



Department of Investigation

Press Release

Release #017-99

**DOH CLERK GETS YEAR IN PRISON
FOR TAKING \$7,500 IN BRIBES TO REMOVE RESTAURANT VIOLATIONS
HEALTH DEPARTMENT JUDGE ALSO CAUGHT TAKING PAYOFFS
IN ONGOING CITY-FEDERAL UNDERCOVER PROBE**

WEDNESDAY, APRIL 14, 1999 -- EDWARD J. KURIANSKY, Commissioner of the Department of Investigation (DOI), and MARY JO WHITE, United States Attorney for the Southern District of New York, today announced that, as part of an ongoing investigation, ANITA EDWARDS, a former clerk with the Department of Health's Administrative Tribunal, was sentenced earlier this week by U.S. District Court Judge Allen G. Schwartz to a year and a day in federal prison for having solicited and accepted \$7,500 in bribes from a Manhattan restaurant owner and an undercover investigator posing as a Manhattan restaurant manager in return for her assistance in wiping out \$27,000 in Health Department fines assessed against the restaurants. EDWARDS, who pleaded guilty to extortion under the Hobbs Act (Title 18, U.S. Code, Section 1951) in October, is to surrender on May 17, 1999.

Commissioner Kuriansky explained that the Department of Health (DOH) periodically conducts sanitary inspections as part of its regulation of New York City restaurants. If a DOH inspector finds an infraction of the Health Code during an inspection, a violation is issued. The violations are then adjudicated at the DOH Administrative Tribunal and may result in a fine of up to \$2,000 for each violation. However, prior to a Tribunal hearing, violators are given an opportunity to pay a lesser fine, pursuant to a Notice of Assessment (NOA), and thereby avoid the need for a hearing. Once a hearing is conducted, the reduced NOA offer is withdrawn. All outstanding fines must be paid before a restaurant can renew its operating permit, and a record of such fines is maintained in a citywide database.

According to the Complaint filed at the time of her arrest in June 1998, EDWARDS met with a cooperating restaurant owner on July 23, 1997, and offered to delete from the DOH database fines of more than \$18,000, which had been assessed against the owner's restaurants, in return for a \$5,000 payoff. The restaurant owner paid \$4,000 to EDWARDS that day. A subsequent computer check by DOI showed that the fines had, in fact, been erased from the DOH database.

The Complaint also charged that, on November 13, 1997, EDWARDS met with a DOI undercover agent, posing as a restaurant manager, who paid the defendant \$3,500 in cash to delete \$9,000 in fines that had been assessed against another restaurant.

Commissioner Kuriansky noted that DOI developed information that a DOH Hearing Officer was accepting payoffs to hold sham hearings and impose minimal fines. Subsequently, DOI and the United States Attorney's Office obtained the cooperation of a restaurant representative, who, together with a DOI undercover agent, also posing as a representative of a restaurant, held numerous meetings with Hearing Officer JOSE HUERTAS-

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PEREZ, which culminated in his taking payoffs to reduce the fines on several restaurants in Manhattan and Brooklyn. HUERTAS-PEREZ was arrested on March 19, 1999, and the case is pending.

As charged in the Complaint, HUERTAS-PEREZ allegedly engaged in two payoff deals with the restaurant representative and the DOI undercover agent. In both cases, HUERTAS-PEREZ discussed the fines with the representative and the undercover agent before the hearing. At one of the hearings, HUERTAS-PEREZ reduced a violation (with a prior NOA offer of \$1,700) to \$300 in return for a \$300 payment. At the other hearing, HUERTAS-PEREZ reduced a violation (with an NOA offer of \$2,900) to \$400 in return for a \$400 payment. The illegal payoffs took place in front of a music store across from City Hall and in a Tribunal hearing room in lower Manhattan.

Commissioner Kuriansky noted that the investigation is continuing and that DOI is working with DOH to implement a series of measures intended to prevent any recurrence of such misconduct.

EDWARDS, 38, of the Bronx, had been employed as a part-time DOH employee for approximately four months. She previously worked at DOH as a temporary agency employee.

HUERTAS-PEREZ, 42, of Manhattan, is an attorney who had been employed for the last three years as a per diem DOH Hearing Officer, earning \$29.10 an hour. He was terminated immediately, and the matter is also being referred to appropriate attorney disciplinary authorities. He was charged with two counts of extortion under the Hobbs Act. If convicted, he faces up to 20 years in prison and a \$250,000 fine on each of the two counts.

The investigation is being conducted by Kyle Sturcken, DOI's Inspector General for the Department of Health, Assistant Inspector General Bradley Howard, and NYPD Detectives Vinessa Toyer, Robert Donawa, and Angel Laporte, of the DOI Investigative Squad, and Chief Criminal Investigator Jim Nauwens and Criminal Investigator Ron Gardello of the United States Attorney's Office for the Southern District of New York.

The prosecutions are being handled by Assistant U.S. Attorney Robert J. Cramer of the Southern District of New York.