

## COUNTY OF SUFFOLK



### OFFICE OF THE COUNTY EXECUTIVE

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June 27, 2008

Honorable Ed Romaine  
Legislator, 1<sup>st</sup> District  
423 Griffing Avenue  
Riverhead, NY 11901

Dear Legislator Romaine:

Thank you for your response of June 27 to my letter regarding your need to recuse yourself of various matters relating to the nursing home and conflict of interest that presently exists. Unfortunately, there was nothing within your letter that changes the fact that Article XXX requires you to have refrained from involving yourself in discussions, votes, or legislation related to the future of the county nursing home.

Why would you withdraw a request to the Ethics Commission when you continue to advocate against the sale or closing of the facility even going so far as to put in additional legislation to affect the future of John J. Foley? You mention in your letter that the bill you filed does nothing but repeat the law as it currently stands; why would a legislator submit a piece of superfluous legislation such as you describe, except to have some impact on the future resolution of the Foley facility? It is ridiculous to suggest that the issue became moot because you withdrew one particular resolution.

Secondly, you claim that it is no secret that you have a family member that works at the nursing facility. You have put your personal interest before the public interest and never disclosed that your wife is an employee at John J. Foley. I for one am intimately involved in Suffolk County Government and I was unaware you had your wife on the John J. Foley payroll. It was rumored that your sister-in-law is also an employee there and yet I only became aware of this when I was shown a picture of her leading the pickets at John J. Foley in Newsday this Spring, when the staff moved many of the patients

outside in the cold weather, gave them signs and made them part of their photo op for the cameras.

You mention other members of the Legislature who have family members in County Government. I am aware that when a vote comes up that might have an impact on those family members they recuse themselves, unlike your actions here.

Regardless of whether others around the horseshoe knew or did not know of your family's association with the nursing home, it is you as the Legislator who had the ethical obligation to disclose this on the record and to recuse yourself from these votes. You cannot use the excuse that "everyone must know about it", thereby relinquishing you of the need to disclose this information or recuse yourself.

While your family connections to the nursing home may or may not automatically exclude you from anything to do with the nursing home, there are a number of instances where conflicts are obvious. There is no question that the debate of the closure or sale of the nursing facility will have an impact on your kin employed by the nursing home. A resolution regarding the future management of the facility also has an impact on your family members, and of course your recent introduction of your resolution relating to the sale of the nursing home is perhaps the most blatant violation of Article XXX.

By introducing a resolution on this matter you are injecting yourself into the debate relating to the sale of this facility that unquestionably has an impact on your family's income. It is not enough to wait for a plan to sell the nursing home for you to seek an opinion of the Ethics Commission; the debate has already begun and you have injected yourself full-throttle into this debate.

The time for the ethics opinion to have been submitted was well before you ever uttered your first word regarding this debate or submitted any legislation to influence the sale of the nursing home.

I am saddened to think that it took my letter to you to motivate you to seek an opinion from the Ethics Commission; you might want to have your counsel review Article XXX of the Administrative Code and see how many sections of the Ethics Code you may have violated.

I therefore must repeat my request for you to recuse yourself from any further dealings regarding this matter so as to avoid the necessity to require you to do so.

Sincerely,



Ben Zwiirn  
Deputy County Executive

BZ:jd

**Houghtalen, Jeff**

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**From:** Zwirn, Ben  
**Sent:** Monday, June 30, 2008 1:22 PM  
**To:** Hansen, Roseann  
**Subject:** Romaine !!

Dear Legislator Romaine:

In your staff members letter to me of the 27<sup>th</sup> of June...it states you have filed a request with the Ethics Commission on your conflict of interest with respect to the future determination of the John J. Foley Nursing Home. I am puzzled because in your letter to me of the same date you clearly state you withdrew that very request, did you or didn't you? You might want to let your staff see your letter of the 27<sup>th</sup>.

