine M. Fahey
Council Member 7th Ward

Willard Timmons
Council Member 5th Ward

James Scalzo
Council Member 10th Ward

Shawn M. Morris
Common Council President

cc Hon. Thomas DiNapoli
Hon. Gerald Jennings
Chief James Tuffey

President Pro Tempore
Council Member 6th Ward
RICHARD S. CONTI
151 Chestnut Street,
Albany, New York 12206

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Fax 518-463-8582
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City of Albany Common Council

Vice Chair
Human Resources and
Human Rights

Member
Law, Buildings and Code
Enforcement
Housing and Community
Development

February 2, 2009

James Lyman
Executive Director
Council 82 Law Enforcement Union
Hollis V. Chase Building
63 Colvin Avenue
Albany, New York 12206

Christian Mesley
President
Albany Police Officers Union
c/o Council 82 Law Enforcement Union
Hollis V. Chase Law Enforcement Union
63 Colvin Avenue
Albany, New York 12206

Dear Messrs. Lyman and Mesley:

I am enclosing a copy of a memorandum addressed to City Treasurer Barnette and Police Chief Tuffey which asks a series of questions regarding policies and procedures surrounding the issuance of no-fine parking tickets, in particular to vehicles displaying a "bulls-eye" decal. I have also enclosed a copy of the written responses from Chief Tuffey; Treasurer Barnette has not responded to this memorandum.

Chief Tuffey has twice appeared before the Common Council to discuss and answer questions regarding the issue of no-fine parking tickets and his relationship to the "bulls-eye" decal. Since it is the Council's understanding, and Chief Tuffey so states, that the printing and issuance of "bulls-eye" decals were handled through the Albany Police Officers Union, I am writing, on behalf of the Council, to ask you to either respond to the relevant questions in the enclosed memorandum dated November 15, 2008, or appear before the Council to discuss and answer questions related to this issue.

I look forward to your response to this invitation.

Sincerely,

Richard S. Conti
President Pro Tempore

cc: Members, Albany Common Council
Hon. Gerald D. Jennings
Chief James Tuffey

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<u>License</u>	<u>State</u>	<u>Type</u>
C888GT	NY	16
C88971	NY	16
C89447	NY	15
C9NS95	NY	15
CAB1658	NY	16
CEL2414	NY	16
CEL2429	NY	15
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CEL243J	NY	16
CEL2435	NY	16
CEL2437	NY	16
CFD4140	NY	16
CHA2137	NY	16
CHA2138	NY	15
CHA4507	NY	16
CHAS984	NY	16
CHA7028	NY	15
CHA7026	NY	15
CHA7036	NY	16
CHA7291	NY	16
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CIVIC2NR	NY	11
CJD5070	NY	16
CLT8683	NY	16
CNG6033	NY	16
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CNG7016	NY	16
CRV7981	NY	16
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D878AE	NY	16
D903AE	NY	16
D963AE	NY	16
D963AE	NY	15
DAA1021	NY	16
DAA1022	NY	16
DAA1023	NY	16
DAA3830	NY	16

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<u>License</u>	<u>State</u>	<u>Type</u>
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6ES950	NY	16
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ACA3747	NY	16
ACA3748	NY	16
ACB-1524	NY	16
ACH1421	NY	16
ACP1409	NY	16
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54

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<u>License</u>	<u>State</u>	<u>Type</u>
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AES542	NY	16
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AJZ5655	NY	16
AKN114	NY	16
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OK

OK

OK

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OK

EXEMPT LISTING

- 1) DAA-5255: Albany PD, 2004 Dodge Intrepid, Maroon
- 2) DAA-7538: Albany PD, 2005 Dodge Durango, Black
- 3) ██████████: Not on file
- 4) ██████████: Not on file
- 5) ██████████: Not on file
- 6) ██████████: Not on file
- 7) DAP-3069: D.J. Peterson, Trust 2005 Chevy Pk, Gray
- 8) DEB-1010: Deborah Larsen, 2007 Jeep, Gray
- 9) ██████████: Not on file
- 10) DEE-1232: Albany PD, 2005 Ford, White
- 11) DEE-2153: Albany PD, 2005 Chevy, White Van
- 12) ██████████: Not on file
- 13) DEE-5682: Albany PD, 2004 Chevy Tahoe, Gray
- 14) DES-1435: Albany PD, 1999 Land Rover, Black
- 15) ██████████: Not on file
- 16) ██████████: Not on file
- 17) ██████████: Not on file
- 18) ██████████: Not on file
- 19) DGY-2692: NYS, Court, 2005 Dodge Durango, Black
- 20) DKL-3476: Albany PD, 2002 Dodge, Gray
- 21) DLP-5205: Albany PD, 2006 Dodge, Black
- 22) DLP-5206: Albany PD, 2006 Dodge Durango, Black
- 23) DLP-6206: Albany PD, 1998 Ford, White
- 24) DLP-6207: Albany PD, 1992 Ford Explorer, Red
- 25) DLP-6607: Albany PD, 2006 Dodge Durango, White
- 26) DMB-1012: Albany PD, 2006 Dodge Durango, Gray
- 27) DMB-1611: Albany PD, 2006 Chevy, White Van
- 28) ██████████: Not on file
- 29) ██████████: Not on file
- 30) DRS-3124: Hicks, Robert, 2003, Ford Expedition, Gray
- 31) DRS-9342: Albany PD, 2006 Dodge, Blue
- 32) ██████████: Not on file
- 33) DRT-4215: Albany PD, 2006 Chevy Impala, Gray
- 34) DRT-4216: Albany PD, 2006 Chevy Impala, Blue
- 35) DRT-4217: Albany PD, 2006 Chevy Impala, Blue
- 36) DRT-4218: Albany PD, 2006 Chevy Impala, Gray
- 37) DRT-4219: Albany PD, 2006 Chevy Impala, Blue
- 38) DRT-4220: Albany PD, 2006 Chevy Impala, Blue
- 39) DRT-4221: Albany PD, 2006 Chevy Impala, Gray
- 40) DRT-5668: Albany PD, 2006 Dodge Durango, Black
- 41) DRT-5674: Albany PD, 2006 Dodge Durango, Gray
- 42) DTE-8359: Albany PD, 2007 Jeep, Gray
- 43) DTK-7194: Albany PD, 2006 Dodge Durango, Black

