The Blurred Line: Party Politics and Government in Westchester County: Report and Recommendations

New York State Commission on Government Integrity

Follow this and additional works at: http://ir.lawnet.fordham.edu/feerick_integrity_commission_reports

Part of the Law Commons

Recommended Citation

The Blurred Line:
Party Politics and Government in Westchester County:
Report and Recommendations

New York State Commission on Government Integrity
June 1990
The Blurred Line:

Party Politics and Government in Westchester County: Report and Recommendations

State of New York
Commission on Government Integrity
Fordham University School of Law
140 West 62nd Street
New York, New York 10023
(212) 841-5698

June 1990
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II.</td>
<td>FACTUAL FINDINGS</td>
<td>5</td>
</tr>
<tr>
<td>A.</td>
<td>POLITICS AT PLAYLAND</td>
<td>5</td>
</tr>
<tr>
<td>(i)</td>
<td>Background</td>
<td>5</td>
</tr>
<tr>
<td>(ii)</td>
<td>Keeler's Dual Roles at Playland</td>
<td>7</td>
</tr>
<tr>
<td>(iii)</td>
<td>Political Campaign Contributions</td>
<td>8</td>
</tr>
<tr>
<td>(iv)</td>
<td>Morgan Hughes</td>
<td>11</td>
</tr>
<tr>
<td>(v)</td>
<td>The Ad Hoc Committee</td>
<td>18</td>
</tr>
<tr>
<td>B.</td>
<td>POLITICS IN PERSONNEL PRACTICES</td>
<td>24</td>
</tr>
<tr>
<td>(i)</td>
<td>Personnel at Playland</td>
<td>24</td>
</tr>
<tr>
<td>(ii)</td>
<td>Personnel at the County Clerk's Office</td>
<td>30</td>
</tr>
<tr>
<td>(iii)</td>
<td>Personnel at the County Attorney's Office</td>
<td>35</td>
</tr>
<tr>
<td>(iv)</td>
<td>The Effects of These Personnel Practices</td>
<td>38</td>
</tr>
<tr>
<td>C.</td>
<td>POLITICS IN BUDGETARY MATTERS</td>
<td>43</td>
</tr>
<tr>
<td>III.</td>
<td>RECOMMENDATIONS</td>
<td>47</td>
</tr>
<tr>
<td>IV.</td>
<td>CONCLUSION</td>
<td>59</td>
</tr>
</tbody>
</table>

EXHIBITS

APPENDIX
I.

INTRODUCTION

The Commission on Government Integrity has completed an eighteen month investigation in Westchester County culminating in public hearings on November 28 and 29, 1989. The Westchester investigation began as part of two broader Commission inquiries into government procurement practices and the financial disclosure practices of political party committees throughout the State. As a result of allegations made and information provided to the Commission, the investigation evolved to focus on political party influence on contracting, budgetary and personnel matters, with particular emphasis on the administration of Playland Amusement Park.

The Commission's investigation revealed a case study of the relationship between party politics and government in a county dominated by a powerful local political party and its leader. The investigation disclosed that the local Republican Party and its leader, Anthony Colavita, wield considerable power and influence in county personnel and budgetary matters and that Colavita is perceived by people both in and out of government as able to influence the processes of Westchester County government. The inves-
tigation revealed that Colavita has worked himself into the processes of both the legislative and executive branches of the county government to an extent that makes him a de facto official of that government.

Commission inquiries over the past two and a half years have revealed that local governments throughout the State are often dominated by party leaders who are not elected by or accountable to the voters. In Westchester County, the Commission found a graphic illustration of this reality. In making recommendations, the Commission takes into account the inherent symbiotic relationship between leaders of government and the political parties from which they emerge, but at the same time seeks to eliminate practices which needlessly foster the perception that access to government may be obtained by making contributions to particular parties. In short, the reforms sought are aimed at drawing clearer lines of distinction between the political and governmental structures where appropriate and possible, and, to the extent that divisions are not feasible, making party leaders more accountable under the law for the influence they exercise.

In response to revelations made at the Commission's public hearings in November, 1989, County Executive Andrew O'Rourke has indicated that he will propose several
reform measures to the County's Board of Legislators.\textsuperscript{1} While reform measures are to be commended generally and represent a step in the right direction, much more is required. Specifically, we make the following recommendations:

1. Those doing business with government should be prohibited from making contributions to political party committees corresponding to the jurisdiction of that government;

2. Employees of the State or any political subdivision of the State should be prohibited from soliciting non-elected public employees for political contributions;

3. The proscriptions of Election Law Section 17-158 regarding the corrupt use of authority and position by public officials should be extended to include political party officials;

\textsuperscript{1} In the days following the Commission's public hearing, County Executive O'Rourke was said to be preparing as many as six reform proposals to be made to the County Board of Legislators in March, 1990 as part of his State of the County address (The Reporter Dispatch, Dec. 1, 1989, at 1, col. 1). During that address, O'Rourke failed to make those proposals and instead proposed appointing a committee to examine the issue whether persons holding party office should be barred from service in county government. That proposed group never materialized and instead a "working group" within the County Executive's Office was formed. At the time of finalization of this report, none of the promised reform measures have been presented publicly.
4. The 1985 amendment to the political caucus exemption of the Open Meetings Law should be repealed with respect to local legislative bodies; and

5. Subject to the strictest exceptions, partisan political considerations must be removed from public sector personnel decisions.
II.

FACTUAL FINDINGS

The Commission's factual findings are presented in three sections: Section A focuses on the relationship between politics and government in the awarding of contracts at Playland Amusement Park; Section B describes political influences on Westchester County personnel practices, including those at Playland; and Section C discusses the effect of politics on certain County budgetary processes.

A. POLITICS AT PLAYLAND

(i) Background

Playland Amusement Park, a county-owned and operated amusement park in Rye, New York, is administered by a staff of county employees who are supervised by a Director. The Park falls within the jurisdiction of the County Department of Parks, Recreation and Conservation. The Park contains both vendor-owned and operated rides, games and food concessions, and county-owned and operated rides.2

Prior to 1981, Playland was operated by the Playland Commission comprised of five commissioners appointed by

---

2 With one exception, all rides, games and food concessionaires operate at the Park under license agreements. Morgan Hughes, Inc. is the only vendor which leases rides to the County.
the County Executive and approved by the County Board of Legislators. In 1981, County Executive Alfred DelBello, as part of his program to privatize non-traditional functions of county government, hired the Marriott Corporation to run the park under a contract with the County. When Andrew O'Rourke was appointed County Executive in 1983, he returned direct responsibility for the administration of Playland to the County under the jurisdiction of the Department of Parks, Recreation and Conservation.

At the end of 1983, O'Rourke appointed E. Richard Keeler General Manager of Playland, removing his first appointee to that position, Edward Kilcullen. Although Kilcullen had come to the position in 1983 with 25 years of amusement park experience, Keeler took over in January, 1984 with no amusement park business experience except that gained in the preceding six months as Kilcullen's assistant.

Keeler's close association with the Westchester County Republican Party and Colavita was well-known to Playland's employees and vendors. Many of them believed that

---

3 Mr. Keeler's career in county government and his appointment at Playland are discussed in greater detail in subsection II.B.(i).
Colavita recommended Keeler for the position. In fact, one vendor testified that Colavita told him he had gotten Keeler the job at Playland. Throughout his Playland tenure, Keeler was an active volunteer with the Westchester County Republican Committee, a member of the Executive Committee of the Westchester County Republican Committee and Chairman of the Journal Committee.

(ii) Keeler's Dual Roles At Playland

As General Manager of Playland, Keeler exercised broad authority in the Park. He had complete discretion over the hiring of both full-time and seasonal employees. While a Playland vendor's lease or license agreement must be approved formally by the County's Board of Acquisition and

---

4 Pecchia Private Hearing Transcript at 24-25. Individuals' private hearing transcripts will hereinafter be cited as "[Name of witness] Tr." Neither Colavita nor O'Rourke recalled Colavita's role in the appointment. Public Hearing Transcript at 479, 611. Public Hearing Transcripts will hereinafter be cited as "Tr."

5 Tr. at 189.

6 Colavita Tr. at 24.

7 Tr. at 601.

8 Id.
Contracts* the County takes the position that such an agreement does not have to be bid competitively.** Therefore, Keeler's authority over such matters as the basic financial terms of contracts, the locations assigned to vendors within the Park, contract renewals,*** and whether proposals from outside vendors were even entertained**** gave him extraordinary power over those seeking to do business with the County at Playland.

(iii) Political Campaign Contributions

The extent of Keeler's power was not lost on Playland vendors. Some were motivated by the desire to "make Mr. Keeler happy",***** thereby insuring their continued business operations at Playland. While some vendors testified candidly that making Keeler happy meant contributing to the Westchester County Republican Committee with which he was so

---

* The Board is comprised of the County Executive, the Chairman of the Board of Legislators and the Commissioner of Public Works.

** Tr. at 503.

*** Carelli Tr. at 42; Tolve Tr. at 24; Plaia Tr. at 8-10; Davis Tr. at 38; Gorham Tr. at 15.

**** See Exhibit 1.

***** Plaia Tr. at 18.
visibly connected,\textsuperscript{14} others testified that they made contributions to the Committee because of their political orientation and not because of Keeler. Yet, according to Keeler's secretary at Playland, these same vendors often complained to her that Keeler was too demanding in his pursuit of more substantial contributions from them.\textsuperscript{15}

Political committee contribution records indicate\textsuperscript{16} that while Keeler was serving as Director of

\begin{footnotesize}
\textsuperscript{14} Gorham Tr. at 33; Plaia Tr. at 15-18; at Davis Tr. at 50; Barry Tr. at 219-21; Pecchia Tr. at 24-27.