Your staff member also indicates you mentioned on numerous occasions that your wife worked at the nursing home, that it was mentioned in Newsday...could you please direct me to the record where you mentioned this...certainly you don't equate a newspaper uncovering a connection between a family member that causes a conflict with your affirmative obligation to make such a personal connection public on the record...in addition, the fact that your sister in law also works there, has never been made public...

Your staff member quotes the same Newsday article as stating that you would not participate in the matter until you received a ruling from Ethics Commission, did you receive such a ruling because now you are even introducing legislation that would effect the future of the nursing home. If you have not received such a ruling your actions apparently contradict your words but then again that is nothing new for you...

While we await the ruling from the Ethics Commission you might want to read the Suffolk County Code of Conduct...

From: Sabatino II, Paul  
Sent: Sunday, May 22, 2005 5:20 PM  
o: Sabatino II, Paul  
Subject: Re:

I thought Fred already sent the numbers. Freds numbers show there is \$ in the budget this year and next. Deal costs less than the 25 mil in the budget this year. Next year Fred also said enough. Thus deal is almost as inexpensive as the first deal. Rally will be off if we negotiate on Thursday and Friday.

Jeff

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Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Sabatino II, Paul <Paul.SabatinoII@suffolkcountyny.gov>  
To: Tempera, Jeffrey <Jeffrey.Tempera@suffolkcountyny.gov>  
Sent: Sun May 22 14:02:13 2005  
Subject: RE:

He just said 25 minutes ago--he wants to see the numbers on piece of paper so I am sending them to him now because he will be out on Monday. If he calls in an ok, then we can do. The key for him is no rally if we have an deal.

-----Original Message-----

From: Tempera, Jeffrey  
Sent: Sunday, May 22, 2005 1:59 PM  
To: Sabatino II, Paul  
Subject: Re:

I agree. That's what I plan to do on Thursday if that's good with Steve.

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Sent from my BlackBerry Wireless Handheld

-----Original Message-----

From: Sabatino II, Paul <Paul.SabatinoII@suffolkcountyny.gov>  
To: Tempera, Jeffrey <Jeffrey.Tempera@suffolkcountyny.gov>  
CC: Pollert, Fred <Fred.Pollert@suffolkcountyny.gov>  
Sent: Sun May 22 12:56:21 2005  
Subject: RE:

I just spoke to Steve--he still wants to see the numbers but seems to be getting there. We need to close the deal before Thursday to avoid the rally. Just tell Richie either he has to reschedule or have one of his partners or colleagues appear with you. The reason we hire large law firms like his is to have the availability of more than one lawyer, unlike the solso practitioner.

-----Original Message-----

From: Tempera, Jeffrey  
Sent: Saturday, May 21, 2005 8:19 PM  
To: Law, Kevin; Pollert, Fred; Sabatino II, Paul  
Subject: RE:

I spoke with Fred and he shows that this deal is just about the same cost as the original 5.85% deal. Maybe \$300,000 more expensive. Still under for '04 & '05 and good for '06. Also savings into the future as a lower base due to '04 being off rate. Yes, rally is the only issue. I'm working on it.

**From:** Tempera, Jeffrey  
**Sent:** Monday, January 03, 2005 5:30 PM  
**To:** Sabatino II, Paul  
**Subject:** Meeting with Cheryl

Paul

One more thing to add to the list of possible items Cheryl wants to discuss. The payout to Alice Bender of the \$9,778.57 for her unused vac time. The matter is still outstanding and Cheryl may want to discuss it with you. The amount is not correct as it includes 28 hours personal time and 28 hours of floating holidays not covered by the agreement. I want to write to Alice and request any amendments, changes or deletions to the contract before giving an opinion on her payout. Christine believes there is a real case to be made that she was not entitled to any raises granted beyond the contractual raise of 5.5% in 1993 and therefore was overpaid. Interesting argument.

Jeff

10/6/2008

**Houghtalen, Jeff**

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**From:** Zwirn, Ben  
**Sent:** Monday, June 30, 2008 1:22 PM  
**To:** Hansen, Roseann  
**Subject:** Romaine !!

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