44) DTK-2914	Priscilla, Pryor, 1991 Infiniti, White
45) E44-OMG	Albany PD, 1994 Ford Red
46) E68-SMG:	Albany PD, 1994 Ford, Tan
47) [REDACTED]	Not on file
48) EGS-4601:	Albany PD, 2008 Dodge Durango, Black
49) EGS 6773:	Albany PD, 2008 Dodge Charger, Blue
50) EGS-6774:	Albany PD, 2008 Dodge Charger, Black
51) FLX-2633	Albany PD, 1996 Chevy Tahoe, White
52) FNA-441:	Albany PD, No Record
53) ENA-442:	Albany PD, No Record
54) ENA-443:	Albany PD No Record
55) 1681RJR:	Matthew, Couch, 2006 Honda PK, Gray
56) 26-	John, DeFrancisco, 2008 Chevy Sub, Blk
57) 2AB790:	Albany PD, No Record
58) 2AB791:	Albany PD, No Record
59) [REDACTED]	Not on file
60) [REDACTED]	Not on file
61) 43645JU:	DL, Peterson, Trust, 2005 Chevy Silverado, Blue
62) 47:	NYS, Liquor Authority, 2008 Ford, Gray
63) [REDACTED]	Not on file
64) 50698JW:	Albany PD, 2006 Dodge Ram, White
65) 5A1338:	Linda, Megan No record
66) 5ES447:	Albany PD, 1992 Ford, Blue
67) 5ES590:	Burger, Michele Not on file
68) 5ES950:	Albany PD, 1992 Ford, Brown
69) 5FC310:	Albany PD, 1991 Chevy, White
70) 5WS679:	Albany PD, Not on file
71) [REDACTED]	Not on file
72) [REDACTED]	Not on file
73) 71C476:	Albany PD, 1991 Chevy, White
74) [REDACTED]	Not on file
75) 947POP:	Alfred, Mescala 2008 Toyota Suburban, Green
76) 9CN554:	(William, Bowen) 2008 Volks, Gray N.Y.S. O.H.S
77) A10348:	Robert, Bielawa 1972 Sterling, Blue
78) A10572:	Albany PD, 1986 Chevy PK, Yellow
79) A130AS:	Albany PD, 1993 Ford, Gray
80) A158AS:	Albany PD, No record
81) A29999:	Albany PD, 1986 Wells Cargo, White
82) A374AS:	Albany PD, 1993 Ford, Gray
83) A37710:	Albany PD, 1986 Plymouth, White
84) A413AS:	Albany PD, 1993 Ford, Gray
85) A45690:	Albany PD, 1988 Dodge Ram, White
86) A499AT:	Albany PD, 1990 Pontiac, Blue

87) A67656:	City of Albany,1990 Dodge, Red
88) A808A(1):	Albany PD,1993 Chevy Blazer, White
89) A80215:	City of Albany,1991 Dodge, White
90) A955AU:	Albany PD, No Record
91) ACA 3744:	Albany PD,1995 Dodge Intrepid
92) ACA-3745:	Albany PD,1995 Dodge, Blue
93) ACA-3747:	Albany PD,1995 Dodge,Blue
94) ACA-3748:	Albany PD,1995 Dodge, Green
95) ACA-3744:	Albany PD,1997 Ford, Green
96) ACB-1524:	Albany PD,1997 Ford, Tan
97) ACB-1421:	Albany PD,1997 Ford, Gray
98) [REDACTED]:	Not on file
99) GMW119:	Alden Cameron, No record
100) GPC130:	No record
101) H3R746:	City of Albany, No record
102) H3R747:	City of Albany,1992 Chevy,Maroon
103) H6O293:	Albany PD,1992 Olds, Gray
104) H6P500:	Albany PD, No-Record
105) H9P230:	Michael and Joanne,Alaisi, 2008 Toyota,Blk
106) [REDACTED]:	Not on file
107) J115CP:	Albany PD,1990 Ford Van, White
108) J425CK:	Albany PD, No-Record
109) J842CK:	Albany PD, No-Record
110) [REDACTED]:	Not on file
111) K37452:	Albany PD,1995 Chevy PK, White
112) E42SSY:	Albany PD,1996 Ford, Green
113) L47704:	City of Albany,2003 Dodge PK, Gray
114) L51932:	NYS, Unified Court,2004 Gmc Yukon, Red
115) I38309:	A.F.D.;1990 Ford, White Van
116) [REDACTED]:	Not on file
117) [REDACTED]:	Not on file
118) [REDACTED]:	Not on file
119) POL:	Leopoldo,Herrera 1988 Range Rover, White
120) [REDACTED]:	Not on file
121) [REDACTED]:	Not on file
122) S670PY:	Albany PD,1997 Ford, Blue
123) S999CJ:	Albany PD,1997 Ford, Green
124) T6W705:	Joseph, Laviano No record
125) [REDACTED]:	Not on file
126) [REDACTED]:	Not on file
127) [REDACTED]:	Not on file
128) [REDACTED]:	Not on file
129) [REDACTED]:	Not on file
130) VLS157:	Terence,Brady No record
131) VMK312:	DMV Illegal Reg
132) [REDACTED]:	Not on file

133) ██████████	Not on file
134) ██████████	Not on file
135) ██████████	Not on file
136) 2C130CA:	City of Albany, 2003 Chrysler, Blk
137) ██████████	Not on file
138) X863SN:	Albany PD, 2006 Jeep, Tan
139) X86SSN:	Albany PD, 1999 Ford, Green
140) X869SN:	Albany PD, 1999 Ford, Blue
141) X870SN	Albany PD, 1999 Ford, Green
142) X871SN:	Albany PD, 1999 Ford, Lt. Blue
143) ZDK650:	Zip, Car, Inc No record
144) ZDK690:	Zip, Car, Inc No record
145) ZGC857:	Zip, Car, Inc No record
146) ZPC894:	Zip, Car, Inc No record
147) ZRT228:	Zip, Car, Inc No record
148) ACBJ649:	Albany PD, 1993 Ford, Gray
149) ACK477:	DMV, Bl Reg
150) ADC690:	Vincent, Igoe 1989 Chevy, Gray
151) ADG716:	Albany PD, No record
152) ADI3089:	Victoria, McManus 2001 Honda, Purple
153) ABA794:	Albany PD, No record
154) AESS42:	Albany PD, No record
155) AGI6380:	William, Pelgrim 2001 Volk, Green
156) ██████████	Not on file
157) AJF7226:	James, Salengo 1996 Toyota Rav4, Green
158) AJZ6656:	Susan, Ferber 1993 Dodge Caravan, Gray
159) AKN114:	William, Bowen 2004 Lincoln LS, Tan
160) ALH361:	Albany PD, No record
161) ALJ969:	Albany PD, No record
162) ALV583:	Albany PD, No record
163) ASR3594:	Albany PD, 1990 Ford, White
164) ASR3597:	Albany PD, 1993 Chevy Blazer, White
165) AST5224:	Barry, Ievers 1995 Buick, Blue
166) AST9867:	Albany PD, 1993 Ford, Tan
167) ATT5472:	Albany PD, 2001 Chevy, Blk
168) ATT5459:	Albany PD, 2001 Chevy, Green
169) ATT5540:	Albany PD, 2001 Chevy, Blk-Green
170) ██████████	Not on file
171) ██████████	Not on file
172) AUY2011:	D.F.A Bid (Bergan) 2008 Chrysler, Blk CV
173) AXB7676:	Michael, Haggerty 2008 Ford, Blk Sub
174) ██████████	Not on file
175) ██████████	Not on file
176) ██████████	Not on file
177) AZE8360:	Albany PD, 1993 Ford, Gray
178) AZE8861:	Albany PD, 1993 Ford, Gray

