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MISSALE, STEVEN J -  
TROOPER

TYPE: Personnel

CASE# 20050761

FINDING: Founded

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Complainant:  
KEVIN MOLINARI

# Complaint of Personnel Investigation 20050761

Type: Personnel Sub Type Troop: C Status: C  
Incident Date/Time 11/1/2005 8:55 AM Mode Rec. In Person  
Report Due 12/1/2005 Level Inv. T 1 CTV: C3960 - T/MILFORD  
Commissioned Officer Assigned No

## Synopsis:

Trooper Steven J. Missale, SP Highland, on assignment to the Division K-9 Training Facility, Cooperstown, New York. Trooper Missale stopped at the Mobil Mini Mart, Town of Milford, Otsego County, to refuel his Division vehicle. Trooper Missale wedged the gas cap into the fuel pump handle and entered the store. Upon exiting the store, he observed fuel overflowing out of the gas tank. Amount of fuel spilled is estimated at between six and seven gallons. Refer to File 3, #2519, SP Oneonta, dated November 1, 2005.

Technical Sergeant David A. Rivera assigned to investigate.

Classification: INTERNAL ADMINISTRATIVE MATTERS

Finding: F

## Subjects:

Rank TROOPER DOE: 11/15/1999  
Last Name MISSALE First Name STEVEN MI J  
Troop F Location HIGHLAND

## Complainants:

Last Name MOLINARI First Name KEVIN MI G TZS C100  
Shield 1005 Rank CAPTAIN Sex M SP Employee ☒ DOE 9/25/1978  
Address City State Zip  
Home Phone Work Phone:

## Administrative Personnel:

ID RECEIVING MEMBER TZS C100  
Last MOLINARI First KEVIN MI G Date/Time: 11/1/2005 10:00 AM  
ID MEMBER AT TROOP NOTIFIED TZS C012  
Last FARAGO First STEPHEN MI T Date/Time: 11/1/2005 11:00 AM  
ID MEMBER WHO NOTIFIED TROOP TZS C100  
Last MOLINARI First KEVIN MI G Date/Time: 11/1/2005 11:00 AM  
ID MEMBER AT DIV NOTIFIED TZS H132  
Last FOLEY First WILLIAM MI J Date/Time: 11/1/2005 10:30 AM

Thursday, May 04, 2006

Page 1 of 2

COPY OF THIS REPORT  
SENT TO OHR FOR  
FILING IN PERS JACKET  
DATE 5/04/06 LAL

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	<i>ID</i>	MEMBER WHO NOTIFIED DIV		<i>TZS</i>	C100
<i>Last</i>	MOLINARI	<i>First</i>	KEVIN	<i>MI</i>	G <i>Date/Time:</i> 11/1/2005 10:30 AM

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	<i>ID</i>	INVESTIGATOR		<i>TZS</i>	H261
<i>Last</i>	RIVERA	<i>First</i>	DAVID	<i>MI</i>	A <i>Date/Time:</i> 11/8/2005

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	<i>ID</i>	REVIEWER		<i>TZS</i>	H132
<i>Last</i>	FOLEY	<i>First</i>	WILLIAM	<i>MI</i>	J <i>Date/Time:</i> 4/20/2006

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NEW YORK STATE POLICE

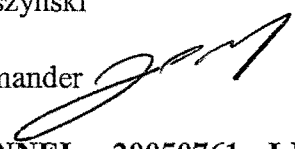
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MEMORANDUM

Troop F Station Middletown

Date April 6, 2006

To: Deputy Superintendent Joseph F. Loszynski

From: Major John P. Melville, Troop Commander 

Subject: **COMPLAINT AGAINST PERSONNEL – 20050761 - LEVEL 1  
TROOPER STEVEN J. MISSALE, SP HIGHLAND**

Reference is made to the attached Level 1 Investigation Report regarding the above subject.

I have reviewed this report and have determined it to be founded. Trooper Missale violated Regulation 8A9(1) by exhibiting inappropriate conduct.

On April 6, 2006, Trooper Missale appeared before me and executed his consent to have me adjudicate this matter at Troop level.

Pursuant to Rule 3 of the New York State Police Administrative Manual, I have determined that the matter is closed with no further action being taken. Attached is a copy of my memorandum to Trooper Missale and his consent waiver.

Attach.

