

COUNTY OF SUFFOLK
DISTRICT ATTORNEY'S OFFICE



THOMAS J. SPOTA
DISTRICT ATTORNEY

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Suffolk DA Spota: “A theft of government funds, pure and simple”

Contractor charged with dumping toxin-laced rubble in Suffolk arraigned again

**Evidence shows taxpayers paid too much for Sandy emergency work
Company’s false payroll records hid non-compliance with state law**

Suffolk District Attorney Thomas Spota today announced the indictment and arraignment of a company president and her two adult children for a pair of separate criminal schemes; the overbilling of Islip town for Superstorm Sandy cleanup, and the submission of false payroll records to hide the firm’s non-compliance with state wage laws.

Clara Datre, 66, of Hauppauge, the President of the indicted company, Daytree at Cortland Square, her son Thomas Datre Jr., 41, of St. James, and her daughter Gia Gatien, 37, of Hauppauge, pleaded not guilty at their arraignment Tuesday before State Supreme Court Justice Fernando Camacho. The top charge all of the defendants face in the 492-count indictment is grand larceny in the second degree, a class C felony punishable by five to 15 years in prison.

District Attorney Spota said the company’s inflated billing resulted in a \$148,000 overpayment by taxpayers for the Datre company’s Superstorm Sandy tree removal and other work in 2012.

"In reality, it's a theft of government funds, pure and simple," Spota said.

“The defendants billed Islip \$208,295 for their labor costs – that’s how much Datre claimed they paid their 20 workers during the storm emergency,” Spota

said. “However company payroll records show the actual wages they paid their laborers during the storm cleanup in Islip was \$85,000, not \$208,000.”

The 447 other charges in the indictment allege repeated violations of New York’s prevailing wage law that requires contractors working on public works projects to pay wages equal to the salaries paid on similar projects in the region. According to the indictment handed up by a special grand jury empaneled by District Attorney Spota in September, Daytree at Cortland Square Inc. submitted 222 falsified payroll reports to Islip town.

DA Spota said the evidence is on paper.

“The payroll records were signed by defendant Clara Datre and certified as true by Clara Datre, the president of the company. Each filing certifies her company paid employees the prevailing wage,” DA Spota said. “In fact, the evidence reveals the truth. Records show the workers were underpaid by approximately \$139,000.”

Following their not guilty pleas, Justice Camacho released the defendants on their own recognizance.

Thomas Datre Jr., the owner of the Datre trucking companies, was formally charged yesterday with 29 crimes detailed in a separate indictment alleging he was the mastermind of a scheme to dump in Suffolk County construction and demolition debris from New York City. During the eight-month investigation Suffolk DA investigators found evidence indicating nearly 2,000 truckloads of brick, concrete, rebar, glass, metal, and wood were dumped at four locations, including a soccer field under renovation in a town park in Brentwood. Tests of the debris showed varying levels of hazardous and acutely hazardous waste present in the debris, specifically pesticides and metals at levels beyond permissible limits.

Describing the crimes as “an environmental catastrophe now, and for years to come”, Spota said at a news conference December 8 that several criminal charges cite the presence in the debris of Cobalt, a metal classified as an acutely hazardous substance, and of Dieldrin, an acutely hazardous insecticide that is no

longer manufactured in the US because of its harmful effect on humans, fish and wildlife.



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Be advised that a charge is merely an accusation and that a defendant is presumed innocent until and unless proven guilty.