179) ██████████ Not on file
 180) ██████████ Not on file
 181) ██████████ Not on file
 182) A2F4942: City of Albany, 2000 Ford, Blue
 183) ██████████ Not on file
 184) ██████████ Not on file
 185) A2F5189: City of Albany, 2000 Ford, Gray
 186) A2F5218: City of Albany, 1991 Chevy, White
 187) ██████████ Not on file
 188) ██████████ Not on file
 189) AZJ5373: D.T.A Bid (Tobias) 2007 Toyota, Dk
 190) B273MV: Albany PD, 1993 Ford, White
 191) ██████████ Not on file
 192) ██████████ Not on file
 193) ██████████ Not on file
 194) B99082: City of Albany, 1986 Ford Bronco, Blue
 195) B99171: DMV
 196) ██████████ Not on file
 197) BCG2728: Steven, Bizjia 2001 Ford Explorer, Tan
 198) BGA4763: Albany PD, 2006 Dodge Durango, Blue
 199) BGA4793: Albany PD, 2007 Dodge Charger, Blk
 200) BGA4794: Albany PD, 2007 Dodge Charger, White
 201) BGA4795: Albany PD, 2007 Dodge Charger, Gray
 202) BGA4796: Albany PD, 2007 Dodge Charger, Blk
 203) BGA4797: Albany PD, 2007 Dodge Charger, Blk
 204) BGA4798: Albany PD, 2007 Dodge Charger, Gray
 205) BGG1565: Wayne, Lucc 2003 Saturn, Blue
 206) BGN6660: Alfred, Moscola 1998 Subaru, Blk
 207) BHS8286: City of Albany, 2001 Ford, Blk
 208) BHS8287: City of Albany, 2001 Ford, Blue
 209) BHS8288: City of Albany, 2001 Ford, Blue
 210) BMM5456: Liberty, Leasing Co, 2002 Chevy, Blue
 211) BNB1126: Albany PD, 2002 Chevy, Blk Sub
 212) BNB1127: Albany PD, 1989 Ford, White
 213) BNW1865: John, Fitzgerald J.R., 1997 Toyota 4-Runner, White
 214) BEL1947: Albany PD, 1992 Oldsmobile, Gray
 215) BPL1988: Albany PD, 1992 Ford, Brown
 216) BTL1972: Albany PD, 1996 Ford, Green
 217) BTL4535: Albany PD, 2003 Ford, Red
 218) BTL5284: Albany PD, 2002 Chevy, Blue
 219) BTL5299: Albany PD, 2002 Chevy, Gray
 220) BTL5462: Albany PD, 2002 Chevy, Red
 221) BTL8243: Albany PD, 1999 Ford, Red
 222) BWF7623: Albany PD, 1996 Ford, Blue
 223) BWF7626: Albany PD, 1996 Ford, Red
 224) BWF7628: Albany PD, 1996 Ford, Lt Tan

225) BWF7629: City of Albany,1992 Chevy, Drk Maroon
 226) BYN8820: Albany PD,1994 Ford, Blk
 227) BYN8822: Albany PD,1994 Ford, Red
 228) BYN8827: Albany PD,1994 Ford, Red
 229) BYN8832: Albany PD,1996 Ford, Gray
 230) BYF9283: City of Albany,2003 Chrysler, Blk
 231) BZN9021: Albany PD,1998 Dodge Durango, Blk
 232) BZP3099: Alan and Susan,Angelo 2004 Subaru, Blue
 233) BZP3379: Albany PD,2003 Chevy Van, Lt.Blue
 234) C3J748: Crown,Air Conditioning Inc, No record
 235) CAJ732: Gottlieb,Ellen 2006 Honda, Tan
 236) C877ZX: Albany PD,1990 Pontiac, Blue
 237) C888GF: City of Albany, No record
 238) C98971: DGS,2000 Ford PK, White
 239) C9N595: Nancy,Oisca No record
 240) CAB1658: City of Albany,2003 Chevy Blazer, White
 241) CEL2424: Albany PD,1999 Ford, Drk Green
 242) CEL2429: Albany PD,1999 Ford, Green
 243) CEL2432: Albany PD,1999 Ford, Drk Blue
 244) CEL2433: Albany PD,1999 Ford, Brown
 245) CEL2435: Albany PD,1999 Ford, Lt.Blue
 246) CEL2437: Albany PD,1999 Ford, Blue
 247) CFD4140: Sean and Carol,McCarty,2006 Honda CRV, Blue
 248) CHA2137: Albany PD,2003 Chevy, Tan
 249) CHA2138: Albany PD,2003 Ford, Blue
 250) CHA5584: Albany PD,1988 Dodge Ram, White
 251) CHA7291: Albany PD,1992 Nissan, Blk
 252) CHA7292: Albany PD,2000 Chevy Tahoe, Tan
 253) CJD5070: Albany PD,1999 Ford, Lt.Green
 254) CNG6033: Albany PD,2003 Chevy,Gold
 255) CNG6034: Albany PD,2003 Chevy, Maroon
 256) CNG6035: Albany PD,2003 Chevy, Maroon
 257) CNG6036: Albany PD,2003 Chevy, Red
 258) CNG7016: Albany PD,2003 Ford Explorer, White
 259) CRV7981: Albany PD,2003 Chevy, Blue
 260) CRV7982: Albany PD,2003 Chevy, Gray
 261) CS223K: Todd,Burnham 2003 GMC Envoy, Gray
 262) CSP6809: Albany PD,2003 Ford Explorer, Blue
 263) CSP6902: Albany PD,2001 Ford Explorer, Green
 264) CWG1429: NYS,Div of Housing,2004 Chevy, Blk
 265) CWG2054: Albany PD,2004 Chevy, Gray
 266) CWG2353: Albany PD,2003 Chevy, Blk
 267) CWG2354: Albany PD,2003 Chevy, Gray
 268) CWG3410: William,Ferber 2004 Dodge Neon, Red
 269) CWG6174: Albany PD,1996 Nissan Pathfinder, Green
 267) CXR5189: Wayne and Eileen,Luce 2004 Toyota, Gray

268) D226AA: Vincent,Igou 1989 Chevy, Gray
269) D878AE: Albany PD,1994 Ford, Red
270) D903AE City of Albany, No record
271) D963AB Albany PD,1994 Ford, Blk
272) DAA1021 Albany PD,2005 Chevy, Gray
273) DAA1022 Albany PD,2005 Chevy, Gray
274) DAA1023 Albany PD,2005 Chevy, Gray
275) DAA3830 Albany PD,1990 Honda, Gray

In order to redact confidential registrations, I verified the exempt listing extracted directly from the T2 system against the compiled list of current registrants. It was determined that 20 plates on the T2 listing were not included on the list of registrants compiled. Those plates with current registrant info are listed below:

5AE388	Albany PD, Registration Expired
[REDACTED]	Not on File
[REDACTED]	Not on File
BCV6853	Liberty Leasing, 2001 Ford Expedition, Grn.
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
C41208	Albany PD Traffic Engineering, 1988 Chev Blazer, Wht
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
[REDACTED]	Not on File
CFVIC2NR	Tobin, Pamela, Registration Expired-voluntary surrender
[REDACTED]	Not on File
[REDACTED]	Not on File

It was also determined that a plate on the compiled listing did not match any plate extracted from the T2 system. The correct plate with the correct registrant info listed below.

AJT5499 Albany PD, Registration Expired

ATT5459 (was run but does not appear on T2 listing)



CITY OF ALBANY
Office of the Comptroller
24 Eagle Street
Albany, NY 12207
518-438-5023
518-438-5095 (FAX)

February 24, 2009

Hon. Shawn M. Morris
Common Council President
24 Marinello Terrace
Albany, NY 12209

Dear Ms. Morris:

The parking ticket documentation requested by the Common Council from the Comptroller's Office is not maintained by this office and therefore we are unable to provide it to the Common Council.

If you have any questions please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth L. Bennett".

Kenneth L. Bennett
Acting Comptroller

TOMMASO DIAMANTI
STATE COMPTROLLER



123 STATE STREET
ALBANY NEW YORK 12216

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
OFFICE OF STATE AND
LOCAL GOVERNMENT ACCOUNTABILITY

February 25, 2009

Honorable Richard S. Conti
President Pro Tempore
Council Member 6th Ward
City of Albany Common Council
Albany City Hall
c/o Common Council
Albany, NY 12207

Dear Council Member Conti:

I am writing in response to your letter on behalf of the Albany Common Council requesting our assistance related to the issuance of "no line" tickets for parking violations. Specifically you requested an audit of these practices including an assessment of practices within the City of Albany contrasted with best practices in other municipalities.

