



The City of New York  
Department of Investigation

MARGARET GARNETT  
COMMISSIONER

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

Release #24-2019  
nyc.gov/doi

**FOR IMMEDIATE RELEASE**  
**THURSDAY, NOVEMBER 7, 2019**

**CONTACT: DIANE STRUZZI**  
**NICOLE TURSO**  
**(212) 825-5931**

### **DOI COMMISSIONER STATEMENT ON RESIGNATION OF CITY MARSHAL**

Margaret Garnett, Commissioner of the New York City Department of Investigation (“DOI”), announced today the resignation of City Marshal Vadim Barbarovich, Badge No. 8. The resignation, effective March 16, 2020, comes as part of a disciplinary stipulation following an investigation that began in 2018 after DOI received allegations that Barbarovich exceeded his judgment enforcement authority by serving levies outside of New York City, the jurisdictional boundary for all City Marshals. The disciplinary stipulation, which was received by DOI today, is attached to this release.

The rules regarding levies, and how Marshals may serve them, can be found on DOI’s website, in the [NYC Marshals Handbook](#), Chapter II, Section I. City Marshals’ authority to serve executions against personal property, as well as all other mandates and processes, is limited to the geographical boundaries of the City of New York. Service on a corporation must be made according to the provisions of Section 311 of the New York Civil Practice Laws and Rules (“CPLR”); that is by personally serving, by hand, an officer or agent of the corporation.

DOI’s investigation reviewed a sampling of Barbarovich’s cases between July 2017 and January 2018 and, during that review, DOI requested additional information from Barbarovich regarding dozens of levies he had served. Barbarovich provided a spreadsheet detailing some of the specifics. Through interviews, analysis of records, and surveillance recordings, among other investigative steps, DOI determined that Barbarovich misrepresented to DOI that he personally served 107 levies within New York City. In fact, DOI’s investigation found that Barbarovich’s official records contained proof of personal service on only 15 of those levies.

DOI Commissioner Margaret Garnett said, “This resignation is an important step to ensuring that City Marshals operate in New York City with integrity, honesty, and a commitment to the rules and regulations. Marshals carry out important, sensitive functions that powerfully impact individuals’ livelihoods, and there is zero tolerance for any Marshal who intentionally obscures the facts or ignores the rules.”

Barbarovich collected and disbursed approximately \$157,880 on 11 out of the 92 levies examined by DOI, and he earned approximately \$8,930 in total fees and poundage on those 11 levies. As part of the resignation, DOI demanded and received the \$8,930 that Barbarovich earned for those 11 levies. Barbarovich did not collect on the remaining 81 levies.

To ensure that open matters on Barbarovich’s docket are addressed properly, his business will have until the end of March 2020 to shut down fully; however, he will not accept any new cases or work as an associate for another City Marshal effective immediately.

This investigation was conducted by Caroline Tang-Alejandro, Director of DOI’s Marshals Unit, and Floralba Paulino, Chief Investigative Auditor, under the supervision of Deputy Commissioner of Legal Affairs/General Counsel Leslie B. Dubeck.

*DOI is one of the oldest law-enforcement agencies in the country and New York City’s corruption watchdog. 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. DOI’s strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.*

**DOI’s press releases can also be found at [twitter.com/NYC\\_DOI](https://twitter.com/NYC_DOI)**  
**Bribery and Corruption are a Trap. Don’t Get Caught Up. Report It at 212-3-NYC-DOI.**

THE CITY OF NEW YORK  
DEPARTMENT OF INVESTIGATION

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In the Matter of

DOI Case No. 17-14351

VADIM BARBAROVICH  
New York City Marshal – Badge No. 8

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**DISCIPLINARY STIPULATION**

In 2018, the New York City Department of Investigation (DOI) commenced an investigation regarding whether City Marshal Vadim Barbarovich made proper service and kept proper records of service for selected levies (the “Investigation”). This Disciplinary Stipulation contains DOI’s findings of the Investigation and the relief agreed to by DOI and Marshal Barbarovich (the “Parties”).

