

VETERANS & SENIORS COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Veterans & Seniors Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on October 12, 2006.

Members Present:

Legislator Steven H. Stern, Chairman
Legislator Jack Eddington, Vice Chairman
Legislator Cameron Alden
Legislator John M. Kennedy, Jr.
Legislator Elie Mystal

Also In Attendance:

George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel to the Legislature
Richard K. Baker, Deputy Clerk
Verna Donnan, Budget Review Office
Deborah Harris, Aide to Legislator Stern
Holly Rhodes•Teague, Director/Office for the Aging
Tom Ronayne, Director of Veterans Service Agency
George Roach, Suffolk County Legal Aid

Robert Mitchell, SC Legal Aid
Louis Mazzola, SC Legal Aid
All Other Interested Parties

Minutes Taken By:

Diana Kraus • Court Stenographer

(THE MEETING COMMENCED AT 9:20 AM)

CHAIRMAN STERN:

I apologize for the delay but the Committee on the Vets and Seniors will come to order. Please stand for the Pledge of Allegiance led by Vice Chair Eddington.

SALUTATION

CHAIRMAN STERN:

I'm going to ask everybody to please remain standing as we take a moment of silence to always remember our very brave men and women fighting for our freedoms overseas.

MOMENT OF SILENT

CHAIRMAN STERN:

Thank you. Holly, Tom.

MS. RHODES • TEAGUE:

I just wanted to update everybody on what we're doing with the Medicare update. You know, we're doing training on Medicare Part D. The training that we're doing for contractor, staff and professionals which all your offices, I believe, received notices on is October 16th, which is this Monday. It'll be from nine to eleven. It'll update on what's going on with Epic and also what's going with the Part D prescription drugs because there are changes to the program a little bit.

We also are going to be doing ten town meetings. They start at the end of October. They'll go through the end of November because the enrollment period opens up November 15th so they'll be at each •• there'll be one in each town. And we're pretty happy about it this year. We're going to have not only the Epic people and the people from Empire Medicare, but we're partnering with the Veterans Service Agency so they'll have somebody at each of the meetings to talk about the veterans benefits because we do have the same constituents. So we're hoping to add a little bit more to the meetings. So we're, you know, that schedule should be going out in the next few days. And we will be putting that out all over the place.

CHAIRMAN STERN:

Holly, would we be able to get maybe copies of those notices that we can distribute?

MS. RHODES • TEAGUE:

Sure.

CHAIRMAN STERN:

Maybe through your office, maybe at the next general meeting to all of the Legislators so they can post it in their offices.

MS. RHODES • TEAGUE:

Well, what I can do is I could send it •• I could just do a mailing out, you know, I can send copies out to everybody. We'll do that.

CHAIRMAN STERN:

Very good.

MS. RHODES • TEAGUE:

We don't know how hectic it's going to be or not this year. The phones have still been relatively quiet but we figure, you know, we'll get the word out that there are some changes and people who have low incomes should really look for the subsidies that are available. So we'll just try to get that word out there.

CHAIRMAN STERN:

Very good. Questions? Okay. Holly, thanks. Tom?

MR. RONAYNE:

Good morning.

CHAIRMAN STERN:

Good morning.

MR. RONAYNE:

Good to see you all again. I guess we've really just been continuing on the programs and the projects that we've been working on. So I guess this would be more of a progress report than anything else.

The exception to that would be, and I spoke to Legislator Kennedy a moment ago about this, is the •• we're in the season. And the major veteran service organizations are in the next several weeks going to be hosting their annual Legislative breakfast. So if anybody has not received the information on, I guess, primarily the American Legion and VFW, let me know and I'll get the information on the dates and times and locations to you.

Continuing on with the outreach, we had been working in the Riverhead Jail as you're aware. And we had been talking about expanding the program. We've now begun working in the medium security facility in Yaphank as well. The first visit out there were several weeks ago. There was a total of 21 veterans that we identified as being incarcerated at the facility. Of the 21, 15 agreed to be interviewed. And we started files on 15 of the 21. I can't answer as to why the other six did not want to, but hopefully they'll •• word of mouth will get back to them from the other guys that we're not there •• we're not there to hurt them. We're there to help them. And we'll be able to bring them into the fold as well. So I think 15 veterans on our first visit to the jail was a pretty successful endeavor.