We have added this audit to our current audit plan. We will engage the audit as soon as possible.

Thank you for thinking of us as a resource. Please feel free to call me on (518) 474-4893 to discuss this if you have additional questions or concerns.

Sincerely,

Mark P. Patton
Executive Deputy Comptroller



NEWS

From the Office of New York State Comptroller

Thomas P. DiNapoli

CONTACT: Jennifer Freeman
(518) 474-4015

FOR RELEASE: Immediately
February 25, 2009

DINAPOLI TO AUDIT ALBANY "NO FINE" PARKING TICKETS

State Comptroller Thomas P. DiNapoli today announced his office would audit the City of Albany's issuance of "no fine" tickets for parking violations. DiNapoli was requested to perform the audit by members of the Albany Common Council.

"Our auditors have begun steps to initiate the audit," DiNapoli said. "We will move as expeditiously as possible without compromising the audit process, and we're confident in the city's full cooperation."

A letter from DiNapoli's office confirming the audit was sent to city officials today. DiNapoli said that while audits typically take between six months and one year, he would take steps to speed up the parking violations audit.

###



CITY OF ALBANY
OFFICE OF THE TREASURER
CITY HALL
ALBANY, NEW YORK 12207
TELEPHONE (518) 434-5035

BETTY J. BARNETT
TREASURER

March 2, 2009

Hon. Shawn Morris
Albany Common Council President
Room 206, City Hall
Albany, New York 12207

Dear Shawn

Thank you for your letter dated February 23, 2009 regarding the Council's investigation into the issuance of "no-fine" parking tickets in the City of Albany. Your investigation centers on the issuance of "no-fine" tickets by PSO's who, as you know, are supervised by the Albany Police Department. As you can see from the responses to your questions below, neither the Parking Violations Bureau nor the Treasurer's Office was ever aware of the printing, distribution, existence or issuance of a "no-fine" parking ticket and has never received a "no-fine" ticket from a PSO or the Albany Police Department. Accordingly, many of the questions you pose are better left to the people and department better able to respond.

1. In September 2000, in follow up to an audit conducted in 1997, the New York State Office of the Comptroller (NYSOC) issued a report examining policies and procedures of the City of Albany pertaining to its financial condition. Among many items examined, the NYSOC examined the operations of the PVB. Noting that the PVB had recently converted (1999) from a manual system to a new computer system which initiated a structured enforcement plan including the mailing of overdue and delinquency notification letters, the NYSOC recommended that the City should periodically reconcile total tickets with those paid, canceled and outstanding to improve ticket accountability for administrative purposes. The PVB has followed this recommendation of the NYSOC and has initiated this policy/procedure for all tickets forwarded to the PVB by the PSO's and the APD.
2. According to your letter of February 23, 2009, the focus of the Council's investigation is the issuance of "no-fine" parking tickets by PSO's. The PVB has no policy, written or informal, that addresses the handling of "no-fine" tickets. The PVB has never printed, distributed, issued or received a "no-fine" ticket from a PSO or the APD and until the recent publicity surrounding the possible issuance of these types of tickets was completely unaware of this practice by the PSO's or the APD.

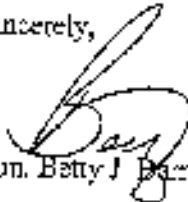
According to your letter of February 23, 2006, the focus of the Council's investigation is the issuance of "no fine" parking tickets by PSO's. The PVB has no policy, written or informal, that addresses the handling of "no fine" tickets issued to "specific individuals" with "chronic requests" "for ticket forgiveness". As stated in (2), above, the PVB has never printed, distributed, issued or received a "no fine" ticket from a PSO, the APD or a private individual and, until recent publicity surrounding the possible issuance of these types of tickets, was completely unaware of this practice by the PSO's or the APD.

As an aside, the PSO's are employees of and under the direct supervision of the Albany Police Department (APD). Any questions regarding policy directives given to PSO's regarding the issuance of "no fine" parking violation tickets would be better addressed by the PSO's supervisor in the APD.

The Parking Violations Bureau (PVB) is not aware and was never made aware of the practice of issuing "no-fine" tickets. Tickets are initially issued by PSO's who are under the supervision of the APD. On average, two (2) weeks after the tickets are written, the tickets are then forwarded to the PVB for handling. The PVB has never received a "no fine" ticket from a PSO, the APD or a private individual.

I appreciate this opportunity to finally engage in a productive exchange of sound questions and answers. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,


Hon. Betty J. Banette



New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING

83 COLVIN AVENUE, ALBANY, NY 12206

(518) 489-8424 (518) 489-1525 FAX

www.council82.org • c82@council82.org

March 8, 2009

Hon. Shawn M. Morris
President
City of Albany Common Council
24 Eagle Street
Albany, New York 12207

Dear Ms. Morris:

On behalf of Council 82 Executive Director James Lyman, I write in response to your invitation to him to appear before the Council to answer questions related to the parking ticket issue. Council 82, which represents the Albany Police Officers Union and its members in contract negotiations and in administrative, grievance, and disciplinary proceedings, has had nothing whatsoever to do with the Albany parking ticket issue. The Albany Police Officers Union, one of many local unions across the State under the Council 82 umbrella, is and always has been autonomous and self-governing with regard to its own internal affairs. Further, Mr. Lyman has had no involvement with, and has no information relevant to, the parking ticket issue. Lastly, in light of the political grandstanding and exploitation already exhibited by some members of the Common Council on this issue, Mr. Lyman has no interest in being a part of what we would anticipate to be a show trial. We believe that the parking ticket issue would be properly investigated by disinterested professional investigators, and not by an entity comprised of one or more individuals who might have unclear rancors in the matter or a political stake in its outcome. Accordingly, Mr. Lyman declines your invitation.

Very truly yours,

Ennio J. Corsi
General Counsel



New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE COUNTY AND MUNICIPAL EMPLOYEES AFL-CIO

HOLLIS V. CHASE BUILDING

83 COLVIN AVENUE, ALBANY, NY 12206

(518) 485-6424 (518) 435-1623 FAX

www.council82.org • 82@council82.org

March 6, 2008

Hon. Shawn M. Morris
President
City of Albany Common Council
24 Eagle Street
Albany, New York 12207

Dear Ms. Morris

On behalf of Albany Police Officers Union and Council 82 President Christian Mesley, I write in response to your invitation to him to appear before the Council to answer questions related to the parking ticket issue. Mr. Mesley declines your invitation.

Very truly yours,

Ernie J. Corsi
General Counsel

Brian W. Devane, Esq.
ATTORNEY AND COUNSELOR AT LAW

1036 Delaware Avenue • DELAWARE, New York 12054 • P 518.475.9845 • F 518.475.0846 • E-MAIL bdevane@bdevane.law.ny.us

April 2, 2009

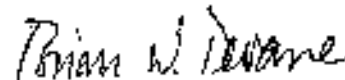
Richard Conti
President Pro Tempore
Albany Common Council, City Hall
Albany New York 12207

Dear Mr. Conti

Again in an effort to advance the process and to put this matter behind the Treasurer's Office, enclosed please find the Parking Violations Bureau guidelines. Please note that this proffer is made in good faith. It is not, however, made in response to your email request. There was never any discussion at the Council Committee meeting that the guidelines included the voicing or forgiveness of tickets. As such, inclusion of that language in your "follow-up" request is mistaken.