\textsuperscript{15} Kenny Tr. at 21-24. One Playland vendor who spoke openly to the Commission about the link between his political contributions and his Playland business testified publicly that he feared the repercussions his candor would cause him. Tr. at 168.

\textsuperscript{16} The records reviewed by us fall into three categories. First, financial disclosure filings made to the New York State Board of Elections by the Westchester County Republican Committee and various local Republican committees were obtained from the Board. Second, the Westchester County Republican Committee's "housekeeping account" records were subpoenaed and, after the subpoenas were unsuccessfully challenged by the Committee in court, were provided to us. Third, bank records were subpoenaed in order to corroborate the first two categories of records.

After August, 1987, the Westchester County Republican Committee voluntarily began to disclose "housekeeping account" records publicly. Before then, the Committee took advantage of the exemption in the Election Law from disclosure of "monies received . . . by a party committee . . . to maintain a permanent headquarters and staff and carry on ordinary activities which are not for the express purpose of
\end{footnotesize}
Playland nearly all vendors doing business at Playland contributed. In fact, during that time, 21 out of 23 Playland vendors contributed a total of over $80,000. Thirteen of the vendors contributed to the journal account which was chaired by Keeler and ten contributed in $1,000 amounts to obtain membership in the prestigious "Chairman's Club." Some vendors stressed that Keeler never solicited them for contributions but that, on occasion, they would drop their contributions off at his Playland office.

While one vendor stated that he viewed his contributions as "insurance" that he would be able to continue his business at Playland, another testified that he assumed it was appropriate to contribute to the party because the party "was responsible for your lease." Keeler certainly did

(Footnote 16 continued from previous page) promoting the candidacy of specific candidates."

Election Law Section 14-124. After this Commission commenced its investigation into the so-called housekeeping exemption, the exemption was repealed. Subdivision 3 of the Laws of 1988, chapter 71, section 1, effective May 9, 1988.

17 See Exhibit 2.

18 Hughes Tr. at 110-11; Gorham Tr. at 27-28; Davis Tr. at 49.

19 Pecchia Tr. at 27.

20 Panas Tr. at 58.
nothing to dispel the notion that contributions to the party would be helpful for the vendors' business prospects. 21

While the Commission has found that at all levels of government, business people attempt to gain influence through political contributions, the Playland circumstances were clearly exacerbated by Keeler's very visible role as a political functionary. Yet, even before Keeler's appointment, there was apparently a perception that access to the government might be gained through the Westchester County Republican Committee. The circumstances surrounding the Morgan Hughes company's contracts with the County is illustrative.

(iv) Morgan Hughes

While the county government was in transition from a Democratic administration to a Republican administration in 1982, Morgan Hughes, Inc., a New Jersey purveyor of amusement park rides headed by Morgan ("Mickey") Hughes, became interested in doing business with Westchester County. Hughes contacted his attorney, Horace Borchardt, and requested that Borchardt explore the prospects for bringing

---

21 In fact, he issued a standing order that Colavita's phone calls to him at the Park were to be put through immediately. Keeler issued no such order regarding his superiors in the county government. Kenny Tr. at 17-18.
Hughes' rides into Playland as either a concessionaire operator or under a leasing agreement. Hughes requested that Borchardt find out whether he might meet with either "Mr. O'Rourke or Mr. Dolan, whichever of these gentlemen you deem to be the right party for me to sit down with and discuss the matter at hand."  

Rather than approach these county officials, Hughes' attorney instead scheduled a meeting at Republican headquarters. As a result, Hughes and his son traveled to Westchester County and, after meeting with Borchardt, went to Republican headquarters to discuss Hughes' company bringing rides into Playland.

Hughes testified that it was not his determination that Republican party officials were the appropriate people to speak with about such matters, but that he relied upon Borchardt's judgment since Borchardt was a White Plains

22 See Exhibit 3.
23 Id. "Mr. O'Rourke" is Andrew O'Rourke, the then Incoming County Executive, and "Mr. Dolan" was an assistant to O'Rourke at that time.
24 There is no evidence that a meeting between Hughes and County officials took place at that time. Neither Hughes nor O'Rourke recalls meeting one another during that period.
25 Hughes Tr. at 273.
attorney. Hughes stated, in fact, that if he knew the proper people to see, "I wouldn't need him [Borschardt]."  

Significantly, the Republican party officials with whom Hughes' entourage met did not dispel Borchardt's assessment by directing them to County officials. Instead, Colavita directed Fred Gioffre, his executive officer, to meet with Hughes and his attorney. (According to Colavita, Hughes and Gioffre, Colavita did not attend the meeting, but appeared briefly at one point during the meeting.)

While all who were present at the meeting have downplayed its importance, documents indicate that Hughes' attorney was encouraged by what transpired at the meeting to forward ride proposals to Gioffre who, in turn, had promised to pass them on to the government officials concerned. Indeed, Borchardt sent follow-up letters to both Gioffre and Colavita in which he made reference to the conference that had taken place, and reiterated his client's interest in placing rides at Playland. To Gioffre he "submitted a detailed outline for the installation and operation of certain rides for the 1983 season and beyond," and to Colavita he

---

26 Id. Borchardt died before the Commission's investigation began.

27 See Exhibit 4.

suggested that "with the help of your good offices, Mickey's proposal will be taken up shortly with Ed Kilcullen."  

The proposals referred to in the January 24, 1983 letter to Gioffre did find their way to the Playland offices. Edward Kilcullen, who was appointed to manage the Park in January, 1983 upon the recommendation of Colavita, testified that Gioffre hand-delivered them to him in March, 1983. Because of his own prior experiences with Hughes many years before at Playland, Kilcullen decided not to pursue the proposals. It was not until the following year, when Keeler had taken over the Park, that Hughes obtained con-

29 Id. Gioffre testified that he did not recall making any specific commitments to Hughes or Borchardt, but he acknowledged that, as part of a game of "smoke and mirrors" he frequently plays as a political figure, he may well have told Hughes that he would do what he could for him. Tr. at 322. Still, Gioffre testified that he had no recollection of later receiving either the follow-up letter or the detailed Hughes proposals from Borchardt and does not recall taking any action on behalf of Hughes. (He had previously told the District Attorney that "I probably did what I do with all junk mail, I threw it in the garbage."). Similarly, Colavita does not recall receiving the letter, and recalls no follow-up conversations with Gioffre, or anyone else, about the Hughes proposals.

30 Tr. at 140-41. Kilcullen testified that he reacted very negatively to Hughes' proposals because of his dealings with Hughes in the 1960's, when Hughes last operated a concession at Playland. Kilcullen testified Hughes' operation at that time was "most unsatisfactory."
tracts with the County which called for the County's leasing of four rides from Hughes' company.

The inference is strong that the perception left with Borchardt was that the Republican Party held sway with the Westchester County government and was apparently prepared to act as a conduit to the government on Hughes' behalf. No one at Republican Party headquarters even suggested the contrary -- that in affairs of Westchester County government, contractors should deal directly with the government and not with party officials. At least Gioffre was content to perpetuate the impression that the Westchester County Republican Committee was willing, if not eager, to play the role of intermediary in such matters of county government.

While Gioffre's efforts were thwarted by Kilculleen, the perception created at the meeting at Republican headquarters was lasting. When Hughes' company did contract with the County in the following year, Hughes began for the very first time to offer generous financial support to the Westchester County Republican Committee.\textsuperscript{31} Indeed, whereas Hughes' company had made no contributions to the party prior to its doing business in Westchester, it quickly became the

\textsuperscript{31} See Exhibit 2. In 1985, Hughes' company contributed $4,200.
most generous of all vendors at Playland: between 1985 and 1988, contributions made in the name of Hughes' company to Republican committees in Westchester County exceeded $15,000.

Hughes testified that his political contributions were not linked in any way to the business he was doing with the County. But the fact remains that all contributions were made by corporate check; all contributions were made only after his company began doing business with the County; and several contributions were made to local Republican committees with which Hughes acknowledged having no familiarity.

Moreover, even if Hughes perceived no link between his County business and the Republican Party, the appearance of a connection is strong. Questions about the existence of such a link were certainly raised when the terms of the Hughes contracts later came under public scrutiny. In 1988, a panel set up by the County Executive criticized the leases for the one-sideness of their terms, pointing out that Hughes' company faced "virtually no exposure to risk . . . based upon Playland attendance and/or actual ridership on
the Hughes' rides." The same panel also noted that the Hughes contracts were unique at Playland in that no other vendors were given such favorable terms.

The panel pointed out that inadequate recordkeeping prevented it from determining the nature and extent of the County's actual negotiations with Hughes' company concerning the terms of the contracts. However, our Commission was able to determine that Richard Keeler and the Comptroller of the Playland, Nick Vece, were largely responsible for the Hughes negotiations. Indeed, Keeler and Vece prevailed against Kilcullen's strong opposition in convincing the County Executive to enter into the contracts with Hughes' company in 1984.

County Executive O'Rourke testified before our Commission that he deemed the Hughes proposals to represent the "best deal that Westchester County could get under the circumstances." However, over the first four years of the contracts, the County incurred expenses in connection with the operation of the rides which exceeded revenues generated

---

32 "The Special Ad Hoc Committee Report to the County Executive on the Morgan Hughes, Inc. Leases at Playland Amusement Park" (hereinafter the "Ad Hoc Committee Report") at 5. The work of this committee is discussed in greater detail in subsection II.A.(v) of this report.