**Factual Background**

1. Marshal Barbarovich was appointed as a City Marshal in November 1, 2013.
2. In 2018, DOI contacted Barbarovich regarding 107 levies in 28 cases.
3. During an interview on May 9, 2018, Barbarovich informed DOI that he had served each of the 107 levies by personal service, within New York City. Barbarovich indicated that in some cases, he would also mail or fax a duplicate of the levy to a non-NYC location, but that he would do so only after he had made personal service within New York City. Barbarovich agreed to review his files and provide DOI with proof that he personally served the levies within New York City.

4. Following that interview, on May 10, 2018, DOI provided Barbarovich with a spreadsheet of the 107 levies, and requested that he provide proof of personal service for each levy.

5. On May 14, 2018, Barbarovich provided DOI with a spreadsheet that was identical to the spreadsheet DOI sent to Barbarovich on May 10, 2019, but had an additional column labeled "Location Marshal Served." In that column, Barbarovich indicated (in relevant part) that he had made personal service of:

- a. 50 levies on Corporate Services Company (CSC), a NYC-based registered agent for certain banks and entities;
- b. 43 levies on CT Corporation, a NYC-based registered agent for certain banks and entities;
- c. 2 levies on National Corporate Research (NCR), a NYC-based registered agent for certain banks and entities;
- d. 11 levies on entities located at various NYC addresses (Santander Bank, N.A., Pex, 27th Street Partners, LLC., Inspiron, Inc., ESM Construction Corp., Grubhub Holdings, Automatic Data, CitiBank, N.A.); and
- e. 1 levy with no entry in the field.

6. During a phone conversation on August 8, 2018, Barbarovich informed DOI that he had added the column labeled "Location Marshal Served" to the May 14, 2018 spreadsheet and that the information provided was based on his recollection.

7. Barbarovich's official records contain contemporaneous proof of personal service for 15 of the 107 levies; Barbarovich's official records do not contain any proof of personal service for 92 of the 107 levies.

8. The total fees and poundage earned by Barbarovich from the 92 levies for which there is no proof of personal service was \$8,930.42.

9. Records obtained from several entities that received levies from Barbarovich indicate that those levies were not served in the method or at the location indicated in Barbarovich's May 14, 2018 spreadsheet.

10. Barbarovich's official diary contains an entry indicating that Barbarovich made personal service of a levy, under docket No. E9871, on CSC, located at 1180 Avenue of the Americas, New York, NY, on March 22, 2019, at 1:52 pm.

11. During an email exchange on April 15, 2019, Barbarovich's office confirmed that the levy described in his diary as having been served on CSC, at 1:52pm on March 22, 2019, was in fact served at a TD Bank branch in Brooklyn at that date and time.

### **Violations**

12. DOI finds that Marshal Barbarovich's conduct, as set forth above, violated the New York City Marshals Handbook of Regulations ("Marshals Handbook") by failing to record all relevant actions taken in connection with levies, by making untruthful statements to DOI during the Investigation, and by failing to cooperate in the investigation.

13. DOI finds that these violations would be sufficient to seek Marshal Barbarovich's immediate removal under Sections 1610 and 1612 of the New York City Civil Court Act ("CCA") and Joint Administrative Orders ("JAOs") 453 and 456 of the Appellate Divisions of the Supreme Court of the State of New York, First and Second Judicial Departments.

14. IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, that in consideration of forgoing a contested disciplinary proceeding, the Parties agree as follows:

## **Penalty**

15. Marshal Barbarovich will forfeit to DOI the amount of fees and poundage earned from the 92 levies for which there is no proof of personal service. A check or money order for \$8,930.42 shall be delivered to on the date this stipulation is executed.

16. Marshal Barbarovich will, on the date this stipulation is executed, tender a letter resigning his appointment effective March 16, 2020.

17. Marshal Barbarovich will not accept any new business or issue any new levies, effective immediately.

18. Marshal Barbarovich will complete the wind down process (as described in Exhibit A hereto). In particular:

- a. On or before January 1, 2020, Marshal Barbarovich will submit to DOI an affirmation (a template of which is attached as Exhibit B hereto) confirming that he has completed steps 1-7 of the wind down process;
- b. On or before March 16, 2020, Marshal Barbarovich will submit to DOI an affirmation (a template of which is attached as Exhibit C hereto) confirming that he has completed step 8 of the wind down process; and
- c. On or before March 16, 2020, Marshal Barbarovich will remit his 2019 assessment fees to DOI.