**NEW YORK STATE POLICE**

**MEMORANDUM**

**TROOP F STATION Middletown**

**DATE**

**To:** Major John P. Melville, Troop Commander

**From:** Trooper Steven Missale *Sp*

**Subject:** **DISCIPLINARY ACTION**

I hereby consent to have the above-captioned investigation adjudicated by the Troop Commander under the provisions of Article 3, Disciplinary Action of the New York State Police Manual.

I waive the following:

1. The right to have this matter disposed of by the Superintendent or by a formal hearing.
2. Any right to appeal from the Troop Commander's adjudication which may be a determination of unfounded or, upon a finding of guilty, the imposition of:
  - a. A Letter of Censure and/or
  - b. An intra-troop transfer, with my consent and/or
  - c. A fine to be expressed in the loss of no more than five vacation days to be worked by the member with no additional compensation or overtime and/or
  - d. A period of probation not exceeding 90 days which probation must be for a definite period of time and must include conditions of probation which, if violated, could subject me, without the right of a further inquiry or a hearing, to the imposition of any one or more of the penalties that can be imposed by the Troop Commander, and/or an intra-troop transfer, without my consent.

**NEW YORK STATE POLICE**

**MEMORANDUM**

**TROOP F STATION** Middletown

**DATE** April 6, 2006

**TO:** Trooper Steven J. Missale, SP Highland

**FROM:** Major John P. Melville, Troop Commander

**SUBJECT: COMPLAINT AGAINST PERSONNEL – 20050761 - LEVEL 1**

The investigation into this matter has been completed. It has been determined that you violated Regulation 8A9(1) by exhibiting inappropriate conduct.

On April 6, 2006, you appeared before me and executed your consent to have me adjudicate this matter at Troop level.

The matter is closed with no further action being taken.

CC: Division HQ ✓  
Zone Commander  
Personnel File

NYSP Level 1 Investigation Form						Page	1	Of	3
						Date	11/8/05		
<b>Type of Complaint:</b> <input checked="" type="checkbox"/> Personnel <input type="checkbox"/> Injury to Person						<input type="checkbox"/>	Prior to custody		
						<input type="checkbox"/>	Being taken into Custody		
						<input type="checkbox"/>	While in Custody		
<b>Member Receiving Initial Complaint</b>				<b>PC# (If applicable)</b> 20050761					
<b>Name</b>				<b>Rank</b>	<b>Div ID#</b>	<b>Troop</b>	<b>TZS</b>	<b>Shield</b>	
Kevin G. Molinari				Captain		C	C100	1005	
<b>Reported By:</b> <input type="checkbox"/> Letter <input type="checkbox"/> In Person <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Survey				<b>Date Occurred</b>	<b>Time Occurred</b>	<b>Date Reported</b>		<b>Time Reported</b>	
				11/1/05	8:55 am	11/1/05		9:30 am	
<b>File 3</b> (If Yes, must be attached as enclosure.)				<b>County</b>		<b>C/T/V (Literal)</b>		<b>CTV Code</b>	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA				Otsego		T/Milford		C3960	
<b>Member Involved # 1</b>									
<b>Name</b>			<b>Rank</b>	<b>DOE</b>	<b>Div ID #</b>	<b>Troop</b>	<b>TZS</b>	<b>Shield</b>	<b>Race</b>
Steven J. Missale			Trooper	11/15/99		F	F321	1171	W
<b>Member Involved # 2</b>									
<b>Name</b>			<b>Rank</b>	<b>DOE</b>	<b>Div ID #</b>	<b>Troop</b>	<b>TZS</b>	<b>Shield</b>	<b>Race</b>
<b>Complainant Information</b>									
If Member Complete the fields below:									
<b>Name</b>		<b>DOB</b>	<b>Rank</b>	<b>DOE</b>	<b>Div ID #</b>	<b>Troop</b>	<b>TZS</b>	<b>Shield</b>	<b>Race</b>
<b>Address</b>			<b>City</b>			<b>State</b>	<b>Zip</b>	<b>Phone</b>	
<b>Injured Person</b>									
<b>Name</b>		<b>DOB</b>	<b>Race</b>	<b>Sex</b>	<b>Nature of Injury:</b>				
<b>How Injury was sustained:</b>									
<b>Hospital/EMS</b>									
<b>Name of Hospital or EMS:</b>				<b>Treated by:</b>					
<b>If Prisoner – Arrested for:</b>				<b>Treatment refusal witnessed by:</b>					
<b>Witness(es)</b>									
<b>Name #1</b>		<b>DOB</b>							
Kristin A. Quackenbush									
<b>Address</b>			<b>City</b>			<b>State</b>	<b>Zip</b>	<b>Phone</b>	
						NY			
<b>Name #2</b>		<b>DOB</b>							
<b>Address</b>			<b>City</b>			<b>State</b>	<b>Zip</b>	<b>Phone</b>	
<b>Loss/Damage to Division Property</b>									
<b>Property Description:</b>								<b>Property Value:</b>	
								\$	

