

Michael D. Fayette, P.E.
45793 Otter Street
Alexandria Bay, New York 13607

February 19, 2013

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, New York 12224

Dear Governor Cuomo:

Thank you for following up on my January 30, 2013 letter to you regarding my situation with the New York State Department of Transportation (NYSDOT) Essex County.

I received the enclosed response from Peter J. Snyder, NYSDOT Assistant Commissioner, on the same day I received your letter. I need to respond to several of the portions contained in Mr. Snyders' letter.

First, that I have been charged with official misconduct. This charge is related to me speaking to a reporter from the Adirondack Daily Enterprise (ADE). I do not deny doing that. However, as you'll note from all of the news clippings I sent to you in my previous letter, many NYSDOT personnel have done the same thing, with many other newspapers, around the State. To my knowledge, no one, other than me, has been charged with anything. It has been my position from the very start, as well as those who have represented me, that if no one else is being charged with anything, how can I be charged with anything, much less official misconduct.

Second, I have never signed any settlement, nor have I sent any email or told anyone that I was retiring to settle anything. Attached is an email from Dave Harris, NYSDOT Employee Relations, containing the only offer I received from the NYSDOT, other than termination. At no time was retirement ever discussed with the NYSDOT. As I mentioned in my previous letter, I have been forced to submit my retirement papers (far, far sooner than I had intended) due to threats, harassment, and outright bullying. I chose to take control of my life. My choice to retire early was totally driven by the actions of the NYSDOT. Had those actions not occurred, I would not have elected to make this choice. That makes my retirement involuntary.

Third, I have not, nor am I now, misrepresenting myself. In fact, the fundamental facts of my situation demonstrate a serious abuse of power within the NYSDOT. Based on their response, it is obvious that the NYSDOT is incapable of a proper review of my case. Please direct an independent investigation of this situation.

Lastly, in order to not add to my problems with the NYSDOT, I waited until after my retirement date of February 8, 2013, before reaching out to the ADE and the Plattsburgh Press Republican newspapers. Discussions with both of the reporters, involved in the newspaper articles cited by the NYSDOT as the foundation of my official misconduct charges, have revealed some alarming information. Please have someone from your office contact me and I would be happy to relay that information to them, as well as provide contact information which will corroborate my information.

I wish this to be resolved. This should never have happened. As you mention in your letter to me, the people of the State of New York need to know that they are being lead by a government that works for it's people, not by individuals who feel they are above reproach.

Very truly yours,

Michael D. Fayette, P.E.