

October 13, 2011

Joel Giller, Esq.
Legal Director
Teachers' Retirement System
City of New York
55 Water Street
New York, NY 10041

Re: Maria D. Sicardo (member)
Victor Rosa
SCI Case #2010-4589

Dear Mr. Giller:

Maria D. Sicardo was a New York City school system teacher whose retirement took effect on July 1, 1993; thereafter, she received pension payments from the Teachers' Retirement System of the City of New York ("TRS"). Maria D. Sicardo passed away on April 23, 2000. An investigation conducted by this office has found that TRS continued to pay pension benefits to Sicardo, who had selected the maximum benefit during her lifetime, by mailing them to her address on Vyse Avenue in the Bronx.¹ Victor Rosa owned that building and lived at that address. The investigation substantiated that Victor Rosa falsely claimed that Sicardo died in June 2010 in Puerto Rico and cashed more than \$241,000 in TRS and UFT Welfare Fund checks issued after her actual death in 2000.

This investigation began in October 2010, following a referral from TRS which reported that pension checks totaling about \$300,000 were sent to Sicardo's address and negotiated after she may have been deceased. Additionally, TRS reported that someone had signed Sicardo's name and returned letters to TRS affirming that Sicardo was alive. TRS had sent those letters to the Vyse Avenue address.

TRS provided the assigned investigator with copies of a change of address form dated September 27, 1999 (in which Sicardo notified TRS that she had relocated to the Vyse Avenue location), notarized "Retirement Allowance Verification Form[s]" dated

¹ In September 1999, Sicardo filed a change of address form with TRS. The form called for her pension payment checks to be mailed to a location on Vyse Avenue in the Bronx.

September 20, 2000, July 12, 2001 and June 6, 2002 containing the purported signature of Sicardo, and a "Retirement Allowance Verification Form (ii)" dated May 5, 2010 containing the purported signature of Sicardo. On the 2010 form, "Sicardo" certified that "I am alive and remain eligible to receive retirement benefits ... I understand that any false claim or statement made on this form constitutes criminal conduct." A "347" telephone number was written on the form as the daytime phone number with "home" checked off.

A TRS employee ("TRS Employee A") told investigators that he spoke to Victor Rosa on the telephone in late September 2010.² TRS Employee A had called the number which was written on the verification form dated May 5, 2010 and spoke to Rosa.³ Rosa informed TRS Employee A that Sicardo had passed away in Puerto Rico in June 2010. Rosa continued that he had Sicardo's non-negotiated pension checks for July 2010, August 2010 and September 2010, which he said that he would return to TRS. Rosa also told TRS Employee A that he would attempt to get a death certificate from Puerto Rico. TRS subsequently received those three checks and provided copies to the assigned investigator. The July 2010 check contained the handwritten words "Maria D. Sicardo" on the back of the check. Rosa did not provide a death certificate.

A review of Sicardo's death certificate, obtained by this office, revealed that she passed away on April 23, 2000, at the age of 75, following a stay at St. Barnabas Hospital in the Bronx.⁴ The informant listed on the death certificate was Victor Rosa, described as a "friend" who resided at the same address on Vyse Avenue. The certificate reflected that Sicardo resided at the Vyse Avenue address, and was hospitalized at Saint Barnabas Hospital in the Bronx from March 20, 2000 until her death on April 23, 2000. She was to be buried in Puerto Rico on April 27, 2000 and her remains were transported to the La Paz Funeral Service, Inc., in the Bronx.

Documents from the La Paz Funeral Service, Inc. indicated that Rev. Victor Rosa, Sicardo's "Friend/Pastor" was the informant. His reported address was the same address as Sicardo's. He also provided a telephone number without giving an area code. That telephone number corresponded to Sicardo's number on the 1999 TRS change of address form and as Sicardo's home telephone number on the 2002 verification form.

² An October 7, 2010 e-mail message sent to SCI indicated that TRS Employee A spoke to a "pastor" named "Victor" on October 5, 2010.

³ An Internet reverse phone database search conducted on October 8, 2010 revealed that the 347 number belonged to Victor Rosa.

⁴ The death certificate was in the name of "Lorita Sicardo." The certificate indicated that the deceased was also known as "Maria Dolores Sicardo." Sicardo's date of birth, Social Security number and home address listed on the death certificate matched the information for Sicardo on file at TRS.

TRS provided copies of all but 17 of the negotiated checks issued to Sicardo since January 2000.⁵ Almost all the checks were cashed at Claremont Check Cashing Co. Inc. (“Claremont”) in the Bronx.⁶ All the checks purportedly were endorsed by Sicardo. The back of the January 2000 check and the March 2001 check also contained the words “Victor Rosa.” “Rosa” was written on the back of the February 2005, October 2005 and April 2007 checks and “Rosa” and the Vyse Avenue address were written on the back of the July 2002 check. For the period of April 2000 through June 2010, TRS provided negotiated checks which totaled \$236,710.06.

During the course of the investigation, the UFT Welfare Fund contacted TRS about Sicardo’s checks and was referred to this office. Thereafter, this office received copies of eight negotiated annual UFT Welfare Fund checks which had been sent to Sicardo between February 2003 and February 2010. The checks were cashed at Claremont and the check dated February 19, 2004 had the name “Rosa” printed under the purported Sicardo endorsement. The UFT Welfare checks totaled \$5,064.00.