# NYSP Level 1 Investigation Form

Page	2	Of	3
Date	11/8/05		

## Synopsis

PC# (If applicable) 20050761

On November 1, 2005, at approximately 8:55 a.m., Trooper Steven J. Missale, Troop "F", SP Highland, stopped at the Mobil Mini Mart, Town of Milford, Otsego County, New York. Trooper Missale, who is on assignment to the Division's K-9 Training Facility, Cooperstown, New York, was stopping to refuel his Division vehicle, a 1998 Chevrolet Lumina, bearing New York registration [REDACTED]. After placing the fuel pump into the vehicle's gas tank, Trooper Missale wedged the gas cap into the fuel pump handle and entered the store. When he exited the store, Trooper Missale observed gasoline overflowing out of the gas tank. It was estimated that approximately six to seven gallons of fuel spilled. The New York State Department of Environmental Conservation - Spill Response was notified and assigned spill #0509199. In addition, Otsego County Director of Emergency Services, Lyle Jones, was also advised.

This investigation has determined that by his conduct, Trooper Missale violated the following Division regulation:

Regulation 8A9; which states, A Member may be determined to be incompetent and subject to disciplinary action in accord with the Rules of the Division if in the performance of official duties the Member exhibits:

(1) Inaptitude.

Trooper Missale violated this regulation when he exhibited inappropriate conduct by wedging the gas cap of his Division vehicle into the gas pump handle, thereby bypassing the automatic shutoff and causing the spillage of approximately six to seven gallons of gasoline.

Recommend appropriate administrative action.



# NYSP Level 1 Investigation Form

Page 3 Of 3

Date 11/8/05

# of Enclosures 3 (explain "No" in synopsis)	PC# (if applicable) 20050761		
Memo(s) of: Trooper Missale	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA		
Statement(s) of: Kristin Quackenbush	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA		
File 3 teletype # (include symbolic) CONE2537	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA	Other Terminal Message	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DNA
Genl. 89 - Use of Chemical Spray Report	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA	Genl. 91 - Vehicle Pursuit Form	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA
Audio Tape or CD -# Enclosed	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA	Video Tape or CD -# Enclosed	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA
Enter Source	Transcript enclosed <input type="checkbox"/>	Enter Source	
Genl. 34 - Photo Record	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA	MV104 Police Accident Report	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA
Genl. 81 - Medical Records Release for:			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> DNA
Other:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> DNA	Other:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> DNA
Report of			
Name David A. Rivera	Rank Technical Sergeant	Div ID#	TZS H261
Reviewed by			
Name Scott L. Brown	Rank Captain	Div ID#	TZS H261
1 <sup>st</sup> Endorsement			
To: Troop Commander	Date		
From: Captain Scott L. Brown	11/09/05		
(Signature)		<input checked="" type="checkbox"/> I concur with the findings of the Investigation.	
2 <sup>nd</sup> Endorsement			
To: Division Headquarters	Date		
From: JOHN P. MELVILLE	1/5/06		
(Signature)		<input checked="" type="checkbox"/> I concur with the findings of the Investigation.	
If Personnel Complaint complete the following sections.			
The Complaint is:			
Unfounded <input type="checkbox"/>	Unsubstantiated <input type="checkbox"/>	Closed by Investigation <input type="checkbox"/>	
Founded <input checked="" type="checkbox"/>	Date 01/06/05		
Rule 3 Waiver Form attached <input type="checkbox"/>			
The following disposition was imposed under Rule 3			
No Action Warranted <input type="checkbox"/>	Letter of Censure <input type="checkbox"/>	Intra-Troop Transfer <input type="checkbox"/>	
Probation <input type="checkbox"/> # of days <input type="checkbox"/>	Loss of Annual Leave days <input type="checkbox"/> # of days <input type="checkbox"/>		
Copy of memorandum of disposition to Member attached <input checked="" type="checkbox"/>			

## NEW YORK STATE POLICE

## MEMORANDUM

Troop F Station SP HighlandDate November 01, 2005

To: Troop Commander, Troop F, Middletown, NY

From: Trooper Steven J. Missale *SJM*

Subject: DIVISION VEHICLE FUEL SPILL

I have been advised of my rights to representation pursuant to article 16.2 of the contract by Technical Sergeant DAVID RIVERA on November 1, 2005 and provide the following written account.

