



## Office for People With Developmental Disabilities

ANDREW M. CUOMO  
Governor

THEODORE KASTNER, M.D., M.S.  
Commissioner

ROGER BEARDEN, J.D.  
Executive Deputy Commissioner

### **VIA USPS CERTIFIED REGULAR MAIL & EMAIL**

September 25, 2020

Abed Elkeshk, Chairman  
Eihab Human Services, Inc.  
168-18 South Conduit Avenue  
Springfield Gardens, NY 11434

Dear Mr. Elkeshk:

The purpose of this letter is to formally notify you that Eihab Human Services, Inc. (Agency) was placed on Early Alert effective September 18, 2020 due to significant concerns over governance. In order to ensure that individuals with developmental disabilities in New York State receive appropriate services and protections, the Office for People With Developmental Disabilities (OPWDD) has established an internal Early Alert Committee. The purpose of the Early Alert process is to monitor the performance of a provider that has been unable to sustain compliance with applicable laws and regulations and/or has significant fiscal issues that may affect the health and safety of individuals receiving services. OPWDD has placed your agency on Early Alert due to the following concerns:

As more fully described in the accompanying report, CEO Ahmed Hegazy was convicted of certain felonies while driving an agency vehicle and it appears the Board's actions failed to hinder such activities by not acting with care, or in the best interests of the Agency, by:

1. continuing preferential treatment in the employment and promoting of Hegazy, and
2. failing to take reasonable measures to address his significant history of driving problems.

While on Early Alert, OPWDD will monitor the Agency's progress and will determine whether your agency has the ability to remedy the deficient practices and sustain compliance going forward. While in Early Alert status, OPWDD will not consider any Agency requests for expansion of services and may suspend any expansion that is in process.

Representatives from OPWDD will meet with Agency directors to further discuss the Early Alert process and OPWDD's expectations. This meeting will be scheduled at a time that is convenient for the Board. If you have any questions prior to the meeting, please contact Robert Borchers, Deputy Director of Audit Services, at (518) 402-4368.

Sincerely,

Richard Cicero  
Director, Office of Audit Services

Leslie M. Fuld



Deputy Commissioner  
Division of Quality Improvement

cc: Board of Directors  
Theodore Kastner, Commissioner  
Roger Bearden, Executive Deputy Commissioner  
Tammy Devine, Deputy Director, Division of Quality Improvement  
Brian O'Donnell, Statewide Director, DQI, Bureau of Program Certification  
Barbara VanVechten, Statewide Director, Incident Management and Continuous Quality Improvement  
Karisa Capone, Director, Incident Management Unit  
Robert Borchers, Deputy Director, Audit Services  
Abiba Kindo, Deputy Commissioner, Service Delivery - Regional Offices  
Jacquelyn Leigh Best, Regional Offices – Statewide Operations Director  
Willow Baer, General Counsel  
Joanne Howard, Director, Fiscal Reporting and Data Analysis  
Dorothy Lechmanski, Director of Fiscal Services and Revenue Support  
Earl Jefferson, Director, Central Operations  
Delia Tucker, Director, Region 4  
Josh Olsen, Deputy Counsel, Counsel's Office

**EARLY ALERT REPORT**  
on  
**EIHAB HUMAN SERVICES, INC.**

**September 25, 2020**



**Office for People With  
Developmental Disabilities**

**Office of Audit Services**

## **EXECUTIVE SUMMARY**

EIHAB Human Services, Inc. (EHS) is registered as a charitable not-for-profit corporation. In December 2019, the OPWDD Office of Audit Services commenced an audit of the governance of this organization over concerns of improper management and hiring to the detriment of the corporation.

In 2011, the New York State Commission on Quality and Care (CQC) investigated the governance structure of EHS. As a result of its investigation, the CQC concluded Fatma Abboud, the CEO of EHS, engaged in nepotism, by allowing her son, Ahmed Hegazy, to continue as an employee of EHS despite findings that he engaged in serious misconduct and criminal activities. In response to these findings, the EHS Board of Directors terminated Hegazy for, among other reasons, lying about his personal use of an EHS vehicle and driving without a license.

In 2014, CEO Fatma Abboud recommended to the board of directors that Ahmed Hegazy be named as her successor if she became unable to continue as the CEO, even though he was previously terminated for cause. When Abboud passed away in 2015, the board followed this recommendation and named Hegazy as CEO without interviewing any other candidates and despite his prior termination.