Very truly yours,

By:



Brian W. Devane
bdevane@bdevane.law.ny.us

**City of Albany
Parking Violations
Bureau Guidelines**

FOREWORD

The City of Albany has for years had a comprehensive policy which governs the operations of the Parking Violations Bureau and includes criteria, guidelines and procedures for issuing and adjudicating parking tickets and limited enforcement for unpaid parking tickets. This policy, although unwritten, is based upon and driven by sound fiscal management principles and State and local law. Indeed, in over twenty-five years of audits conducted by the New York State Comptroller's Office, neither this unwritten policy nor the procedures followed by the Parking Violations Bureau have ever been criticized by auditors from the State Comptroller's Office (*cited 1997 and 2000*). With all due respect given to the Office of State Comptroller, this manual is meant to be a guide used by supervisory staff in the Parking Violations Bureau to assist the Adjudication Clerks assigned to the Bureau with fulfilling the bureau mandate within the parameters of New York State law and to ensure the highest degree of professionalism be shown to our residents.

It is to be fully understood that the bureau is empowered only to collect fines and dispose of parking tickets over which the bureau has jurisdiction. The bureau must afford all of the procedural requirements available, namely the right to appear in Traffic Court before a City Court Judge.

It is important to note that this Parking Violations Bureau is not to be confused with an Administrative Tribunal created under Section 225 of the Vehicle and Traffic Law of the State of New York.

Essentially, all parking tickets issued within the City of Albany should be treated the same as moving violations as both are considered to "simplified information's" under the Criminal Procedure Law. As per the legal opinion offered by the City's Corporation Counsel on April 22, 1998, the "City of Albany is not required to provide or create a written procedure for the adjudication of parking tickets but rather such adjudication is to be conducted pursuant to the laws under both the Vehicle and Traffic Law and the Criminal Procedure Law."

As such, be it understood that this is a fluid document subject to interpretation by the supervisor in charge of the Parking Violations Bureau.

THE PEOPLE OF THE STATE OF NEW YORK

TC. Christian Mesley
City of Albany Police Department

GREETINGS:

YOU ARE HEREBY COMMANDED, by the Common Council of the City of Albany, New York (the "City") pursuant to Second Class Cities, Section 40, and the Charter of the City of Albany, Section 407, to appear in person before the Common Council Committee of the Whole at the City Hall Building, located at Eagle Street, Albany, New York, on the 27th day of April, 2009, at seven o'clock of that day or at any recessed or adjourned date thereof, to be examined in reference to a certain matter now pending, i.e. the Common Council inquiry into the distribution of parking bulls-eye stickers and the issuance of "ghost tickets" by parking enforcement officers and you are further commanded to bring with you and produce at the time and place aforesaid, all documents now in your custody and control concerning the above matters, and for a failure to attend you will be liable for the penalties prescribed by law.

Dated, Albany, N. Y.
April 6, 2009

President of Common Council

City of Albany



CITY OF ALBANY
COMMON COUNCIL
CITY HALL
ALBANY, NEW YORK 12207
TELEPHONE (518) 434-5187
FAX (518) 434-3284

April 9, 2009

Hon Betty J Barnette Treasurer
City Hall - Room 109
Albany, NY 12207

Dear Mrs Barnette

In connection with the Common Council's ongoing review of parking ticket related matters, please provide the Common Council with the following documents or reports:

- A serial number listing, in sequential order, of parking tickets received by the Parking Violations Bureau by year for the year 2002 to date.
- A report listing the value of parking fine tickets written per year, and separately stated for each such year the amount of fines collected, forgiven, reduced or dismissed and the amount remaining uncollected for each year for the year 2002 to date
- Copies of forgiven parking tickets with the accompanying written explanation, for calendar year 2008.

This information is being requested pursuant to Section 407 of the City Charter which states:

"The Common Council may require a member of any board, office, commission, or department of the City to furnish the Common Council with any information, data and reports, neglect or refusal to furnish the same shall be deemed misconduct or incompetence on the part of the official or person neglecting or refusing to comply."

Furthermore Section 40 of the NYS Second Class Cities Law provides:

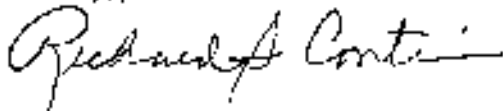
"[I]f (the Common Council) has power to investigate all city officers and departments and shall have access to all records and papers kept by every city officer or department."

This authority exists without the necessity for a subpoena. In summary, the Common Council has powers greater than a member of the public or outside agency in reviewing records and requesting reports, and serves an oversight role as public officials of the City.

If you have any questions with regard to this request, please feel free to contact me. We are requesting this information be provided no later than Monday, April 20.

Thank you in advance for your cooperation in this matter.

Sincerely,



Richard S. Corri
President Pro Tempore

cc Members Albany Common Council
John Reilly
Patrick Jordan

April 20, 2009

Richard S. Coati
City of Albany, City Hall
Common Council
Albany, New York 12207

Dear Mr. Coati:

Please accept this letter on behalf of Treasurer Barnett in response to yours' dated April 9, 2009. Your letter makes three requests for documents and reports. In response to your first request, such request would have more appropriately been directed to Traffic Safety. Nonetheless, attached is a disc containing the requested information, which has already been provided to the NYS Comptroller. To the extent that the disc contains information prior to two years ago, it should be understood that such information is inactive by reason of the two year statute of limitations on parking tickets (see below).

In response to your second request, attached are reports from 2007, 2008, and to date in 2009. There is a two-year statute of limitations on parking tickets. Consequently, the physical tickets issued prior to 2007 were destroyed by the Hall of Records and the requested data is not in the Treasurer's system.

Your third request is one to which the Treasurer's Office cannot respond. Many times a written explanation accompanying the request that a ticket be adjudicated contains personal information provided by the applicant, sometimes including individual medical information and conditions. Turning over such information to any third party would arguably violate the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Tendering such information would also undermine the purpose and inherent fairness features of the adjudication process by deterring applicants from providing detailed explanations along with their requests. Further, it is not the obligation of the Treasurer's Office to sift through the voluminous materials and delete personal information so as to enable a response to your request.

This third request is inappropriate on its face. It puts the Treasurer in the untenable position of potentially violating NYS Law and/or HIPAA by responding. As such, your inclusion of language from Section 407 of the City Charter is misplaced and also inappropriate.

2009 APR 29 PM 4:38
OFFICE OF THE CLERK
ALBANY, NY

RECEIVED

Very truly yours,

By: *Brian W. Devane*
Brian W. Devane
Brian@bdevane.com

Sample pages from disc provided.