19. Marshal Barbarovich shall pay to the City of New York \$300,000 in penalties.

However, DOI agrees to suspend:

- a. \$75,000 of the penalty, provided that Marshal Barbarovich timely and properly submits the affirmation described in paragraph 18(a), above;

- b. \$75,000 of the penalty, provided that Marshal Barbarovich timely and properly submits the affirmation described in paragraph 18(b), above; and,
  - c. \$150,000 of the penalty, provided that Marshal Barbarovich timely and properly remits his 2019 assessment fees.
20. If Marshal Barbarovich timely and properly submits the affirmations called for in paragraph 18, above, and remits his 2019 assessment fees, DOI will not seek payment of the suspended penalties.
21. Marshal Barbarovich expressly agrees that his failure to timely and properly submit the affirmation called for in paragraph 18(a), above, is a default under the terms of this Disciplinary Stipulation and DOI will file and enter judgment for \$75,000.
22. Marshal Barbarovich expressly agrees that his failure to timely and properly submit the affirmation called for in paragraph 18(b), above, is a default under the terms of this Disciplinary Stipulation and DOI will file and enter judgment for \$75,000.
23. Marshal Barbarovich expressly agrees that his failure to timely and properly remit his 2019 assessment fees to DOI is a default under the terms of this Disciplinary Stipulation and DOI will file and enter judgment for \$150,000.
24. In consideration for DOI's agreement not to seek Marshal Barbarovich's immediate removal and to secure the payment described by paragraph 19, Marshal Barbarovich will execute and deliver, at the time of the execution and delivery of this Stipulation:
- a. the accompanying Affidavit for Judgment by Confession (attached hereto as Exhibit D), confessing judgment for the amount of \$75,000, plus interest at the rate of nine percent per year;

- b. the accompanying Affidavit for Judgment by Confession (attached hereto as Exhibit E), confessing judgment for the amount of \$75,000, plus interest at the rate of nine percent per year; and
- c. the accompanying Affidavit for Judgment by Confession (attached hereto as Exhibit F), confessing judgment for the amount of \$150,000, plus interest at the rate of nine percent per year.

### **Miscellaneous**

25. No representation, inducement, promise, understanding, condition, or warranty not set forth in this Assurance has been made to or relied upon by the Respondent in agreeing to this Assurance.

26. Marshal Barbarovich has had a full opportunity to review this Stipulation with his attorney, Ronald Russo, Esq., and has been informed of his rights with respect to discipline under the CCA, the JAOs cited above, and the Marshals Handbook, including, but not limited to, his rights (1) to be furnished with written charges and an opportunity to answer the charges in writing, (2) to a full hearing on the charges, at which DOI's designee has the burden of proving the charged misconduct, (3) to be represented by counsel at such hearing, and, (4) after such hearing, to appeal any decision of the DOI Commissioner ("Commissioner"), including, but not limited to, any penalty imposed by or recommended by the Commissioner, to the Appellate Divisions.

27. Marshal Barbarovich hereby knowingly and voluntarily waives his above-mentioned rights, including, but not limited to, his right to appeal the penalty provided for in this

Stipulation, and admits the misconduct or other wrongdoing described in numbered paragraphs 1 through 11 of this Stipulation.

28. Marshal Barbarovich acknowledges that he has entered this Stipulation freely and voluntarily and upon due deliberation with the advice of counsel.

29. This Stipulation will be filed as a public record in DOI and will be considered for all purposes as part of Marshal Barbarovich's official record, including but not limited to any consideration at any time of whether Marshal Barbarovich should be reappointed as a City Marshal.

30. In the event that any one or more of the provisions contained in this Stipulation shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, in the sole discretion of the Commissioner, such invalidity, illegality, or unenforceability shall not affect any other provision of this Stipulation.

