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CONFLICTS OF INTEREST BD

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April 1, 2005

The New York City Conflicts of Interest Board
2 Lafayette Street, Suite 1010
New York, New York 10007
(212)442-1400

Greetings:

Please be advised that this document is a complaint filed on my behalf with the Conflict of Interests Board concerning the actions of the Kings County District Attorney, Charles J. Hynes and his executive staff.

There are two (2) allegations of misconduct, the gravamen of each are:

- 1. Over 30% of Hynes prosecutors do not meet the residency requirements.**
- 2. Hynes accepts campaign contributions from his subordinates.**

Allegation One:

Upon information and belief that of the 98 Assistant District Attorneys ("ADA's") who earn \$100,000 or more, that over 30% of these ADAs do not reside in the City of New York as required by State law.

Statutes and case references:

- Public officers law section 3.
- County Law section 702 paragraph 6.
- Attorney General opinion 86; 15-22.
- NYC Criminal Code Act section 94.
- NYC Administrative Code section 12:20.
- Mileto v. Sleight, 1998, 178 Misc. 2d. 562, 681 NYS. 2d. 189
- Brindisi v. Donalty 171 A.D. 2d. 1039, 579 NYS. 2d 614 (NYAD 4th Dept. 1991).

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(Exhibit A)

Hynes' \$149,000 a year Chief Counsel ADA Dino Amoroso is listed on campaign disclosures as being a resident of 210 Joralemon Street in Brooklyn (the municipal building), however, his home address is 164 Canterbury Gate, Lynbrook, Long Island 11563; (516)887-2799.

ADA Amoroso does vote from an address in Queens County, which is not his principal and permanent residence. The Queens address Amoroso votes from is a mail drop at a relatives house; however, his voter registration constitutes a Class E felony.

ADA John O'Mara, the \$136,000 a year Chief of Homicide has been employed as an ADA since 1978. However, in 1985 he moved to 112 Mount Hebron Road, Montclair, New Jersey 07043; (973)744-0551.

Amy Feinstein, who Hynes has designated as his Chief ADA to act in his place should he become incapacitated, is required to be a Brooklyn resident. (Attorney General Opinion 86:15-22). Ms Feinstein does not claim to be a Brooklyn resident instead she resides at 1641 Third Avenue, New York City 10128.

In sum, you have to understand the severity of an ADA prosecuting a crime without jurisdiction. The ADAs at that pay level are all handling serious crimes – murder, rape, robbery, illegal voting.

The numbers, 1 out of 3 ADAs in Brooklyn, violating residency requirements is serious.

1. Dino Amoroso
164 Canterbury Gate
Lynbrook, Long Island 11563
(516)887-2799
2. Sheryl Hirsch Anania
Scarsdale, New York
3. Michelle Armstrong
2959 Western Blvd.
Baldwin, NY 11510

4. Donald Berk
15 Carnegie Avenue
Cold Spring Harbor, NY 11724
5. Christopher Blank
6 Webb Road
Sleepy Hollow, NY 10591
6. Harvey Casper
60 Virginia Avenue
Oceanside, NY 11572
7. Teresa K. Corrigan
706 White Avenue
New Hyde Park, NY 11040
8. Craig R. Esswein
20 Eaton Road
Syosset, NY 11791
9. Amy Feinstein
Chief Assistant – must reside in Brooklyn.
1641 Third Avenue
New York, NY 10128
10. Edgar N. Fox
New Jersey
11. Joan B. Gabbidon
860 McKenna Avenue
Baldwin, NY 11510
12. Paul Gliatta
19 Hamilton Road
Scarsdale, NY 10583
13. Mark Hale
Connecticut
14. John J. Holmes
100 Pelham Road
New Rochelle, NY 10805
15. Melissa C. Jackson
7 Kennedy Lane
Cold Spring Harbor, NY 11724

16. Rhonnie E. Jaus
125 Garden Street
Great Neck, NY 11021
Bureau Chief-Sex Crimes, skirts law by having husband contribute.
17. Eugene R. Kelley
P.O. Box 367
St. James, NY 11780
18. Steven H. Kessler
80 Pineridge Road
White Plains, NY 10603
19. Deborah A. Lashley
33 James Street
Newark, New Jersey
20. James K. M. Leeper
10 Birch Close
Sleepy Hollow, NY 10581
21. Jeffrey R. Levitt
29 Chuck Lane
Selden, NY 11784
22. Lauren E. Mack
370 West Passaic Street
Rochelle Park, NJ 07662
23. Jodi L. Mandel
32 Rosalind Place
Lawrence, NY 11559
24. Heide E. Mason
75 East Broadway
Long Beach, NY 11561
25. Gregory P. Mitchel
47-40 Glenwood Street
Little Neck, NY 11362
26. Hilda A. Mortensen
37 Hillside Avenue
Glen Head, NY 11545

27. Kin-Wang Ng
509 Smith Court
Edgewater, New Jersey 07020
or
54 Oak Street
Amityville, NY 11701
28. John P. O'Mara
112 Mount Hebron Road
Montclair, NJ 07043
(973)744-0551 (Essex County)
29. Jill Schenkel
4 Clarence Avenue
Hastings on Hudson, NY 10706
30. Ephraim W. Seaban
86-23 249th Street
Bellrose, NY 11426
31. Jay Shapiro
28 Kisco Park Drive
Mount Kisco, NY 10549
32. Anne J. Swern
856 Kilmer Lane
North Woodmere, NY 11581
33. Kenneth M. Taub
211 East Shore Road
Great Neck, NY 11023
(Chief of Grand Jury)

Most of the addresses of the offending ADAs were retrieved from the campaign disclosures of Hynes various campaign committees on file with the New York City and New York State Board of Elections.

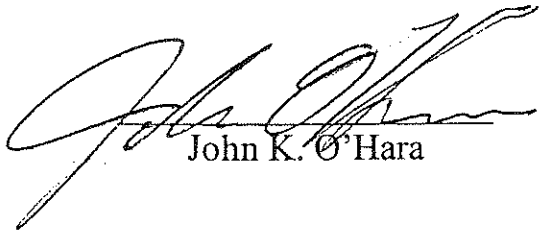
Allegation Two:

As you know the provisions governing political activities, City Charters Sections 2604 b-9 through b-12 and b-15, are presented in plain language to ensure compliance. It is impermissible for a public servant to ask or accept a contribution from a subordinate. Most of the offending ADAs, about 74%, would regularly

contribute \$300 on a semi-annual basis to Hynes' campaign committees, which has amounted to over \$70,000 in contributions.

Kindly acknowledge receipt of this complaint within ten (10) days.

The Conflict of Interests Board has jurisdiction over all current and former city employees.



John K. O'Hara

Dated: Brooklyn, New York
April 1, 2005