33 Tr. at 507.
by the rides by approximately $900,000. Moreover, after the County was made aware of such losses, it still elected to extend its contracts with Hughes' company in 1986 for an additional five years.

Under ordinary circumstances, revelations of poor business deals struck by a local government may cause public consternation. But when such revelations are coupled with evidence suggesting a link between the benefiting contractor and the local political party, the public's perception of its government becomes markedly more cynical. In this instance, Hughes approached the government through the offices of a political leader, negotiated an apparently favorable contract with a political party operative holding an official position in that government and then became a leading political contributor. These factors combine to create an unseemly perception not dispelled by Hughes' protestations that his business and his political activities were unrelated.

(v) The Ad Hoc Committee

The circumstances surrounding the formation of the Ad Hoc Committee (the "Committee") by O'Rourke to investigate whether the Hughes contracts were the result of a sweetheart deal present an example of an elected official,
operating in an environment where jobs and contracts are influenced by political party affiliations, being reluctant to provide the public with the reasons for a program failure.

In March, 1988 O'Rourke announced the formation of the Committee.\(^3^4\) His intentions for the mission of that Committee were unclear to the members at the inception of the Committee, still remain unclear to the members of that Committee and are unclear today to our Commission. Nevertheless, regardless of O'Rourke's intentions, the Committee was doomed to failure from its inception because of the county positions held by the members of the Committee, the lack of a clear directive from the County Executive, and the absence of the tools necessary to conduct a thorough fact-finding.

Specifically, when the Committee was initially formed no individual member exactly knew its mandate. Henry Logan, the unofficial chair of the Committee, first learned of his appointment from a radio broadcast. The other members believed they were informed by telephone calls from the

\(^3^4\) The Committee consisted of four members: Henry Logan, County Attorney; Joseph Gulia, Commissioner of Finance; Robert Uher, Budget Director; and Joseph Caverly, Commissioner of Parks and Recreation.
County Executive's office, although not by the County Executive himself. At the time, no member was given specific direction by the County Executive, nor did the County Executive at any time issue any written directive.

The mandate of the Committee appears to have evolved over time. The County Executive recalls giving the following instructions to the Committee:

I asked the Committee to look at the contracts themselves, and to answer the question, did Westchester County get a good deal or a bad deal in the contracts.\(^{35}\)

His intent was for purposes of, among other things:

... [T]o find out whether this was a provident or improvident arrangement for Westchester County, and that we might be able to ferret out from that whether or not there had been, at least an appearance, that special favors had been given to Morgan Hughes.\(^{36}\)

These instructions and intentions were not made clear to the members of the Committee.\(^{37}\) In fact when Committee member Gulia was asked whether he thought it was an appropriate charge of the Committee to comment upon the soundness of the terms of one of the contracts, he testified

\(^{35}\) Tr. at 516.

\(^{36}\) Tr. at 521.

\(^{37}\) Uher Tr. at 11; Gulia Tr. at 14-16, 34, 44.
"[t]hat [was] not the committee's charge. They weren't, you know, asked to do this."\(^{38}\)

Aside from the confusion related to the task of the Committee, equally troubling were the lack of powers granted to it by the County Executive. Although O'Rourke originally stated publicly that the Committee would be judging the merits of the contracts as well as whether any special favors were promised or given, he ultimately limited the Committee to examining only "the four corners of the leases" and denied it the power to compel persons to testify or produce documents.\(^{39}\) This severely limited the actions taken during the inquiry. None of the principals involved in the negotiations over the initial Hughes contracts or their renewals, such as Keeler or Hughes, was interviewed. Nor was any documentation requested from Keeler or Hughes. Only upon discovery by a Playland employee of a letter which gave indications of political influence\(^{40}\) was consideration even given by the Committee to talking to political party

\(^{38}\) Gulia Tr. at 51-52.

\(^{39}\) Logan recalled requesting subpoena power and having that request denied by the County Executive's Office. O'Rourke did not recall any conversations relating to the issue of whether the Committee should have subpoena powers. Tr. at 522.

\(^{40}\) See Exhibit 6.
members to examine whether any "special favors had been
given to Hughes." 41

Both the lack of authority and the make-up of the
Committee were troubling to its unofficial chair, Henry
Logan. 42 Based on the combination of shortcomings, Logan
judged the work of the Committee as not "a meaningful ef­
fort." 43 We agree with this assessment. The Ad-Hoc Commit­
tee failed to explore thoroughly the circumstances of the
Hughes agreements and thereby further clouded the public
perception of the relationship between politics and govern­
ment in Westchester County.

The report itself failed to provide answers to
O'Rourke's concerns, namely whether the County was getting a
"good deal or a bad deal in the contracts" and whether there
was an "appearance that special favors had been given to
Morgan Hughes." On the issue as to whether the contracts
were a good or bad deal for the County, the report states in
relevant part:

41 The only contact made to that end was a casual con­
versation between Logan and Gioffre in which Gioffre
denied any knowledge of special treatment for
Hughes. In addition, O'Rourke, who had attended
several meetings concerning the Hughes leases at the
time the leases were being negotiated, was not asked
for his input into the fact-finding.

42 Tr. at 447.

43 Id.
Although hindsight establishes that the amount of the lease payments actually led to net losses, it is meaningless to criticize individual lease terms as any changes of a particular item occurring during the fluid give and take of negotiations will likely result in changes in some other item . . . Even now we do not find any information to judge whether the rents payed (sic) to Morgan Hughes, Inc. are fair or exorbitant. It is expected that an appraisal of the rides will be available in the next few weeks. We would expect to make these findings, and any other information coming to our attention, the subject of a supplemental report.44

The promised appraisal and supplemental report were never prepared. The question whether special favors had been granted to Morgan Hughes went unanswered. O'Rourke testified that he was "not satisfied with the answer of this ad hoc committee." However, his dissatisfaction did not spur him to further action. The Ad Hoc Committee Report issued in April, 1988 listed six specific recommendations. As of the time of this Commission's public hearings in November, 1989, O'Rourke testified that he was unaware whether many aspects of these recommendations were implemented.45

44 The Ad Hoc Committee Report at 7.

45 Tr. at 533-36.
B. POLITICS IN PERSONNEL PRACTICES

(i) Personnel at Playland

E. Richard Keeler's rise through the Westchester County bureaucracy exemplifies hiring and promotional decisions based upon an individual's political participation and the far-reaching problems that result from such a system. Keeler's political pedigree and Colavita's personal insistence were the reasons for at least two of Keeler's promotions during his career at the Department of Motor Vehicles. His career in county government thereafter, at Playland, was also one in which merit and qualifications were not the determinative factors in his hiring and promotion.

The circumstances surrounding Keeler's initial appointment to Playland in July, 1983 and his appointment as Director six months later indicate that politics played a role. County Executive O'Rourke testified that he was directly responsible for Keeler's appointment. O'Rourke testified that Keeler was hired because he perceived that

---

46 Tr. at 51-52. During the time Keeler worked there, the Department of Motor Vehicles was run by the County under the jurisdiction of the County Clerk.

47 Tr. at 489-90.
Kilcullen needed administrative help and that he knew Keeler was a good administrator.\footnote{It was not O'Rourke, however, who first notified Kilcullen of Keeler's appointment. Kilcullen testified that he was told by Fred Gioffre, who he knew to be a go-between for Colavita. Kilcullen Tr. at 12-15.}

At the time of Keeler's appointment, however, there was no outstanding request for any assistance from Kilcullen, or from Arles or Caverly, the Deputy Commissioner and Commissioner of the Department of Parks and Recreation, respectively,\footnote{Kilcullen Tr. at 14; Caverly Tr. at 12-14. O'Rourke testified that he could not recall whether or not he received such a request. O'Rourke Tr. at 38.} for any assistance. Moreover, these officials did not interview Keeler prior to his assuming the position, there was no job description for him, and it was not clear to those in charge exactly what were Keeler's responsibilities. In addition, a few months prior to Keeler's appointment, O'Rourke's Deputy County Executive, Vincent Castaldo, had appointed John Markovich to assume management oversight at Playland. Castaldo had assigned Markovich "to act directly as an aide to Ed Kilcullen in insuring that a management structure for Playland is set forth in a direct and structured way." O'Rourke testified that he was unaware of that management appointment.
In December 1983, several months after Keeler's initial appointment, O'Rourke elevated Keeler to the position of Executive Director of the Park. At that time, Keeler had no amusement park or recreation experience aside from his service as assistant to Kilcullen.

Moreover, as with Keeler's first Playland appointment, none of Keeler's superiors at the Park interviewed him for the position, nor were they consulted by the County Executive regarding his appointment. In fact, Caverly testified that Keeler would not have been his choice for the position.\(^5\)

The fact is that many County employees and Playland vendors simply believed Keeler's best "qualifications" were his political connections and friendship with Colavita. Caverly testified to his belief that Keeler had "favored status" in the County system.\(^5\) The circumstances surrounding both Keeler's initial appointment to Playland and his

\(^5\) Caverly Tr. at 41. Kilcullen testified that he was informed of O'Rourke's intent to name Keeler the Director of the Park in a phone conversation with Colavita. Kilcullen Tr. at 22-23.

\(^5\) Caverly Tr. at 38-39.
subsequent promotion to Executive Director amply supported those beliefs.\textsuperscript{52}

Once in charge at Playland, Keeler was not reluctant to perpetuate the political sponsorship mode of public administration that had served him so well in his career. His treatment of David Warager is a case in point.