On November 1, 2005, while assigned to the NYSP Basic Canine Handler's School in Cooperstown, NY, writer entered the parking lot of Taylor's Mini-Mart located on State Route 28 in the Town of Milford to obtain fuel for unmarked Division vehicle bearing New York registration [REDACTED]. Writer placed the nozzle in the gas tank of said vehicle and propped the handle in the open position for continuous gas flow using the gas cap from said vehicle. Writer then proceeded to enter the store. After approximately 1 minute, Writer overheard an unidentified male enter the store and advise the clerk, later identified as KRISTIN A. QUACKENBUSH, that "gas was spilling into the parking lot from a car." Writer exited the store, along with QUACKENBUSH, and observed gas flowing from the gas tank of Writer's vehicle onto the ground near the pump. QUACKENBUSH then removed the gas cap and nozzle from said vehicle, which stopped the fuel from continuing to spill out. A total of approximately 6-7 gallons of fuel spilled onto the ground. QUACKENBUSH then contacted CHRIS TAYLOR, the store owner, and advised him of the incident. Writer then immediately notified Technical Sergeant DAVID RIVERA of said incident.

STATE OF NEW YORK

COUNTY OF

Otsego

Town

of

Millford

COURT

THE PEOPLE OF THE STATE OF NEW YORK

--VS--

SUPPORTING DEPOSITION

(Defendant)

STATE OF NEW YORK

COUNTY OF

Otsego

SS.

Town

of

Millford

On	DATE <u>11/02/05</u>	at	TIME STARTED <u>7:10</u> <input checked="" type="checkbox"/> am <input type="checkbox"/> pm	I, FULL NAME <u>Kristin A. Quackenbush</u>	CTV	STATE <u>NY</u>
DATE OF DEPOSITION		NO. & STREET		CITY		STATE

state the following: Yesterday, 11/01/05 I was working at Taylor's Mini-Mart #5 on State Route 28. At about 9am, I was working at the register by the store's front window. A regular customer came into the store and told me that "gas was coming out of a car". I looked out the window and saw a plum colored car at pump #2. I could see some gas on the ground, but couldn't actually see it running from the car. I yelled "who is pumping gas". A person in the store said "I". I ran out to the car and stopped the pump. I came back inside the store and talked to the person who owned the car, Steven Missile. I then grabbed some Kitty Litter to put on the ground near the car where the gas was and called the store owner. The store owner, Chris Taylor then called DEC and informed them of the spill.

NOTICE

(Penal Law Sec.210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 2<sup>nd</sup> day of November, YR 2005

-- OR --

\*Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_, YR \_\_\_\_\_

Kristin Quackenbush  
(SIGNATURE OF DEPONENT)

(WITNESS)

T.M.S. Ross  
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED	<input checked="" type="checkbox"/> am <input type="checkbox"/> pm
<u>7:19</u>	

03993

02519 FILE 3 SP ONEONTA NY1380100 NOV 01-05  
TO SP ALBANY - SP ACADEMY - SP FLEET MANAGEMENT

.TITLE/UNUSUAL INCIDENT - HAZMAT SPILL - .DATE/110105 .TIME/8:55 AM  
.RTE/STATE ROUTE 28 .CTV-LITERAL/TOWN OF MILFORD  
.CNTY/OTSEGO .OTHER-LOCATION/MOBIL MINI MART  
.INVESTIGATED-BY/TECHNICAL SERGEANT DAVID A RIVERA  
.AMOUNT-OF-DAMAGE/NONE  
.PHOTOS/YES.TAKEN-BY/TECHNICAL SERGEANT RIVERA  
.RELATIVE-NOTIFIED/NO .CLERGY-NOTIFIED/NO  
.CRIMINAL ACTION/NONE  
.DESCRIPTION/TROOPER STEVEN J. MISSALE, EOD 11/15/99, SP HIGHLAND, FUELING  
DIVISION VEHICLE 1998 CHEVROLET LUMINA BEARING NEW YORK REGISTRATION [REDACTED] AT  
THE MOBIL MINI MART, STATE ROUTE 28, MILFORD, NEW YORK. TROOPER MISSALE WEDGED  
THE GAS CAP INTO THE PUMP NOZZLE WHILE FUELING AND ENTERED THE STORE. UPON HIS  
RETURN TO THE VEHICLE, FUEL IS OVERFLOWING OUT THE VEHICLE FUEL TANK. TROOPER  
MISSALE ESTIMATES BETWEEN 6-7 GALLONS SPILLED. OTSEGO COUNTY EMERGENCY  
MANAGEMENT COORDINATOR LYLE JONES ADVISED. NEW YORK STATE DEPARTMENT OF  
ENVIRONMENTAL CONSERVATION SPILL RESPONSE NOTIFIED - SPILL # 0509199 ASSIGNED.