OPWDD's current audit has discovered that since being hired CEO, Hegazy has continued to drive EHS vehicles without a license and has been arrested for driving while intoxicated in a company vehicle. Records obtained by OPWDD show that Hegazy was arrested on January 26, 2018 while driving an agency vehicle and was subsequently convicted of unlicensed driving while under the influence of drugs or alcohol. DMV records show Hegazy's license was permanently revoked by the State of New York in 2011. The audit found that he continued to drive a vehicle leased by EHS although he did not have a valid driver's license.

### **I. BACKGROUND**

EIHAB Human Services, Inc. (EHS) is a not-for-profit corporation which was formed in 1997. The organization is exempt from income taxes under IRS Code Section 501(c)(3). According to its June 30, 2019 financial statements, annual revenues totaled just over \$28 million and net assets totaled almost \$33 million.

EHS was founded by Fatma Abboud, the mother of current CEO Ahmed Hegazy. EHS provides Individualized Residential Alternatives, Day Habilitation, After School, Respite, Case Management, Family Support, Community Habilitation and other OPWDD services for the developmentally disabled. EHS also operates a private residential rehabilitative institution in Tunkhannock, Pennsylvania. This program is licensed by the Pennsylvania Department of Education and provides both academic and residential services. In late 2018 EHS purchased three properties near Palm Beach, Florida which will be used to provide residential services in that state. EHS is a certified OPWDD provider of services in New York State and is regulated by OPWDD.

The agency has three affiliates: 1) EIHAB Human Services New Jersey, Inc. (EIHAB NJ), which provides residential services in New Jersey; 2) EIHAB Human Services Pennsylvania, Inc. (EIHAB PA), which provides additional residential services in Pennsylvania; and, 3) EIHAB Holding Corporation, Inc. (EHC),

which holds title to real estate for the benefit of EHS, EI HAB NJ and EI HAB PA. Ahmed Hegazy is the CEO of all three affiliates.

A summary of recent IRS filings shows Hegazy’s total compensation increased 55 percent over the two-year period ending June 30, 2018.

	June 30,		
	2018	2017	2016
EI HAB Human Services	\$ 307,899	\$ 286,279	\$ 231,918
EI HAB Human Services New Jersey	\$ 148,798	\$ 115,000	\$ 74,038
EI HAB Human Services Pennsylvania	\$ 17,885	\$ -	\$ -
EI HAB Holding Corporation	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 474,582</b>	<b>\$ 401,279</b>	<b>\$ 305,956</b>

## II. FINDINGS

The findings below summarize Ahmed Hegazy’s termination in 2011, his subsequent rehiring, promotion to CEO in 2015, and his continued illegal activities.

### a. Allegations of Nepotism and Mismanagement in 2011 State Investigation

In 2011, the NYS Commission on Quality of Care (CQC) investigated claims of nepotism and mismanagement by CEO Fatma Abboud. In an April 29, 2011 letter to EHS Board President Abed Elkeshk, CQC requested a response to numerous concerns and questions about the actions of then employee Hegazy. The CQC letter noted concerns about Hegazy including: his apparent lack of educational qualifications for his position; his receipt of \$33,000 in unauthorized expense reimbursements (subsequently reclassified as loans); \$10,000 in pay he apparently was not entitled to receive; and his numerous arrests for driving while under the influence of drugs or alcohol (DWI), including his arrest on April 1, 2011 while driving a car registered to EHS.

### b. EHS Board Terminates Hegazy in 2011 for Lying and Unlicensed Operation of Agency Car

On June 23, 2011, Board President Abed Elkeshk responded to CQC in writing (Attachment #1) that while the board found no basis to take disciplinary action against Fatma Abboud, it was immediately terminating Hegazy based upon findings from its own investigation into the matters, which included:

- Hegazy violated agency policy for driving an agency vehicle without a license;
- Falsely attested he possessed a valid NYS driver’s license;
- Violated policy for driving an agency vehicle for personal and non-employment use;
- Lied about the reason the agency vehicle was impounded;
- Refused to reveal the reasons his license was not valid; and,
- Refused to specify the nature of the reason for his April 1, 2011 arrest.

