



NEWS RELEASE

From New York State Inspector General
Catherine Leahy Scott

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STATE TRANSPORTATION INVESTIGATOR CHARGED WITH UNAUTHORIZED ACCESS OF STATE AND FEDERAL DATABASES AND RUNNING A TRUCKING COMPANY WHILE COLLECTING WORKERS' COMPENSATION

HAUPPAUGE – New York State Inspector General Catherine Leahy Scott and Suffolk County District Attorney Timothy D. Sini today announced the arrest of an investigator with the State Department of Transportation on charges he accessed state and federal motor vehicle databases without authorization and clandestinely operated his own trucking company while receiving workers' compensation benefits.

Niccolo Mormile, 38, of Shirley, NY, was arrested and arraigned in Suffolk County First District Court on charges of Offering a False Instrument for Filing in the First Degree, Grand Larceny in the Third Degree, Insurance Fraud in the Third Degree, Falsifying Business Records in the First Degree and the Workers' Compensation crime of Fraudulent Practices, all felonies, and Official Misconduct, a misdemeanor.

An investigation by Inspector General Leahy Scott found that Mormile, while working for the New York State Department of Transportation as a Motor Vehicle Investigator, accessed, without authorization, information from state and federal databases that he shared with an acquaintance in the trucking industry. Between July of 2016 and March of 2018 Mormile disseminated that proprietary government information to a private trucking consultant Ashley Kepko, of Setauket, whom Mormile married during the pendency of the Inspector General's investigation. Notably, while Mormile was allegedly passing the information to Kepko, and not known by his superiors at DOT, Mormile was also running his own trucking company, which had repeated DOT inspection compliance failures. Additionally, the investigation revealed that Mormile claimed to have sustained a work-related injury when he fell at work for his State job in July of 2016 and collected Workers' Compensation wage replacement benefits until June of 2017. While out of work during that period, Mormile attended two Independent Medical Exams (IME) and on both occasions, advised the physician that he was not actively working in any capacity. However, during that time period Mormile owned and operated his own trucking company, CNC Trucking, from which he earned more than \$125,000 while also collecting \$28,580.29 in wage replacement benefits to which he was not entitled.

“These charges allege several fraudulent schemes by a defendant who abused the authority of his public office while separately concealing his outside employment activities for his own illicit personal gain,” said **Inspector General Leahy Scott**. “He violated the public trust to provide his future wife an unfair business advantage and defrauded the safety net system meant to protect honest, hard-working New Yorkers. I will continue dedicating the resources of my office to protect the integrity of the state and its programs against anyone who violates them.”

"Mormile was engaged in a host of different schemes to make money on the backs of taxpayers and to use his

position as a public employee to gain an unfair business advantage for himself and his associate," said **District Attorney Sini**. "We will not tolerate anyone who abuses their power to violate the public's trust and steal from taxpayers. I thank Inspector General Leahy Scott for continuing to partner with our office to investigate and prosecute any individuals, particularly public employees, attempting to scam the system."

Mormile was arraigned on the charges in the Suffolk County First District Court and released on his own recognizance pending his reappearance in court on Jan. 28, 2019.

Inspector General Leahy Scott thanked the State Department of Transportation and the State Department of Motor Vehicles Division of Field Investigation for their assistance with the investigation, and thanked Suffolk County District Attorney Timothy D. Sini and his office for their assistance with the investigation and for prosecuting this matter.

The defendant is presumed innocent until and unless proven guilty in a court of law.

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