Like Richard Keeler's first Playland job, David Warager's position appears to have been created to fill his individual need for employment, rather than the County's need for his work. In May, 1985, Warager was asked to become campaign coordinator for the Guy Parisi\textsuperscript{53} for County Clerk campaign. In order to make it financially possible for Warager to accept that position (for which he would not be compensated until the campaign had sufficient funds in September, 1985), he was given a part-time job at a political consulting firm that had been engaged to work for the

\textsuperscript{52} As a result of this "favored status," Keeler was generally not accountable to his superiors. Caverly stated that Keeler often went outside the chain of command to report directly to the County Executive himself. Caverly complained of this to the County Executive's Office both orally and in writing. Caverly Tr. at 40-46. \textit{See} Exhibit 7.

\textsuperscript{53} Guy Parisi, an attorney in private practice in Westchester County, also serves as Counsel to the County Board of Legislators and Counsel to the Westchester County Republican Committee.
Parisi campaign. However, as Warager explained, "there was only part-time work over the course of the summer . . . I would need other work in order to complement that part-time job."\textsuperscript{54}

To remedy this, Parisi referred Warager to Keeler. Within days, Warager was working part-time at an "undercover job" at Playland for which there was no job description and no precedent. He was paid approximately $10 per hour.\textsuperscript{55} Warager testified that he was explicitly instructed not to work regular hours or to let anyone know of his position at the Park. He was to report only to Keeler, and, after a short time, only orally. Warager held that position until around the Labor Day weekend when he resigned from both of his part-time jobs. He was placed on the full-time payroll of the Parisi campaign the following day.

Warager best described this situation when he called the Playland job part of a "package" that he put together to enable him to accept the campaign position of-

\textsuperscript{54} Tr. at 397.

\textsuperscript{55} On September 26, 1989 in New York State Supreme Court, Westchester County, Warager admitted in testimony at the Keeler trial that he probably worked fewer hours than for which he was paid (State of New York v. E. Richard Keeler, Trial Transcript at 97-107).
ferred to him. Warager concluded that "[i]f you're asking me is this cronyism in the old-fashioned sense, that this job paid me so that the Republican party could pay me less for doing their work, I'm not going to deny that."\textsuperscript{56}

Warager's circumstances were not unusual at Playland under Keeler's administration. In addition to Warager's appointment at Playland, several managers who came referred as or by political leaders were appointed under Keeler.\textsuperscript{57} Playland personnel practices were conducive to such hiring. The civil service status of Playland personnel was overlaiden with provisional appointees who held their positions without having had to pass the merit tests that

\textsuperscript{56} Tr. at 405.

\textsuperscript{57} Aurrichio Tr. at 5-9; Lobel Tr. at 12-15; McElroy Tr. at 4-9, 13-17; Scelza Tr. at 3-12.
are designed to curb the "spoils system." It is apparent that the use of such provisional appointments has thwarted the effectiveness of the civil service system at Playland, as it has elsewhere in New York State.

(ii) Personnel at the County Clerk's Office

The Commission's investigation revealed that political influence in personnel matters was not limited to Playland. In fact, regardless of the party affiliation of the Westchester County Clerk, it found that a number of personnel actions regarding County jobs in the Clerk's office were taken based upon political, rather than merit, considerations.

<table>
<thead>
<tr>
<th>Number of Employees</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Competitive positions where examination was taken</td>
</tr>
<tr>
<td>12</td>
<td>Competitive positions hired provisionally, no exams</td>
</tr>
<tr>
<td>1</td>
<td>Exempt position</td>
</tr>
<tr>
<td>49</td>
<td>Non-competitive positions</td>
</tr>
</tbody>
</table>

Based upon an interview of Mr. Robert McGinnis on February 3, 1989. Mr. McGinnis reviewed the civil service status of all "annual or full-time" staff and omitted "hourly" or less than full-time staff for purposes of the review.
George Morrow, a Republican, was County Clerk from 1974 through 1982. Morrow testified that on at least two occasions he felt compelled to promote Keeler in the Department of Motor Vehicles at Colavita's insistence. Those promotions were made despite the fact that on the first occasion Morrow knew nothing about Keeler's performance and on the second occasion he believed there were people in the Department who were better qualified to fill the position. When he confronted Colavita on these matters, Morrow said Colavita responded "that Keeler was a very loyal Republican, and he was loyal to the Republican Party and he deserved it."59

Morrow also testified that at Colavita's insistence he hired a Deputy County Clerk in return for favorable consideration for political endorsement from the Westchester Conservative Party. Once again Morrow knew nothing of the appointee's qualifications for the position. In fact, he never even saw her resume before approving the appointment.60

When questioned by the Commission as to what authority Colavita had over him with regard to these matters, Morrow explained:

59 Tr. at 52.
60 Tr. at 59.
He had the political process on his side. He was the Chairman of the Westchester County Republican Committee. That committee is the committee that gives nominations, votes on nominations to those Republicans wishing to run for public office. The Committee as a whole votes on nominations. However, nominations are decided by the Executive Committee, of which Mr. Colavita, of course, is the head. So, he, in effect has, had and has, the power to grant, or not grant nominations for public office.  

Testimony given by Morrow's successor, Andrew Spano, a Democrat, makes it clear that Colavita had additional leverage beyond his ability to influence nominations to the Republican party ticket. Spano, the County Clerk since 1983, testified to discussing personnel matters with Colavita on several occasions.

---

61 Tr. at 71. As a further illustration of this authority Morrow testified that in 1982 when he was seeking the party nomination for re-election as County Clerk, Colavita made it known to him that several conditions existed that Morrow had to meet in return for the nomination. Included among these were Colavita's right to name Morrow's deputies upon re-election and a commitment on Morrow's part to increase the amount of the political contributions made by those deputies to the party.

62 In fact, upon his election in November, 1982, Spano sought Colavita's assistance in an attempt to keep the Department of Motor Vehicles ("DMV") under the jurisdiction of Westchester County. Spano explained that one of the reasons for trying to keep DMV was that it was a good source of patronage. Of approximately 105 positions then at DMV, Spano testified that "most of" the appointments were either on a temporary or provisional basis. Tr. at 95. He sought Colavita's assistance because "the reality in Westchester seemed to be that he had input into the entire process." Tr. at 93.
During the transition period prior to his taking office, from November, 1982 through March, 1983, Spano met with Colavita on several occasions. Among the topics discussed were the appointed positions in the County Clerk's office. During one such discussion in March, 1983, Spano testified, he agreed to keep Keeler's salary in his budget despite the fact that Keeler would not be working for him after March, 1983, when DMV left the County Clerk's jurisdiction. At the time he agreed to this arrangement, Spano was aware that Keeler was the only former DMV employee whose salary was treated in this manner.

Spano discussed jobs in his office with Colavita or his assistants on at least two other occasions. Both involved budgetary disputes that arose when staffing levels proposed by Spano were cut by the County Legislature. In both instances, after and as a result of these discussions, budgetary allocations for the positions were restored.

The first dispute arose in the Fall of 1983. When he was informed that eleven positions were slashed from his proposed budget, Spano sought Colavita's assis-

---

63 Spano Tr. at 15.
tance because Colavita was "the only one I had been on friendly terms with over that period of time." The result was that seven or eight positions were restored. Spano concluded that "Colavita was helpful" but that the restoration for the positions had not been done on a quid pro quo basis.

In late 1985, jobs also were restored to Spano's budget, this time as part of a quid pro quo. Beginning in 1986, the County Clerk's office was to assume responsibility for paying employees in the Office of Court Administration who until then had been paid by New York State. Spano requested allocations for twenty-one employees; the County Legislature responded by allocating funds for only ten positions. Spano approached Republican Party officials, Ed Vetrano and Fred Gioffre, for help. Spano agreed that if they could restore ten positions to his budget, he would allow five of those positions to be restricted to applicants referred by the Republican Party. All ten positions were restored and five were so restricted.65

64 Spano Tr. at 51.

65 Spano Tr. at 66. Parenthetically, the Commission investigation revealed that the Republican Committee's interest in jobs was not limited to the County Clerk's office or to the Executive branch of the (Footnote continued)
Personnel at the County Attorney's Office

In 1984, Henry Logan was desirous of appointment to the soon-to-be-vacated position of County Attorney. To make his desire a reality, Logan did two things, among others: he sought the political support of Colavita and he made it known that if appointed he would select Terry Jane Ruderman as his deputy. Logan believed both actions to be helpful to his chances of getting that appointment.

Logan testified that he approached Colavita on several occasions to request Colavita's support for his bid. Logan came away from these discussions believing he would have Colavita's backing which, Logan felt, would be almost essential to his appointment. When asked whether he thought Colavita could veto his appointment, Logan testified:

(Footnote 65 continued from previous page)

county government. Nor, indeed, was it only reflected during negotiations over budget matters. Edward Brady, former Chairman of the County Board of Legislators, testified that Colavita frequently told him that the one thing he was interested in was jobs and that he didn't want Brady to fill any jobs without his approval. (Brady Tr. at 30.) After reviewing the collective testimony presented by our investigation, one political scientist characterized jobs as the "common currency" in Westchester County government. Telephone conversation with Dr. David H. Rosenbloom, Maxwell School of Citizenship and Public Affairs, Syracuse University, January 8, 1990.
I wouldn't say veto. I would think if he would suggest that I not be appointed, that would be one of the factors that would weigh in the decision not to appoint me. If I want to use the word "veto," or I did at one point in an earlier testimony, I suppose you could say that." 66

In 1984, Terry Jane Ruderman was practicing in the Westchester County District Attorney's Office. Her husband, also a practicing attorney, was the Republican leader in the Town of Scarsdale. Logan let it be known that if appointed, he would hire Ms. Ruderman as his deputy. 67 Logan contended that there was a dual purpose for so designating Ruderman:

I knew, you know, her husband was Town Chairman in Scarsdale. I felt that even if I didn't like her, I might consider her, anyway, for all the various reasons I mentioned, but I had the best of both worlds. I knew her, I liked her, I felt I could trust her. So, if I could do that, and do something else at the same time, I felt that that was alright. 68

66 Tr. at 422-23.

67 Logan Tr. at 22. Logan also stated that Ruderman was the only candidate considered for the position because he wanted someone he "knew and could trust." Id. at 98.