PROGRAM .PK1200
REPORT .PURGED TICKETS LISTING
USER . ZEOLIN
DATE . 2/ 8/05
TIME . 13:27:09
HOLD YES
COPIES : 1
OUTPUT QUEUE: *DEFAULT
DISTRIBUTION *NONE
SELECTION OPTIONS
USING CONTROL FILE DEFAULTS NO
LISTING OF TICKETS ONLY NO
THRU DATE . 12/31/2002
TICKET # . *ALL
BY TICKET STATUS OF *ALL
BY DISPOSITION OF *ALL
BY ISSUING OFFICER *ALL

City of Albany, NY

PARKING TICKETS SYSTEM

PAGE 1

DATE 2/18/05

PK1200

TIME 13 27 09

PURGE TICKETS LISTING

ZEOLIN

TICKET # LIC PLATE # YEAR PLATE TYPE GOV ISSUE DATE/TIME
ISSUING OFFICER VIOLATION STATUS DISPOSITION

41878 BDJ213	NY 2003 PAS	YES	5/29/2002		A
OVERTIME P	Paid Full				
42033 BTL6414	NY 2004 PAS	YTS	12/13/2002		A
OVERTIME P	Paid Full				
50523 902551F	NY 2003 PAS	YES	5/16/2002 1	295 WOODARD	
B NO PARKING P	Paid Full				
55748 AD610M	NY 2003 PAS	YES	6/10/2002 2	702 MCDADE	
S NOSTOPPING P	Paid Full				
64293 AED9748	NY 2003 PAS	YES	4/26/2002 2	344 FARANDA	
S NOSTOPPING P	Paid Full				
65295 BDB3931	NY 2004 PAS	YES	7/10/2002		S
NOSTOPPING P	Paid Full				
BC785P D54102	NY 2002 PAS	YES	2/20/2002 1	690 CALDERON	
S NOSTOPPING	First Not Open				
CR425M CR425M	NY 2002 PAS	YES	3/08/2002		B
NO PARKING P	Paid Full				
C09732 AZH4690	NY 2003 PAS	YES	8/09/2002 1	113 Blessner	
EMER NO PK P	Paid Full				

C55623	X810WD	NY 2002	PAS	YES	7/17/2002	418 FOX,D
V	SIDEWALK	Open	Open			
DJ704L	DJ704L	NY 2002	PAS	YES	2/12/2002	1 810 GRICE
S	NOSTOPPING	P	Paid Full			
DT655C	DT655C	NY 2002	PAS	YES	2/07/2002	1 801 NIECKARZ
B	NO PARKING	P	Paid Full			
D00547	AJT7284	NY 2003	PAS	YES	5/21/2002	1 803 AUBIN
i	P		Paid Full			
D00550	S900JJ	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
D	WRONG SIDE	2nd late	Open			
D00553	AWR5205	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00554	US05FF	NY 2002	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	2nd late	Open			
D00555	AD149P	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	2nd late	Open			
D00559	2S1KAM	CT 2002	PAS	YES	1/03/2002	1 810 GRICE
S	NOSTOPPING	P	Paid Full			
D00560	U780RD	NY 2002	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00561	AW52828	NY 2001	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00562	85234JE	NY 2003	COM	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00563	AFN6758	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00564	AUG2530	NY 2002	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00565	AEN2536	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00566	4TNB046	CA 2002	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00567	M239YY	NY 2001	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00570	ANK1528	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00571	ACK3405	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00572	Y352VF	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00573	AJU2224	NY 2003	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	excused	EXCUSED			
D00574	CL772P	NY 2002	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			
D00575	FT7360	NY 2002	PAS	YES	1/03/2002	1 810 GRICE
B	NO PARKING	P	Paid Full			

D00576	ACM3945	NY 2003 PAS	YES	1/03/2002	1	810 GRICE
B NO PARKING 2nd late Open						
D00577	X741GY	NY 2002 PAS	YES	1/03/2002	1	810 GRICE
B NO PARKING P Paid Full						
D00586	AXA2408	NY 2003 PAS	YES	1/03/2002	1	810 GRICE
B NO PARKING P Paid Full						
D00587	ANF4816	NY 2003 PAS	YES	1/03/2002	1	810 GRICE
B NO PARKING P Paid Full						
D00588	AZF3424	NY 2003 PAS	YES	1/03/2002	1	810 GRICE
B NO PARKING P Paid Full						
D00589	ALL416	NY 2002 PAS	YES	1/03/2002	1	810 GRICE
B NO PARKING P Paid Full						
D00744	GH592E	NY 2002 PAS	YES	1/03/2002	1	810 GRICE
B NO PARKING P Paid Full						
D00747	AUTOCESS	NY 2002 SRF	YES	5/21/2002	1	803 AUBIN
S NOSTOPPING 2nd late Open						
D00749	BIGGSTAN	NY 2003 SRF	YES	5/21/2002	1	803 AUBIN
T P Paid Full						
D00966	G142SR	NY 2003 PAS	YES	4/28/2002	2	457 GREAGAN
J BLKDRIVWAY P Paid Full						
D00967	ARJ520S	NY 2003 PAS	YES	4/28/2002	2	509 Butterfield
J BLKDRIVWAY P Paid Full						
D00968	DP33CX	NY 2002 PAS	YES	6/13/2002	2	509 Butterfield
J BLKDRIVWAY P Paid Full						
D01102	ABN888	NY 2002 PAS	YES	2/14/2001		632 GALLAGHER, J
B NO PARKING P Paid Full						
D01749	AXW9613	NY 2003 PAS	YES	10/29/2002		679 DEMARCO
B NO PARKING P Paid Full						
D02118	CLP106	NM 2002 OUT	YES	2/11/2002	1	645 Van Campen
S NOSTOPPING Late Open						
D02119	FX120B	NY 2002 PAS	YES	2/11/2002	1	645 Van Campen
S NOSTOPPING P Paid Full						
D02120	X429SM	NY 2002 PAS	YES	2/11/2002	1	645 Van Campen
S NOSTOPPING P Paid Full						
D02121	ADK3534	NY 2003 PAS	YES	2/11/2002	1	645 Van Campen
S NOSTOPPING excused EXCUSED						
D02122	AEE1652	NY 2003 PAS	YES	2/11/2002	1	645 Van Campen
S NOSTOPPING 2nd late Open						
D02124	275DRD	NY 2002 PAS	YES	3/05/2002	1	645 Van Campen
B NO PARKING P Paid Full						

City of Albany, NY

PARKING TICKETS SYSTEM

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DATE 2/18/05

PK1200

TIME 13:27:09

PURGE TICKETS LISTING

ZEOLIN

TICKET # LIC PLATE # YEAR PLATE TYPE GOV ISSUE DATE/TIME
ISSUING OFFICER VIOLATION STATUS DISPOSITION

TICKET #	LIC PLATE #	YEAR	PLATE TYPE	GOV	ISSUE DATE/TIME	DISPOSITION
D02127	F5966N	NY 2002	PAS	YES	2/24/2002 .	645 Van Campen
O	FIREHYDRAN P		Paid Full			
D02129	ES666M	NY 2002	PAS	YES	3/04/2002 1	645 Van Campen
B	NO PARKING P		Paid Full			
D02130	W235FJ	NY 2002	PAS	YES	2/01/2002 1	645 Van Campen
I	EMER NO PK P		Paid Full			
D02131	X619SN	NY 2002	PAS	YES	2/01/2002 1	645 Van Campen
I	EMER NO PK P		Paid Full			
D03051	ANF4837	NY 2003	PAS	YES	6/20/2002 1	5GT
F	FIREHYDRAN P		Paid Full			
D03053	BLP8817	NY 2004	PAS	YES	6/07/2002 2	646 HOURIGAN
H	DBL PARK 2nd late		Open			
D03054	DZ309N	NY 2002	PAS	YES	5/29/2002 .	646 HOURIGAN
L	HANDICAP P		Paid Full			
D03058	ATT4294	NY 2003	PAS	YES	8/11/2002 1	676 CRIST
H	DBL PARK P		Paid Full			
D03524	AWP5441	NY 2003	PAS	YES	5/05/2002 2	295 WOODARD
B	NO PARKING P		Paid Full			
D03527	AZF4428	NY 2003	PAS	YES	1/14/2002 2	295 WOODARD
F	NOSTANDING P		Paid Full			
D03528	XI14KY	NY 2002	PAS	YES	1/14/2002 2	295 WOODARD
F	NOSTANDING P		Paid Full			
D03529	BGA9191	NY 2002	COM	YES	1/18/2002 1	295 WOODARD
B	NO PARKING P		Paid Full			
D03530	BTL4504	NY 2004	PAS	YES	9/12/2002 1	295 WOODARD
K	TRAF OBSTR 2nd late		Open			
D03531	X5W791	NY 2002	PAS	YES	2/08/2002 2	295 WOODARD
J	BLKDRIVWAY P		Paid Full			
D03533	BEV5890	NY 2004	PAS	YES	2/08/2002 2	295 WOODARD
J	BLKDRIVWAY 2nd late		Open			
D03535	BDZ8278	NY 2003	PAS	YES	2/14/2002 2	295 WOODARD
J	BLKDRIVWAY 2nd late		Open			
D03536	ALM3323	NY 2003	PAS	YES	2/23/2002 1	295 WOODARD
U	CROSSWALK P		Paid Full			
D03538	DB149P	NY 2002	PAS	YES	7/06/2002 1	295 WOODARD
E	UNANGLE P		Paid Full			
D03539	BTL4504	NY 2004	PAS	YES	9/12/2002 1	295 WOODARD
D	WRONG SIDE 2nd late		Open			
D03540	AES5936	NY 2003	PAS	YES	9/13/2002 1	295 WOODARD
U	CROSSWALK P		Paid Full			