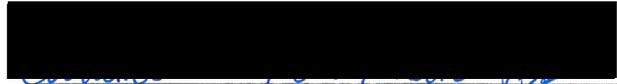
31. The Stipulation and all its terms shall be construed as if mutually drafted with no presumption of any type against any party that may be found to have been the drafter.

32. This Stipulation may be executed in multiple counterparts by the parties hereto. All counterparts so executed shall constitute one agreement binding upon all parties, notwithstanding that all parties are not signatories to the original or the same counterpart. Each counterpart shall be deemed an original to this Stipulation, all of which shall constitute one agreement to be valid as of the effective date of this Stipulation. For purposes of this Stipulation, copies of signatures shall be treated the same as originals. Documents executed, scanned and transmitted electronically and electronic signatures shall be deemed original signatures for purposes of this Stipulation and all matters related thereto, with such scanned and electronic signatures having the same legal effect as original signatures.

33. The effective date of this Stipulation shall be November 6, 2019.

MARGARET GARNETT  
Commissioner

By:



Caroline Tang-Alejandro  
Director of the Bureau of City Marshals  
Department of Investigation  
180 Maiden Lane  
New York, NY 10038

VADIM BARBAROVICH



STATE OF New York )  
COUNTY OF Kings ) ss.:

On this 6<sup>th</sup> day of November, 2019, Vadim Barbarovich, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument, appeared before the undersigned and acknowledged to me that he executed the within instrument by his signature on the instrument.

Sworn to before me this 6 day of November, 2019



NOTARY PUBLIC  
RONALD G. RUSSO  
Notary Public, State of New York  
No. 02RU6007486  
Qualified in Kings County  
Commission Expires July 31, 2022  
5/18/22

# Exhibit A

**City Marshal Vadim Barbarovich, Badge No. 8**  
**Date of Appointment: November 1, 2013**  
**Effective Date of Resignation: March 16, 2020**

### **Wind Down Procedures**

- 1) Submit a resignation letter addressed to the Bureau of City Marshal's Director.
- 2) Submit to DOI a list of all open cases immediately.
- 3) Do not accept any new cases (including work as an associate of another City Marshal) or initiate any new levies.
- 4) Close all property execution cases on or before December 31, 2019. Prior to closing:
  - a. Confirm that all levies have expired or been released.
  - b. Contact, in writing, all creditors or attorneys on then-open property execution cases
  - c. Return any pending executions to the attorney or Court (as applicable)
  - d. Provide a copy to DOI of all such correspondence.
- 5) Close all income execution cases on or before December 31, 2019. Prior to closing:
  - a. Contact, in writing, all creditors or attorneys on then-open income execution cases and inform them of the status of their case, including that the income execution will be returned and garnishment released unless the Marshal has received a written instruction from the creditor or attorney that the income execution should be reassigned to another Marshal.
  - b. Release any pending garnishment notices, unless the creditor or attorney has made a request, in writing, that the income execution be reassigned to another Marshal.
  - c. Provide a copy to DOI of all such correspondence.
- 6) Close all eviction cases on or before December 31, 2019. Prior to closing:
  - a. Contact, in writing, all landlords or attorneys on then-open cases and inform them (i) of the status of their case, (ii) including that the warrant of eviction will be returned to the Court, and (iii) that the landlord or attorney may request that the warrant be reissued to another Marshal (to be specified by the landlord or attorney).
  - b. Prepare a list of warrants that will be returned to the Civil Court and a list of all cases in which the landlord has requested that the warrant of eviction be reissued to another Marshal.
  - c. Provide a copy to DOI of all such correspondence.
- 7) Close all meter seizure cases on or before December 31, 2019. Prior to closing:
  - a. Inform the utility companies, in writing, that you will no longer be seizing meters.
  - b. Provide a copy to DOI of all such correspondence.
- 8) Submit wind down package to DOI on or before March 16, 2020. Package will include:
  - a. Wind down financial statement (template to be provided by DOI).
  - b. Payment of the 2019 Assessment Fee.
  - c. Docket, Trust Cash Receipts and Disbursement Books from the first day the office opened for business to the present. See the New York City Marshals Handbook of Regulations, Appendix, record series numbers 18306 and 18071 for details.
  - d. A flash drive including scanned record series numbers 18307 and M0001-M0015. Those records must be retained between three and seven years from the closing date. See the New York City Marshals Handbook of Regulations, Appendix, for details.
  - e. Your badge and identification.
  - f. The attached template affirmation.

