



City of Saratoga Springs
OFFICE OF PUBLIC SAFETY

Jason H. Tetu
Deputy Commissioner

Commissioner Jim Montagnino

CITY HALL
474 Broadway
Saratoga Springs, NY 12866
Telephone 518-587-3550

May 19, 2023

Joseph Dolan
4 Arapaho Path
Saratoga Springs, New York 12866

Re: Notice of Discipline

Dear Chief Dolan:

Pursuant to NYS Civil Service Law Section 75, you are hereby charged as follows:

Charge One: Misconduct

Specification: On October 24 2022, October 25 2022, October 26 2022 and October 27 2022, you did attend training at the New York State Academy of Fire Science in Montour Falls, NY, in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control for which you were paid by the State of New York. You did not charge leave time on these four dates and you were paid your full salary as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs. Your actions constitute misconduct under the NYS Civil Service Law.

Charge Two: Misconduct

Specification: On February 18 2020, February 19 2020, October 24 2022, October 25 2022, October 26 2022 and October 27 2022, you did attend training at the New York State Academy of Fire Science in Montour Falls, NY, in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control for which you were paid by the State of New York. You did not charge leave time on these four dates and you were paid your full salary as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs. You did therefore steal salary/wages from the City of Saratoga Springs, the value of which is in excess of \$1000.00. You have committed the crime of Grand Larceny in the Fourth Degree, a Class E felony, in violation of NYS Penal Law Section 155.30 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Three: Misconduct

Specification: On February 18 2020, February 19 2020, October 24 2022, October 25 2022, October 26 2022 and October 27 2022, you did attend training at the New York State Academy of Fire Science in Montour Falls, NY, in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control for which you were paid by the State of New York. You did not charge leave time on these four dates and you were paid your full salary as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs. You did therefore steal salary/wages from the City of Saratoga Springs. You have committed the crime of Petit Larceny, a Class A misdemeanor, in violation of NYS Penal Law Section 155.25 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Four: Misconduct

Specification: On August 24 2020 and August 28 2020, you did provide training at the Saratoga County Fire Training Center (SCFTC) in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control for which you were paid by the State of New York. You did not charge leave time on these two dates and you were paid your full salary as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs while you were at the SCFTC. You did therefore steal salary/wages from the City of Saratoga Springs. You have committed the crime of Petit Larceny, a Class A misdemeanor, in violation of NYS Penal Law Section 155.25 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Five: Misconduct

Specification: On March 21 2021, March 23 2021, March 24 2021, March 25 2021, March 26 2021, March 29 2021, March 30, 2021, March 31 2021, April 1 2021, April 2 2021, April 5 2021, April 6 2021, April 7 2021, April 8 2021, April 16 2021 April 19 2021, April 20 2021, April 21 2021, and April 22 2021, you did provide training at the Saratoga County Fire Training Center in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control. You did not charge leave time on these dates and you were paid your full salary as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs while you were at the SCFTC. You did therefore steal salary/wages from the City of Saratoga Springs, the value of which is in excess of \$1000.00. You have committed the crime of Grand Larceny in the Fourth Degree, a Class E felony, in violation of NYS Penal Law Section 155.30 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Six: Misconduct

Specification: On March 21 2021, March 23 2021, March 24 2021, March 25 2021, March 26 2021, March 29 2021, March 30, 2021, March 31 2021, April 1 2021, April 2 2021, April 5 2021, April 6 2021, April 7 2021, April 8 2021, April 16 2021 April 19 2021, April 20 2021, April 21

2021, and April 22 2021, you did provide training at the Saratoga County Fire Training Center in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control. You did not charge leave time on these dates and you were paid your full salary/wages as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs while you were at the SCFTC. You did therefore steal salary/wages from the City of Saratoga Springs. You have committed the crime of Petit Larceny, a Class A misdemeanor, in violation of NYS Penal Law Section 155.25 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Seven: Misconduct