68 Logan Tr. at 102. It is clear that Logan believed his naming Ruderman as his deputy "wouldn't hurt" his chances. It is not so clear that Logan knew her or her professional abilities. In fact, prior to working together in the County Attorney's Office their professional interaction was limited to meetings and functions of the County Bar Association. Ruderman Tr. at 9-13.
Like Logan, David Warager also believed that political support, particularly Colavita's, weighed heavily in his obtaining employment in the County Attorney's Office. Warager first began seeking an Assistant County Attorney's position in 1984. Warager approached Ms. Ruderman, who was then the Deputy County Attorney, and also made his desire "known to people within political circles."  

After his early efforts in the Fall of 1984, Warager filed an application form and was interviewed by Ruderman in February, 1985. In April or May of that year Warager became aware that someone had been hired by the County Attorney, at the level that Warager was expecting to be hired. Because of this appointment, Warager became "curious as to whether or not there was a desire of the Republican County Committee to have me available to work as a Campaign Manager or Coordinator for Mr. Parisi." He based this on his belief that members of the Westchester County Republican Committee were capable of "blocking" an appointment to the County Attorney's Office.  

To alleviate his concerns, Warager sought out Guy Parisi. As a result of Warager's request, Parisi  

---

69 Warager Tr. at 5.
70 Warager Tr. at 48-50.
arranged for a meeting between Colavita and Warager in late May or early June. One evening after a political campaign strategy meeting, Warager met with Colavita to express his concerns and to request "a good recommendation." No one present at that meeting is able to recall the substance of that discussion; however, Warager remembers that he came away from the meeting "with a positive feeling that I would get a good recommendation." He had no further interviews or contact with the County Attorney's Office until he was offered an entry-level position in August, 1985.

(iv) **The Effects of These Personnel Practices**

In another investigation, our Commission found that certain patronage practices in New York City were detrimental to the functioning of City government. The impact of these practices in Westchester was similar.

---

71 Tr. at 413. See Exhibit 8. Exhibit 8 is a letter that Warager released to the press in Spring, 1989 after consultation with the County Attorney and the County Public Affairs Office. In it he recalled the reason for the meeting being "to ask [Colavita's] assistance in my attaining an interview for an entry-level position as an Assistant (sic) County Attorney." (emphasis added.) However, as Warager testified, he had already received such an interview prior to the time of his meeting with Colavita.

72 See 'Playing Ball' With City Hall: A Case Study of Political Patronage In New York City, New York State Commission on Government Integrity, August 1989.
Among the problems created in Westchester were impaired employee morale, and decreased administrative effectiveness. In George Morrow's words, political appointments were "demoralizing to the other employees." 73 As an administrator Morrow found that when political leaders insisted on placing "people into office in managerial positions, purely on the basis of their political affiliation, or of their political contributions, it really impede[ed] and slow[ed] down dramatically the process of government." 74

In addition, at least in the case of Richard Keeler, it appears that because he knew party loyalty played a significant role in his rise through Westchester County government, he became more loyal in his service to the party than in his service to the citizens of Westchester County.

The personnel practices in existence at Playland created the belief among employees that political connections and considerations affected hiring and promotion. It was clear to Playland employees that Keeler obtained his position at Playland because of his politi-

---

73 Tr. at 54.
74 Tr. at 69.
cal activities. One Playland employee with nearly thirty years experience at the Park was encouraged by his co-workers to apply for the opening that Keeler eventually filled. He did not do so because, as he explained it: "I just never thought I could get it. I didn't think I had enough political backing." 75

Once Keeler assumed his position at Playland and began to make all personnel decisions, these perceptions were strengthened. A Playland employee explained the reasons:

A: Well, different people came into different jobs there, and you know, were promoted ahead of myself and my assistants, and it seemed like we just couldn't figure out their qualifications or how they came there, but they had the positions.

Q: And they were just appointed to positions at higher levels than yourself or your co-workers who had been working at the park for some time?

A: That's correct.

Q: And your belief is that either your lack of political backing or their political backing is what caused that?

A: Yes, or their feeling that they feel those people were more qualified than me. I don't know what their way of thinking was. I just feel it was political. 76

75 Bouchard Tr. at 12.
76 Id. at 13-14.
Under Keeler, Playland employees believed the personnel system to be "unfair". The result was a demoralized work force that became resigned to the fact that "this is the way it was going to be with Keeler." 77

Keeler's rise at DMV was likewise perceived by DMV employees to have resulted from his political pedigree. That perception had similar effects on the DMV workforce. George Morrow testified that "it was demoralizing to the morale of all the employees in the County Clerk's office." 78 Morrow said he learned of these sentiments

\[\ldots\text{from individuals and groups telling me so. They derided Mr. Keeler, they made jokes about it, they complained to me about it, that he was a political appointee and that he owed his allegiance to, in their words, 2134 (sic) Mamaroneck Avenue, rather than to the County Clerk or the County of Westchester.}\] 79

In the cases of both Keeler and Warager, the impact of their appointments was felt beyond the demoralization of the work force. With Keeler, administrative effectiveness was impaired by his performance at both DMV

77 Id. at 18.
78 Tr. at 53.
79 Tr. at 285. The Westchester County Republican Party headquarters is located at 214 Mamaroneck Avenue, White Plains.
and Playland. George Morrow enumerated instances in his sworn testimony where Keeler's public duties were ignored in favor of Keeler's political pursuits. At Playland, it was the consensus that Keeler was not familiar with the amusement park business and, therefore, no matter how hard he worked he was destined, and proved to be an ineffective administrator. Mickey Hughes testified that it was apparent to him in negotiating his contracts for rides at Playland that "Vece and Keeler knew nothing about [the amusement park business]." Hughes also concluded that Playland Park could have been "very profitable" under proper management [other than Keeler's].

In Warager's case, the impact of a political hire on management effectiveness was direct. Nothing is more demoralizing to hard-working public employees or more devastating to the public's perception of integrity in government than an employee who is paid for hours not worked.

---

80 Tr. at 54-55.
81 Tr. at 285.
82 Tr. at 193.
C. POLITICS IN BUDGETARY MATTERS

The Commission's investigation revealed further that the appeals Spano made to the party leader when Spano was in need of budgetary assistance were not unusual.

In private testimony before the Commission, Edward Brady, the former Chairman of the Westchester County Board of Legislators, described a process whereby Colavita sought to exert influence over the work of the Board, including their work on budgetary matters. Brady testified that Colavita organized regular meetings of the Republican members of the Board of Legislators prior to the regularly scheduled sessions of the full Board.\(^3\)

Brady testified that from the time Colavita was named Chairman of the County Republican party the group met at Colavita's insistence. From the inception of those meetings until the present time the Republicans were the majority party in the Board of Legislators. The normal proceedings for the meetings was for the group of legislators and Colavita (along with party regulars Guy Parisi and Fred Gioffre) to examine the official agenda

\(^3\) Brady Tr. at 4-16.
for the next formal session of the Board of Legislators item by item. Brady believed that the purpose for the review was so that Colavita could make certain that his party's interests would be benefited by the actions of the Board of Legislators.\textsuperscript{84}

It was in this context that Colavita was able to exert influence over the budgetary process. Brady recalled one particular instance in which Colavita prevailed:

\begin{quote}
[O]ne I remember that had to do with giving Peekskill money out of the solid waste plan, a million dollars in a year in revenues that would go to reduce the rate (sic) the electric rates in Peekskill; and he wanted us to do that because he felt it would help the mayor, who I believe at the time was running for re-election; and to tell you the truth, it was something that I never liked, but I went along and voted for. I think we all voted unanimously.\textsuperscript{85}
\end{quote}

A similar occurrence is apparent from an internal memorandum obtained from the files of the County Clerk's office which indicates that in 1981, Colavita intervened with the Board of Legislators to have positions restored in the Land Records Bureau. First Deputy County Clerk Robert Stankey, who wrote the memorandum, described Colavita's effectiveness in the negotiations:

\textsuperscript{84} Brady Tr. at 9-10.
\textsuperscript{85} Brady Tr. at 9.
On Thursday, December 3 at 12:15 p.m. Andy O'Rourke called and said he received a call from Tony a few minutes ago and Tony "raised the roof" about Land Records restorations being omitted by the Board. . . . As you know Land Records funds have since been restored and were it not for the efforts of Tony Colavita, ERK and MH we may have had a more difficult time.  

See Exhibit 9.
III.

RECOMMENDATIONS

1. Those doing business with government should be prohibited from making contributions to political party committees corresponding to the jurisdiction of that government.\(^8\)

The Commission has previously urged amendment of campaign finance laws to prohibit those doing business with government from contributing to the political campaigns of candidates running for public offices with which they do business.\(^8\) The Westchester investigation suggests that a more extensive prohibition is required.

