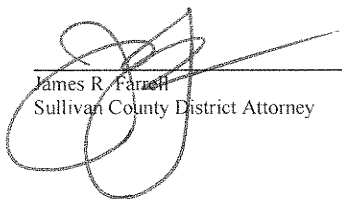


**COOPERATIVE AGREEMENT EXTENSION between the  
SULLIVAN COUNTY DEPARTMENT OF FAMILY SERVICES as the LOCAL SOCIAL  
SERVICES DISTRICT and the SULLIVAN COUNTY DISTRICT ATTORNEY'S  
OFFICE  
Fraud Prosecution and Intentional Program Violation (IPV)**


This extension agreement is made effective as of April 1, 2018 by and between the County of Sullivan, Department of Family Services as the Local Social Services District ("Department"), and the Sullivan County District Attorney's Office ("District Attorney").

1. This agreement shall modify the cooperative agreement dated April 1, 2017, which the parties entered into pursuant to Resolution No. 107-16 adopted by the Sullivan County Legislature on March 16, 2016 ("Original Agreement").
2. The parties hereby agree to extend the Original Agreement through March 31, 2019.
3. For the period of April 1, 2018 through March 31, 2019 the total cost of this agreement shall not exceed \$172,000.
4. All other terms and conditions of the Original Agreement shall remain the same.
5. This agreement is authorized by Resolution Number 107-16.

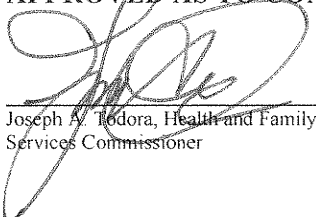
**DISTRICT ATTORNEY**

  
James R. Farrell  
Sullivan County District Attorney  
6/15/18  
date

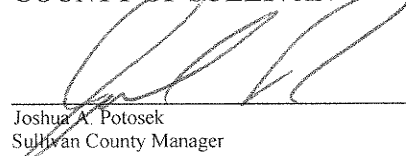
**APPROVED AS TO FORM**

  
Dante D. De Leo  
Assistant County Attorney  
6-20-18  
date

**APPROVED AS TO CONTENT**

  
Joseph A. Todora, Health and Family  
Services Commissioner  
6/19/18  
date

**COUNTY OF SULLIVAN**

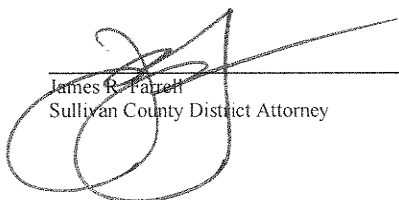
  
Joshua A. Potosek  
Sullivan County Manager  
6/21/18  
date

**COOPERATIVE AGREEMENT EXTENSION between the  
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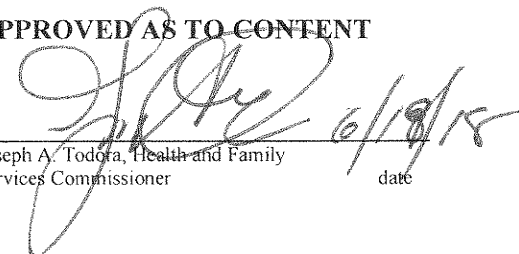
**DISTRICT ATTORNEY**

  
James R. Farrell  
Sullivan County District Attorney  
6/15/18  
date


**APPROVED AS TO FORM**

  
Dante D. De Leo  
Assistant County Attorney  
6/20/18  
date

**APPROVED AS TO CONTENT**

  
Joseph A. Todora, Health and Family  
Services Commissioner  
6/18/18  
date

**COUNTY OF SULLIVAN**

  
Joshua A. Potosek  
Sullivan County Manager  
6/21/18  
date

**RESOLUTION NO. 107-16 INTRODUCED BY HEALTH AND FAMILY SERVICES COMMITTEE TO AUTHORIZE COUNTY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SULLIVAN COUNTY DEPARTMENT OF FAMILY SERVICES (DFS) AND THE DISTRICT ATTORNEY'S (DA) OFFICE TO PROVIDE SERVICES TO THE FRAUD INVESTIGATIONS TEAM (FIT)**

**WHEREAS**, 18 NYCRR, Section 348.2 requires each social services district to take measures designed to prevent, detect and report fraud, and to establish and maintain clear and adequate policies, procedures and controls in order to effectively handle cases of suspected fraud in the administration of public assistance and care; and