In October 2010, an investigator conducted a NYC property database search which revealed that Victor Rosa owned the location to which TRS mailed Sicardo’s pension checks. An Internet search revealed that Victor Rosa was the contact for the Esperanza Y Buen Samaritan Mi food pantry at the same building number on “Vyse” Avenue in the Bronx. When investigators visited the location, two men informed them that Rosa was currently in Florida or Orlando respectively.

The assigned investigator obtained copies of two Regiscope photographs of a male cashing Sicardo checks – one check was the February 2010 UFT Welfare Fund check and the other the October 2003 TRS check.⁷ He also obtained photographs of two individuals named Victor Rosa who lived at a particular address in Orlando, Florida.⁸ One former and two current Claremont employees identified Rosa as the individual who would cash checks for a woman who resided in his building.

During an interview with investigators, a Claremont employee (“Claremont Employee A”) identified two photographs of Rosa as the individual whom she knew as the Reverend Victor Rosa. Claremont Employee A explained that when Rosa came to Claremont, he cashed the checks of a woman whom Rosa said lived at his building. Rosa always wore the hat depicted in the February 2010 Regiscope photograph. Claremont Employee A said that Rosa cashed only two or three checks with her when she was

⁵ The missing checks were from January through June 2001, January 2006, July through November 2006, March 2007, July 2007, June 2008, August 2008 and August 2009.

⁶ Three checks from 2000 were deposited to a particular account at Banco Popular. The only information that Banco Popular was able to provide on that closed account was that the account name was Esperanza Buen Samaritano Ministries Inc., which had a last known address at the Vyse Avenue location.

⁷ A third Regiscope photograph also was obtained, but showed only a portion of a torso clad in a stripped shirt.

⁸ One was born in 1939, the other in 1958.

working at the teller's window. When Claremont Employee A questioned why he was cashing the woman's checks, Rosa replied that he was helping the woman who resided in the building he owned. Claremont Employee A reported that she had asked a former employee ("Claremont Employee B") about the practice and he approved Rosa cashing the woman's checks.⁹ Claremont Employee A said that after she questioned Rosa, he stopped coming to her and he began to cash checks with another employee ("Claremont Employee C"). Claremont Employee A remembered Rosa because he always said "God bless you" in Spanish, and preached to other customers while he was standing on line to see a teller.

Claremont Employee A explained that subsequent to her earlier conversations with investigators, she called Rosa and told him that he was a criminal for cashing the woman's checks.¹⁰ Claremont Employee A asserted that she was angry and needed to yell at Rosa. Claremont Employee A said that Rosa claimed that he had power of attorney and had papers which allowed him to cash the woman's checks.

SCI investigators interviewed former Claremont Employee B, who also identified two photographs of Rosa.¹¹ Rosa told Claremont Employee B that he was helping the woman who lived in a building that Rosa owned on Vyse Avenue in the Bronx. Claremont Employee B recalled that Rosa cashed checks at Claremont once or twice a month. Claremont Employee B remembered Rosa because Rosa was a reverend or pastor of a church on West Farms Road in the Bronx who always talked about God. Claremont Employee B said that Rosa had offered his assistance with the church that Claremont Employee B attended and did help his church. Claremont Employee B did not recall how Rosa first began to cash the woman's checks.¹² Claremont Employee B also told investigators that Rosa spoke of his place in Florida and that he had a mortgage on that property.

Claremont Employee C was also interviewed. He also identified the photographs of Rosa as the individual who for years had cashed checks for a woman. Claremont Employee C could not recall the name of the female payee on the checks which Rosa cashed but reported that he wrote Rosa's name on the back of the check when Rosa cashed the checks. Claremont Employee C also recalled that Rosa was a reverend. All three current and former employees maintained that, because no problem arose when the

⁹ Claremont Employee A said that Claremont Employee B told her that Rosa had been cashing the woman's checks for a long time.

¹⁰ Claremont Employee A had a phone number for Rosa because he made Western Union transactions at Claremont in connection with a property in Florida.

¹¹ Claremont Employee B estimated that he left Claremont approximately five or six years earlier.

¹² Claremont Employee B thought that maybe the previous owner's husband, now deceased, had approved Rosa cashing the woman's checks. Claremont Employee B stated that Claremont had no problems with the checks and was never notified by the bank that the checks were bad. Claremont Employee B thought that Victor Rosa also cashed checks for his wife or daughter, but he was not sure.

checks were cashed, it was believed that there was nothing wrong with Rosa cashing the checks.

In June 2011, this office sent a letter to Victor Rosa at both the Orlando and Vyse Avenue addresses and asked that he contact us. An investigator also left messages on voice mail which indicated that the caller had reached the Reverend Rosa. Rosa did not make contact with this office.

It is the recommendation of this office that the Teachers' Retirement System of the City of New York attempt to recover the funds which should not have been paid.

This matter was referred to the United States Attorney for the Southern District of New York in August 2011.

Should you have any inquiries regarding the above, or need a copy of the investigative file, please contact Special Counsel Ann Ryan, the attorney assigned to the case. She can be reached at (212) 510-1493. Please notify Ms. Ryan within 30 days of receipt of this letter of what, if any, action has been taken or is contemplated regarding the findings of the investigation. Thank you for your attention to this matter.

Sincerely,

RICHARD J. CONDON
Inspector General

By: _____
Regina A. Loughran
First Deputy Inspector General

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