**c. In 2012 Hegazy was Incarcerated for the 2011 DWI/Unlicensed Driving Incident**

Documents received by OPWDD show that on January 23, 2012 Hegazy was convicted of felony driving without a license and DWI for the April 1, 2011 incident and was sentenced to nine months in the Nassau County Correctional Center. He served this sentence from March 26, 2012 to September 18, 2012. Documents subpoenaed from NYS DMV indicate that Hegazy's driving privileges were permanently revoked April 8, 2011.

**d. Hegazy Rehired/Promoted to Director of Operations in 2012 and Executive VP in 2013**

In response to a 2020 request from OPWDD pursuant to the agency audit, current EHS Board Chairman Abed Elkeshk submitted a resumé of Ahmed Hegazy. Mr. Elkeshk was also president of the board in 2011 when Hegazy was terminated by the board. According to his resumé, Hegazy was rehired by EHS in 2012 and given the position of Director of Operations, an apparent promotion as his previously listed position was Assistant Director of Day Habilitation. He was further promoted to Executive Vice President in 2013.

**e. Hegazy Caught Driving an Agency Vehicle without a License in 2014**

Documents obtained by OPWDD show that Hegazy was arrested again on March 24, 2014 for unlicensed operation. Records further showed Hegazy was driving a vehicle registered to EHS at the time. DMV records show that he was convicted on May 7, 2014 for misdemeanor 3<sup>rd</sup> degree aggravated unlicensed operation of a motor vehicle. He was fined \$500 and sentenced to 30 days in jail.

**f. Board Appoints Hegazy as CEO in 2015 without Interviewing Other Candidates**

According to board minutes of an October 1, 2014 meeting, Fatma Abboud recommended that Hegazy be named her successor in the event that anything happened to her. The board voted to support this plan, with the exception of two board members, Joseph Botros, who abstained, and Jihan Hegazy, who was listed as not taking part in the decision-making process due to a conflict-of-interest (Jihan Hegazy is Ahmed Hegazy's sister).

Fatma Abboud passed away on May 17, 2015. Two days later, the board appointed Hegazy as CEO/Executive Director in accordance the October 2014 plan. The minutes of this May 19, 2015 meeting further state "all voted and approved unanimously" leading to the conclusion that Jihan Hegazy voted rather than abstaining.<sup>1</sup> Board member Joseph Botros, who had not supported the succession plan, was voted off the board just one month prior to the appointment of Hegazy.

According to April 11, 2015 board minutes, Joseph Botros was voted off the board because he privately approached two members (Jihan Hegazy and Zarif Bacilious) questioning the integrity of the CEO and the agency's investment management. The minutes concluded that he created dissent and distrust ultimately showing a lack of ethics not supportive of the best interests and mission of EHS. However,

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<sup>1</sup> New York Not-for-Profit Corporation Law Section 715 requires that related party transactions are "in the corporation's best interest" and the board shall "Prior to entering into the transaction, consider alternative transactions to the extent available...and...No related party may participate in deliberations or voting." Furthermore, Section 717 states "Directors, officers and key persons shall discharge the duties of their respective positions in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances."

Mr. Botros has stated to New York officials that the real reason he was voted off the board was because he did not support the plan for Ahmed Hegazy to take over as CEO and he felt the agency needed their own investment committee. Mr. Butros expressed specific concern over Hegazy's past dishonesty and drunk driving with an agency vehicle.

As part of its current audit, OPWDD requested the board provide information about the Agency's search process for a new CEO in 2015 and a list of other candidates interviewed for the CEO position. Board Chairman Abed Elkeshk responded on July 20, 2020 indicating that the board had not conducted an executive search. Mr. Elkeshk wrote that "[d]ue to the untimely death of our Executive Director, the board of directors agreed that Mr. Hegazy would be the ideal candidate for the position to continue the Agency's mission based on his knowledge and expertise as one of the co-founders of the EIHAB Human Services, Inc."<sup>2</sup> None of the board minutes relating to Hegazy's appointment contain any mention of his past termination or the related concerns.