**WHEREAS**, 18 NYCRR, requires the local district to make a written agreement with the appropriate district attorney establishing procedures for referral to such official of all cases wherein reasonable grounds exist to believe that fraud was committed; and

**WHEREAS**, 18 NYCRR, requires the local district to designate a person, either of administrative or supervisory responsibility or in a consultative capacity to the local district, or establish a unit which shall consist of persons of similar responsibility, through which all cases of known or suspected fraud shall be referred to the DA's Office; and

**WHEREAS**, the Sullivan County Legislature created the FIT in April of 2013 in order to more efficiently prevent and detect fraud in social services and the team has been very successful in detecting and investigating fraud and has generated hundreds of pending investigations and more than one hundred arrests and prosecutions; and

**WHEREAS**, Resolution No. 395-12 authorized the County Manager to execute an agreement for Intentional Program Violation (IPV) prosecution related services with the Sullivan County DA's Office and Resolution No. 130-14 authorized the County Manager to enter into an MOU between the Sullivan County DFS and the Sullivan County DA's Office, which initiated the (FIT).

**NOW, THEREFORE, BE IT RESOLVED**, that the Sullivan County Legislature does hereby authorize the County Manager to enter into an MOU between the Sullivan County DFS and the Sullivan County DA's Office for these services for the period from 4/1/2016 through 3/31/2017 to be renewable for a three year period hereafter; and

**BE IT FURTHER RESOLVED**, that the form of said contracts will be approved by the Sullivan County Department of Law.

**Moved by Mrs. Ward, seconded by Mrs. Rajsz, put to a vote with Mr. McCarthy absent, unanimously carried and declared duly adopted on motion March 17, 2016.**

## **Investigative Unit Operations Plan**

**County:** Sullivan

**Contact Person:** Samantha Nietzel

**Title:** Coordinator of Special Investigations and Resources

**Phone #:** (845) 513-2366

**E-mail Address:** [samantha.nietzel@dfa.state.ny.us](mailto:samantha.nietzel@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 Special Investigations and Resource Unit which consists of the following personnel:**

- 1 Coordinator of Special Investigations and Resources**
- 1 Senior Family Services Investigator**
- 2 Family Services Investigator**
- 1 Part-time Family Services Investigator**
- 1 Family Services Investigator Trainee**
- 1 Senior Social Welfare Examiner**
- 1 Principal Account Clerk**
- 1 Senior Account Clerk/Typist**
- 1 Senior Account Clerk**

**All allegations of fraud are submitted on fraud referrals (Request for Investigation). The Senior Account Clerk/Typist assigns valid referrals to investigators with exceptions to screenings when no investigation is necessary. The investigations are entered into the Summit software system for tracking of these cases and for reports. Each investigator keeps track of their opened and completed investigations on lists for each month and these are checked monthly against reports from the Summit system. Completed cases are reviewed/signed by the Senior Family Services Investigator or Coordinator of Special Investigations. The case is then returned to the Senior Account Clerk/Typist to enter the results in the Summit system. If a case meets the criteria for referral to law enforcement it is signed off by the Coordinator of Special Investigations then copied by the investigator. It is given to the Senior Account Clerk/Typist and assigned to District Attorney in Summit System. The case is given to District Attorney Senior Investigator located within the Department of Family Services.**

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.

**Fraud Investigative Team  
(DFS Special Investigations and Resource Unit personnel (same as #1) and  
District Attorney Fraud Investigative Team)**

**Assistance cases that are found to have fraud are given to the District Attorney Senior Investigator located within the Department of Family Services and are disbursed within the District Attorney staff for further review/investigation and prosecution. During this process the District Attorney's staff works closely with the DFS/SIU staff to review cases for further investigations, overpayment amounts and testifying.**

