

STATE OF NEW YORK
COMMISSION ON PUBLIC INTEGRITY

IN THE MATTER OF AN INVESTIGATION OF
BEN MASAITIS,
THE FORMER BUDGET DIRECTOR FOR
THE NEW YORK STATE THEATRE INSTITUTE.

NOTICE OF REASONABLE CAUSE

Pursuant to Executive Law §94(12)(a), the New York State Commission on Public Integrity ("Commission") has determined that there is reasonable cause to believe that you violated Public Officers Law §§74(3)(d) and (h) when, in November 2008, you accepted and acted upon two backdated memoranda, one undated memorandum and a cash reimbursement for expenses from Artistic Producing Director ("Director") of the New York State Theatre Institute ("NYSTI") in an effort to create the false impression that the Director reimbursed NYSTI at or near the time the expenses were incurred. At the time of your above described conduct, you were aware that the Office of the State Inspector General ("IG") was conducting an investigation regarding the misuse of NYSTI funds. Additionally, you forwarded copies of these memoranda to the IG. By accepting and acting upon the memoranda and reimbursements under these circumstances you used and attempted to use your position as NYSTI's Budget Director to facilitate the Director's attempt to mislead the IG into determining that the Director had not acted unlawfully or unethically with respect to the use of NYSTI funds, an unwarranted privilege for the Director.

The Commission has also determined that there is reasonable cause to believe that you may have violated Public Officers Law §§74(3)(d) and (h) when, you directed your subordinate, NYSTI's Business Manager, to forgo issuing 1099 federal tax forms for the tax years 2004, 2005 and 2007, to a contractor NYSTI hired for snow removal at its Troy facilities.

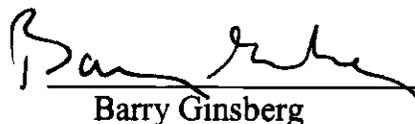
As required by law, a copy of this notice is retained by the Commission for public inspection and copies are forwarded to the Chairman of the Board of NYSTI, your appointing authority. Please be advised that an individual who, following a hearing, is found to have knowingly and intentionally violated the provisions of Public Officers Law §74(3)(d) shall be subject to a civil penalty in an amount not to exceed ten thousand

In the Matter of
Ben Masaitis
Page 2

dollars (\$10,000) and the value of any gift, compensation or benefit received as a result of such violation.

Dated: 12-9-10

By:



Barry Ginsberg
Executive Director and
General Counsel

Attachment

cc: Lawrence S. Schwartz, Chairman
Secretary to the Governor
Executive Chamber
State Capitol
Albany, New York 12224