



The City of New York
Department of Investigation

ROSE GILL HEARN

COMMISSIONER

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

Release # 70-2004
nyc.gov/doi

FOR IMMEDIATE RELEASE
WEDNESDAY, NOVEMBER 24, 2004

CONTACT: EMILY GEST
(212) 825-5931

DOI ARRESTS SIX RESTAURANT OPERATORS IN BRIBERY "STING"

- Undercover agents were paid \$1,430 to ignore health code violations in Manhattan, Brooklyn, & Queens -

ROSE GILL HEARN, Commissioner of the Department of Investigation (DOI), announced today the felony arrests of six restaurant operators in Manhattan, Brooklyn and Queens for paying bribes, ranging from \$50 to \$600, to DOI undercover agents who posed as City Department of Health and Mental Hygiene (DOHMH) inspectors. The payoffs were allegedly given to avoid summonses for Health Code violations such as uncovered food and the presence of mouse droppings. DOI is seeking a seventh individual.

All six defendants have been charged with Bribery in the Third Degree, a Class D felony. If convicted, each defendant faces up to seven years in prison.

"New Yorkers should take comfort in the fact that the City works hard to make sure its citizens eat in clean, healthy restaurants," said Commissioner Rose Gill Hearn. "I commend the New York City health inspectors who refused the payoffs from these defendants and reported these bribes to DOI."

Today's arrests reflect an ongoing effort by DOI to arrest restaurant owners who try to circumvent the City's health code by bribing or attempting to bribe DOHMH inspectors to ignore code violations. In most of today's cases, DOI's investigation stemmed from DOHMH inspectors who reported that the owners or managers of these restaurants allegedly offered them bribes. As a result, DOI sent undercover investigators, posing as Health inspectors, to visit the seven establishments.

The facts and circumstances leading to this week's arrests are summarized below:

1. A DOI undercover went to Campagnola Restaurant, at 1382 First Avenue, in Manhattan, and met SALVATORE LOMBARDI, who said he was the manager. After the undercover pointed out health code violations that included uncovered meat dripping blood on the floor of the refrigerator, as well as the presence of spoiled meat and a large uncovered pot of tomato sauce lying on the kitchen floor, LOMBARDI offered and paid the undercover \$250 to overlook the violations.

2. While conducting an inspection of the King Food Restaurant at 422 Amsterdam Avenue in Manhattan, the DOI undercover observed that the owner of King Food, YU CHEN, was not present even though City law requires that CHEN, who holds the restaurant's Food Protection Certificate, be present whenever food is being prepared and served. As the undercover observed seven fly strips covered with dead flies and noticed the absence of soap and towels with which employees could wash their hands, CHEN appeared, and then offered and paid the undercover \$230 to overlook the violations.

3. An undercover DOI investigator inspecting My Kitchen Restaurant, at 5113 Kings Plaza Mall, in Brooklyn, met MI NAM KIM, who said he was the manager. After the undercover pointed out houseflies in the kitchen and a tray of uncovered chicken lying on the kitchen floor, KIM offered and paid the undercover \$100 to overlook the violations.

4. An undercover DOI investigator visiting Everfresh Joy Restaurant at 135-33 40th Street, in Queens, met XI WAN PAN, who said she was the manager. After the undercover pointed out several violations, including partially frozen fish and duck that were thawing in a sink filled with dirty dishes, and a kitchen floor covered with food and garbage, PAN offered and paid the undercover \$600 to avoid receiving any violations.

5. While visiting Top Hat Bagel Restaurant at 40-18 Bell Boulevard, Queens, a DOI undercover met JU-TAE LEE, who said he was the manager. LEE accompanied the undercover to the basement where a rat scampered across the undercover's shoe. After the undercover pointed out several other violations, including numerous flies and the absence of soap and towels with which employees could wash their hands, LEE offered and paid the undercover \$100 to overlook the violations.

6). An undercover DOI investigator visiting Cracovia Deli Restaurant, at 501 Woodward Avenue, Ridgewood, Queens, met BARBARA PIEKARSKA-ROGALSKI, who said she was the owner. After the undercover pointed out several violations in the kitchen, including mouse droppings near the stove, the presence of two cats, and a cat litter box full of fecal matter, ROGALSKI offered and paid the undercover \$100 so that he would not issue any critical violations for the mouse droppings or the presence of the cat and its litter box.

Defendants:

1. SALVATORE LOMBARDI, 43, of Manhattan
2. YU CHEN, 46, of Manhattan
3. MI NAM KIM, 49, of Valley Stream, N.Y.
4. XI WAN PAN, 29, of Bayside, Queens
5. JU-TAE LEE, 49, of Great Neck, N.Y.
6. BARBARA PIEKARSKA-ROGALSKI, 44, of Maspeth, N.Y.

The investigations were conducted under the supervision of DOI's Inspector General for DOHMH, Sam Amorese, and members of his staff, including Deputy Inspector General Stephan Zander, Assistant Inspector General Bradley Howard, and Special Investigators Byron Biggerstaff and John Eleftheriades.

LOMBARDI and CHEN will be prosecuted by New York County District Attorney Robert M. Morgenthau's Special Prosecutions Bureau, with Assistant District Attorney Doug Kaufman handling the cases. KIM will be prosecuted by Kings County District Attorney Charles J. Hynes' Rackets Bureau, with Assistant District Attorney Jeffrey Ferguson supervising the case. PAN, LEE, and ROGALSKI will be prosecuted by Queens District Attorney Richard A. Brown's Integrity Bureau, with Assistant District Attorney Dan O'Leary handling the cases.

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.***