



Department of Investigation

Press Release

Release #011-2001

TUESDAY, APRIL 3, 2001

BROOKLYN SCOFFLAW ARRESTED IN AUTO-RETRIEVAL SCAM *-- Used Forged Marshal's Receipt In Attempt To Get Impounded Car --*

EDWARD J. KURIANSKY, Commissioner of the Department of Investigation (DOI), today announced the arrest of DAVID PENA, a Brooklyn resident, for presenting to a Brooklyn tow-yard a forged City Marshal's vehicle release receipt in an attempt to retrieve his automobile, which had been towed and impounded because he owed the City \$5,000 in unpaid parking fines on another car.

Commissioner Kuriansky said the investigation began last month, when Marshal Robert Solimine notified DOI about PENA's attempt to retrieve his car, a 1998 Nissan Maxima, from Midtown Enterprises, Inc., a vehicle towing and storage company at 27 Van Dyke Street in Brooklyn, which is under contract to hold cars impounded by the Marshal.

The investigation disclosed that, on February 9, 2001, PENA had paid Marshal Solimine \$491 to clear up tickets on a different car, a 1996 Toyota Avalon, registered to another individual. In exchange for the payment, PENA had received a valid marshal's vehicle release, which he presented later that same day to the Midtown tow-yard in order to retrieve the Toyota.

The investigation further revealed that, on March 21, 2001, Marshal Solimine had seized PENA'S Maxima, because PENA himself owed PVO fines totaling \$5,023 for tickets written on a third vehicle, a 1989 Plymouth. Later the same day, PENA presented to a Midtown tow-yard attendant a document purporting to be a valid vehicle release issued by Marshal Solimine, authorizing release of PENA's Maxima. However, it is alleged, the document was actually an altered copy of the vehicle release Marshal Solimine had previously issued for the Toyota, containing the identical docket number and total dollar amount, \$491, but lacking an official marshal's raised seal. When the attendant noticed that the vehicle release receipt had apparently been forged, and challenged PENA about the document's validity, PENA fled the tow-yard on foot, leaving behind his Pennsylvania driver's license.

According to Commissioner Kuriansky, City Marshals are appointed by the Mayor to 5-year terms, are regulated by the Department of Investigation's (DOI) Marshals Bureau, and earn income by performing certain tasks in New York City Civil and New York State Supreme Court cases, such as carrying out evictions, collecting money judgments, and towing cars whose owners owe the City's Parking Violations Operations (PVO) parking fines totaling more than \$230.

PENA, 30, of 232 88th Street in Brooklyn, was charged with Criminal Possession of a Forged Instrument in the Third Degree, a Class A misdemeanor. If convicted, he faces up to 1 year in jail.

Commissioner Kuriansky expressed his sincere appreciation to City Department of Finance (DOF) Commissioner Andrew S. Eristoff, Assistant DOF Commissioner Michael Phillips, and Marshal Solimine, as well as members of their respective staffs, for their assistance and cooperation in the investigation.

The investigation was conducted by DOI's Marshals Bureau and NYPD Detective Gerard Monfiletto of the DOI Investigative Squad.

The Office of Brooklyn District Attorney Charles J. Hynes is prosecuting the case.