

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF THE BRONX

PEOPLE OF THE STATE OF NEW YORK,

-against-

FELONY COMPLAINT

WILLIAM HAMEL,

Defendant.

Richard Smith, a Senior Investigator with the New York State Office of the Attorney General (“OAG”), being duly sworn, deposes and says that during a period from on or about March 12, 2007, to about April 16, 2007, in the County of the Bronx, State of New York, the defendant, William Hamel, committed the offenses of:

BRIBERY IN THE 3rd DEGREE, in violation of Penal Law § 200.00, a class D Felony, in that the defendant did confer and offer and agree to confer any benefit upon a public servant upon an agreement and understanding that such public servant’s vote, opinion, judgment, action, decision and exercise of discretion as a public servant would thereby be influenced.

Defendant committed this crime as follows:

1. This felony complaint is based upon information and belief, with the source of deponent’s information and the grounds for his belief being his involvement in the investigation conducted by the OAG, the New York City Department of Investigation, and the New York City Health and Hospitals Corporation (“HHC”) Office of the Inspector General; the business records of HHC; records of the New York State Office of Court Administration; telephone records of the defendant and others; observations made and photographs taken of a meeting between the defendant and Gladys Diaz (“Diaz”) on March 14, 2007, in the vicinity of 597-99 Grand

Concourse, Bronx, New York; and the statements of the defendant and Gladys Diaz, overheard during court-ordered eavesdropping.

2. I have reviewed HHC business records indicating that Diaz is and was during the relevant period of time employed by HHC as a Clerical Associate at Lincoln Medical & Mental Health Center (“Lincoln”), located at 234 East 149th Street, Bronx, New York, and that her responsibilities are to assist a surgical unit by assembling patient charts upon admission and discharge of patients; otherwise to assist in maintaining certain information in patient charts; to communicate with the admitting office regarding patient discharges; and to act as a receptionist. These records also demonstrate that Diaz had access to confidential patient information.

3. Based on my review of the telephone information compiled during this investigation, telephone calls were made during the relevant period of time between the defendant’s cellular telephone and Diaz’s cellular telephone. Based on this investigation, I am familiar with defendant’s and Diaz’s voices. I have listened to telephone calls recorded pursuant to court-ordered eavesdropping warrants of the defendant’s cellular telephone for the following dates and times, and in sum and substance the following was stated:

- a. Call # 660, 3/12/07 at 2:48 p.m.: Diaz told the defendant that she passed along patient and accident information to his office. The defendant stated that she can contact him directly.
- b. Call # 778, 3/20/07 at 4:36 p.m.: Diaz left the defendant a voicemail message with patient information, including the name, type of accident and hospital location.
- c. Call # 1160, 4/16/07 at 11:24:01 a.m.: Diaz discussed meeting with the defendant and that Diaz was not receiving the full amount of money she was owed from the defendant on cases.

4. Based on records of the Office of Court Administration, the defendant is an attorney

admitted to practice in the State of New York. According to a listing on Martindale Hubble and a website for the law firm Dinkes & Schwitzer found at www.dandsatlaw.com, Dinkes & Schwitzer is a law firm that specializes in, among other things, bringing lawsuits on behalf of plaintiffs in automobile accident, medical malpractice, and construction accident cases. The defendant is listed in the Dinkes & Schwitzer website as being a trial lawyer with the firm.

5. Based on my experience investigating motor vehicle insurance fraud at the OAG, including de-briefing admitted participants, listening to thousands of intercepted telephone calls in this investigation, conducting undercover operations, and conducting surveillance, I have learned that there are several similar features in most no-fault insurance fraud rings. First, steerers or no-fault personal injury attorneys must recruit Motor Vehicle Accident (MVA) Victims to become patients. Steerers or attorneys find victims and recruit them as patients in a variety of ways. Often, hospital employees sell confidential patient information to “steerers” or attorneys. In other situations, the steerer or attorney pays a tow-truck driver or an insurance broker for victim information. Sometimes, the steerer listens to a police scanner and solicits victims at the accident scene. Once the steerer or attorney has the victim information, they direct the MVA victims to attend corrupt no-fault medical clinics owned by co-conspirators. The clinics provide the patients with medically unnecessary treatment or fail to provide treatment and then submit fraudulent claims to insurance carriers based on that purported treatment;

and the attorneys then pursue fraudulent personal injury lawsuits for pain and suffering.

False statements made herein are punishable as a
Class A misdemeanor pursuant to Penal Law § 210.45.

Richard Smith
Senior Investigator
New York State Office of the Attorney General

Dated: _____, 2009
_____, New York