

Automotive News Report: Grand larceny case against N.Y. car dealership exec dropped to petty theft

A felony Grand Larceny case against a former Fuccillo Automotive Group executive has become a misdemeanor petty theft affair, Automotive News Reports.

Syracuse, New York Dec 22, 2022 ([Issuewire.com](https://www.issuewire.com)) - What had been a felony grand larceny and forgery case against a former Fuccillo Automotive Group executive has become a misdemeanor petty theft affair.

Joseph Pompo, 33, who had once been accused of stealing more than \$1 million from the group, entered an Alford plea to a single count of petit larceny on Oct. 24. Sentencing is set for Feb. 15, 2023.

Jefferson County, N.Y., Assistant District Attorney Cheryl Nielsen said she couldn't comment on the case until sentencing.

Under an Alford plea, a defendant officially declares themselves to be not guilty while pleading guilty, according to Syracuse University law professor Todd Berger. The prosecution must present some evidence supporting its case before the judge can accept such a plea, Berger said.

Pompo, Fuccillo Automotive's former corporate director of finance, tax, finance-and-insurance operations and reinsurance, was arrested in February 2021 on suspicion of first-degree grand larceny.

New York State Police alleged Pompo had created a reinsurance company without Fuccillo Automotive's consent and used it to steal more than \$1 million from his employer.

But Pompo was never formally charged with the Class B felony. Pompo said a grand jury decided not to indict him after he testified in his own defense before that body.

New York State Police spokesman Trooper Jack Keller said his agency doesn't typically comment on case outcomes.

Pompo said the case had "deeply shaken my faith in the justice system" and called it "the most stressful experience in my life."

Pompo, a 2020 Automotive News 40 Under 40 honoree, told Automotive News he established the reinsurance company with former group owner Billy Fuccillo Sr.'s blessing. They had discussed the need to bring Pompo's salary in line with other executives, who were making a few hundred thousand dollars more a year, Pompo said.

Pompo said he proposed creating his own reinsurance business to capitalize on untapped reinsurance potential at the dealership group. Any profits the reinsurance company generated would serve as Pompo's salary bump, he said. Should the enterprise generate such massive returns that Pompo's compensation became unreasonably high, he was to pay the excess back to Fuccillo in a management fee, according to Pompo.

This plan was developed in 2020 before Fuccillo Sr.'s stroke and 2021 death, Pompo said, and Fuccillo Automotive President Billy Fuccillo Jr. also was aware of the reinsurance company.

The Jefferson County, N.Y., grand jury indicted Pompo on one count of third-degree grand larceny, one count of fourth-degree grand larceny, five counts of second-degree forgery and five counts of first-degree business records falsification. All are Class D or E felonies. Pompo said the third-degree grand larceny charge "could not make less sense." It related to him taking a \$32,000 reimbursement from the reinsurance company "they didn't indict me on." If the reinsurance company was legal, so was the transaction, he said — it was no different from withdrawing money from a bank account.

The state based its fourth-degree grand larceny charge on Pompo's refusal to return a company laptop and cellular phone until the dealership returned personal items of his. But the value of the company equipment fell below the \$1,000 threshold required for the grand larceny charge under New York law.

His possession of those items ultimately formed the basis for the petit larceny count in today's iteration of the case.

Pompo said the forgery and business records charges related to his having full authority to sign documents on behalf of Fuccillo Sr. and Fuccillo Jr. Instances of him having exercised that authority were presented to the grand jury as admissions of forgery, he said. Messages left for Fuccillo Jr. and the group's attorney have not been returned.

All the felony charges were ultimately withdrawn by the state and replaced with the single petit larceny Class A misdemeanor under a plea deal, one in which Pompo wasn't required to admit guilt. "Their very first offer was the offer I took," Pompo said. Pompo said multiple factors led to his decision to accept the plea deal, including a desire for normalcy, financial considerations, and even respect for Fuccillo Sr. and the family.

"I just had to move on," he said.

Source: AutoNews.com

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