

Department of Justice

U.S. Attorney's Office

District of Puerto Rico

FOR IMMEDIATE RELEASE

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Abel Nazario-Quiñones, PR Senator And Former Mayor Of Yauco Sentenced To 18 Months For False Statements

SAN JUAN, P.R. – Today, Abel Nazario-Quiñones, former senator and former mayor of the municipality of Yauco, Puerto Rico, was sentenced by United States District Court Judge Joseph N. Laplante to serve 18 months in prison, announced United States Attorney W. Stephen Muldrow.

On March 22, 2020, after a twelve-day jury trial, Abel Nazario-Quiñones, was found guilty of 23 counts of false statements and 5 counts of wire fraud. The U.S. Department of Labor (DOL) Office of Inspector General (OIG) and the FBI were in charge of the investigation.

“The significant prison sentence imposed on Abel Nazario Quiñones should cause other public officials to think twice about circumventing laws that promote transparency in our government,” said United States Attorney Muldrow. “I am immensely proud of our prosecution team and our law enforcement partners for this successful outcome.”

“Today’s sentencing affirms the U.S. Department of Labor, Office of Inspector General’s commitment to ensuring that workers receive the wages they have rightfully earned and to investigate those who obstruct the Department’s efforts to ensure the integrity of its programs. Abel Nazario-Quiñones, the former Mayor of Yauco, Puerto Rico betrayed the public’s trust when he engaged in a scheme to deprive Yauco municipal employees their wages and then made false statements to the Wage and Hour Division to continue the fraud. This office stands committed to working with our law enforcement partners to combat these types of criminal activity,” said Michael C. Mikulka, Special Agent-in-Charge, New York Region, U.S. Department of Labor, Office of Inspector General.

“The evil of corruption is the basis for some of the most urgent problems our society faces today,” said Rafael Riviere-Vázquez, Special Agent in Charge of the FBI. When our government leaders behave in a way that undermines the institutions they are meant to serve, the people lose all respect for the rule of law. Therefore, every act of corruption, must be punished, otherwise, this evil continues to spread through the very fabric of our society. This case is an example of the fruits of this mission, which is far from over and remains our top priority.”

On February 1, 2019, Senator Abel Nazario-Quiñones was charged in a 37-count superseding indictment with making false statements and wire fraud. According to the superseding indictment, in May 2013, during a routine audit of the Municipality’s records, the Puerto Rico Comptroller’s Office discovered that municipal employees were required to work two voluntary hours per day. This issue was referred to the DOL Wage and Hour Division (WHD), which determined that this voluntary work requirement was a violation of the Fair Labor Standards Act.

In February 2015, Nazario-Quiñones signed a Back Wage Compliance Payment Agreement with the DOL Wage and Hour Division (WHD) in which he agreed to pay back wages totaling \$588,961.43 to 177 municipal employees for the period of August 1, 2012 to July 31, 2014, according to a predetermined schedule listing each employee who was owed wages, the amount they were owed,

and the date by which each employee had to be paid. The Agreement allowed the Municipality until February 2018 to complete all the payments.

In August 2016, during their next routine audit of the Municipality's records, the Puerto Rico Comptroller's Office learned that, although employees had been receiving lump sum payments according to the terms of the Agreement, the Municipality unilaterally began withholding the employees' regular wages without the knowledge or consent of the DOL WHD. This issue was referred to the DOL WHD which, in November 2016, referred it to the DOL Office of Inspector General (OIG).

The DOL OIG ultimately identified 30 contract municipal employees who, by the end of his mayoral term in 2016, Nazario-Quñones had certified were paid their back wages pursuant to the Agreement. The DOL OIG also determined that those 30 contract municipal employees, after receiving the wages to which they were entitled under the Agreement, had their regular pay with-held for certain periods of time at the direction of Nazario-Quñones, while he provided various explanations to the employees as to why they were receiving these lump sum checks.

During trial, the government was able to prove that Nazario-Quñones falsely certified to the Department of Labor that he would not retaliate against the employees for accepting the payment, when in fact he directed the payroll department to withhold earnings of these employees for varying lengths of time, despite their continued work for the municipality.

The case was prosecuted by Assistant United States Attorneys Scott Anderson and Myriam Fernández, and investigated by Special Agent Frances Agenjo from the DOL-OIG with assistance from Special Agent David Torres from the FBI and Virgilio Pabón from the Puerto Rico Comptroller's Office.