

# KANTOR|DAVIDOFF

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March 23, 2018

BY OVERNIGHT DELIVERY

Nicole Lucio, Chair  
City of Mount Vernon Board of Ethics  
One Roosevelt Square  
Mount Vernon, NY 10550

Re: Report of the Board of Ethics of the City of Mount Vernon (March 19, 2018)

Dear Ms. Lucio:

This firm represents Mayor Richard Thomas. We have reviewed a report, dated March 19, 2018, referencing an "Investigation Concerning the Irregularities in the Financial Disclosure Statements of Mayor Richard Thomas" (the "Report"). According to the Report, the Board claims to have been conducting an investigation pursuant to City Charter §24-7(E) since October 2017, which is shortly after the current group of "apolitical ... volunteer citizens" with "no political agenda" were appointed to the Board by the City Council in August 2017. See Report at pp. 2 and 4.

The Report reviewed Mayor Thomas' 2017 Financial Disclosure Statement's response to Question 3 and concluded that he personally received a salary from the Amani Public Charter School in calendar year 2016 of over \$100,001. By letter of February 26, 2018, I had alerted the Board that "[t]here appears to be a misunderstanding" about that very same conclusion. Question 3 covers information subject to reporting pursuant to General Municipal Law §812(4)(a), which states:

"List any office, trusteeship, directorship, partnership, or position of any nature including honorary positions, if known, and excluding membership positions, whether compensated or not, held by the reporting individual with any firm, corporation, association, partnership, or other organization other than the State of New York or (insert name of political subdivision). If said entity was licensed by any state or local agency, was regulated by any state regulatory agency or local agency, or, as a regular and significant part of the business or activity of said entity, did business with, or had matters other than ministerial matters before, any state or local agency, list the name of any such agency."

(Emphasis added.) Further, General Municipal Law §812(3) provides:

“Whenever a “value” or “amount” is required to be reported herein, such value or amount shall be reported as being within one of the following Categories: Category A - under \$5,000; Category B - \$5,000 to under \$20,000; Category C - \$20,000 to under \$60,000; Category D - \$60,000 to under \$100,000; Category E - \$100,000 to under \$250,000; and Category F - \$250,000 or over. A reporting individual shall indicate the Category by letter only.”

In reporting “Category F” in the “Category Amount” column of his 2017 Financial Disclosure Report, Mayor Thomas was referencing the amount of funds the City of Mount Vernon appropriated to the Amani Public Charter School in calendar year 2016. Mayor Thomas did not personally receive any “salary” or any other compensation from the Amani Public Charter School in calendar year 2016 and did not know or intend that his disclosure statement would be misinterpreted as a reporting of “salary.” The Amani School has confirmed that it made no payment to Mayor Thomas and that the annual grant the School receives from the City is in the dollar range that Mayor Thomas referenced on his disclosure statement. See Bandler, “Mount Vernon ethics board cites Mayor Richard Thomas for improper charter school payment”, March 22, 2018, <https://www.lohud.com/story/news/local/westchester/mount-vernon/2018/03/22/mount-vernon-ethics-mayor-richard-thomas/448988002/>.

This misunderstanding could have been cleared up in a telephone call, one that surely an apolitical board of volunteer citizens with no political agenda would not have hesitated to make. Once made clear, perhaps the Board might indeed have reached the conclusion that it would have been better practice for the Mayor to have omitted appropriations by the City of Mount Vernon to the Amani Public Charter School from the Category Amount column and requested that he submit an amendment for that purpose.

Unfortunately, the Board has chosen a different path. It has made a scurrilous and unfounded accusation about an alleged private “salary” paid to Mayor Thomas and his 2017 home purchase, a matter that, as we previously submitted to you, is entirely outside the temporal bounds of the disclosure statements that were due and submitted to the Board. Further, the Board took the unusual step of pressing the City Council to publicly release its confidential Report. Clearly, the goal of releasing the Report was to cast aspersions on the Mayor’s purchase of a home.

Further, as noted above, the Report references investigatory authority under City Charter §24-7(E). Please be advised that that authority was not referenced in the Board’s letters to Mayor Thomas, dated January 22, 2018 and February 13, 2018. Thus, either the Board’s letters to Mayor Thomas contained a material omission as to the nature of inquiry the Board claimed to be conducting in January and February 2018 or the Report’s contention that it had begun an investigation in October 2017 is false.

We hereby request that the Board withdraw its Report, *nunc pro tunc*, and issue an apology to Mayor Thomas. Finally, on behalf of Mayor Thomas, we hereby reserve all rights, privileges and remedies with respect to the Board’s reckless and defamatory actions.

Thank you for your attention in this matter.

Very Truly Yours,  
KANTOR, DAVIDOFF, MANDELKER,  
TWOMEY, GALLANTY & KOKHBA, P.C.

*Laurence D. Laufer / on*

LAURENCE D. LAUFER