



HAMILTON COUNTY DEPARTMENT OF SOCIAL SERVICES
139 White Birch Lane, PO Box 725
Indian Lake, New York 12842-0725
(518) 648-6131 / Fax: (518) 648-5257

Roberta Bly, Commissioner

County: Hamilton

Contact Person: Roberta Bly/ Deputy William Wilt

Title: Commissioner/ Deputy

Phone #: (518) 648-6131

E-mail Address: Roberta.bly2@dfa.state.ny.us/ William.Wilt@dfa.state.ny.us

1. What unit is responsible for the investigation of client fraud allegations?

Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.

The Fraud Unit consisting of two positions, the Commissioner and the investigator. Investigator obtains written referrals from the eligibility unit and the toll free hotline number. He initiates and investigation an investigation and if there are adequate allegations the investigator and the Commissioner will consult and refer to the DA.

2. What unit is responsible for the prosecution of client fraud allegations?

Please provide the name of the unit, # of positions, titles of positions, and how allegations are processed.

The District Attorney's office under Marsha Perdue determines whether there is enough proof of the allegations to pursue prosecution. Currently, there is no assistant DA.

3. What unit is responsible for determining the overpayment amount, establishing the claim, and collection activities?

The eligibility unit along with the fiscal department determines the overpayment and establish the claim. The investigator meets with the client to sign the repayment agreement.

4. What are the step by step procedures for the referral of fraud cases for administrative hearings, including the notices provided and the timing of providing such notices?

The investigator assembles documentary evidence which he believes is sufficient on its face to support its determination of IPV and forwards the evidence in the form of an evidentiary packet to the Office of Administrative Hearings, Office of Temporary and Disability Assistance, with a request that the Office schedule an administrative disqualification hearing.

5. What are the step by step procedures for the referral of fraud cases to your District Attorney, including the notices provided and the timing of providing such notices?

The investigator prepares the evidentiary packet along with a referral for the DA. The DA reviews the packet normally with the investigator and it is determined whether it will be prosecuted or a Disqualification Consent Agreement will be offered.

6. What are your procedures for offering a Disqualification Consent Agreement (DCA)?

The Investigator and the District Attorney work in coordination through the protocol steps of 15-INF-7

All staff shall use the following protocol, once the District Attorney's office has issued its determination letter offering deferred adjudication and civil resolution of the matter.

- 1) Evidence Packet: Documentation sufficient to support the finding of an Intentional Program Violation shall be provided to the District Attorney's office for mailing to the accused individual with the advance notice provided by the District Attorney in conformity with regulations.
- 2) The investigator will contact the individual, if the individual has not called to schedule an interview within a reasonable time following mailing of the advance notification from the District Attorney's Office.
- 3) An interview, if desired by the individual, will be scheduled no earlier than 13 days from the date of mailing, or no sooner than 10 days from receipt of the packet, as confirmed by the Applicant/Recipient.
- 4) No individual will be asked to waive their right to the 10 days' Notice of Consequences prior to signing the DCA.
- 5) At the interview, the attached INTERVIEW ACKNOWLEDGEMENT FORM will be discussed and reviewed with the individual. If the interview is conducted by telephone, the fraud investigator may record the call, and use the form provided. At the conclusion of the in-person or telephone interview, the fraud investigator will deliver a copy of the completed form to the individual.
- 6) If the Office receives a signed DCA, dated at least 10 days after the date of the District Attorney's advance notification, this Office will send a copy of the Interview Acknowledgement Form by certified mail, return receipt requested, to the last known address, along with a cover letter acknowledging receipt of the signed DCA, but notifying them that we wanted to ensure they understood their rights, and to please contact the Office to go over the attached form. Included in that mailing will be a Self Addressed Stamped Envelope for return of the completed Form to the Office.
- 7) If the individual chooses to present a statement or evidence in support of finding that the allegation was caused by error rather than fraud, the form will be noted, and the investigator will review the information prior to accepting the DCA and imposing the disqualification status.

7. How is it proven that an individual has been advised on the court record of the Public Assistance disqualification penalties?

The investigator attends the court appearance and assures that the judge reads on the record the penalty imposed regarding disqualification from Public Assistance and when possible the manual IPV notice is filled out and handed to the client at the court appearance.

Attach a copy of the agreement between your social services district and the District Attorney's Office for the prosecution of welfare fraud

AGREEMENT

THIS AGREEMENT, dated the 1st day of June, 2017, between

**Robert A. Bly, Commissioner of the Hamilton County
Department of Social Services**, with offices at Indian Lake,
New York, hereinafter called the "COMMISSIONER"

Party of the First Part

AND

**Marsha King Purdue, Esq., District Attorney of the County
of Hamilton**, with offices at White Birch Lane, Indian Lake,
New York, hereinafter called "DISTRICT ATTORNEY"

Party of the Second Part

WHEREAS, the COMMISSIONER recognizes that it is the statutory responsibility of the DISTRICT ATTORNEY to prosecute crimes committed in the County of Hamilton, and

WHEREAS, the DISTRICT ATTORNEY recognizes the COMMISSIONER maintains the responsibility to investigate allegations of Welfare Fraud in all program areas operated within the Department of Social Services and to recover overpayments of assistance that occur as the result of fraudulent activity, and

WHEREAS, the DISTRICT ATTORNEY recognizes the COMMISSIONER is required by the New York State Office of Temporary & Disability Assistance and the New York State Department of Health to make appropriate referrals to the DISTRICT ATTORNEY to prosecute cases of fraud committed against the Hamilton County Department of Social Services, and

WHEREAS, the parties are desirous of instituting procedures in the referral fraud cases for criminal prosecution as accepted by the DISTRICT ATTORNEY, and for cases not accepted for criminal prosecution, which are to be dealt with by the COMMISSIONER administratively pursuant to procedures set forth.

