



The City of New York
Department of Investigation

ROSE GILL HEARN
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

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CONTACT: EMILY GEST
(212) 825-5931

DOI ARRESTS SEVEN SANITATION WORKERS IN THREE COUNTIES

-- They allegedly accepted bribes to collect commercial debris, solicited tips, or lied under oath --

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation (DOI), announced today the arrests of seven workers for the Department of Sanitation (DSNY) on various charges including accepting anywhere from \$20 to \$100 to collect and dispose of commercial debris from an undercover investigator, soliciting tips from DOI undercover investigators and lying under oath to DOI.

DONALD DAVENPORT, GEORGE WILEY, HENRY CRUZ, MATTHEW LOWE and DANIEL CONWAY will be charged with various counts of Bribe Receiving and/or Receiving Reward for Official Misconduct and/or Official Misconduct for allegedly accepting money to dispose of commercial waste using City vehicles. BARRY MARCUS and ANDREW PECORAINO will be charged for soliciting a tip from an undercover investigator and lying under oath. DOI is seeking an eighth DSNY worker. If convicted, the defendants face from one to seven years in jail. DOI will share the facts and circumstances of these arrests with DSNY for possible disciplinary action. Disciplinary charges may include accepting tips for doing one's job, accepting trade waste, permitting non-DSNY personnel to load waste into a DSNY vehicle, and failing to report payoffs to DOI in violation of the DSNY Code of Conduct Rules. In addition, DOI will provide DSNY with the names of the partners who accompanied the defendants on the dates of the alleged criminal conduct. The men arrested today have worked for DSNY anywhere from 14 to 20 years. They earn a base pay of \$48,996 a year.

DOI's investigation began after homeowners and building superintendents reported that Sanitation workers had refused to collect garbage unless they were paid by the homeowner or building superintendent. It is against the law for City employees to accept any payment or gift for performing their City jobs, even during the holiday season when such expressions of gratitude are customary for service professionals. DOI initiated undercover investigations, which led to today's arrests. This investigation is ongoing in all five boroughs.

The circumstances of today's arrests are as follows:

1. DONALD DAVENPORT and GEORGE WILEY

On two occasions in October 2003, a DOI undercover investigator posing as a building porter at a Queens residential allegedly paid DAVENPORT money to collect waste so that he would collect the garbage. On the first occasion, the undercover paid DAVENPORT \$50 to collect the garbage while WILEY operated the Sanitation truck. On the second occasion, DAVENPORT, who was working with a different driver, accepted another \$50 from the undercover investigator to collect garbage. On a third occasion, in November 2003, the undercover officer met DAVENPORT and WILEY on a dead-end block in Queens where the two men collected commercial waste from a covert commercial vehicle. The officer paid DAVENPORT \$100 for removing the commercial waste and DAVENPORT said he would split the money with WILEY, who witnessed the conversation.

DAVENPORT, 46, of Queens, who is assigned to Queens 12 Garage, will be charged with two counts of Bribe Receiving in the Third Degree, a class D Felony; two counts of Receiving Reward for Official Misconduct in the Second Degree, a class E Felony; one count of Receiving Unlawful Gratuities, a Class A Misdemeanor; and three counts of Official Misconduct, also a Class A Misdemeanor. If convicted, he faces up to seven years incarceration.

WILEY, 56, of Queens, who retired March 21st and was assigned to Queens 12 Garage, will be charged with two counts each of Bribe Receiving in the Third Degree, a class D Felony; Receiving Reward for Official Misconduct in the Second Degree, a class E Felony; and Official Misconduct, P.L. §195.00, a Class A Misdemeanor. If convicted, he faces up to seven years incarceration.

2. BARRY MARCUS AND ANDREW PECORAINO

In January 2003, MARCUS and PECORAINO allegedly solicited a Christmas bonus from a DOI undercover who was posing as a property manager for a building in Manhattan. The undercover officer paid the sanitation workers \$50 as a tip for collecting the garbage. In January 2004, the management company notified DOI that MARCUS and PECORAINO again had requested a Christmas bonus from the building's property manager even though the building's superintendent had already paid the men \$20. That month the same undercover officer posed as the property manager and paid the men \$50 as a tip for collecting the garbage. On both occasions, the transactions were recorded on audio and videotape. When interviewed under oath at DOI in the presence of their respective attorneys, MARCUS and PECORAINO denied receiving or soliciting money or anything of value from persons on their collection route.