**g. Hegazy Convicted for 2018 Felony DWI and Unlicensed Operation with Agency Car**

According to police and court records obtained by OPWDD, Hegazy was arrested on January 26, 2018 for driving while intoxicated. At the time of his arrest, he was driving a 2015 Range Rover registered to EHS. He has since been convicted of felony 1<sup>st</sup> degree aggravated unlicensed operation of a motor vehicle and operating a motor vehicle under the influence of drugs or alcohol. His sentencing on these charges has not been finalized, though he has served time to be applied towards the sentence including incarceration in the Nassau County Jail from September 9, 2019 to December 2, 2019 and from December 16, 2019 to January 3, 2020.<sup>3</sup>

**h. Hegazy Continued to Drive an Agency Car without a License**

EHS had the ability to verify whether Hegazy possessed a valid driver's license. In fact, the EHS response to the 2011 investigation stated, "As of May, 2011, the company implemented the NYS DMV, License Event Notification Services (LENS) that will permit EHS to verify the status of employees' drivers licenses." Yet, Hegazy has since been given access to agency vehicles though he has not possessed a valid driver's license for over ten years. Even after his most recent conviction, he continued to drive an agency vehicle, including a recent eyewitness account by an OPWDD auditor. The auditor witnessed Hegazy driving a 2019 Range Rover Sport with New Jersey plates. Records obtained by OPWDD show this vehicle has an MSRP price of \$97,600 and is registered to EHS.

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<sup>2</sup> The facts do not support the board's assertion that Hegazy was a co-founder of EHS. Hegazy's name is not listed in EHS's Certificate of Incorporation filing. At the time the corporation was formed in 1997, Hegazy would have been 15 years old.

<sup>3</sup> Prior to the release of this report, OPWDD informed Board Chairman Elkeshk of its key findings, including a discussion of the records showing Hegazy was incarcerated for over three months in 2019. Mr. Elkeshk stated he was unaware of this jail term. He further stated he was aware that Hegazy had been assigned an EHS vehicle but stated he didn't believe it was the board's responsibility to check if Hegazy had a valid license. He confirmed there were no interviews of other candidates for the CEO position, asserting this was because of the sudden passing of Fatma Abboud.

### III. SUMMARY CONCLUSION

Based upon the findings discussed in this report, OPWDD concludes the board's actions appear to have been taken without consideration as to the best interest of the corporation. Ms. Abboud requested that the board appoint her son as her replacement and the board complied with Hegazy's appointment to CEO despite:

- the board's previous termination of Hegazy for, among other things, driving a company vehicle while not having a valid driver's license and lying about it;
- prior concerns of nepotism as expressed by the State in 2011;
- without an abstention of board member Jihan Hegazy; and
- without conducting a search for other candidates.

At the time of his appointment to CEO, at least some members of the board were aware that Hegazy had previously been terminated yet board minutes report no discussions on this topic and no preventative measures appear to have been taken to prevent reoccurrence.

Hegazy continued to drive company vehicles without a valid driver's license, including in 2018 when he was arrested for DWI. This was the third time in the last 9 years that Hegazy had been arrested for unlicensed driving while driving a company vehicle and the second time Hegazy had been arrested for DWI while driving a company vehicle.<sup>4</sup>

These findings will be shared with the Attorney General's office.

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<sup>4</sup> New York Mental Hygiene Law §16.13 states the duties of providers of service include complying with, among other requirements, "...other applicable laws."

## **ATTACHMENT #1**

June 23, 2011 letter from EHS Board President Abed Elkeshk notifying NYS CQC of Hegazy's termination



**EIHAB Human Services**  
**168-18 South Conduit Avenue**  
**Springfield Gardens, NY 11434**  
Telephone (718) 276-6101 Fax (718) 276-6063  
Website: [www.eihab.org](http://www.eihab.org)

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June 23, 2011

John Rybaltowski  
Director  
Fiscal Bureau  
NYS Commission on Quality of Care and Advocacy for Persons with Disabilities  
401 State Street  
Albany, New York 12305

Dear Mr. Rybaltowski:

I am writing in response to your letter dated April 29, 2011, requesting that EIHAB Human Services, Inc. (EHS) provide responses to 10 "issues" raised in the letter. Our legal counsel retained the services of Marcelle Bailey to conduct an investigation into the 10 issues raised in your letter. The EHS Board has reviewed the report prepared by Ms. Bailey and provides the following response to each of the 10 CQC issues:

**CQC Issue #1:** "Please provide the Commission with all criminal history background checks for Mr. Hegazy. If no background check was performed, please provide an explanation as to why it wasn't performed."

Mr. Hegazy began working for EHS prior to April 1, 2005, the effective date of the state law mandating criminal background checks for all employees who have "regular and substantial unsupervised or unrestricted physical contact with people receiving services." Mr. Hegazy was "grandfathered" and not eligible for a criminal background check because he began his employment in a "finger-printable position" prior to April 1, 2005, and was continuously employed by EHS in various job titles all of which were "finger-printable" positions until he was suspended in 2011. For further information regarding Mr. Hegazy's employment history with EHS, please see the response to CQC Issue #2.