Even in the absence of any specific deals or understandings between party committees and elected offi-

---

\(^8\) This recommendation is aimed at all officers and employees of entities doing business with governments, regardless of the structure of the entity. The Commission also renews its recommendation that corporate contributions be prohibited entirely.

cials, there is a public perception that contributions to the party facilitate access to government. That perception caused vendors doing business with New York State to contribute to the State Democratic Committee just as it caused vendors doing business with Westchester County to contribute to the Westchester County Republican Committee. Whatever the reality, the appearance of a *quid pro quo* necessarily undermines the public's confidence in the integrity of government. The only sure remedy is to prohibit contributions to political party committees by those doing business with municipalities or the state government.

In our view, the County Executive's suggested proposal that all people or corporations doing business with Westchester County be required to disclose any political contributions made to candidates or parties in the County in the previous eighteen months falls short of what is needed. Implementation of an effective and workable disclosure procedure would itself be troublesome and might serve only to further entwine the political and governmental worlds. The one reform that would effectively eliminate the notion that influence in government

---

89 See *The Midas Touch* at 8, 31-39.
may be purchased through political contributions is an outright ban on contributions from those doing business with government.

2. Employees of the State or of any political subdivision of the State should be prohibited from soliciting non-elected public employees for political contributions.

The Commission has noted in this and other investigations the problems created when public employees are permitted to solicit political contributions from other public employees.\textsuperscript{90} The Westchester investigation illustrates how such practices may result in both a sense of pressure among solicited employees and a diminution of the authority of the public officials.

The Commission therefore renews its previous recommendation that public officers and employees and their campaign committees be prohibited from soliciting non-elected municipal officers and employees to contribute to election campaigns.\textsuperscript{91}

\textsuperscript{90} See Evening The Odds: The Need To Restrict Unfair Incumbent Advantage, Commission on Government Integrity, October, 1989 at 23-27; The Midas Touch at 27-28.

\textsuperscript{91} See The Midas Touch at 27-28.
3. The proscriptions of Election Law Section 17-158 regarding the corrupt use of authority and position by public officials should be extended to political party officials.

That political party leaders wield influence in government is, of course, not a new discovery. In fact, it is largely owing to previous revelations regarding corrupt use of authority by political leaders in New York City that this Commission was formed. Nevertheless, the Commission has found that the current law does not adequately address the reality of that power and influence.

In Westchester County, as elsewhere in New York State, the Commission found a political leader imbued with both real and perceived influence over the affairs of government. Sworn testimony revealed that people sought the political leader's backing for both high- and low-level county positions. In fact, people both inside and outside county government believe that he made the final decision on important county appointments.92 Indeed, the highest elected officials in the County testified that they sometimes sought his intervention in bud-

92 See Exhibit 10. See also Tr. at 64, wherein County Executive O'Rourke explained to Morrow that, "[j]obs of that status had to be cleared through Tony [Colavit]a."
get negotiations to increase the budgets of their offices.

And, yet, despite commanding influence in government equal to that of public officials, political leaders are not circumscribed in their use of that influence to the same extent as public officials. We believe the Election Law must be changed to require party officials to be held to the same standards of behavior as public officials.93

The Commission recommends that subdivisions 1 and 2 of Section 17-158 of the Election Law should be amended to include "party officials" among the category of individuals for whom a "corrupt use of position or

---

93 In an analogous context, the United States Court of Appeals for the Second Circuit recently struck down a challenge by certain political leaders regarding the applicability of the financial disclosure requirements of the State's Ethics in Government Act to them as political leaders. The Court found that requiring financial disclosure by political party chairmen (as well as a variety of other public officials) did not violate their constitutional right to privacy. The Court based its decision in part on its judgment that party chairmen are involved in the daily operations of government and in fact "play a substantial and discernible role in state government beyond their statutorily enumerated duties". Ignieri v. Moore, No. 89-7730, slip op. (2nd Cir. March 15, 1990).
By advancing this recommendation the Commission does not imply that any particular leader used his authority in a corrupt manner. Rather, this recommendation is based on the Commission's recognition of the power that political party leaders command.  

4. The 1985 amendment to the political caucus exemption of the Open Meetings Law should be repealed with respect to local legislative bodies.

In December, 1987 this Commission, in a report titled Open Meetings Law: Report and Recommendations, called for the repeal of the 1985 amendment to the political caucus exemption of the Open Meetings Law. The 

---

94 While subdivision 3 of § 17-158 of the Election Law is not limited to public officials, the courts have restricted the scope of its application. In People v. Cunningham, 88 Misc 2d 1065 (Bronx Sup. Ct. 1976) the Court found that a political leader's promise of future political support in exchange for a city councilman's agreement to resign his seat was not prosecutable under the predecessor statute. The court ruled that the statute only applied to situations in which "valuable consideration" changed hands. That restrictive interpretation of the section renders it inadequate to address the specific circumstances that are of concern to this Commission.

95 Law enforcement officials have also acknowledged the inadequacy of the laws at their disposal to address abuses of that power by political party leaders. See Exhibit 11.

96 The Open Meetings Law is codified in N.Y. Pub. Off. Law Sections 100-111 (McKinney 1989).
Westchester investigation compels reiteration of the recommendation to repeal that amendment.

The County's legislative body, the Board of Legislators, meets regularly while in session. For at least the past decade, as disclosed by the sworn testimony of Edward Brady, legislators of the majority party in the Legislature likewise met regularly with their party chairman. These party caucuses generally preceded the official sessions of the Board, sometimes by a few days and sometimes by a few hours. The purpose of such caucus meetings is to discuss the upcoming agenda for the official Board meetings. In effect, local legislators meet regularly with their party chairman in private session to discuss the public's business.

As we have stated previously, this Commission does not quarrel with the proposition that some degree of deliberative privacy is appropriate for legislative bodies. However, when meetings consist of a majority of the members of a legislative body, where decisions made can easily become the decisions of the body as a whole, the public's right to know what is being discussed and decid-
ed is more compelling than the lawmakers' interest in deliberating in private.  

5. Partisan political considerations must be removed from public personnel decisions.

In Westchester County, the Commission found similar problems created by the use of patronage as in its previous investigation focusing on New York City. Specifically, partisan political considerations affected, and were widely perceived to affect hiring and other personnel decisions in the County.

Abolishing such practices is a requirement of ethical government. In a government personnel system

---

97 Open Meetings Law: Report and Recommendations, Commission on Government Integrity, December, 1987. As he had previously in the Open Meetings Law report (see p. 36, note 63) Commissioner James L. Magavern does not concur in the Commission's recommendation to repeal the 1985 amendment to the political caucus exemption as it pertains to local legislative bodies.

98 The Commission defines patronage as the hiring and firing of public employees with political considerations playing an important, if not necessarily dispositive, role in those decisions. 'Playing Ball' With City Hall at 1.

99 The findings and conclusions drawn from that investigation are contained in the Commission's report 'Playing Ball' With City Hall.
based upon patronage, government suffers. Even with a small number of patronage appointments, a general sense of unfairness is perceived by the public, thereby eroding both public confidence in government and the productivity, morale and sense of professionalism of hard working public employees. In addition, those public employees who derive benefits in their employment as a result of political considerations may become confused as to whom they owe their allegiance: the political party or the public.

We therefore recommend that Westchester County institute a true "merit system" of employment, separating politics from personnel administration. Clear and objective criteria should be established for all public sector jobs with open competition for those jobs and with the decisions relating to hiring, firing, and promotion based upon performance as measured against established crite-

\[100\] There is a limited role for political considerations for a small number of senior or confidential positions of a particular administration. The chief executive must have the discretion to hire staff immediately responsible to him or her who will share his or her views with regard to policy directions and be loyal and accountable to him or her. However, as with any public appointments, even in these sensitive positions, merit must be crucial in the selection process.
ria. This will remove the perception that public sector jobs in the County are benefits controlled by the dominant political party, to be used as the party sees fit to reward loyal supporters, favor friends or punish opponents.

We note the County Executive's recommendation mandating public disclosure of any political sponsorship of those seeking County positions. We support the spirit of reform evidenced by this recommendation, and urge the County to commit to more far-reaching measures to eliminate the perception that political sponsorship is needed for advancement in Westchester County government.

The collective testimony of George Morrow, David Warager, Henry Logan, Edward Brady and Fred Gioffre paints a picture of a county personnel structure that is permeated by political party influence. While the County Executive stated that it was a "distressing perception if people believe they can get jobs through a political party," George Morrow's testimony indicates that O'Rourke himself contributed to that perception by referring candidates to Colavita and by appointing Colavita's

---

101 Tr. at 542.
"patronage man"\textsuperscript{102} to a high position in county Government.

The County Executive has acknowledged that some county officials have "blurred the line between party business and the people's business" and that he intends to do his best to correct that.\textsuperscript{103} Merely requiring candidates for public employment to disclose their political sponsorship will not send a message strong enough to correct the apparent misconception that the County Executive's own actions have helped to create. The Commission suggests that the County Executive must take decisive steps to send a clear message to public employees and the public at large; that service and advancement in county government is based upon merit and performance and not on favored status with a political party.

\textsuperscript{102} Tr. at 64-65.

\textsuperscript{103} Tr. at 561.
IV.

CONCLUSION

While the Commission recognizes that the Westchester County investigation and report with its focus on Playland Amusement Park represents a small percentage of total county activity, we believe it is illustrative of what can occur elsewhere in the County, and in other counties throughout the State.

In our more than three year history we have observed repeatedly that the line drawn between party politics and the business of government is often faint and access to government is often sought through political contributions. Reforms must be enacted to distinguish politics from government. In instances where that distinction is not clear, political party leaders should be accountable under the law for the influence they might exercise. The business of government must be conducted openly, not behind the scenes or in political clubhouses.

