



Department of Investigation

Press Release

Release by Attorney General Eliot Spitzer

Former City Marshal Pleads Guilty To Failing To File Income Tax Returns

MONDAY, SEPTEMBER 11, 2000

Attorney General Eliot Spitzer, New York State Department of Taxation and Finance Commissioner Arthur Roth and City of New York Department of Investigation (DOI) Commissioner Edward Kuriansky today announced that a Staten Island resident and former City Marshal has pleaded guilty to felony state income tax evasion.

"This case proves that those who do not pay their taxes, regardless of their position, will be prosecuted to the fullest extent of the law," Spitzer said. "This defendant cheated society and violated the public trust by failing to pay his taxes."

Frank Sorgente, of 24 Amsterdam Place, Staten Island, pled guilty in Albany County Court before Judge Larry Rosen to the class E Felony of failing to file state income tax returns for the years 1995, 1996 and 1997. Over that three year span, Sorgente had a gross income of \$1,308,676 from his position as a New York City Marshal.

Investigations Commissioner Kuriansky, whose office initially alerted state authorities to concerns about Sorgente, said:

"In ten years as a city marshal - towing cars, evicting tenants and enforcing thousands of court judgments - Sorgente made a very comfortable living seizing the property of people who failed to pay their debts. For a public official entrusted with such enormous power over others to disregard his own obligations as a citizen and taxpayer is outrageous. I compliment the Attorney General and State Tax Department on this swift and successful prosecution."

Marshals are mayoral appointees - not paid employees of the City of New York - who earn income by performing tasks for the New York City - who earn income by performing tasks for the New York Civil Court and the New York State Supreme Court, such as carrying out evictions and collecting money judgements. The city's 43 marshals are regulated by the DOI.

Sorgente, 33, had been a marshal since 1989. He resigned his post in July 1999 while under suspension and facing DOI disciplinary charges of mismanaging his official bank accounts and neglecting basic record-keeping and reporting duties, among other allegations.

The State Department of Taxation and Finance referred the case to the Attorney General's office for

prosecution.

"Those who violate the public trust will face stern consequences," said Commissioner Roth. "At the Department of Taxation and Finance, we acted aggressively to ensure that justice was done in this case."

Sorgente will be sentenced on November 3. Judge Rosen has indicated that after examining a pre-sentence report he will sentence Sorgente to no more than 6 months in jail and five years probation; and he will order Sorgente to file his outstanding New York State Personal income tax returns for the years 1995, 1996 and 1997, enter into a payment schedule with the New York State Department of Taxation and Finance to insure that all tax liability is paid, and at the end of the probation term, give the New York State Department of Taxation and Finance a confession of judgement for any outstanding tax liability that is not paid during the five year period of probation.

The case was handled by Assistant Attorney General Richard Ernst, under the supervision of Criminal Prosecutions Bureau Chief Janet Cohn.

For More Information

Contact: BRAD MAIONE (212) 416-8060