



The City of New York
Department of Investigation

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DOI ARRESTS BAR OPERATOR IN BRIBERY "STING"
-DOI undercover investigator was allegedly paid \$100 to ignore a violation of the City's Smoke Free Air Act at a Queens establishment -

ROSE GILL HEARN, Commissioner of the Department of Investigation ("DOI"), announced today the arrest of a bar owner in Queens for allegedly paying \$100 to a DOI investigator posing as a City Department of Health and Mental Hygiene ("DOHMH") inspector to avoid a summons for violating the City's Smoke Free Air Act.

BRENDAN J. MCCARTAN, 60, of Maspeth, was charged Monday, December 17, 2007, with Bribery in the Third Degree, a class D felony. If convicted, he faces up to seven years in prison.

This week's arrest reflects DOI's ongoing effort to investigate allegations of restaurant and bar operators circumventing the City's Health Code and other health-related regulations by bribing or attempting to bribe DOHMH inspectors. The arrest originated from a DOHMH inspector report to DOI that the owner of the Hill Tap Tavern, located at 83-03 Grand Ave. in Queens, allegedly offered him a bribe when he observed several patrons smoking during an inspection. The DOHMH inspector refused the offer and alerted DOI. Inspectors with DOHMH enforce the City's Smoke Free Air Act, which makes it a violation to smoke in a public bar or restaurant. DOI sent an undercover investigator posing as a DOHMH inspector into the Hill Tap Tavern on December 17, 2007.

According to the criminal complaint, the DOI undercover investigator detected an odor of cigarette smoke and observed one of the patrons smoking at the Hill Tap Tavern. The undercover investigator told the owner of the establishment, who was later identified as MCCARTAN, that there were problems with smoking in the bar. MCCARTAN asked the investigator to give him a break and said that he would give the undercover investigator "one." The undercover investigator stated, "\$100," and MCCARTAN said, "Yes," and that he did not want any violations. MCCARTAN told the investigator he would put something for the investigator in the bathroom. The undercover investigator went into the men's room after he saw MCCARTAN enter and he found five \$20 bills placed on the sink. The undercover investigator thanked MCCARTAN who responded, "It is Christmas."

DOI Commissioner Rose Gill Hearn said, "This arrest, similar to one last month at a Manhattan restaurant, shows DOI's commitment to investigating allegations involving the bribery of

City employees. Paying off a municipal employee is not the cost of doing business in this City. I commend the Health inspector for alerting DOI, which led to yesterday's undercover operation.”

Commissioner Gill Hearn thanked DOHMH Commissioner, Dr. Thomas R. Frieden, for his and his staff's cooperation. Commissioner Gill Hearn also thanked the Office of Queens District Attorney Richard A. Brown for prosecution of the case.

The investigation was conducted under the supervision of DOI's Inspector General for DOHMH Christopher Staackmann and members of his staff, including Deputy Inspector General Stephan Zander, Chief Investigator Byron Biggerstaff and Special Investigators John Eleftheriades, Danielle Caruso and Indira Jhurani.

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 DOI at (212) 825-5959.**