# Exhibit B



7. I closed all meter seizure cases on or before December 31, 2019, including completing all steps identified in the wind down procedures as being required prior to closing (Step 7 of Exhibit A to the Disciplinary Stipulation).

8. As of [on or before January 1, 2020], I had no open cases.

Dated: [On or before January 1, 2020]

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Vadim Barbarovich

Sworn to before me this  
day of       , 2020

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Notary Public

# Exhibit C



6. I have submitted to DOI all Docket, Trust Cash Receipts and Disbursement Books from the first day the office opened for business to the present. See the New York City Marshals Handbook of Regulations, Appendix, record series numbers 18306 and 18071 for details.

7. I have submitted to DOI, on a flash drive, scanned record series numbers 18307 and M0001-M0015. Those records must be retained between three and seven years from the closing date. See the New York City Marshals Handbook of Regulations, Appendix, for details.

8. I have returned my badge and identification to DOI.

9. I acknowledge that as of March 16, 2020, I may no longer use the title of Marshal.

Dated: [On or before March 16, 2020]

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Vadim Barbarovich

Sworn to before me this  
day of           , 2020

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Notary Public

# Exhibit D

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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CITY OF NEW YORK,

Plaintiff,

-against-

VADIM BARBAROVICH,

Defendant.

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AFFIDAVIT FOR JUDGMENT  
BY CONFESSION

Index No. \_\_\_\_\_

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF \_\_\_\_\_)

Vadim Barbarovich, being duly sworn, deposes and says:

1. I am the Defendant in the above-entitled action.
2. I reside at 2356 Royce Street, Brooklyn, New York, such residence being in the County of Kings.
3. I entered into Disciplinary Stipulation, DOI Case No. 17-14351, with the City of New York Department of Investigation. A copy of the Disciplinary Stipulation executed by me on November 6, 2019, is attached hereto and the terms are incorporated by reference herein.
4. Pursuant to the Disciplinary Stipulation, I confess judgment in this Court in favor of the Plaintiff, City of New York, for penalties of \$75,000, plus interest at the rate of nine percent per year, and hereby authorize the Plaintiff or its authorized agents and/or assigns to enter judgment against me for that sum.
5. This Confession of Judgment is for a debt justly to become due to the Plaintiff under the Disciplinary Stipulation if as follows:

a. Pursuant to the Disciplinary Stipulation, I have agreed to pay the amount described in paragraph 4 above.

b. Pursuant to the Disciplinary Stipulation, I have executed this Affidavit to secure a suspension of my obligation to pay that debt so long as I comply with the terms of the Disciplinary Stipulation by submitting a completed affirmation, as described in paragraph 18(a) of the Disciplinary Stipulation, to DOI on or before January 1, 2020.

c. Pursuant to the Disciplinary Stipulation, I have expressly agreed that Plaintiff may enter this Confession of Judgment against me for the amount stated in Paragraph 4 above if I fail to submit a completed affirmation, as described in paragraph 18(a) of the Disciplinary Stipulation, to DOI on or before January 1, 2020.

6. Changes to this Confession of Judgment must be in writing, signed by both me and the representative of the Plaintiff.

7. This Confession of Judgment does not relate to a consumer debt.

Dated:

November 6, 2019



Vadim Barbarovich

Sworn to before me this  
6th day of November, 2019



Notary Public

RONALD G. RUSSO  
Notary Public, State of New York  
No. 02RU6007436  
Qualified in Kings County  
Commission Expires July 31, 20

5/18/22

# Exhibit E



- a. Pursuant to the Disciplinary Stipulation, I have agreed to pay the amount described in paragraph 4 above.
- b. Pursuant to the Disciplinary Stipulation, I have executed this Affidavit to secure a suspension of my obligation to pay that debt so long as I comply with the terms of the Disciplinary Stipulation by submitting a completed affirmation, as described in paragraph 18(b) of the Disciplinary Stipulation, to DOI on or before March 16, 2020.
- c. Pursuant to the Disciplinary Stipulation, I have expressly agreed that Plaintiff may enter this Confession of Judgment against me for the amount stated in Paragraph 4 above if I fail to submit a completed affirmation, as described in paragraph 18(b) of the Disciplinary Stipulation, to DOI on or before March 16, 2020.

