



NEWS

From the Office of the New York State Comptroller

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DiNapoli, McNamara Pension Fraud Investigation Results in Conviction of Double-Dipping Retired Rome Police Officer

Criminal double dipping uncovered by State Comptroller Thomas P. DiNapoli's investigators and Oneida County District Attorney Scott McNamara's office has resulted in the conviction of former Rome police officer Thomas C. Hubal, who pleaded guilty to third degree grand larceny. He is expected to serve six months incarceration, five years probation, and must repay the more than \$88,000 he stole from the State and Local Retirement System associated with double dipping.

"There are laws designed to protect the integrity of the pension fund and the interests of the taxpayers," DiNapoli said. "Thomas Hubal broke those laws. Local governments across the state are struggling to make ends meet, and taxpayers can't afford this kind of abuse.

"My office will continue to identify pension abuse, and anyone who commits fraud will be prosecuted to the fullest extent of the law. This should serve as notice to anyone who wants to game the system: we will find you, and you will be prosecuted. The partnership my office has with District Attorney McNamara's office is government cooperation at its best."

"I commend Comptroller DiNapoli for his commitment to aggressively investigating and bringing to justice those who perpetrate this type of fraud upon the hard working taxpayers of our state," said McNamara. "Hopefully this case will send a message that this type of abuse of taxpayers' money will not be tolerated. I look forward to continuing our working relationship with the Comptroller's office."

According to a report issued by DiNapoli's office, investigators from the Comptroller's Investigations Unit and McNamara's office found Hubal was working for the Rome City School District without having obtained a waiver from the state Civil Service Commission, as required by state law, and without notifying the Comptroller's office that he would be returning to public employment. Hubal collected benefits from the New York State and Local Retirement System and was paid for work at the Rome City School District over a nine-year period.

DiNapoli launched the investigation after his office was tipped-off to Hubal's improper and illegal post-retirement public employment. In addition to Hubal's illegal "double-dip," investigators also found evidence that suggests district officials allowed Hubal to collect funds for travel and other expenses without the required documentation to support such expenses. From January 2001 through March 2009, Hubal received more than \$20,000 for these unsupported expenses.

New York State Retirement and Social Security Law provides that a public pension retiree may temporarily return to work for a public entity without a reduction in existing retirement benefits, provided the retiree satisfies specific legal requirements. Hubal circumvented those legal requirements.

DiNapoli's office worked collaboratively with District Attorney McNamara's office to bring the case to resolution.

Since taking office in 2007, DiNapoli has been committed to rooting out fraud in the state's retirement

system. Hubal's conviction stems from the first known criminal investigation and prosecution of a retiree for illegally receiving payments from the State and Local Retirement System while employed by another public employer. In January, DiNapoli proposed a pension forfeiture bill that would take away a public official's pension benefits if he or she commits a felony related to the performance of their duties. The bill also provided for enhanced penalties for public officials who abuse the public trust by using their position to enrich themselves.

New Yorkers can report allegations of fraud, corruption and abuse of taxpayer money by calling the Comptroller's toll-free fraud hotline at 1-888-OSC [672]-4555; filing a complaint online at investigations@osc.state.ny.us; or mailing a complaint to: Office of the State Comptroller Investigations Unit, 110 State Street, 14th floor, Albany, NY 12236.

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