



NEWS RELEASE

From New York State Inspector General
Catherine Leahy Scott

FOR IMMEDIATE RELEASE: July 27, 2018
Contact [John Milgrim](#): 518-474-1010

STATE CONTRACTOR, HIS OFFICE MANAGER AND SUB- CONTRACTOR CHARGED WITH SUBMITTING FALSE DOCUMENTS ABOUT THE USE OF A MINORITY-OWNED BUSINESS IN A STATE PROJECT

Contractor Falsely Claimed That Minority Subcontractor Performed Work on Project to Meet State Requirements

BUFFALO – New York State Inspector General Catherine Leahy Scott and Eire County District Attorney John J. Flynn today announced the arrest of a Western New York contractor, his office manager and a subcontractor on multiple felony charges of filing fraudulent documents falsely claiming they met State requirements of using minority-owned businesses on a public construction project.

Christopher M. Nichter and Angela A. Quinn, the owner and officer manager of Nichter Construction, Inc. and William Christopher McClendon of McClendon Asphalt Paving, a minority-owned sub-contractor, were all accused of filing documents with the Dormitory Authority of the State of New York (DASNY) falsely claiming that McClendon's company performed work on a \$350,000 construction project at the Buffalo Psychiatric Center in 2015. A continuing investigation by the Inspector General found virtually none of the work was performed by McClendon's company. Nichter instead agreed to pay McClendon a fee to improperly act as a "pass through" making it appear as if a minority-owned company was working on the project.

"With corrupt intent, these defendants manipulated the contracting process to give their companies an unfair advantage on a public works project while effectively depriving legitimate minority-owned businesses of potential opportunities," said **Inspector General Leahy Scott**. "The State's laws and policies to encourage participation by minority- and woman-owned businesses are meant to help level the playing field for public contracts, not deceptively enrich those who skirt the rules. I thank District Attorney Flynn for his partnership on this case and will continue using all of the resources of my office to pursue anyone who corrupts the government contracting process."

"This law was enacted to give minority and women-owned businesses an opportunity to take part in these state-funded projects in an effort to increase diversity, so it's frustrating that a minority-owned business would allegedly agree to lie and not do the work for a pay out," said **District Attorney Flynn**. "Our office is working hard to make sure these business owners are following state guidelines and not taking advantage of taxpayer dollars for their own benefit."

Christopher Nichter, 57, of Wildwood Drive, Lancaster, the owner of Nichter Construction, was charged in Buffalo City Court with ten counts of Offering a False Instrument for Filing in the First Degree, felonies.

Angela Quinn, 44, of Cloverside Drive, Lancaster, the office manager of Nichter Construction, Inc. and

Nichter's sister-in-law, was charged in Buffalo City Court with two counts of Offering a False Instrument for Filing in the First Degree, felonies, as an accomplice to Christopher Nichter.

William McClendon, 41, of Buffalo Avenue, Niagara Falls, the owner of McClendon Asphalt Paving, a minority owned business, was charged in Buffalo City Court with one count of Offering a False Instrument for Filing in the First Degree, a felony.

An investigation by Inspector General Leahy Scott and District Attorney Flynn found that Nichter Construction entered into a contract with DASNY on November 5, 2015 to perform building improvements at the Buffalo Psychiatric Center in Buffalo, New York. The total value of this contract was more than \$350,000. As part of that contract, Nichter was required to have a minimum of 13% minority business participation in the project under a State program meant to promote the use of minority-owned businesses in public contracts. Nichter recruited McClendon Asphalt Paving to purportedly be the project's minority business participant. Nichter and Quinn submitted various documents to DASNY falsely claiming that McClendon Asphalt Paving was performing plumbing and electrical work on the project at a cost of \$43,807. McClendon also filed a document with DASNY falsely claiming that his company was performing this work on the project. Nichter instead contracted with other companies to perform both the plumbing and electric work and agreed to pay a fee to McClendon while his company provided none of the work on the project. This arrangement is generally referred to as a "pass through," and McClendon was never seen at the job site.

Nichter, Quinn and McClendon were arraigned in Buffalo City Court and released pending further court action.

All of the defendants are presumed innocent until and unless proven guilty in a court of law.

Inspector General Leahy Scott thanked DASNY for their assistance with this investigation, the New York State Police for their assistance with the arrests and Erie County District Attorney John J. Flynn and his office for prosecuting this matter.

###