Finally, the campaign finance laws of this State must change. Individuals and businesses throughout
the State should have equal access to and participation in the democracy based upon efforts and merits and not upon affiliations and contributions.

Dated: New York, New York
June, 1990

STATE OF NEW YORK
COMMISSION ON GOVERNMENT INTEGRITY

John D. Feerick
Chairman

Richard D. Emery
Patricia M. Hynes
James L. Magavern
Bernard S. Meyer
Bishop Emerson J. Moore
Cyrus R. Vance
Exhibits
January 6, 1984

Mr. Charles R. Gasparrini
500 Midland Avenue
Rye, New York 10580

Dear Mr. Gasparrini:

Reference is made to your hand delivered proposal to install two rides for the 1984-86 seasons and my phone conversation with you on Friday, January 6, 1984.

Unfortunately, as I told you we could not accept the proposals you outlined. Our first objection is the requirement that the County absorb site preparation and maintenance costs of the two rides proposed. Secondly, we do not feel the rental percentage represents an equitable fee to Playland for either of these used rides. Additionally, your lease proposal for each ride cannot be considered.

I would be willing to discuss this further should you wish to amend your offer.

Sincerely,

E. Richard Keeler
General Manager

cc: J. Arles
## Political Contributions - Westchester Republican Committees 1984 - 1988

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Argo Enterprises, Inc.</td>
<td>Ride</td>
<td>$325</td>
<td>$150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$475.</td>
</tr>
<tr>
<td>Compu-Pix Co</td>
<td>Concession</td>
<td>200</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>200.</td>
</tr>
<tr>
<td>Fantastik Amusement, Inc.</td>
<td>Game</td>
<td>3,175</td>
<td>300</td>
<td></td>
<td>$250</td>
<td>$130</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4,855.</td>
</tr>
<tr>
<td>Fragolas Enterprises, Inc.</td>
<td>Ride</td>
<td>2,475</td>
<td>325</td>
<td></td>
<td>250</td>
<td>130</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,890.</td>
</tr>
<tr>
<td>Fav-Mex Co</td>
<td>Concession</td>
<td>805</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,899.</td>
</tr>
<tr>
<td>J &amp; B Amusement, Inc.</td>
<td>Concession</td>
<td>800</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>800.</td>
</tr>
<tr>
<td>Louis Amusement, Inc.</td>
<td>Concession</td>
<td>650</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>650.</td>
</tr>
<tr>
<td>Morgan Hughes, Inc.</td>
<td>Ride</td>
<td>7,650</td>
<td>300</td>
<td>1,000</td>
<td>1,300</td>
<td>$400</td>
<td>2,000</td>
<td>1,500</td>
<td></td>
<td></td>
<td>15,150.</td>
</tr>
<tr>
<td>NAC Communications, Inc.</td>
<td>Service</td>
<td>875</td>
<td>125</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,150.</td>
</tr>
<tr>
<td>O'Neil's Fun &amp; Games, Inc.</td>
<td>Concession</td>
<td>300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>300.</td>
</tr>
<tr>
<td>Playland Sweet Shop Co.</td>
<td>Concession</td>
<td>600</td>
<td>150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,000.</td>
</tr>
<tr>
<td>Playland Fishing Co.</td>
<td>Concession</td>
<td>2,250</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>6,000.</td>
</tr>
<tr>
<td>P &amp; F Amusement Corp.</td>
<td>Ride/Concession</td>
<td>1,300</td>
<td>150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,700.</td>
</tr>
<tr>
<td>Paradise Amusement, Inc.</td>
<td>Concession/Game</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,500.</td>
</tr>
<tr>
<td>P &amp; G Amusement, Inc.</td>
<td>Game</td>
<td>7,350</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>8,500.</td>
</tr>
<tr>
<td>Peck's Skate Shop Co.</td>
<td>Concession</td>
<td>1,500</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,500.</td>
</tr>
<tr>
<td>S &amp; L Amusement Corp.</td>
<td>Ride</td>
<td>1,000</td>
<td>150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,150.</td>
</tr>
<tr>
<td>Star Wheel, Inc.</td>
<td>Ride</td>
<td>2,075</td>
<td>300</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2,655.</td>
</tr>
<tr>
<td>Tolve Amusement, Inc.</td>
<td>Game</td>
<td>3,000</td>
<td>450</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>10,450.</td>
</tr>
<tr>
<td>Waldo Kitty, Ltd.</td>
<td>Ride</td>
<td>500</td>
<td>150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1,910.</td>
</tr>
<tr>
<td>Zambelli Fireworks Co.</td>
<td>Service</td>
<td>150</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>300.</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>$42,405</strong></td>
<td><strong>$3,225</strong></td>
<td><strong>$1,375</strong></td>
<td><strong>$2,500</strong></td>
<td><strong>$750</strong></td>
<td><strong>$3,230</strong></td>
<td><strong>$400</strong></td>
<td><strong>$15,000</strong></td>
<td><strong>$13,078</strong></td>
<td><strong>$81,963</strong></td>
</tr>
</tbody>
</table>

**Contributions Disclosed**: $36,333.
**Contributions Not Disclosed**: $45,630.
**Total Contributions**: $81,963.
November 16, 1982

Mr. Horace Borchardt
Zucker, Kraus, & Borchardt
300 Martine Ave.
White Plains, NY 10601

Dear Horace:

As per our telephone conversation, enclosed please find a short resume on Morgan Hughes. We are very interested in placing ride equipment in Playland Rye as concessionaire operators or leasing the equipment for a period of 3-10 years.

We are in a position to supply any or all rides that Playland may wish to have for their opening in 1983. Furthermore, we place our organization to help Playland find a manager from a good, well-established park in the United States, and will be willing to help get the park ready without any fee to myself or to my organization personally.

I would appreciate very much if you could find out whether I can have an interview with Mr. O'Rourke or Mr. Dolan, whichever of these gentlemen you deem to be the right party for me to sit down with and discuss the matter at hand.

I am looking forward to hearing from you by telephone as I have been informed that things are moving very fast, and certain individuals have already been endeavoring to take over the operation of the park. I personally think that the park, due to its location, its layout, and its beauty, has the greatest potential of any park in the United States or abroad.

Best personal regards,

Sincerely,

Mickey Hughes

Enclosure
January 24, 1983

Hon. Frederick J. Gioffre
P.O. Box 883
Port Chester, New York 10573

Dear Fred:

Referring to the conference a couple of weeks ago which was attended by my client, Mr. Mickey Hughes, Presidents of World's Fair Rides, Inc., Mr. Tony Colavita and both of us in connection with the operation of Playland for the 1983 season, I am enclosing proposals for six (6) amusement rides in gradeplicate which you will be good enough to pass on to the authorities concerned. My client and I are ready to discuss in detail the enclosed proposals as well as any other plan which the County may deem advisable and feasible in view of the limited time available for the opening of the park on Decoration Day.

My client requested me to point out the fact that if any of or all of these proposals should be accepted in one form or another by the County, my client would like to reserve the option to operate these rides for a further period of four (4) years. If Playland should continue operating in the next four (4) years under the same conditions as it is presently planned for the 1983 season.

Further Mickey Hughes requested me to advise you that it is his intention to make a further proposal later this year for the operation of the total park or any park thereof. In preparation of such a proposal he would appreciate receiving as early as possible the ground plan of the park, layout and a complete right layout on a separate plan.
January 24, 1983
Page 2.

As soon as you let me know that there is interest in some of all of the proposed rights for the 1983 season, detailed description, literature and other pertinent facts will be made available without any further delay.

With kindest regards

Sincerely,

HORACE W. K. BORCHARDT
February 2, 1983

Anthony: My Cela Esq.
575 White Plains Road
Eastchester, New York 10709

Dear Tony:

It was a great pleasure meeting you and Fred Gioffre with my clients, Mickey Hughes and his son, in connection with the reopening of Playland.

In the meantime, Ed Kilcullen was reinstated as Park Director under the auspices of the County Parks Department.

More than a week ago, I submitted a detailed outline for the installation and operation of certain rides for the 1983 season and beyond. I am sure that Fred Gioffre turned over the detailed plan to you, as he promised, so that with the help of your good offices, Mickey's proposal will be taken up shortly with Ed Kilcullen. Needless to add that Mickey Hughes is ready to discuss the proposal or any other changes which Ed Kilcullen would deem advisable at any time with you and/or Ed Kilcullen.

I am sure that every effort will be made by all participants to prepare the Park for the opening of the 1983 season on time. I will be greatly indebted to you if you would contact me at your earliest convenience, so that Mickey Hughes will be given an opportunity to discuss his proposals or any desired changes in detail.

"Trusting that you will favour me with your early reply, I remain, with best regards.

Sincerely,

Horace W. K. Borchardt

HWKB/md
TO: JOSEPH CAVERLY, COMMISSIONER  
Department of Parks  

JOSEPH P. GULIA, COMMISSIONER  
Department of Finance  

ROBERT UHER  
Budget Director  

FROM: HENRY J. LOGAN  
County Attorney  

RE: Review of Morgan Hughes, Inc. Leases  

April 13, 1988  

I mentioned to you that, during the course of the Law Department's portion of the inquiry to gather facts and information to prepare our portion of the report requested by County Executive O'Rourke, Peter Holmes, Esq., Assistant County Attorney, talked to many people and obtained various documents.

