



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 CITY EMPLOYEE FOR SELLING ANSWERS TO LICENSING EXAMS

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation (DOI), announced today the arrest of DINO A. FRANCO, a Community Associate at the Department of Consumer Affairs (DCA), for allegedly taking a total of \$720 in payments for selling answers to DCA exams for Home Improvement Contractors and Home Improvement Salespersons.

FRANCO, 50, of Washington Heights, Manhattan, will be charged with two counts of Bribe Receiving in the Third Degree, three counts of Receiving Reward for Official Misconduct in the Second Degree, and three counts of Official Misconduct. If convicted, he faces up to seven years in prison.

DOI's investigation began after several complainants reported that a DCA employee was selling answers to exams to applicants who were trying to obtain licenses from DCA for the Home Improvement Contractor and Home Improvement Salesperson exams. DCA issues business operating licenses to more than 60,000 businesses in 55 different categories. Businesses required to have licenses in order to operate legally in New York City include home improvement contractors, cigarette dealers, sidewalk cafes, vendors, parking lots and cabarets. DCA requires some business operators or owners – such as Home Improvement Contractors (HIC) and Home Improvement Salespeople (HIS) – to pass examinations in order to obtain a license. Neither HIC nor HIS applicants may begin work before receiving their license and a passing score on their exam, which is 50-minutes long, and has 30 questions, of which 20 questions must be answered correctly. Since 2002, DCA has issued 4,036 HIC and HIS licenses.

It is alleged that on at least three occasions, FRANCO approached DOI undercover investigators and offered to sell them the answers to HIS or HIC exams. It is also alleged that on two of those three occasions, FRANCO sold the answers. In February 2005, at a DCA office at 42 Broadway in Manhattan, FRANCO gave a DOI undercover an envelope in which to place \$400 in order to obtain the answers to the HIS exam. In exchange for the money, FRANCO told the undercover to sit far away from the exam proctor and explained how to use the answer key. FRANCO instructed the undercover to deliberately make some mistakes on the test so that exam graders wouldn't suspect him of cheating. In March 2005, FRANCO allegedly accepted \$320 from another DOI undercover in exchange for the answer key. FRANCO initially charged the undercover \$300 but when they exchanged money, he asked for a \$20 tip. FRANCO also explained that the answer key deliberately contained three errors because a perfect score might arouse suspicion.

FRANCO admitted to DOI that since 2002 he has sold the answers to these exams to at least 50 applicants whom he charged anywhere from \$250 to \$400 each. FRANCO told DOI that he sold the same answer key with the same three errors to all of his buyers so they could avoid detection. DOI will work with DCA to evaluate test results in an effort to find others who may have cheated on the exams.

DOI Commissioner Rose Gill Hearn said, "In selling these answer keys, Mr. Franco circumvented an examination process designed to protect consumers from unscrupulous contractors. His actions contradict the very mission of DCA: To foster a marketplace that consumers can trust and in which honest businesses can thrive."

Commissioner Gill Hearn also thanked DCA Commissioner Gretchen Dykstra and members of her staff for their cooperation and assistance during this investigation. This investigation was conducted by DOI Assistant Commissioner Vincent E. Green, and members of his staff, including Deputy Inspector General Alberta Ancrum and Acting Chief Investigator Daniel Lau.

The Office of the Manhattan District Attorney Robert M. Morgenthau is prosecuting this matter. Assistant District Attorney Duncan Levin is assigned to the case.

Criminal complaints are 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.***