



## Department of Investigation *Press Release*

**Release #034-2000**

### ***5 Bronx Workers Arrested In \$26,000 Time Cheat Scam***

*-2 Supervisors & 3 Highway Repairers Falsely Claimed Over 1,200 Hours Of "Phantom" Work-*

**THURSDAY, MAY 11, 2000** -- EDWARD J. KURIANSKY, Commissioner of the Department of Investigation (DOI), today announced the felony arrest of 5 Department of Transportation (DOT) employees -- 2 supervisors and 3 highway repairers -- for stealing a total of over \$26,000 in City salary by fraudulently claiming over 1,200 hours, or more than a half-year, of work.

DOI began an investigation in September 1998, after being notified by DOT of an allegation that 5 employees --YADIRA BURGOS-PAYNE; JOSEPH CASTELLANO; JUAN MATEO; GUS PROIOS; and WILLIAM SMITH -- assigned to the DOT Van Cortlandt Yard in the Bronx, were falsifying their time sheets.

A DOI audit revealed that, between October 24, 1995, and June 12, 1998, the 5 employees were paid \$26,701 for 992 hours of regular time and 245 hours of overtime -- a total of 1,237 hours -- that they claimed they had worked but in fact had not. The investigation disclosed that BURGOS-PAYNE, who served as the yard's timekeeper, kept 2 different sets of time cards, one reflecting the actual time she and the other 4 employees had worked, and the other listing all the additional bogus hours they claimed to have worked. BURGOS-PAYNE allegedly submitted the latter fraudulent time cards to the DOT Payroll and Timekeeping Office for payment.

All 5 employees were charged with Falsifying Business Records in the First Degree, and Offering a False Instrument for Filing in the First Degree, each offense a Class E felony. In addition, BURGOS-PAYNE, PROIOS, and SMITH were charged with Grand Larceny in the Third Degree, a Class D felony, and MATEO and CASTELLANO with Petit Larceny, a Class A misdemeanor. BURGOS-PAYNE, PROIOS, and SMITH face up to 7 years in prison, and MATEO and CASTELLANO face up to 4 years in prison.

Commissioner Kuriansky expressed his sincere appreciation to DOT Commissioner Wilbur L. Chapman and members of his staff for their assistance and cooperation in the investigation.

The investigation was conducted by DOI Inspector General Brian D. Foley and members of his staff, including Deputy Inspector General Frank Florida and Confidential Investigators Maria Horvat, Daniel Tanaka, and Louis Balfan.

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

## DEFENDANT INFORMATION

1. YADIRA BURGOS-PAYNE, 28, of the Bronx, a highway repairer, has been employed by DOT since May 24, 1993, and earns \$46,207 annually. She was charged with falsely claiming to have worked an additional 368 hours regular time and 111 hours overtime, and with unlawfully obtaining \$8,526.
2. JOSEPH CASTELLANO, 37, of the Bronx, a highway repairer, has been employed by DOT since November 11, 1983, and earns \$46,207 annually. He was charged with falsely claiming to have worked an additional 32 hours regular time and 2 hours overtime, and with unlawfully obtaining \$571.
3. JUAN MATEO, 36, of the Bronx, a highway repairer, has been employed by DOT since September 24, 1984, and earns \$46,207 annually. He was charged with falsely claiming to have worked an additional 32 hours regular time and 1½ hours overtime, and with unlawfully obtaining \$652.
4. GUS PROIOS, 40, of Queens, a supervisor/highway repairer, has been employed by DOT since September 9, 1985, and earns \$51,010 annually. He was charged with falsely claiming to have worked an additional 296 hours regular time and 131 hours overtime, and with unlawfully obtaining \$11,036.
5. WILLIAM SMITH, 39, of the Bronx, a supervisor/highway repairer, has been employed by DOT since April 1, 1985, and earns \$51,010 annually. He was charged with falsely claiming to have worked an additional 264 hours regular time, and with unlawfully obtaining \$5,916.