D03547 GH6038	NY 2002 PAS	YES 10/22/2002	1	504 Anderson
U CROSSWALK P	Paid Full			
D03551 BBB1721	NY 2004 PAS	YES 10/08/2002	2	604 Anderson
S NOSTOPPING P	Paid Full			
D03552 L876SW	NY 2004 PAS	YES 10/01/2002	1	604 Anderson
JBLKDRIVWAY	2nd late Open			
D03560 BBL2642	NY 2004 PAS	YES 10/15/2002	2	604 Anderson
R TRAF OBSTR	2nd late Open			
D03567 BBB1721	NY 2004 PAS	YES 10/08/2002	2	604 Anderson
R TRAF OBSTR P	Paid Full			
D03568 AXYS203	NY 2003 PAS	YES 11/07/2002	2	604 Anderson
B NO PARKING P	Paid Full			
D03570 8114563	NY 2004 DLR	YES 12/20/2002		604 Anderson
I EMER NO PK P	Paid Full			
D03571 BBB1594	NY 2004 PAS	YES 12/20/2002	1	440 GIPSON
C 12"FRM CRB P	Paid Full			
D03572 BFB9746	NY 2004 PAS	YES 12/20/2002		440 GIPSON
C 12"FRM CRB P	Paid Full			
D03573 CAR9898	NY 2004 PAS	YES 12/20/2002		440 GIPSON
C 12"FRM CRB	excused EXCUSED			
D04787 ASP9777	NY 2004 PAS	YES 9/12/2001		807 KIRTLEY
JBLKDRIVWAY P	Paid Full			
D04788 P233AR	NY 2002 PAS	YES 1/27/2002	1	641 VANDYCKER
S NOSTOPPING P	Paid Full			
D05182 BTL5346	NY 2004 PAS	YES 12/16/2002	1	455 MIRANDA,C
B NO PARKING P	Paid Full			
D05183 AUS1684	NY 2003 PAS	YES 12/37/2002		1726 SGT O'BRIEN
H DBL PARK P	Paid Full			
D05184 8145998	NY 2002 COM	YES 12/16/2002	1	455 MIRANDA,C
S NOSTOPPING	Open Open			
D05809 AUR8489	NY 2003 PAS	YES 10/05/2002		449 COTTER
I EMER NO PK P	Paid Full			
D05810 BNB1629	NY 2004 PAS	YES 10/05/2002		449 COTTER
I EMER NO PK P	Paid Full			
D05812 BZNG280	NY 2003 PAS	YES 10/05/2002		449 COTTER
I EMER NO PK	2nd late Open			
D05813 4LTV776	CA 2002 SRF	YES 10/05/2002		449 COTTER
I EMER NO PK P	Paid Full			
D05815 7F145	NY 2003 PAS	YES 10/05/2002		449 COTTER
I EMER NO PK P	Paid Full			
D05818 CL313N	NY 2004 PAS	YES 10/26/2002	1	452 FICK
C 12"FRM CRB P	Paid Full			
D05841 BF307A	NY 2002 PAS	YES 12/21/2002	1	614 WELTER,R
I EMER NO PK P	Paid Full			
D05842 50074AC	NY 2002 COM	YES 4/11/2002	1	614 WELTER,R
S NOSTOPPING P	Paid Full			

D05843 LRG37R	NY 2002 PAS	YES 4/11/2002 1	614 WELTER,R
B NO PARKING P	Paid Full		
D05845 BFV4963	NY 2004 PAS	YES 3/28/2002 1	614 WELTER,R
I EMER NO PK P	Paid Full		
D05847 ACA4063	NY 2002 PAS	YES 4/11/2002 1	614 WELTER,R
S NOSTOPPING P	Paid Full		
D05978 BLP8481	NY 2004 PAS	YES 8/21/2002 1	449 COTTER
B NO PARKING P	Paid Full		
D05980 BPP2839	NY 2004 PAS	YES 11/07/2002 1	449 COTTER
D WRONG SIDE P	Paid Full		
D05982 NC2287	NY 2003 COM	YES 3/18/2002 1	449 COTTER
U CROSSWALK P	Paid Full		
D05984 FL393K	NY 2002 PAS	YES 3/04/2002 1	449 COTTER
R TRAF OBSTR P	Paid Full		
D06251 AZE9278	NY 2003 PAS	YES 2/21/2002 1	692 MARUHAM
D WRONG SIDE	excused EXCUSED		
D06253 C177UR	NY 2002 PAS	YES 2/21/2002 1	692 MARUHAM
D WRONG SIDE P	Paid Full		
D06254 BHS7157	NY 2007 PAS	YES 2/21/2002 1	692 MARUHAM
D WRONG SIDE P	Paid Full		
D06255 AGT6234	NY 2003 PAS	YES 2/21/2002 1	692 MARUHAM
D WRONG SIDE P	Paid Full		

City of Albany, NY

PARKING TICKETS SYSTEM

PAGE 3

DATE 2/18/05

P

Brian W. Devane, Esq.
ATTORNEY AND COUNSELOR AT LAW

625 DELAWARE AVENUE • DELAWARE, NEW YORK 14054 • T 518.475.0861 • F 518.475.3846 • E-MAIL: bdevane@bdevane-law.com

April 29, 2009

Richard S. Conti
City of Albany, City Hall
Common Council
Albany, New York 12207

Dear Mr. Conti:

Pursuant to the third request in your letter dated April 9, 2009, please be advised that the Treasurer's Office will provide copies of adjudicated tickets, with the accompanying written explanation, for calendar year 2008, upon the terms and conditions set forth herein. The proposed disclosure would include adjudicated tickets from 2008 which are organized by month as well as license plate alphabetically. The documents/records would include the original ticket plus the accompanying explanation and/or worksheet of the adjudication clerk. The documents/records will be unredacted.

The Treasurer remains concerned with disclosing any individual's personal identifying information or anyone's personal reasons accompanying a request for adjudication, to any third party. Protecting this information so as to not violate any personal privacy protections, has been the Treasurer's primary concern since receiving the Council's request. At no time has the Treasurer blocked an appropriate agency from reviewing any materials, including the subject information. On April 23, 2009, the NYS Comptroller was provided access to this very information during the course of that office's parallel investigation. Access was provided per their request as there was no concern that the State Comptroller would re-disclose personal information to any third party. Accordingly, the Treasurer will provide the requested documents and information to the Common Council only upon agreement to the following conditions:

The unredacted records/information will be provided to the Common Council. The information will be maintained by the Common Council Clerk or Counsel during the Council's possession thereof. The Common Council agrees to prevent any disclosure of names, addresses and/or personal identifying information to any third party. Any FOIA request received will be reviewed and answered, as with all FOIA requests.