Mr. Hegazy was on a voluntary leave of absence from his employment with EHS from February, 2010, through October, 2010, a period of less than one year. Under OPWDD rules, Mr. Hegazy's leave of absence of less than one year did not trigger a requirement for a criminal background check when he returned from voluntary leave in October, 2010.

Because Mr. Hegazy was employed in a “finger-printable” position prior to April 1, 2005, and continued to be employed in a “finger-printable” position until his suspension effective May 9, 2011, and because his leave of absence in 2010 was less than one year, Mr. Hegazy was “grandfathered” and not subject to a criminal background check.

**COC Issue #2: “Please provide the Commission with a detailed explanation of the duties and responsibilities of Mr. Hegazy and whether these responsibilities are related to providing direct care to individuals with developmental disabilities.”**

Mr. Hegazy during his tenure held several positions at EHS. Mr. Hegazy began his employment in April 1999. From April, 1999, through April, 2011, he held positions that were related to providing direct care to individuals with developmental disabilities and or required him to have regular and substantial contact with people receiving services. Review of Mr. Hegazy employment record confirms that he began his employment at EHS in April 1999, his positions held since time of hire were all “finger-printable” position as follows:

- April 1999: Direct Care Counselor (DCC)
- Military leave September 2000-August 2001
- August, 2001: Job Training Coordinator (“Coach and counsel consumers regarding job performance in addition to worksite follow up and supervision of worksite placement, etc.”)
- December, 2003: Day Habilitation Field Supervisor (“Monitor consumer worksites provide individualized support, promote community integration, document consumer progress, assist in staff supervision, etc.”)
- August, 2006: Day Habilitation/Development Specialist (“Assist consumers in any and all activities which are designed to foster independence, personal community growth, social maturity and normalization. Participates in the development, writing, and implementation of the consumer ISP/day habilitation plan. Implements weekly and daily programs to assist each consumer in attaining their individual goals”).
- May, 2007: Assignment to After School Program (“Assist consumers in any and all activities which are designed to foster independence, personal community growth, and socialization. Participates in the development, writing, and implementation of the consumer ISP/day habilitation plan, etc.”). Although Mr. Hegazy was assigned to split his time between the day habilitation program (his then current assignment) and his new assignment at the after-school program, agency staff report that he remained assigned to the day habilitation program and did not work in the after-school program.
- April, 2008: Assistant Director Day-Hab (Brooklyn & Queens)
- Mr. Hegazy went on a voluntary Leave of Absence from February, 2010, through October, 2010.
- Upon his return from his leave of absence in October 2010, Mr. Hegazy was assigned to another “finger-printable” position of Day Habilitation Coordinator. This job involves

overseeing day habilitation services to insure compliance with consumer's day habilitation plan.

It should be noted that starting in July, 2005, Mr. Hegazy held an additional part-time position with EHS as Accounts Receivable Clerk/Billing officer ("Maintain appropriate ledgers, resolves credit balances, account problems, post claim denials, rebound adjustments, etc. As the Billing Officer, works in the accounting department, tasks include accounts receivable, follow up with outstanding Medicaid claims, SSI checks and responsible for outstanding agency revenues, etc.") Although this position would not have required a criminal background check, it cannot be considered a break in his CBC "grandfathered" status since he simultaneously held a "finger-printable" position throughout his employment history with EHS both before and after April 1, 2005.

Mr. Hegazy was continuously employed in a "finger-printable" position both prior to and subsequent to April 1, 2005, and he had no breaks in employments. According to 14 NYCRR 633.5 and confirmed with the OPWDD CBC unit, a voluntary leave of absence of less than one year is not considered a break in employment that would trigger mandatory fingerprinting upon return to work. Therefore, Mr. Hegazy was grandfathered under CBC statutes and regulations and was not subject to (or permitted to be submitted for) a criminal background check.