MARCUS, 41, of the Bronx, who is assigned to Manhattan 7 Garage, will be charged with one count of Perjury in the First Degree, and two counts each of Receiving Unlawful Gratuities, a Class A Misdemeanor; and Official Misconduct, a Class A Misdemeanor. If convicted, he faces up to seven years in jail.

PECORAINO, 55, of Staten Island, who retires on April 1 after working at Manhattan 7 Garage, will be charged with one count of Perjury in the First Degree, and two counts each of Receiving Unlawful Gratuities, a Class A Misdemeanor; and Official Misconduct, a Class A Misdemeanor. If convicted, he faces up to seven years incarceration.

3. HENRY CRUZ

In November 2004, CRUZ allegedly accepted \$50 from undercover investigators to dispose of construction debris in the Bronx. CRUZ arranged for the investigators to follow his truck to a dead end street where he loaded the garbage into the Sanitation truck. CRUZ instructed the investigators to leave the \$50 on the seat of the truck and told the investigators where and when they could find him if they required his services in the future. The next month, the investigators asked CRUZ if he could discard trade waste into the back of the Sanitation truck. Again, CRUZ instructed the investigator to follow him to a dead-end street where the investigator assisted CRUZ and his partner in loading the debris. The investigator left \$60 in CRUZ's truck, pursuant to Cruz's instructions.

CRUZ, 50, of Beacon, New York, who is assigned to Bronx 12 Garage, will be charged with two counts each of Bribe Receiving in the Third Degree, a D Felony; Receiving Reward for Official Misconduct in the Second Degree, an E Felony; and Official Misconduct, a Class A Misdemeanor. If convicted, he faces up to seven years in jail.

4. MATTHEW LOWE

In September 2003, LOWE allegedly told undercover investigators to leave commercial debris in front of a Queens residence down the street from where they were working so that the garbage wouldn't be loaded directly from the undercover's vehicle into the DSNY truck. In exchange for disposing of the waste, LOWE instructed the investigators to buy him and his partner lunch. The investigators gave LOWE \$25.

LOWE, 54, of Queens, who is assigned to Queens 3 Garage, will be charged with Receiving Reward for Official Misconduct in the Second Degree, an E Felony; Receiving Unlawful Gratuities, a Class A Misdemeanor; and Official Misconduct, a Class A Misdemeanor. If convicted, he faces up to four years incarceration.

5. DANIEL CONWAY

In September 2003, CONWAY and his partner allegedly permitted DOI undercover investigators to unload trade waste from a covert commercial vehicle into the hopper, or rear, of their DSNY collection truck in Queens. When one investigator asked CONWAY if he could give him something, CONWAY instructed him to give it to the driver. The investigator gave the driver \$20 and said it was for both men.

CONWAY, 52, of Queens, who is assigned to Queens 8 Garage, will be charged with Official Misconduct, a Class A Misdemeanor. If convicted, he faces up to one year incarceration.

Commissioner Gill Hearn thanked the Department of Sanitation for its cooperation and assistance.

These investigations were conducted by DOI's Inspector General for the Department of Sanitation Julia Davis, and members of her staff including Acting Deputy Inspector General Yves Desire and Confidential Investigator Tom Spirakis. The Office of the District Attorney for Queens County is handling the DAVENPORT, WILEY, LOWE and CONWAY cases, and Assistant District Attorney Theresa Smith will prosecute. The Office of the District Attorney for New York County is handling the MARCUS and PECORAINO cases and Assistant District Attorney Joanne Siegmund will prosecute. The Office of the District Attorney for Bronx County is handling the CRUZ case and Assistant District Attorney Karen Antoine is prosecuting.

Criminal complaints are merely accusations. Defendants are presumed innocent until proven guilty.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City.

***Get the worms out of the Big Apple.
To report someone ripping off the city, call DOI at (212) 825-5959.***