

STATE OF NEW YORK  
DEPARTMENT OF STATE  
OFFICE OF ADMINISTRATIVE HEARINGS

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In the Matter of the Complaint of

**DEPARTMENT OF STATE  
DIVISION OF LICENSING SERVICES,**

Complainant,

**DECISION**

-against-

**THOMAS J. BELLUARDO,**

Respondent.

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The above noted matter came on for hearing before the undersigned, Roger Schneier, on December 14, 1998 at the office of the Department of State located at 270 Broadway, New York, New York.

The respondent did not appear.

The complainant was represented by Assistant Litigation Counsel Scott NeJame, Esq.

**COMPLAINT**

The complaint in the matter alleges that the respondent, a licensed private investigator, has been convicted of various Federal felonies, and that by reason thereof his license should be revoked.

**FINDINGS OF FACT**

1) Notice of hearing together with a copy of the complaint was served on the respondent by certified mail delivered at his last known business address (State's Ex. 1).

2) The respondent is duly licensed pursuant to General Business Law (GBL) Article 7 as qualifying officer of National Investigation Bureau, 8628 17th Avenue, Brooklyn, New York 11214 (State's Ex. 2).

3) On February 21, 1997, following a jury trial, the respondent was convicted in United States District Court, Southern District of Florida, of one felony count of Impersonating an

Officer of the United States (Deputy United States Marshal), 18 USC 912, and two felony counts of Possession of Unlawful Identification Documents (Counterfeit Federal Law Enforcement Credentials), 18 USC 1028[a][6], and was sentenced to three concurrent terms of twelve months imprisonment followed by 2 years of supervised release (State's Ex. 3 and 4). The convictions arose out of an indictment filed on January 11, 1996 (State's Ex. 6).

The events underlying the indictment and conviction were as follows: The respondent, a former part time employee of the United States Marshal Service, while checking in to board a USAir flight to Florida from La Guardia airport, falsely identified himself as a United States Department of Justice employee through the use of unauthorized copies of his former identification documents, advised the airport personnel that he was carrying a firearm on his person, and completed a USAir form falsely indicating that he was on official duty authorizing him to carry a weapon on the flight. As a result of those misrepresentations the respondent was allowed to board the flight with his weapon (State's Ex. 7 and 9).

4) The respondent's conviction was affirmed by the United State Court of Appeals for the Eleventh Circuit on October 6, 1998 (State's Ex. 8).

#### **OPINION AND CONCLUSIONS OF LAW**

I- The holding of an ex parte quasi-judicial administrative hearing was permissible, inasmuch as there is evidence that notice of the place, time and purpose of the hearing was properly served. GBL §79[2]; *Patterson v Department of State*, 36 AD2d 616, 312 NYS2d 300 (1970); *Matter of the Application of Rose Ann Weis*, 118 DOS 93.

II- The respondent has been convicted of misrepresenting himself to be a law enforcement officer and possessing unlawful identification documents in the course of misleading airline personnel into allowing him to carry a firearm onto an airliner. While the licensing statute specifically outlaws only masquerading as a police officer or official investigator of the State of New York or one of its subdivisions (GBL §84), the lack of any specific prohibition of falsely representing oneself as a Federal officer does not mean that such misrepresentation, which is fundamentally dishonest, is permissible. The respondent's conduct, which was of a type that creates a clear and immediate danger to the safety of members of the public and manifests an outrageous disregard for the law, was a clear demonstration of untrustworthiness warranting the revocation of his license.

#### **DETERMINATION**

**WHEREFORE, IT IS HEREBY DETERMINED THAT** Thomas Belluardo has demonstrated untrustworthiness, and accordingly, pursuant to

General Business Law §79[1][d], his license as a private investigator is revoked, effective immediately. He is directed to send his license certificate and pocket card to Diane Ramundo, Customer Service Unit, Department of State, Division of Licensing Services, 84 Holland Avenue, Albany, NY 12208.

Roger Schneier  
Administrative Law Judge

Dated: December 15, 1998