Specification: On November 17 2022 and November 18 2022, you did provide training at Troy Fire Department in Troy, NY in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control for which you were paid by the State of New York. You did not charge leave time on these dates and you were paid your full salary/wages as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs while you were at the Troy Fire Department. You did therefore steal salary/wages from the City of Saratoga Springs, the value of which is in excess of \$1000.00. You have committed the crime of Grand Larceny in the Fourth Degree, a Class E felony, in violation of NYS Penal Law Section 155.30 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Eight: Misconduct

Specification: On November 17 2022 and November 18 2022, you did provide training at Troy Fire Department in Troy, NY in relation to your employment as a trainer for the NYS Office of Fire Prevention and Control for which you were paid by NYS. You did not charge leave time on these dates and you were paid your full salary/wages as Fire Chief for the City of Saratoga Springs, even though you performed no work for the City of Saratoga Springs while you were at the Troy Fire Department. You did therefore steal salary/wages from the City of Saratoga Springs, the value of which is in excess of \$1000.00. You have committed the crime of Petit Larceny, a Class A misdemeanor, in violation of NYS Penal Law Section 155.25 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Nine: Misconduct

Specification: With intent to defraud, you falsely entered into the employee time reporting system, a business record as that term is defined in NYS Penal Law Section 175.00, of the City of Saratoga Springs, an enterprise as that term is defined in NYS Penal Law Section 175.00, that you had worked a full eight (8) hour day on February 18 2020, February 19 2020, August 24 2020, August 28 2020, March 21 2021, March 23 2021, March 24 2021, March 25 2021, March 26 2021, March 29 2021, March 30, 2021, March 31 2021, April 1 2021, April 2 2021, April 5 2021, April 6 2021, April 7 2021, April 8 2021, April 16 2021, April 19 2021, April 20 2021, April 21 2021, April 22 2021, October 24 2022, October 25 2022, October 26 2022 and October 27 2022, on behalf of the

City of Saratoga Springs, even though you did not perform a full day of work for the City on such dates. Such false entries resulted in the City of Saratoga Springs paying you for time during which you performed no work. You have committed the crime of Falsifying Business Records in the Second Degree, a Class A misdemeanor, in violation of NYS Penal Law Section 175.05 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Ten: Misconduct

Specification: Knowing that the City's employee time reporting system, a written instrument as that term is defined in NYS Penal Law Section 175.00, contained false statements or false information, namely that you had worked a full eight (8) hour day on February 18 2020, February 19 2020, August 24 2020, August 28 2020, March 21 2021, March 23 2021, March 24 2021, March 25 2021, March 26 2021, March 29 2021, March 30 2021, March 31 2021, April 1 2021, April 2 2021, April 5 2021, April 6 2021, April 7 2021, April 8 2021, April 16 2021, April 19 2021, April 20 2021, April 21 2021, April 22 2021, October 24 2022, October 25 2022, October 26 2022 and October 27 2022, on behalf of the City of Saratoga Springs when you had not done so, you presented such written instrument to Danielle Willard, a public officer or public servant, with the knowledge or belief that that it would be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant. You have committed the crime of Offering a False Instrument for Filing in the Second Degree, a Class A misdemeanor, in violation of NYS Penal Law Section 175.30 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Eleven: Misconduct

Specification: With the intent to obtain a benefit, that benefit being the receipt of salary for a period of time during which you did not work, you entered into that the City's employee time reporting system that you had worked a full eight (8) hour day on February 18 2020, February 19 2020, August 24 2020, August 28 2020, March 21 2021, March 23 2021, March 24 2021, March 25 2021, March 26 2021, March 29 2021, March 30 2021, March 31 2021, April 1 2021, April 2 2021, April 5 2021, April 6 2021, April 7 2021, April 8 2021, April 16 2021, April 19 2021, April 20 2021, April 21 2021, April 22 2021, October 24 2022, October 25 2022, October 26 2022 and October 27 2022, on behalf of the City of Saratoga Springs when you had not done so, and you did thereby commit an act relating to your office but constituting an unauthorized exercise of your official functions with knowledge that such act was unauthorized. You have committed the crime of Official Misconduct, a Class A misdemeanor, in violation of NYS Penal Law Section 195.00 and your actions constitute misconduct under the NYS Civil Service Law.