At this point, it is unclear whether your request was made on your own behalf or on behalf of the Common Council pursuant to a majority vote. Nonetheless, the information will be provided upon agreement, by majority vote of the Council, to the terms set forth herein. These conditions are designed to provide the statistical data while at the same time protecting the privacy of individuals who have participated in the adjudication process.

Brian W. Devane, Esq.
ATTORNEY AND COUNSELOR AT LAW

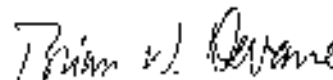
666 DELAWARE AVENUE • JERSEY, NEW YORK 10044 • T 516.675.9645 • F 516.475.5896 • E-mail: bdevane@devanelaw.com

Thus far, my clients have testified under oath, answering each and every question proffered by various Council members. They have provided documents and records including the Parking Violations Bureau guidelines manual, a disc containing a serial number listing, in sequential order, of parking tickets received by the Parking Violations Bureau by year for the years 2002 to date; a report listing the value of parking ticket fines written per year as well as the amounts of fines collected and otherwise adjudicated for the years 2007 and 2008, and have now offered to provide copies of adjudicated tickets for 2008 with the accompanying written explanation and/or worksheet of the adjudication clerk. These responses were made in good faith by the Treasurer, even with the knowledge that the letter requests came only from you or Shawn Morris individually absent any indication that such requests were made on behalf of the Council pursuant to majority vote. Further, the responses were made knowing that the information requested/provided had nothing to do with ghost tickets, bull's-eyes or VIP lists, i.e. the stated purpose of the Council's investigation. Going forward, any further request will need to be made pursuant to majority vote of the Common Council.

Please advise as to the Council's majority position.

Very truly yours,

By:


Brian W. Devane
bdevane@devanelaw.com



CITY OF ALBANY
COMMON COUNCIL
CITY HALL
ALBANY, NEW YORK 12207
TELEPHONE (518) 434-6087
FAX (518) 434-6081

May 5, 2009

Brian W. Devane, Esq.
636 Delaware Avenue
Delmar, NY 12054

Dear Mr. Devane:

The Common Council of the City of Albany is made up of 15 members and a president who are elected by the citizens of Albany. As elected officials, we are bound by the same laws regarding disclosure of documents and personal privacy as is the elected City Treasurer. We cannot grant more or less public disclosure of information by private agreement between elected officials.

By consensus vote of the Common Council, we have agreed to abide by all federal, state and local laws in protecting the personal privacy of individuals who may have received parking tickets as well as any accompanying information. Any records in compliance with our request may be forwarded to the Common Council Clerk as has been done in the past where they will be securely maintained. The records will then be reviewed in the Office of the Clerk by common council members or counsel. Any requests by the public to review the records will be handled by the city's records access officer and only those records obtainable under FOIL will be released to the public. In essence, we will treat the records in the same fashion that the City Treasurer is required to treat them under state law.

Please be advised that every request for information has been approved by majority vote of the Council and no individuals have requested information personally. The Common Council has voted to seek further documentation during regularly scheduled Common Council meetings and during Common Council caucus where a quorum of members were present and a consensus vote was taken. Let me assure you that no actions have been taken without majority approval of the common council at a meeting where a quorum was present.

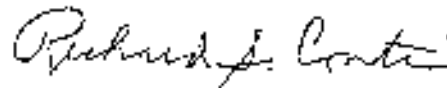
We would request that the information requested be provided by May 11, to the extent possible. The Council is interested in reviewing "copies of forgiven parking tickets, with the accompanying written explanation, for calendar year 2008." By forgiven, we mean those tickets that were partially reduced or completely forgiven by

city employees working in the Parking Violations Bureau. We are not interested in reviewing those tickets that were forgiven after an individual appeared in front of a city court judge.

There has been some confusion in the past regarding our requests and what information was provided. For instance, the Council requested, "a serial number listing, in sequential order, of parking tickets received by the Parking Violations Bureau by year for the year 2002 to date." The information received was given by year in the Notepad program without further explanation. In Notepad, there is no way to categorize information and there were thousands of tickets issued each year. There were very small portions in sequential order. The only thing we were able to assume after review of the computer file was that the Treasurer's Office has no computer program or other system which can put ticket numbers in sequential order per year and therefore has no internal controls to compare the number of written tickets issued by traffic enforcement officers to the number of tickets presented to the Parking Violations Bureau for payment or forgiveness. We would gladly stand corrected on this issue, if the Treasurer would like to provide additional meaningful information.

Likewise the response to our second request for information is similarly confusing. The Council had requested, "a report listing the value of parking fine tickets written per year, and separately stated for each such year the amount of fines collected, forgiven, reduced or dismissed and the amount remaining uncollected for each year for the year 2002 to date." You stated that the Treasurer's Office does not maintain tickets issued prior to 2007. The Council did not request the physical tickets but rather a yearly summary report of tickets issued and fines collected or forgiven by category. Again we must assume that the Treasurer does not maintain any year end reports on parking tickets which contains this information. It was unclear from the sheet that was given for years 2007, 2008, and the beginning of 2009 what the total number of tickets was for each time period, the total amount of fines collected, forgiven, reduced or dismissed and the monetary amount remaining uncollected. Again, we will assume that the Treasurer is unable to compile this information unless further information is received.

Sincerely,



Richard S. Conti
President Pro Tempore

cc: Hon. Betty Barretto
Members, Albany Common Council
John Reilly
Patrick Jordan



CITY OF ALBANY
OFFICE OF THE TREASURER
CITY HALL
ALBANY, NEW YORK 12207
TELEPHONE (518) 434-5035

BETTY J. BARNETTE
TREASURER

May 6, 2009

Mr. Brendan J. Lyons
Senior Writer
Times Union
News Plaza Box 15000
Albany, New York 12212

Dear Mr. Lyons:

The city's Corporation Counsel has advised me that there appears to have been seven (7) "warning tickets" issued to my city vehicle since 2003. For the record, I stand by all of my earlier statements in this regard, including those made under oath. I had no knowledge of any VIP list and I was never on any VIP list. I had no knowledge of a bullet eye or VIP system prior to reading about it in the Times Union.

Sincerely,

A handwritten signature in cursive script, appearing to read "Betty J. Barnette".

Betty J. Barnette

THE PEOPLE OF THE STATE OF NEW YORK

TO Officer Daniel Condon
City of Albany Police Department

GREETINGS

YOU ARE HEREBY COMMANDED, by the Common Council of the City of Albany, New York (the "City") pursuant to Second Class Cities, Section 40, and the Charter of the City of Albany, Section 407, to appear in person before the Common Council Committee of the Whole at the City Hall Building, located at Eagle Street, Albany, New York, on the 28th day of May, 2009, at seven o'clock of that day or at any recessed or adjourned date thereof, to be examined in reference to a certain matter now pending, i. e. the Common Council inquiry into the distribution of parking bull's-eye stickers and the issuance of "ghost tickets" by parking enforcement officers, and the issuance of traffic and parking tickets by uniformed police officers and you are further commanded to bring with you and produce at the time and place aforesaid, all, now in your custody and control and all other writings which you have in your custody concerning the above premises, and for a failure to attend you will be liable for the penalties prescribed by law

Dated Albany, N. Y
May 18, 2009

President of Common Council

City of Albany