CHAIRMAN STERN:

And, Tom, now that those veterans have been identified typically what will happen going forward?

MR. RONAYNE:

Well, the first thing that we do is we apply to the services to get copies of their discharges, their D214's and so forth. The big thing that we need to do is establish a) whether or not they are peace time or war time veterans and b) whether or not •• the nature of their discharge, if they were honorably discharged, less than honorably or dishonorably. That makes a difference in their eligibility for benefits.

Going forward from there once we've established their veteran status and eligibility for benefits, then we go into the next phase and we talk about income, whether they need assistance, whether they've got potential for prosecuting claims. We'll prepare claims and work the claim before the VA on their behalf. So once we identify their veteran status it becomes an individual case by case basis.

CHAIRMAN STERN:

And who is taking them through the process? Who is actually going out to the jails and identifying vets and follow•ups?

MR. RONAYNE:

The service officers from my office. I've gotten credentialed as well to go

out to the jails and work with them. I have not gone out and done any case work in the jails yet but the service officers have. Ron {Romesca}. We've got Bob Hopkins. And we've got a volunteer who's been working with the office for a number of years. He's a retired Suffolk Detective Mel Cohen, Vietnam veteran who has been going out and doing a wonderful job. And I'm very pleased that he's agreed to stay on with us as a volunteer on this program.

The Homeless Program is •• has really taken stride. It had slowed down over the course of the summer because of the nicer weather and the not as dramatic need for housing and other care. Now that the weather has begun to change, we're starting to see a little bit more activity. We've been going out again on a regular basis. As you know the VA has provided me with a one day a week full•timer who is a licensed social worker. She's been doing a wonderful job with us. We've also gotten her credentialed to go out into the jails with us and she's working with us in the jails. Having a social worker with us, I think, is a real blessing.

Before I forget about this one, Holly was reporting on the fact that they're going to be going out to the towns and having their meetings. Holly and I have partnered up and Veterans Services and Aging will be going out together to these meetings and joining forces. I think in many instances we're playing to a common audience so it's •• it's probably not a bad idea for us to ally forces wherever we can and see if we can eliminate the duplication of effort. If we can get the same effect with one visit versus two visits, everybody wins.

CHAIRMAN STERN:

Very good.

MR. RONAYNE:

The only other things to report, I have two things that are significant to the veterans. And you may encounter this with your constituents. The first one is •• and I may have reported on this the last time I was here. New York State, not the feds, but New York State recently changed the dates of service for Vietnam. So if you were a Vietnam era veteran, the date had been December 21st of 1961. They've now changed that date and moved it

back to December 28th of '61. So you're picking up about nine months. Previously anybody who served prior to December of '61 was not considered a Vietnam era veteran and, therefore, was not entitled to many of the benefits that war time veterans are entitled to. Probably the largest one is the real property tax exemption on their homes. All of these folks suddenly become eligible for that exemption.

CHAIRMAN STERN:

I'm sorry, Tom. Once again those dates were?

MR. RONAYNE:

12/21/61 has been moved back to 2/28/61. And that's already been signed by the Governor so it's in law.

The other one, and this again applies specifically to Vietnam veterans is the court of •• the court •• the Court of Appeal for Veterans Claims was recently overturned by the federal circuit on a case Hoss versus VA. The significance of this case is historically Vietnam veterans who had stepped foot in country, who actually had boots on the ground were eligible for all of the presumptive conditions that are associated with exposure to herbicides. People call it Agent Orange.

The significance of the Hoss case is traditionally •• historically the VA has denied claims for conditions presumptive associated to exposure to herbicides to blue water Navy veterans, meaning if you were on ships off shore, if you were doing naval gun fire support or if you were doing supply ops, if you were doing refueling, any of these missions that were critical and, you know, constant, the blue water Navy veterans have been deemed not eligible for the exposures even though it's been well established that the air borne contaminants carried on the prevailing winds and so forth, that many of these guys potentially could have been exposed. The VA has just never granted a blue water Navy this benefit.

In Hoss the Court of Appeals for Veterans Claims ruled in favor of the VA's denial. The federal circuit overturned the Court of Appeals for Veterans Claims and Hoss has now been granted his agent orange benefits. So we don't know if they're going to appeal this or not. It's potentially a very

significant ruling. I would encourage anybody who's got a Navy veteran who has presumptives for Agent Orange to get up to our office. If we can get these things filed before the appeal goes in, we may be able to hold on to their claims.

