



The City of New York
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NEW YORK CITY SCHOOL GUIDANCE COUNSELOR ARRESTED
-- Tried to Collect Life Insurance for Fictitious Person --

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation, and ROSLYNN R. MAUSKOPF, United States Attorney for the Eastern District of New York, announced today the arrest of NEIL FOSTER PHILLIPS II, a school guidance counselor and funeral director, on mail fraud charges after allegedly engaging in a clever life insurance fraud conspiracy. If convicted, PHILLIPS, 37, of Dix Hills, New York, faces up to 20 years in jail.

DOI's investigation with the United States Postal Inspection Service began after the Department of Health and Mental Hygiene ("DOHMH") reported that a life insurance company was unable to match data on a city death certificate with information in public records. With assistance from life insurance companies, investigators determined that Phillips, and possibly others, caused New York Life, MetLife and John Hancock to issue life insurance policies for a "Dante Martin," who named a "Darryl Judge" as his beneficiary. The policies were worth \$2.75 million in total.

According to the complaint, evidence links these policies for "Martin" to PHILLIPS. For example, the complaint indicates that the home address of the insured, "Dante Martin," matched the address of a post office box opened by the defendant. In addition, Martin's home phone number was the same as the phone number attributed to the defendant on the application used to open the post office box.

On December 15, 2003, a death certificate for "Dante Martin" was filed with DOHMH, indicating that Martin had died at his Brooklyn home. Not long after, "Darryl Judge" filed a notice of claim with the three life insurance companies and sought payment as the beneficiary. In the notice of claim, the address listed for "Judge" was the same post office box as "Martin's," which was linked to the defendant. Additionally, Judge's phone number matched the cell phone number subscribed to by the defendant. One life insurance company, Met Life, set up a money market account worth \$1 million in Judge's name and mailed him a book of blank checks at the aforementioned post office box.

Investigators determined that a \$1,001,693.44 check was drawn on the money market account and made payable to a "Mabel Burnell," who jointly-owned a bank account with the defendant at Fleet Bank, in Rosedale, Queens. A Fleet Bank employee told investigators that a man who presented a driver's license bearing the defendant's last name, and who was listed as a co-owner of the account, deposited the check into the joint account. The bank stopped payment on the check.

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According to the complaint, the death certificate for “Dante Martin,” which originated from the funeral service company where the defendant is a licensed funeral director, was signed by a male doctor, who is not registered with New York State and whose listed license number actually belongs to a female radiologist. Additionally, the death certificate stated Martin had been buried in a Louisiana cemetery, which investigators determined did not exist.

“It is shocking that someone who is advising young children as a guidance counselor would attempt to execute such a cynical and greedy scheme,” said DOI Commissioner Rose Gill Hearn. “While this case represents excellent detective work and team work, the investigation is by no means over.”

Commissioner Rose Gill Hearn thanked U.S. Postal Inspectors John McDermott and Jim Lamb, New York Life, MetLife and John Hancock life insurance companies and DOHMH Commissioner Dr. Thomas R. Frieden for their assistance and cooperation in this investigation.

“To satisfy his greed, PHILLIPS has betrayed the community he served and the students who looked up to him,” stated United States Attorney ROSLYNN R. MAUSKOPF. “He stands accused of an elaborate fraud, and if convicted, faces twenty years in prison. I commend the excellent work of the New York City Department of Investigation, the Postal Inspection Service, and the Department of Mental Health and Hygiene in uncovering this scheme and bringing this defendant to justice.” Ms. MAUSKOPF emphasized that the investigation is continuing.

At DOI, the investigation was conducted by Assistant Commissioner Steven A. Pasichow, DOHMH Inspector General Sam Amorese, Deputy Inspector General Stephan Zander, Assistant Inspector General Bradley Howard and Special Investigator Byron Biggerstaff.

The case is being prosecuted by Assistant United States Attorney Robert Capers.

The charge in the complaint is merely an accusation, and the defendant is presumed innocent unless and until proven guilty.

***Get the worms out of the Big Apple.
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