**COC Issue #3: "Please provide detailed documentation as to the type of agency vehicle(s) used by Mr. Hegazy, the dates and times of the use and the business purpose of that use."**

The agency maintains a floating vehicle for the use of administrative staff for work related activities. In 2010, the floating vehicle was a 2008 Ford Fusion. In January, 2011, EHS leased a 2011 Ford Fusion for use as the floating vehicle. After learning about Mr. Hegazy's incident on April 1, 2011, EHS removed authorization for Mr. Hegazy to drive the EHS floating vehicle. Mr. Hegazy was suspended without pay effective May 9, 2011, pending the outcome of an investigation into the April 1, 2011 incident.

Mr. Ramadan, EHS Fleet Manager, reported that between October, 2010, and March 2011, Mr. Hegazy utilized the floating vehicle periodically to run errands for the agency. Mr. Ramadan reported that on or around March 9, 2011, Mr. Hegazy used the floating vehicle due to newly assigned duties associated with the construction project of a new day habilitation site. According to Mr. Ramadan, Mr. Hegazy was assigned the task of working with the site contractors, attending meetings associated with the construction and program development. According to Mr. Ramadan, Mr. Hegazy was then authorized to use the floating vehicle in connection with job duties and responsibilities regarding the development of the new day habilitation program. However, it cannot be ascertained precisely the extent of Mr. Hegazy's actual use of the floating vehicle from October, 2010 (when Mr. Hegazy returned from his leave of absence), through April 1, 2011.

According to Mr. Ramadan, Mr. Hegazy was not authorized to drive any EHS vehicle during his employment prior to October, 2010. Between October, 2010, and March, 2011, he was authorized to use an agency vehicle periodically for EHS errands and for the period subsequent to March, 2011, he was authorized to use an agency vehicle in connection with his duties associated with agency development and site construction of its new day habilitation program.

The vehicle used by Mr. Hegazy in 2010 and 2011 was either the 2008 Ford Fusion or the 2011 Ford Fusion (that replaced the 2008 Ford Fusion in January, 2011), as the EHS floating vehicle. There is no evidence that Mr. Hegazy drove any other agency vehicle. Mr. Hegazy was permitted to use an EHS vehicle only for employment related purposes and only when he was performing such duties.

**COC Issue #4: “Was Mr. Hegazy authorized to use an agency vehicle as [sic] the time of his arrest on April 1, 2011?”**

Mr. Ramadan, EHS Fleet Manager, reported that he authorized Mr. Hegazy to use the agency Ford Fusion in connection with the duties and responsibilities of his job title prior to April 1, 2011, as described above. Mr. Hegazy was authorized to use an EHS vehicle (Ford Fusion) on April 1, 2011.

**COC Issue #5: “At the time of his arrest, Mr. Hegazy stated that he normally drove another vehicle, a Chevy Tahoe. Is this vehicle registered to EHS?”**

EHS has a 2011 Chevy Tahoe registered to the agency. This vehicle is assigned to Fatma Abboud, Executive Director. Mr. Hegazy stated in his interview that he was not authorized to drive the Chevy Tahoe and he did not drive the Chevy Tahoe. Mr. Hegazy stated that he did not recall telling anyone at the time of his arrest that he drove a Chevy Tahoe. Mr. Ramadan stated that he has never authorized Mr. Hegazy to drive the Chevy Tahoe. Mr. Ramadan stated that he has no knowledge of Mr. Hegazy driving Chevy Tahoe. There is no evidence to support the claim that Mr. Hegazy drove the Chevy Tahoe that was an EHS vehicle.

**COC Issue #6: “ Did EHS pay any expenses related to the impoundment of the company vehicle on 4/1/2011? If any expenses were incurred, please provide all documentation related to the expense.”**

The 2011 Ford Fusion in the possession of Mr. Hegazy was impounded on April 1, 2011. Review of agency financial records and interviews with staff (Mr. Ramadan, EHS Fleet Manager and Millie Calderon, EHS Comptroller) confirm that EHS did not pay any expenses related to the impoundment of the company vehicle driven by Mr. Hegazy on April 1, 2011

**COC Issue #7: “Please provide the Commission with an explanation why the Executive Director signed a company document attesting to the fact that her son had a valid NYS driver’s license without violations when this isn’t supported by the facts.”**

A review of Mr. Hegazy's 2008 employment qualifications attestation (Figure 2 in the CQC letter) reveal that the line entitled "Director Signature" is not an attestation by a Director of EHS regarding an employee's employment credentials (including possession of valid NYS driver's license or degree) but merely an acknowledgement by the Director to formalize the job description review process. The only individual providing an attestation of employment credentials on the EHS form is Human Resources. The attestation was signed by Mr. Hegazy attesting to his possession of the employment requirements including possession of a valid NYS driver's license. (As of May, 2011, the company implemented the NYS DMV, License Event Notification Service (LENS) that will permit EHS to verify the status of employees' NYS driver's licenses.)