6. Changes to this Confession of Judgment must be in writing, signed by both me and the representative of the Plaintiff.

7. This Confession of Judgment does not relate to a consumer debt.

Dated: November 6, 2019



Vadim Barbarovich

Sworn to before me this 6 day of November, 2019



Notary Public  
RONALD G. RUSSO  
Notary Public, State of New York  
No. 02RU6007486  
Qualified in Kings County  
Commission Expires ~~July 31, 20~~

5/18/22

# Exhibit F

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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CITY OF NEW YORK,

Plaintiff,

-against-

VADIM BARBAROVICH,

Defendant.

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AFFIDAVIT FOR JUDGMENT  
BY CONFESSION

Index No. \_\_\_\_\_

STATE OF NEW YORK     )  
  ) ss.:  
COUNTY OF \_\_\_\_\_)

Vadim Barbarovich, being duly sworn, deposes and says:

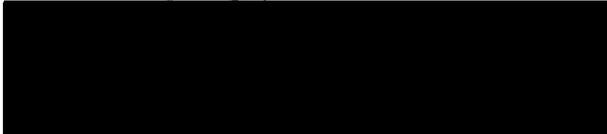
1. I am the Defendant in the above-entitled action.
2. I reside at 2356 Royce Street, Brooklyn, New York, such residence being in the County of Kings.
3. I entered into Disciplinary Stipulation, DOI Case No. 17-14351, with the City of New York Department of Investigation. A copy of the Disciplinary Stipulation executed by me on November 6, 2019, is attached hereto and the terms are incorporated by reference herein.
4. Pursuant to the Disciplinary Stipulation, I confess judgment in this Court in favor of the Plaintiff, City of New York, for penalties of \$150,000, plus interest at the rate of nine percent per year, and hereby authorize the Plaintiff or its authorized agents and/or assigns to enter judgment against me for that sum.
5. This Confession of Judgment is for a debt justly to become due to the Plaintiff under the Disciplinary Stipulation if as follows:

- a. Pursuant to the Disciplinary Stipulation, I have agreed to pay the amount described in paragraph 4 above.
- b. Pursuant to the Disciplinary Stipulation, I have executed this Affidavit to secure a suspension of my obligation to pay that debt so long as I comply with the terms of the Disciplinary Stipulation by remitting my 2019 assessment fees to DOI on or before March 16, 2020.
- c. Pursuant to the Disciplinary Stipulation, I have expressly agreed that Plaintiff may enter this Confession of Judgment against me for the amount stated in Paragraph 4 above if I fail to remit my 2019 assessment fees to DOI on or before March 16, 2020.

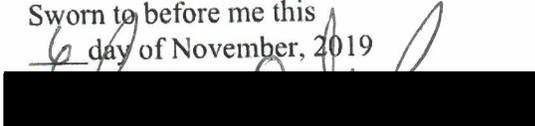
6. Changes to this Confession of Judgment must be in writing, signed by both me and the representative of the Plaintiff.

7. This Confession of Judgment does not relate to a consumer debt.

Dated: November 6, 2019

  
Vadim Barbarovich

Sworn to before me this  
6th day of November, 2019



Notary Public

RONALD G. RUSSO  
Notary Public, State of New York  
No. 02RU6007486  
Qualified in Kings County  
Commission Expires ~~July 31, 20~~

5/18/22



**Vadim Barbarovich**  
Marshal, City of New York  
1517 Voorhies Avenue, Suite 3R  
Brooklyn, NY 11235

Tel: (718) 968.8880  
Fax: (718) 968.8884  
Support@NYCMarshal8.com

11/04/2019

Caroline Tang-Alejandro  
Director, Bureau of City Marshals  
NYC Department of Investigation

I hereby resign my appointment as City Marshal, effective 03-16-2020.

Vadim Barbarovich