



Department of Investigation

Press Releases

City Marshal Suspended 4 Months And Fined \$50,000 On DOI Disciplinary Charges

Release #007-2000

WEDNESDAY, JANUARY 26, 2000 -- EDWARD J. KURIANSKY, Commissioner of the Department of Investigation (DOI), today announced that City Marshal HOWARD J. SCHAIN, of Brooklyn, will be suspended from office for four (4) months, from February 1, 2000, to June 1, 2000, and will pay a \$50,000 fine in satisfaction of disciplinary charges served upon him by DOI late last year.

According to Commissioner Kuriansky, SCHAIN was charged with various acts of misconduct, the most serious of which involved allegations that, in 1995, he had tampered with official records before providing them to DOI investigators and that, in 1994 and 1995, he had filed false records relating to his service of pre-eviction notices upon tenants. In a written Stipulation of Settlement with DOI, SCHAIN waived his right to a hearing on the charges, acknowledged his responsibility for the charged misconduct, and agreed to the suspension and fine.

Commissioner Kuriansky noted that DOI may bring disciplinary charges against a City Marshal for misconduct and/or incompetency in office, and, after a hearing in which the DOI Marshals Bureau has the burden of proving the charges, the DOI Commissioner may impose a penalty of up to a six-month suspension.

"The disciplinary penalty announced today," he added, "exceeds any imposed upon a City Marshal in recent memory, except for those few cases where Marshals have actually been removed from office or resigned during removal proceedings."

New York City Marshals, although mayoral appointees, are not paid employees of the City of New York, but rather earn income by performing certain tasks in New York City Civil Court and New York State Supreme Court cases -- such as carrying out evictions and collecting money judgments. The law provides for a maximum of 83 City Marshals; presently, there are 43 active City Marshals in New York City. Pursuant to the New York City Civil Court Act, the power to suspend and remove City Marshals is jointly vested in the New York State Supreme Court Appellate Divisions for the First and Second Judicial Departments. The Marshals are regulated by DOI's Marshals Bureau under a delegation of authority from the Appellate Divisions.

SCHAIN, 46, maintains an office at 370 Atlantic Avenue, Brooklyn, New York. He was appointed a City Marshal in 1987 and, in 1998, earned fees of approximately \$838,000, from which he reported a net income, after expenses, of approximately \$339,000.

While he is suspended from office, SCHAIN will be barred from accepting any new cases or performing any

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official acts. However, to avoid disrupting ongoing judgment collections, SCHAIN and his staff will be permitted to continue receiving and distributing money that is forwarded to his office as a result of garnishments instituted before his suspension.

The investigation was conducted by Keith Schwam, DOI's Director of the Marshals Bureau, and members of his staff, particularly Senior Examining Attorney Robert Bernard Eisman.

The rules governing City Marshals' official activities are contained in the New York City Marshals Handbook of Regulations, which may be viewed on DOI's web site, at nyc.gov/html/doi.