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4 arrested in N.Hempstead building irregularities

BY EDEN LAIKIN AND COLLIN NASH

eden.laikin@newsday.com and collin.nash@newsday.com

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The arrests of a former North Hempstead building commissioner and three of his employees yesterday ended what District Attorney Kathleen Rice called a "systemic ring of greed and corruption."

David Wasserman, 48, who resigned as building commissioner in February 2006, is accused of fraud, falsifying business records and "receiving unlawful gratuities" over a 4-year period from March 2002 to June 2006.

According to Rice, the four men charged were able "to line their pockets with money generated by the trust the public placed in them."

Rice, a Democrat, said "a culture of corruption" in the town's building department during the past five years led to a department "standstill" where residents could not get proper certificates of occupancy, could not sell their homes and were waiting endlessly for permits.

The indictment yesterday also charged former deputy commissioner Joseph Madden, 38, of Philadelphia; former plans examiner Andrew Acierno, 43, of Westbury and building inspector Thomas McDonough, 48, of Port Washington. All four pleaded not guilty.

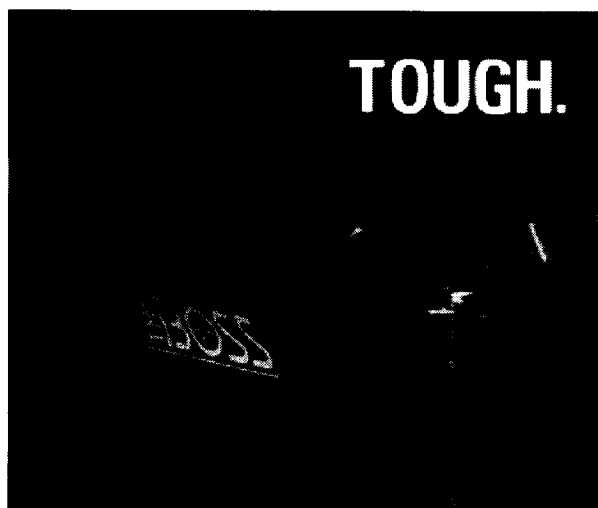
Madden, deputy commissioner from 1999 to March 2006, has been charged with accepting more than \$10,000 in cash bribes in exchange for issuing building permits, certificates of occupancy and building plan approvals.

McDonough, who is also chief of the Port Washington Fire Department, was charged with grand larceny and extortion for refusing to inspect a drywell in a home unless the homeowner purchased \$900 in political fundraiser tickets he was selling.

He was suspended without pay, town officials said.

Acierno, a plans examiner from 2004 to 2006, is charged with filing false financial disclosure forms, illegally drafting architectural plans, and underreporting his personal income to the state.

He was arrested earlier this year on charges of submitting forged building plans.



Supervisor Jon Kaiman, a Democrat who took office in 2004, said "we have been working with the DA and I'm glad there is some closure. We have a ways to go and this is another step in that process."

Wasserman, chairman of the Community Development Agency and a member of the East Williston school board, and McDonough were indicted by a grand jury and arraigned in Nassau County Court in Mineola.

Joel R. Weiss, his Uniondale attorney, said Wasserman "looks forward to being vindicated."

McDonough's attorney, Michael Rosen of Manhattan, said "the man is presumed innocent and everybody should respect that just as if they were in his shoes."

Madden appeared in First District Court in Hempstead with his sister, his fiancée and her parents.

"Joe Madden is a good and decent man who never intended to harm the people of North Hempstead," his attorney, Michael C. Farkas of Manhattan, said outside the courtroom.

Acierno's attorney, Stephen D. Pinzino of Manhasset, had no comment.

The discovery of a single falsified certificate of use for a residence in Roslyn Heights, triggered the sweeping corruption probe last year by the Nassau district attorney.

Since then, two arrests were made: Acierno and Joseph Lomonaco, a plumbing inspector, who was charged in March with renovating his home without required building permits and not declaring outside income on a financial disclosure form.

Both have pleaded not guilty.

Yesterday's indictment alleges that Wasserman failed to disclose, as required by the town, his outside earnings on yearly financial disclosure forms and forged and altered town records to conceal his private architectural firm. In addition, the indictment alleges that he received unlawful gratuities from a local gym after approving its construction. He also failed to report more than \$100,000 of income on his personal state income tax filings from the years 2003, 2004, and 2005, officials said.

Both Wasserman and Madden left the department early last year, soon after Rice's office began its investigation. John Carway, Kaiman's Republican opponent in next month's election, said, "This is a sobering day for the residents of North Hempstead."

THE CASE & THE CHARGES

Highlights of past developments in the investigation:

Feb. 17, 2006 David Wasserman resigns as commissioner of building, safety, inspection and enforcement.

June 2006 Town halts construction or revokes occupancy permits for 30 homes. Supervisor Jon Kaiman acknowledges the building department is the target of Nassau DA probe.

August 2006 Nassau grand jury issues subpoenas for town officials' documents, records.

September 2006 Town authorizes amendments to zoning laws, taking some discretion from building inspectors.

Jan. 3, 2007 Building inspector Andrew Acierno is charged with six felony counts. He pleads not guilty.

March 2 Joseph Lomonaco, a plumbing inspector, is arrested for allegedly renovating his home without required building permits and not declaring outside income. Pleads not guilty.

March 13 County reassesses building department clerk's home after finding she added a second story, though the department apparently did not file required permits with the county assessor's office.

Each of the four indicted yesterday face a maximum sentence of seven years in prison if convicted.

DAVID WASSERMAN, 48, former commissioner

6 felony charges and 2 misdemeanor charges including:

Defrauding the town by running an outside architectural business in the town when he was ordered not to.

Failing to report income from the outside business on financial disclosure form.

Failing to report more than \$100,000 of income on his state income tax returns for 3 years.

Approving construction of a local gym in exchange for two free memberships.

Bail: \$20,000 bond or \$10,000 cash

Due back in court Nov. 5.

JOSEPH MADDEN, 38, former deputy building commissioner

4 felony charges and 1 misdemeanor charge including:

Accepting \$10,000 in cash bribes in exchange for inspection certificates and building plan approval on at least two properties.

Bail: \$50,000 bond or \$25,000

Due back in court Oct. 17.

ANDREW ACIERNO, 43, former plans examiner

6 felony charges and 2 misdemeanor charges including:

Illegally running an outside business drawing building plans, some of which were filed with the town

Failing to disclose his outside income to the town

Underreporting more than \$200,000 in yearly income to the state

Bail: \$25,000 (continued)

Due back in court Oct. 17.

THOMAS MCDONOUGH, 48, current building inspector

2 felony charges and 2 misdemeanor charges including:

Extorting \$900 in political fundraiser tickets in exchange for inspecting a drywell at a home in the town

Bail: \$5,000 bond or \$2,500 cash

Due back in court Nov. 5.

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