In speaking with Stephen Broege, Controller of Playland, Mr. Broege gave to Mr. Holmes a copy of a letter dated January 24, 1983 from the law firm of Zucker, Kraus & Borchardt, 300 Martine Avenue, White Plains. The letter apparently was signed by Horace W. K. Borchardt who stated that he represented Mr. Mickey Hughes. The letter (copy attached) contained the following paragraph:

"Referring to the conference a couple of weeks ago which was attended by my client, Mr. Mickey Hughes, President of World's Fair Rides, Inc., Mr. Tony Colavita and both of us in connection with the operation of Playland for the 1983 season, I am enclosing proposals for six (6) amusement rides in quadruplicate which you will be good enough to pass on.
to the authorities concerned. My client and I are ready to discuss in detail the enclosed proposals as well as any other plan which the County may deem advisable and feasible in view of the limited time available for the opening of the park Decoration Day."

This letter does not appear relevant to our considerations in that we are to determine, among other things, whether or not the leases are binding. This letter does not assist us in reaching that determination. The letter would be of interest to us if we were conducting a broader inquiry into the entire matter. Because the letter might be of significance in that fashion, Mr. Broege was advised, if he had not already done so, to provide a copy of the letter to S.I.U. or the District Attorney's office. We have reason to believe that Mr. Broege, or someone else, has provided a copy of the letter to those authorities.

From our conference this morning in Commissioner Gulia's conference room, I believe that each of us has agreed that the letter does not form a proper part of our report.

However, in order to avoid any later suspicions or allegations that we did not turn over or cause all relevant or contingent material to be brought to the attention of the proper parties, I suggest that, in addition to seeing that the letter is given to the investigative bodies, by separate memo, we should provide County Executive O'Rourke with a copy of it so that he will be aware of additional background information.

HJL/jc
Enc.
January 24, 1983

Hon. Frederick J. Gioffre
P.O. Box 863
Port Chester, New York 10573

Dear Fred:

Referring to the conference a couple of weeks ago which was attended by my client, Mr. Mickey Hughes, President of World's Fair Rides, Inc., Mr. Tony Colavita and both of us in connection with the operation of Playland for the 1983 season, I am enclosing proposals for six (6) amusement rides in quadruplicate which you will be good enough to pass on to the authorities concerned. My client and I are ready to discuss in detail the enclosed proposals as well as any other plan which the County may deem advisable and feasible in view of the limited time available for the opening of the park on Decoration Day.

My client requested me to point out the fact that if any of or all of these proposals should be accepted in one form or another by the County, my client would like to reserve the option to operate these rides for a further period of four (4) years. If Playland should continue operating in the next four (4) years under the same conditions as it is presently planned for the 1983 season.

Further Mickey Hughes requested me to advise you that it is his intention to make a further proposal later this year for the operation of the total park or any part thereof. In preparation of such a proposal he would appreciate receiving as early as possible the ground plan of the park, layout and a complete ride layout on a separate plan.
January 24, 1983
Page 2.

As soon as you let me know that there is interest in some or all of the proposed rights for the 1983 season, detailed description, literature and other pertinent facts will be made available without any further delay.

With kindest regards

Sincerely,

[Signature]

Encls:

HORACE W. K. BORCHARDT
October 28, 1987

TO: Roger Biagi
Deputy County Executive

FROM: Joseph Caverly-
Commissioner

RE: Playland Travel Authorization

After our brief conversation this morning regarding the Playland travel authorization and attending the conference, I spoke to Dick Keeler. He said that he, George Voetsch, and Steve Broege had authorization back in September, that the request was for Michael Liscio to attend also. I explained to him that we can't approve a travel authorization without two weeks advance clearing time, and I could not approve a fourth person (Michael Liscio) going to the same conference.

As I had predicted to you, he said, "Oh, it has been approved by the County Executive and Budget." I said, "Who in Budget?" He said, "Leslie Bennett." In checking further with Leslie Bennett, she said she had a call from Steve Broege the other day. She said she did not approve the request, and said it was very questionable about a fourth person going.

With numerous requests, he frequently says, he "talked to Mr. O'Rourke; he has approved it." He often says this after being with and talking to Mr. O'Rourke where Jim Arles and I are left not knowing whether he has official approval. It would be most helpful to us if at anytime he comes to see Mr. O'Rourke or yourself, that one of us is involved and has knowledge of the subject and the discussion. The operating procedures at Playland are not always in coordination with this office. Your assistance will be greatly appreciated in directing him to follow the chain of command and proper procedures.

JC:pv

cc: James Arles
Soon after law school I decided that I wished to work in government service. I found that the best way to do that was to meet people in government so I went to the Republican Party to offer my help. I worked on a couple of campaigns including the Guy Parisi for County Clerk Campaign.

In the spring of 1985 I was present at a campaign meeting at the Westchester Republican County Committee. After that meeting I met with County Chairman, Anthony Colavita, to ask his assistance in my attaining an interview for an entry level position as an Assistant County Attorney. Mr. Colavita said he would try to help me.

David Waragar
David J. Waragar
December 3, 1981

George:

On Thursday, December 3rd at 12:15 p.m. Andy O'Rourke called and said he received a call from Tony a few minutes ago and Tony "raised the roof" about Land Records restorations being omitted by the Board. Andy said Tony must have received a call from you; that when there is a problem with the Board you should call him; that Land Records budget happened to "fall through the cracks". He also said the Land Records funds would be restored this afternoon.

HE DID NOT MENTION: (1) his prolonged absence from the Budget meeting on Nov. 18 while you were giving your justification; (2) that on Dec. 2 he told me he didn't know anything about Land Records funds; that you hadn't talked to him about it.

This was more aggravating when Andy Albanese also said you had not talked to him about Land Records after you met with the Budget Committee.............

As you know Land Records funds have since been restored and were it not for the efforts of Tony Colavita, ERK and NH we may have had a more difficult time.

Bob
City of New Rochelle
New York

June 17, 1988

Mr. Anthony Colavito, Chairman
Westchester County Republican Committee
Mamaroneck Avenue
White Plains, NY

Dear Tony:

I am writing this letter in behalf of Ms. Julia M. Robinson, R.D., 107 Chauncey Avenue, New Rochelle, NY 10801 who is applying for the position of Executive Director of Playland, NY.

She possesses all of the necessary skills to qualify her for the position as the enclosed resume will show. I have personally known her for over thirty (30) years and have worked and served with her in many areas affecting our community and as political, fraternal, religious, educational and in the field of drug and alcohol abuse.

She is a registered Republican and wields considerable clout in our community. I, further, feel that not only would the County Executive's Office, benefit by appointing a qualified person who happens to be a female and a minority to this position, it would also create a new and better image for the entire Westchester Republican Party.

I, therefore request that you would personally look over her application and judge her on its merits since the County states that it has a strong and open Affirmative Action Policy. I, therefore recommend Ms. Robinson for the position of Executive Director of Playland, NY without any hesitation or reservation whatever.

Thanking you in advance for same.

I remain yours,

[Signature]

Paul D. Dennis, Jr.
Executive Director

encl:
Cong. Joseph DioGuardi
November 28, 1989

Mr. Peter Bienstock
Executive Director
State of New York
Commission on Government Integrity
Two World Trade Center - Suite 21-08
New York, NY 10047

Dear Mr. Bienstock:

This is in reply to your recent letter in which you refer to a New York Times quote by me to the effect that a party official could not be prosecuted for promising a government job in exchange for political service.

This comment was made in specific response to an allegation in an omnibus motion by the attorney for E. Richard Keeler (then under indictment on various charges growing out of his service as Director of the Playland Amusement Park), relating to violations of Subdivision 1, Section 17-158, Elective Franchise Violations. This subdivision specifically applies to those who hold or are seeking public office. Subdivision 3 of that Section apparently could apply to a party official who engages in that type of conduct.

I believe the statute could be strengthened and made clearer in its intent by specifically including party officials in Subdivision (1).

I cannot, of course, comment specifically on our ongoing Grand Jury investigation. However, I should point out, based on many years of experience, that investigations into political corruption are very often thwarted and, indeed, derailed as a consequence of two New York State statutes which have survived years of effort by the New York State District Attorneys Association and the New York State Law Enforcement Council to change. One is the requirement that Grand Juries confer full transaction immunity (rather than use immunity)
Mr. Peter Bienstock

November 28, 1989

to obtain witnesses' testimony. The other is the statute requiring corroboration of accomplice testimony.

Amendment of these requirements would provide State Prosecutors the same weapons enjoyed by their Federal counterparts and greatly strengthen our ability to deal with political corruption as well as organized crime and other conspiratorial criminal activities.

Very truly yours,

CARL A. VERGARI
District Attorney
County of Westchester

CAV:s
Appendix
<table>
<thead>
<tr>
<th>REPORT</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Open Meetings Law: Report and Recommendations</td>
<td>12/87</td>
</tr>
<tr>
<td>8. Campaign Finance Reform: The Public Perspective</td>
<td>7/88</td>
</tr>
<tr>
<td>10. Unfinished Business: Campaign Finance Reform in New York City</td>
<td>9/88</td>
</tr>
<tr>
<td>11. Restoring the Public Trust: A Blueprint for Government Integrity</td>
<td>12/88</td>
</tr>
<tr>
<td>14. &quot;Playing Ball&quot;* with City Hall: A Case Study of Political Patronage in New York City</td>
<td>8/89</td>
</tr>
<tr>
<td>15. Evening the Odds: The Need to Restrict Unfair Incumbent Advantage</td>
<td>10/89</td>
</tr>
<tr>
<td></td>
<td>Title</td>
</tr>
<tr>
<td>---</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>17.</td>
<td>A Ship Without a Captain: The Contracting Process in New York City</td>
</tr>
</tbody>
</table>