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

**The Special Investigations and Resource Unit is responsible for determining the overpayment amount. When an investigation leads to a possible overpayment the case is referred to the Senior Social Welfare Examiner, who reviews the appropriate documentation and determines if an overpayment exists. After the determination is made the case is prepared with proper client notices for each of the programs. The case is returned to the Investigator for follow up. If the case does not involve intentional fraud the investigator makes contact with the client and repayment is arranged with the client and investigation is closed. During the closing process the claim is established into the CAMS system. The client will pay independently the monthly amount agreed upon or for clients with active assistance cases a recoupment will be initiated. If the client does not want to sign a voluntary repayment agreement the case may be referred for Civil Proceedings. If the case meets the criteria for referral to law enforcement it is reviewed and signed by the Coordinator of Special Investigations. A copy of the case is given to the District Attorney Senior Investigator and assigned in the Summit system to DA. All client notices for the overpayment will accompany the case. The Court IPV paperwork is processed by the District Attorney's Office using the forms provided by SIU staff.**

**After the court completes the Restitution Hearing the District Attorney contacts SIU and the claim is established in CAMS system and if Court IPV's are done then the 10 day notice of IPV is sent to the client and the State is notified of the IPV by SIU staff. Restitution may be ordered to be paid through probation or the court where the case was heard.**

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?

**We are not currently doing referrals of fraud cases for Administrative Hearings but may implement them into our plan in the future.**

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?

**If a case meets the criteria for referral to the District Attorney it is signed by the Coordinator of Special Investigations and copied for the Senior Account Clerk/Typist to assign it to the District Attorney in Summit System. The cases are given to the Senior District Attorney Investigator located within the Department**

of Family Services and are disbursed within the District Attorney staff for further review/investigation and prosecution. During this process the District Attorney's staff works closely with the DFS/SIU staff to review cases for further investigations, overpayment amounts and testifying.

The notices for SNAP overpayments (LDSS-4053, LDSS-3156 and LDSS-4778), Public Assistance overpayments (LDSS-4682, LDSS-4778), or Childcare Overpayments (OCFS- LDSS-7009) are prepared by the Senior Social Welfare Examiner and are included with the overpayment for the District Attorney Office's.

The Court IPV (STATEMENT for the RECORD and ORDER ENTERING STATEMENT INTO RECORD) are prepared and processed by the District Attorney's Office.

After the court completes the Restitution Hearing the District Attorney Office contacts the Special Investigations Unit and sends copies of the Court IPV and restitution order. The Senior Social Welfare Examiner establishes the claims in the CAMS system and sends the client Notice of Disqualification (LDSS -4799 for SNAP, LDSS-4682 for Public Assistance, or OCFS-LDSS-7010 for Childcare) ) as per Social Services Law Section 359.10. The Coordinator of Special Investigations Unit notifies the State of the DCA on the monthly report.

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

If a case meets the criteria for a DCA it is reviewed and signed by the Coordinator of the Special Investigations Unit for approval. Copies of the Evidence packet (documentation sufficient to support the finding of an IPV) and a recommendation request for DCA coversheet are sent to the District Attorney for review. The District Attorney's Office returns the request for DCA coversheet to the Special Investigations Unit completed if they agree or disagree with our recommendation.

If they agree with our recommendation a copy of the evidence packet, is mailed to the accused individual, with a NOTICE OF CONSEQUENCES OF CONSENTING TO A DISQUALIFICATION CONSENT AGREEMENT (LDSS-4904), and a completed proposed DISQUALIFICATION CONSENT AGREEMENT (LDSS-4903.) The packet is mailed or the packet may be hand delivered to the client as long as the client initials and dates the receipt of the packet. An interview, if desired by the individual, is scheduled no earlier than 13 days from the date of mailing, or no sooner than 10 days from receipt of the packet.

At the interview, the Interview Acknowledgement Form is reviewed and completed by the individual. At the conclusion of the interview, the fraud investigator will deliver a copy of the completed form to the individual. If the individual refuses to sign the DCA the case will be reviewed for legal sufficiency. If the client voluntarily agrees to sign the DCA paperwork and repay the overpayment the agency will process the repayment and DCA paperwork. The Senior Social Welfare Examiner establishes the claims in the CAMS system and sends the client Notice of Disqualification (LDSS -4799 for SNAP, LDSS-4682 for Public Assistance, or OCFS-LDSS-7010 for Childcare) as per Social Services Law Section 359.10. The Coordinator of Special Investigations Unit notifies the State of the DCA on the monthly report.

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

**The defendant and their Attorney are given the Statement for the Record to sign and then the judge signs the Order Entering Statement into Record.**

**Attach a copy of the agreement between your social services district and the District Attorney's Office for the prosecution of Welfare Fraud.**