



The City of New York
Department of Investigation

ROSE GILL HEARN

COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

Release # 68-2004
nyc.gov/doi

FOR IMMEDIATE RELEASE
THURSDAY, NOVEMBER 18, 2004

CONTACT: EMILY GEST
(212) 825-5931

DOI ARRESTS DEP EMPLOYEE FOR SOLICITING BRIBES
— He solicited more than \$1,600 in bribes —

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation (DOI), announced today the felony arrest of HERBIE F. BARNWELL for allegedly soliciting and receiving bribes from four people who faced stiff fines for water use violations and/or costly repairs to their water meters.

BARNWELL, 55, of Jamaica, Queens, has been charged with four counts Bribe Receiving in the Third Degree, two counts of Attempted Grand Larceny, one count of Grand Larceny in the Fourth Degree, one count of Petit Larceny and four counts of Official Misconduct. If convicted, he faces up to seven years in jail.

BARNWELL, who has been a water use inspector in the Bureau of Customer Service of the Department of Environmental Protection (DEP) since August 1994, must enforce, as part of his job, the City's rules and regulations governing water use and water meters. DOI's investigation began after multiple Brooklyn home and business owners reported that BARNWELL asked for money in exchange for replacing damaged meters and for not issuing related violation(s) when he inspected water meters.

DOI investigators discovered that on at least four occasions BARNWELL solicited money from homeowners or business owners. BARNWELL allegedly told one Brooklyn business owner that his water meter violated DEP water use rules and he would be subject to a \$2,500 City fine. BARNWELL also told this business owner that if he paid BARNWELL one-half of the alleged fine, BARNWELL would not issue it. The business owner refused to pay the bribe and received a fine — the appropriate \$250 fine.

In July 2002, BARNWELL told a man washing a car outside of his repair shop, Giuseppe Trucks and Vans Collision, that he was violating the City's Stage I drought restrictions but BARNWELL would not issue a fine if the man paid him \$100. When the man refused to pay BARNWELL \$100, BARNWELL issued him a \$250 fine for using public water to wash vehicles during the City's lowest level of water-related drought restrictions.

On a third occasion, BARNWELL told a manager of the Sudanese American Society that he was if he didn't install an additional water meter to the building, he'd be subject to a \$250 fine. BARNWELL offered to accept \$100 in lieu of issuing the fine but the manager refused.

On the fourth occasion, BARNWELL told a homeowner that the water meter in his basement was illegal and would need to be changed or the homeowner would be subject to a violation. BARNWELL offered to install a new meter and not issue a violation if the homeowner paid him \$200. BARNWELL installed the new meter at the City's expense.

DOI Commissioner Gill Hearn said, "Let today's arrest be a warning shot to all who consider engaging in similar official misconduct. DOI will investigate said misconduct and will not allow the City's taxpayers to be duped by cynical and greedy schemes to be executed by unscrupulous employees."

She also thanked DEP for its assistance and cooperation in this investigation.

This investigation was conducted by DOI's Inspector General for DEP John Kantor, and members of his staff, including Deputy Inspector General Christopher Staackman and Special Investigator Michael Santos. The Office of Kings County District Attorney Charles J. Hynes is prosecuting the case, with Assistant District Attorney Valerie Forbes of the Rackets Bureau handling the matter.

Criminal complaints are merely an accusation. 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 311 or DOI directly at (212) 825-5959.***