



The City of New York
Department of Investigation

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**DOI ARRESTS EMERGENCY MEDICAL TECHNICIAN CHARGED WITH
FALSIFYING MEDICAL NOTES TO OBTAIN \$2,660 IN SICK PAY**
--DOI has arrested four City employees in the past six weeks for false medical notes --

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), announced the arrest of MICHAEL RUSSELL, an Emergency Medical Technician ("EMT") with the New York City Fire Department ("FDNY"), on charges he submitted fraudulent Civilian Medical Documentation Forms ("CMDFs") to the FDNY to excuse his absences from work.

RUSSELL, who was arrested Wednesday, July 16, 2008, is the fourth City employee arrested since June on charges of submitting false medical notes to the City.

DOI Commissioner Rose Gill Hearn said, "Paid sick time is not an invitation for unscrupulous City employees to falsify medical notes and take extra time off on the taxpayer's dime. City employees who abuse it by intentionally falsifying records and documents are violating the penal law and will be held accountable."

RUSSELL, 27, of Glendale, N.Y., has been charged with 15 counts of Criminal Possession of a Forged Instrument in the Second Degree, a class D felony, and the following class E felonies: one count of Grand Larceny in the Fourth Degree and 15 counts each of Falsifying Business Records in the First Degree and Offering a False Instrument for Filing in the First Degree. Conviction of a class D felony is punishable by up to seven years in prison and conviction of a class E felony is punishable by up to four years in prison.

RUSSELL has been an EMT with the FDNY's Emergency Medical Services since 2000 and earns an annual salary of approximately \$41,160. According to the criminal complaint, from January 2007 to June 2008, RUSSELL submitted 15 CMDFs to the FDNY claiming that he was unable to work because he received medical treatment. The CMDFs were purportedly signed by a physician and RUSSELL received \$2,660 in sick pay from the City. DOI's investigation found that the physician's signature had been forged on the CMDFs and the physician did not treat RUSSELL on those dates.

In June 2008, DOI arrested three other City employees on similar charges:

- On June 4, CYNTHIA WALTERS, 64, of Manhattan, was charged with seven counts each of Criminal Possession of a Forged Instrument in the Second Degree, a class D felony; Offering a False Instrument for Filing in the First Degree, a class E felony, and Petit Larceny, a class A misdemeanor. Conviction of a class A misdemeanor is punishable by up to one year in jail. WALTERS had been employed with the City's Human Resources Administration ("HRA") since 1993 and was a caseworker receiving an annual salary of approximately \$37,180 when she retired in June 2008. According to the criminal complaint, on seven dates in 2004, 2005, 2006

and 2008 WALTERS called in sick, subsequently submitted medical notes that stated she was treated at a hospital and received approximately \$780 from the City. DOI's investigation found that the notes were not issued by any physician at the hospital and that the doctors named in the notes were not employed at the hospital.

- On June 6, KAREN KENNY-JONES, 48, of Manhattan, was charged with Criminal Possession of a Forged Instrument in the Second Degree, Offering a False Instrument for Filing in the First Degree and Petit Larceny. KENNY-JONES was employed by HRA since 1984 and was a supervisor earning an annual salary of approximately \$46,000 when she was terminated in June 2008. According to the criminal complaint, KENNY-JONES submitted 28 medical notes to HRA between 2004 and 2008 stating that on those dates she had been treated by physicians and on one occasion had visited a medical facility. As a result, KENNY-JONES received about \$225 in sick pay from the City. DOI's investigation found that the notes submitted to the City had been forged and that on those dates KENNY-JONES had not been seen by the physicians or visited the stated medical facility.
- On June 10, EDWIN ORTIZ, 40, of Staten Island, was charged with two counts each of Tampering with Public Records in the First Degree and Criminal Possession of a Forged Instrument in the Second Degree, class D felonies, and two counts of Offering a False Instrument for Filing in the First Degree, a class E felony. ORTIZ has been employed as an EMT with the FDNY since 1993 and earns an annual salary of approximately \$41,160. He was suspended for 30 days without pay as a result of his arrest. According to the criminal complaint, ORTIZ submitted CMDFs in January and February 2006 stating that he had been treated by physicians. DOI's investigation found that ORTIZ had not been treated by those physicians and that the physicians had not signed the CMDFs.

Commissioner Gill Hearn thanked FDNY Commissioner Nicholas Scopetta and members of his staff for their assistance and cooperation in the RUSSELL and ORTIZ investigations, which were conducted by DOI's Office of the Inspector General for FDNY.

The office of Queens District Attorney Richard A. Brown is prosecuting the RUSSELL case, which is assigned to Assistant District Attorney Dan O'Leary.

The office of Richmond County District Attorney Daniel M. Donovan, Jr. is prosecuting the ORTIZ case, which has been assigned to Assistant District Attorney Mark Palladino.

Commissioner Gill Hearn thanked HRA Commissioner Robert Doar and members of his staff for their assistance and cooperation in the WALTERS and KENNY-JONES investigations. These investigations were conducted by DOI's Inspector General for HRA Pat Russo and members of his staff, including Deputy Inspector General Margaret Shivers, Chief Investigator Anthony DeLeo and Special Investigator Carmelo Galarza.

The office of New York County District Attorney Robert M. Morgenthau is prosecuting the cases against WALTERS and KENNY-JONES, which are respectively assigned to Assistant District Attorneys Justin W. Delle Cave and Colleen Walsh.

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.**