WHEREAS, this agreement is authorized pursuant to Resolution No. 180-17 adopted by the Hamilton County Board of Supervisors on June 1, 2017.

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, it is hereby agreed by and between the parties as follows:

ONE: The COMMISSIONER shall refer cases of Suspected Welfare Fraud to the DISTRICT ATTORNEY on activity involving a) concealment of a material fact (i.e. unreported income, unreported resources, etc.) resulting in an overpayment of assistance, b) the filing of a false instrument or false statement, c) any combination of a & b and/or d) Criminal use of Public Benefit cards or any other fraudulent activity as recommended by the DISTRICT ATTORNEY. The acceptance of the case for criminal prosecution based upon the evidence presented shall be at the discretion of the DISTRICT ATTORNEY.

TWO: The DISTRICT ATTORNEY recognizes that the cases shall be referred to the appropriate police agency who together with the Commissioner shall prepare the Accusatory Instrument and evidence package for all welfare fraud cases referred to the DISTRICT ATTORNEY by said Department and said Police department and may proceed directly to arrest in accordance with Police procedures under the New York State Criminal Procedure Law. The Commissioner shall provide all necessary documentation for prosecution with the District Attorney.

THREE: If, after conferring with the Department of Social Services, the DISTRICT ATTORNEY, believes that the administrative procedure is in the best interests of the People of the State of New York, then in that event the Social Services Commissioner shall attempt to seek restitution of the overpayment in the appropriate program area by Civil remedy. On overpayments involving the Public Assistance and Food Stamp programs an Administrative Disqualification Hearing transmittal may be filed for the purpose of establishing an Intentional Program Violation in lieu of criminal prosecution.

FOUR: The District Attorney authorizes the Department of Social Services to send advance written notification of consequences of signing a Disqualification Consent Agreement to the assistance unit or household, and enter into a Disqualification Consent Agreement, when deferred adjudication is contemplated on Intentional Program Violations (IPVs) resulting from a false statement with no overpayments of Public Assistance and/or Food Stamps or as directed by the Hamilton County District Attorney.

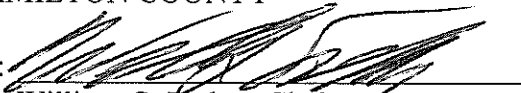
FIVE: This Agreement may be terminated by either party upon thirty days written notice to the other party, which notice shall either be mailed by first class

mail or delivered in person to the other party at the address for said party as shown on the first page of this Agreement.

IN WITNESS WHEREOF, the parties hereto have affixed their respective signatures on the day and date first above written.

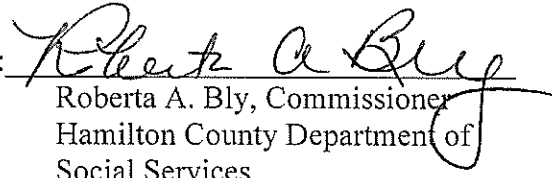
HAMILTON COUNTY

By:



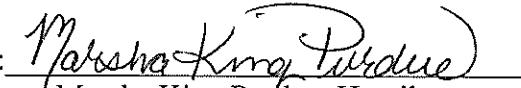
William G. Farber, Chairman
Hamilton County Board of Supervisors

By:



Roberta A. Bly, Commissioner
Hamilton County Department of
Social Services

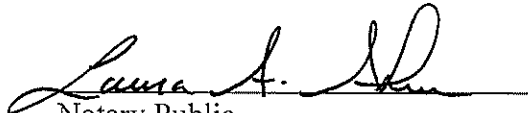
By:



Marsha King Purdue, Hamilton
County District Attorney

STATE OF NEW YORK)
) SS.:
COUNTY OF HAMILTON)

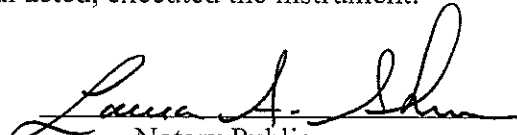
On this 9th day of June, Two Thousand Seventeen, before me, the undersigned, personally appeared WILLIAM G. FARBER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that he by his signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument.


Notary Public

LAURA A. ABRAMS
Notary Public - State of New York
No. 01AB6142176
Qualified in Hamilton County
My Commission Expires March 13, 2018

STATE OF NEW YORK)
) SS.:
COUNTY OF HAMILTON)


On this 12th day of June, Two Thousand Seventeen, before me, the undersigned, personally appeared ROBERTA A. BLY, 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 and acknowledged to me that she executed the same in her capacity, and that she by her signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument.


Notary Public

LAURA A. ABRAMS
Notary Public - State of New York
No. 01AB6142176
Qualified in Hamilton County
My Commission Expires March 13, 2018

STATE OF NEW YORK)
) SS.:
COUNTY OF HAMILTON)

On this 26th day of June, Two Thousand Seventeen, before me, the undersigned, personally appeared MARSHA KING PURDUE, 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 and acknowledged to me that she executed the same in her capacity, and that she by her signature on the instrument, the individual, or the person upon behalf of whom the individual acted, executed the instrument.


Notary Public

CONNIE E. MAHONEY
NOTARY PUBLIC, STATE OF NEW YORK
No. 01MA6113058
QUALIFIED IN HAMILTON COUNTY
MY COMMISSION EXPIRES JULY 19, 2020