



# Department of Investigation

## *Press Release*

**Release #001-2001**

**FRIDAY, JANUARY 26, 2001**

### **CITY MARSHAL'S OFFICE MANAGER ARRESTED IN \$170,000 EMBEZZLEMENT**

EDWARD J. KURIANSKY, Commissioner of the Department of Investigation (DOI), today announced the felony arrest of CARMEN NIEVES, a City Marshal's Bronx office manager, for stealing nearly \$170,000 during the past 5 years by illegally forging and negotiating a total of 93 checks -- 60 made payable to the marshal from various clients, third parties, and a vendor, and 33 disbursed by him and made payable to 3 process servers and 2 attorneys.

According to Commissioner Kuriansky, NIEVES was employed by Bronx City Marshal Martin A. Hayott for over 17 years between March 1983 and June 2000. City Marshals are appointed by the Mayor to 5-year terms, are regulated by DOI's Marshal's Bureau, and earn income by performing certain tasks in New York City Civil and New York State Supreme Court cases, such as carrying out evictions, towing cars, and collecting money judgments.

Commissioner Kuriansky said the investigation began last August, when Marshal Hayott discovered certain irregularities in his office accounts and notified DOI.

The investigation disclosed that NIEVES, over a 5-year period between February 1995 and May 2000, embezzled \$169,535 from Hayott by diverting 93 checks -- cashing 31 of them and depositing 62 others into her personal bank account -- and falsifying the marshal's records to cover up her theft. The checks included:

- 60 checks, in amounts ranging from \$307 to \$8,550, and totaling \$136,992, made payable to Marshal Hayott by various clients, garnishees, and a vendor, in satisfaction of fees, money judgments, and a vendor refund. NIEVES, between January 1999 and May 2000, forged Marshal Hayott's signature on each check, and deposited them in her Fleet Bank account, unlawfully retaining all the proceeds.
- 31 checks, in amounts ranging from \$199 to \$1,193, signed by Marshal Hayott, and made payable to 3 process servers. NIEVES, between February 1995 and April 1998, inflated the face amount of each check by about \$1,000, and cashed them at Fleet Bank's Parkchester branch at 65 Metropolitan Oval in the Bronx. The amounts by which the checks were inflated totaled \$30,199.
- 2 checks, in amounts of \$1,301.44 and \$1,042.63, and totaling \$2,344.07, negotiated by NIEVES in August 1999, and made payable to 2 different attorneys for money judgments Marshal Hayott had collected for them. NIEVES forged the attorneys' signatures on both checks, and deposited them in her bank account, illegally keeping the proceeds.

The investigation further revealed that NIEVES, in an effort to conceal the theft, allegedly falsified various official records at Marshal Hayott's office, including check stubs, cash receipts, bank deposit slips, and accounts receivable entries.

NIEVES, 52, of 3355 Olinville Avenue in the Bronx, who earned a salary of \$43,000, was charged with Grand Larceny in the Second Degree and Criminal Possession of Stolen Property in the Second Degree, both Class C felonies; Forgery in the Second Degree, Criminal Possession of a Forged Instrument in the Second Degree, and Tampering with Public Records in the First Degree, all Class D felonies; Falsifying Business Records in the First Degree, a Class E felony; and Falsifying Business Records in the Second Degree, a Class A misdemeanor. If convicted, she faces up to 15 years in prison.

Commissioner Kuriansky expressed his sincere appreciation to Marshal Hayott for his assistance and cooperation in the investigation.

The investigation was conducted by Keith Schwam, DOI's Director of the Marshal's Bureau, Bureau Chief Auditor Percy Corcoran, and NYPD Detective Garry Ferguson of the DOI Investigative Squad.

The Office of the Bronx District Attorney Robert T. Johnson is prosecuting the case. Assistant District Attorney David Eisenreich is handling the matter.