Mr. Hegazy's statements were contradictory in that he attested to having a valid NYS driver's license on the May 1, 2008 attestation. However, during his interview during this investigation, he stated that he did not believe his license was valid until early March, 2011, after paying over \$1,500 in fines and assessment fees.

Thus, Ms. Abboud did not attest in 2008 that Mr. Hegazy possessed a valid NYS driver's license status. It was only Mr. Hegazy who provided an attestation in 2008 that he possessed a valid NYS driver's license. With the implementation of the LENS system, EHS will be able to monitor the status of the NYS driver's license for all employees.

**CQC Issue #8: "Does Ms. Abboud continue to drive a vehicle registered to EHS? If so, please explain which vehicle(s). Also, does Ms. Abboud have a current and valid NYS driver's license in another state, as according to the DMV records, her New York State Driver's License expired on 7/30/2010."**

Ms. Abboud is authorized to use the 2011 Chevy Tahoe and drives the 2011 Chevy Tahoe registered to EHS. Ms. Abboud has produced a valid NYS License issued May 2, 2011. As of May 2011, the agency implemented the LENS program and is in the process of enrolling all employees who drive a company vehicle, once enrolled the program will automatically notify of the following: Accidents, Convictions, Expirations, Point and Insurance Reduction Program Completions, Restorations, Suspensions and Revocations. Ms. Abboud stated that she did not become aware that her license had expired in July, 2010, until brought to her attention. Thus, Ms. Abboud has a valid NYS driver's license and is authorized to use the 2011 Chevy Tahoe.

**CQC Issue # 9: "What corrective actions will be taken to assess the need for and restrict, if appropriate, the use of agency vehicles by Mr. Hegazy?"**

Since April 1, 2011, Mr. Hegazy has not operated any EHS vehicle. On May 9, 2011, Mr. Hegazy was suspended by the Executive Director from his duties at EHS without pay pending the results of an investigation of Mr. Hegazy's unauthorized use of an agency vehicle and the April 1, 2011 incident. As set forth below, the Board has approved the termination of Mr. Hegazy's employment with EHS on June 23, 2011.

**CQC Issue #10: "What, if any, disciplinary actions will be taken against either Mr. Hegazy or Ms. Abboud related to the issues addressed in this letter."**

Mr. Hegazy was suspended without pay, effective May 9, 2011, pending the investigation into the allegations of the Commission, concerning his driver's license, its history, his use of an agency vehicle and his failure to disclose pertinent information which affected his inability to operate a company vehicle.

The investigation of the incident involving Mr. Hegazy on April 1, 2011, yielded the following findings:

- Mr. Hegazy acknowledged that he violated EHS policy on April 1, 2011, when he used the agency vehicle for personal and non-employment use.
- Mr. Hegazy also admitted that he lied to agency staff about the reason that the agency vehicle was impounded on April 1, 2011.
- Mr. Hegazy refused to reveal the reasons that his driver's license was not valid, and he also refused to specify the nature of the most recent criminal charges and reason for his arrest on April 1, 2011. Mr. Hegazy violated agency policy by driving an agency vehicle without a valid NYS driver's license.
- In May 2008, Mr. Hegazy signed an attestation that he possessed the necessary employment qualifications including a valid NYS driver's license without violations. During the investigation of the April 1, 2011 incident, Mr. Hegazy stated that he surrendered his NYS driver's license in December, 2007, and claimed that his driver's license was restored in early March of 2011 when he paid fines and assessment fees (but provided no proof that his license was restored). Thus, Mr. Hegazy's own statement demonstrates that his 2008 attestation that he possessed a valid NYS driver's license was false.

Based upon the above findings, the Board of EHS approved on June 23, 2011, the immediate termination of Mr. Hegazy's employment. However, the Board found no basis in the findings regarding the 10 issues raised by CQC to take any disciplinary action against Ms. Abboud.

We trust that these responses will resolve any remaining questions regarding the subject of the CQC review. If you have any further questions or need additional information, please contact me directly.

Sincerely,



Abed Elkeshk  
President

cc: EHS Board of Directors  
Fatma Abboud, EHS Executive Director