



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: DIANE STRUZZI
(212) 825-5931**

TWO CITY MAINTENANCE WORKERS ARRESTED FOR CHARGED THEFT OF A CITY COMPUTER

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation ("DOI"), announced today the arrests of Jose Varela, Custodial Assistant, and Jose Pena, Maintenance Worker, New York City Department of Health and Mental Hygiene ("DOHMH"), charged with stealing a City-owned computer from a DOHMH office in Manhattan. DOI investigated after DOHMH reported that a computer was stolen. The Office of New York County District Attorney Cyrus R. Vance, Jr., is prosecuting the cases.

DOI Commissioner Rose Gill Hearn said, "Stealing property on the job is an extremely foolish endeavor for anyone, especially a City employee. It's no way to begin or end a career and is just a losing proposition for all concerned."

Varela, 44, arrested today, and Pena, 78, arrested yesterday, both Bronx residents, are each charged with Petit Larceny, Criminal Possession of Stolen Property in the Fifth Degree, and Official Misconduct, class A misdemeanors punishable upon conviction by up to one year's incarceration.

According to the criminal complaint, on November 26, 2010, Varela entered a 4th floor office at 455 1st Avenue and removed a computer, monitor, keyboard and mouse without authority or permission from DOHMH. DOHMH security video footage showed Varela, with a large trash receptacle, entering and leaving the 4th floor room where the computer was located, when he should have been working only in the basement and 1st floor. Varela and Pena reportedly hid the computer in the basement of the building for several days, and Pena then removed it and transported it to his Bronx home, where it remained until he surrendered it to City officials, according to the complaints. DOI's Digital Forensic Investigative Unit determined the computer was not activated and that its files were not accessed following the charged theft.

Pena began City employment with DOHMH in 1998, receiving a salary of \$55,343 in 2010. He was suspended without pay following the charged theft and is awaiting the outcome of disciplinary proceedings. Varela began City employment with DOHMH in 2008 as a Custodial Assistant, receiving a salary of approximately \$20,103 in 2010. He resigned his employment effective December 16, 2010.

Commissioner Gill Hearn thanked DOHMH Commissioner Thomas Farley, M.D., M.P.H., and his staff for their cooperation and assistance in this investigation.

The investigation was conducted by DOI's Office of the Inspector General for DOHMH under the guidance of Melissa Ballard.

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.

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