



The City of New York
Department of Investigation

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DOI ARRESTS TWO MANAGERS AND AN OWNER FOR ALLEGEDLY BRIBING AN UNDERCOVER DOI INVESTIGATOR POSING AS A DEPARTMENT OF CONSUMER AFFAIRS INSPECTOR
--The bribes were allegedly offered to overlook DCA violations at the businesses --

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), announced the arrests of three individuals for allegedly bribing a DOI investigator posing as an inspector with the City Department of Consumer Affairs ("DCA") to overlook violations at three Manhattan businesses.

DCA has a group of inspectors who routinely conduct inspections at a variety of businesses in the City's five boroughs. DCA issues business licenses to more than 60,000 businesses in 55 different categories and enforces consumer-protection laws.

DOI began its undercover investigation after receiving a tip from a DCA employee. Additionally, DOI also received a complaint that several sidewalk cafés were violating DCA regulations.

Between October 2006 and April 2007, a DOI undercover investigator posing as a DCA inspector went to three establishments in Manhattan. During inspections at a horse stable and two sidewalk cafés, operators of the businesses allegedly offered between \$100 and \$200 to the DOI undercover investigator to overlook alleged DCA violations.

Arrested this week were: CORNELIUS BYRNE, 61, of Caldwell, N.J., owner of Central Park Carriage Stables; BART BORYS, 27, of Ryebrook, N.Y., former manager of Wicker Park Bar and Bistro (Wicker Park); and WILLIAM HUMPHRIES, 48, of Manhattan, manager of Penang Restaurant (Penang).

Each has been charged with Bribery in the Third Degree, a class D felony; Rewarding Official Misconduct in the Second Degree, a class E felony, and Giving Unlawful Gratuities, a class A misdemeanor. If convicted, each faces up to seven years in prison.

DOI Commissioner Rose Gill Hearn said, "I commend the DCA employee and the public who stepped forward to alert DOI about these incidents enabling DOI to conduct these undercovers. Individuals who think they can circumvent City regulations by trying to pay off honest, hardworking municipal employees should know that when they are caught they face serious consequences."

The following are details of the DOI investigation and arrests:

- On October 4, 2006, a DOI undercover investigator posing as a DCA inspector met with CORNELIUS BYRNE, the owner of Central Park Carriage Stables, located at 547 West 37th St. The undercover investigator conducted an inspection of the carriages, horses and DCA licenses, observing seven alleged violations of the DCA guidelines, including using the same identification number for two different horses. BYRNE allegedly gave the undercover DOI investigator \$100 to overlook the alleged violations. BYRNE was arrested Wednesday, December 12, 2007.
- On October 16, 2006, a DOI undercover investigator posing as a DCA inspector met with BART BORYS, then manager of Wicker Park Bar and Bistro, located at 200 East 83rd St. The undercover investigator conducted an inspection of the sidewalk café, observing 54 alleged violations of the DCA guidelines, including operating a sidewalk café without a DCA license; violating the Americans with Disabilities Act, which requires proper aisle spacing for wheelchairs; and insufficient sidewalk spacing for pedestrian traffic. BORYS allegedly gave the undercover \$200 to overlook the alleged violations. BORYS was arrested on Tuesday, December 11, 2007.
- On April 12, 2007, a DOI undercover investigator posing as a DCA inspector met with WILLIAM HUMPHRIES, the manager of Penang Restaurant, located at 240 Columbus Ave. Penang, an enclosed sidewalk café, must follow the same rules and regulations as an outdoor café. The undercover investigator observed six alleged violations of the DCA guidelines, which included exceeding the amount of tables and chairs listed on the café's DCA license, the presence of audio speakers within the café area and the lack of a conspicuously posted DCA business license. HUMPHRIES allegedly gave the undercover \$100 to overlook the alleged violations. HUMPHRIES was arrested Wednesday, December 12, 2007.

Commissioner Gill Hearn thanked Department of Consumer Affairs Commissioner Jonathan Mintz and members of his staff for their assistance in this investigation. Commissioner Gill Hearn also thanked the Office of New York County District Attorney Robert M. Morgenthau for prosecuting the case.

Assistant District Attorney Gary Snitow and Assistant District Attorney Amy Miller from the Office of New York County District Attorney Robert M. Morgenthau are prosecuting this case, under the supervision of Bureau Chief Tom Wornom of the Special Prosecution Bureau.

DOI Associate Commissioner Robert Joyce and members of his staff, including Assistant Inspector General Mary Kozlow and Special Investigator Don McNeil conducted this investigation.

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.**