.DIV/DUTY OFFICER/ NOTIFY DUTY OFFICER AT NEXT CONTACT

STAFF INSPECTOR WILLIAM J. FOLEY ADVISED BY CAPTAIN MOLINARI

.AUTH/CAPTAIN KEVIN G. MOLINARI LEAHY 11-10 AM  
ZONE ONE COMMANDER  
RPT "C" 11/01/05 11-31 HRS JWL

# NEW YORK STATE POLICE

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## MEMORANDUM

Troop C Station Headquarters

Date November 1, 2005

To: Captain Scott L. Brown – Special Services

From: Major Louis G. Barbaria, Jr. – Troop Commander  Troop "C"

Subject: PERSONNEL COMPLAINT - DIVISION FILE #2005-0761  
TROOPER STEVEN J. MISSALE-SP HIGHLAND

This personnel complaint is forwarded for investigation by  
Technical Sergeant David A. Rivera as per Staff Inspector William J. Foley.

### Attachments

cc: Major John P. Melville  
Troop File

## Complaint of Personnel Investigation 20050761

Type: Personnel Sub Type Troop: C Status: P

Incident Date/Time: 11/1/2005 8:55 AM Mode Rec. In Person

Report Due 12/1/2005 Level Inv. T 1 CTV: C3960 T/MILFORD

Commissioned Officer Assigned No

### Synopsis:

Trooper Steven J. Missale, SP Highland, on assignment to the Division K-9 Training Facility, Cooperstown, New York. Trooper Missale stopped at the Mobil Mini Mart, Town of Milford, Otsego County, to refuel his Division vehicle. Trooper Missale wedged the gas cap into the fuel pump handle and entered the store. Upon exiting the store, he observed fuel overflowing out of the gas tank. Amount of fuel spilled is estimated at between six and seven gallons. Refer to File 3, #2519, SP Oneonta, dated November 1, 2005.

Technical Sergeant David A: Rivera assigned to investigate.

Classification: INTERNAL ADMINISTRATIVE MATTERS Finding:

### Subjects:

	Rank	TROOPER	DOE:	11/15/1999
Last Name	MISSALE	First	STEVEN	MI J
	Troo F	Locatio	HIGHLAND	

### Complainants:

	Last Name		MOLINARI	First Name	KEVIN	MI
	G	TZS	C100			
Shield 1005	Rank	CAPTAIN	Sex	M	SP Employee	DOE 9/25/1978
Address		City	State	Zip		
Home Phone		Work Phone:				

### Administrative Personnel:

	ID	RECEIVING MEMBER	TZS	C100
Last	MOLINARI	First	KEVIN	MI G Date/Time: 11/1/2005 10:00 AM
	ID	MEMBER AT TROOP NOTIFIED	TZS	C012
Last	FARAGO	First	STEPHEN	MI T Date/Time: 11/1/2005 11:00 AM
	ID	MEMBER WHO NOTIFIED TROOP	TZS	C100
Last	MOLINARI	First	KEVIN	MI G Date/Time: 11/1/2005 11:00 AM

*ID* MEMBER AT DIV NOTIFIED *TZS* H132  
*Last* FOLEY *First* WILLIAM *M/I* J *Date/Time:* 11/1/2005 10:30 AM

*Tuesday, November 01, 2005*

*Page 1 of 2*

*ID* MEMBER WHO NOTIFIED DIV *TZS* C100  
*Last* MOLINARI *First* KEVIN *MI* G *Date/Time:* 11/1/2005 10:30 AM

*ID* INVESTIGATOR *TZS* H261  
*Last* RIVERA *First* DAVID *MI* A *Date/Time:*