Charge Twelve: Misconduct

Specification: With intent to obtain a personal benefit, that benefit being the use of a City-owned vehicle, you fraudulently induced the Commissioner of Public Safety to propose an agenda item

to the Saratoga Springs City Council on or about April 19, 2022, to wit: authorization for the Mayor to sign a contract to purchase a new Chevrolet Tahoe, at a cost to the City of \$62,816.79. You had repeatedly represented to the Commissioner of Public Safety and to the Deputy Commissioner of Public Safety that this vehicle was intended for use as a "Command Car" or a "Fly Car," which would allow a Captain to accompany apparatus to the scene of a fire, collision or other emergency while also allowing a Captain to travel between multiple scenes. At no time did you inform the Commissioner of Public Safety or the Deputy Commissioner of Public Safety that you intended to use this vehicle and you subsequently did begin using it instead of assigning it to one or more Captains. Your actions constitute misconduct under the NYS Civil Service Law.

Charge Thirteen: Misconduct

Specification: With intent to obtain a personal benefit, that benefit being the personal use of a City-owned vehicle, you fraudulently induced the Commissioner of Public Safety to propose an agenda item to the Saratoga Springs City Council on or about April 19, 2022, to wit: authorization for the Mayor to sign a contract to purchase a new Chevrolet Tahoe, at a cost to the City of \$62,816.79. You had repeatedly represented to the Commissioner of Public Safety and to the Deputy Commissioner of Public Safety that this vehicle was intended for use as a "Command Car" or a "Fly Car," which would allow a Captain to accompany apparatus to the scene of a fire, collision or other emergency while also allowing a Captain to travel between multiple scenes. At no time did you inform the Commissioner of Public Safety or the Deputy Commissioner of Public Safety that you intended to personally use this vehicle and you subsequently did begin using it for personal purposes instead of assigning it to one or more Captains. Your actions constitute misconduct under the NYS Civil Service Law.

Charge Fourteen: Misconduct

Specification: Since prior to January 1, 2022, you have used a City-owned vehicle and City provided fuel, including the vehicle referenced in Charge Twelve and Charge Thirteen, for your own personal purposes, including running errands and driving to locations at which you provided training relative to your employment with the NYS Office of Fire Prevention and Control and/or other employment, without permission of the Commissioner of Public Safety or the Deputy of Commissioner of Public Safety. Your actions constitute misconduct under the NYS Civil Service Law.

Charge Fifteen: Misconduct

Specification: On or about January 1, 2022 you did file with the City of Saratoga Springs an Ethics Disclosure Report which did not list your employment with the NYS Office of Fire Prevention and Control, despite the fact that you were at the time and had in the past been employed with that agency. The City of Saratoga Springs does business with the Office of Fire Prevention and Control, and you were required to disclose any outside employment with any entity doing business with the City of Saratoga Springs, yet you intentionally failed to make this

disclosure. You have committed the crime of Offering a False Instrument for Filing in the Second Degree, a Class A misdemeanor, in violation of NYS Penal Law Section 175.30.

Charge Sixteen: Misconduct

Specification: On or about January 1, 2023 you did file with the City of Saratoga Springs an Ethics Disclosure Report which did not list your employment with the NYS Office of Fire Prevention and Control, despite the fact that you were at the time and had in the past been employed with that agency. The City of Saratoga Springs does business with the Office of Fire Prevention and Control, and you were required to disclose any outside employment with any entity doing business with the City of Saratoga Springs, yet you intentionally failed to make this disclosure. You have committed the crime of Offering a False Instrument for Filing in the Second Degree, a Class A misdemeanor, in violation of NYS Penal Law Section 175.30.

Pursuant to Section 75 of the NYS Civil Service Law, you may submit a written answer to the charges within eight (8) days of your receipt of this Notice of Discipline. The proposed penalty for your misconduct is termination of your employment. You are hereby suspended without pay pending a hearing on these charges.

You have the right to be represented by the Fire Administrative Officers Union or an attorney of your own choosing. Your personnel file may be admitted into evidence in any hearing.

Respectfully,

A handwritten signature in black ink that reads "James Montagnino". The signature is written in a cursive, flowing style.

James Montagnino
Commissioner of Public Safety