Other than that, I think things are pretty status quo.

CHAIRMAN STERN:

Very good. Legislator Eddington.

LEG. EDDINGTON:

Good morning.

MR. RONAYNE:

Good morning.

LEG. EDDINGTON:

Tom, I just, you know, I work with a lot of veterans in my community and I belong to a number of groups. And I'm learning now some of the qualifications. For example, I mean I know obviously the Vietnam veteran, and you gave the time period; but the American Legion, the Amvets and VFW, they all have like different criteria. And what I've learned recently is the VFW, it's the same •• you have to have been in country on the ground. That's my understanding.

MR. RONAYNE:

With a few exceptions. With the VFW, for example, anybody who was in the Navy who served off in the waters off the shore of Vietnam received the Vietnam Service Medal. In all other instances he's considered a Vietnam veteran except when it came to the granting of the presumptives.

LEG. EDDINGTON:

Thank you.

MR. RONAYNE:

So, in •• for the VFW, there are certain campaign badges or expeditionary

medals that would place you in the theatre •• in the combat theatre of operations, but not necessarily engaged in combat. But you were •• you were there.

LEG. EDDINGTON:

Got you.

MR. RONAYNE:

That's the big difference between the VFW. The American Legion, the dates for eligibility are virtually the same as the VFW.

LEG. EDDINGTON:

Right.

MR. RONAYNE:

But the difference for the American Legion is you didn't have to go. You could have stayed state side the entire time and not gone over.

LEG. EDDINGTON:

Got you.

MR. RONAYNE:

That's the big difference. Amvets and honorably discharged veterans who served at any time.

LEG. EDDINGTON:

Okay. Thank you.

CHAIRMAN STERN:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. I just wanted to take the opportunity to go ahead and commend Director Ronayne. I recently had occasion to go ahead and have to reach out to him for some assistance with constituents in my district that had recently become displaced and homeless. And a simple phone call actually engaged quite a bit of his offices' resources in order to go ahead

and provide some assistance. And I guess the thing that I would say is a) you know, I thank you on behalf of the constituents and myself. And then b) your coming to us each cycle is helpful in giving to me and to us, I guess, the extent and the magnitude of the resources with your office. But for your sharing the homeless shelter at VA and some of the other things you do, I would not have known to go ahead to be able to reach out and to engage you.

And so here's a constituent a) veteran •• a World War II veteran who's receiving, you know, important services that are available through here. And it's through your dialogue and discussion and education of me and us that I was aware of that. I equally had good service through the Senior Citizen's Office in Holly's office. I've had both these agencies hopping literally in the last couple of weeks with some needs I had in my district. But, you know, from any perspective, I say thank you. You both •• your offices are doing excellent jobs.

MR. RONAYNE:

Thank you very much.

CHAIRMAN STERN:

Okay, Tom. Thanks.

MR. RONAYNE:

Thank you.

CHAIRMAN STERN:

George. Good morning. Before we begin if we could just have each of you state your names for the record.

MR. MITCHELL:

Sure. My name is Robert C. Mitchell. I'm the attorney in charge of the Suffolk County Legal Aid. To my right is Mr. Louis C. Mazzola. He's my associate in charge of the Legal Aid Society of Suffolk County. And this is Mr. George Roach •• what's your middle •• L. He's the attorney in charge of the Senior Citizen Division. Mr. Chairman and members and, George, good morning.

This is just a brief overview. We've spoken, everyone, individually. And we have a hand•out this morning. I hope everybody's gotten it for the Senior Citizens as well as our general budget. And I'd just like to speak for a minute on our general budget and the senior citizens and then turn it over to George Roach.

Our general budget we've requested a 6% raise. That reflects \$600,000. Last year when they passed the AME contract we were blown out of the water. The District Attorney received 6%. They received retroactive money. We're at a complete disadvantage. We just lost six people. We have a tough time hiring people; have a tough time competing with the DA so far as far the caliber of attorney that we need. And they're just pulling further and further away from us.

Now, the hand•out shows a •• we start at 48,000 and the DA starts at, I think, 52. But that's •• the DA is 52. That's a person who's not admitted. In addition to that they have steps and grades as the County Attorney has steps and grades. So they can take somebody at 52 and give them 60, 65. We can't do that. We're stuck with the 48. With whatever we higher a person at, that's what we have to give them. And we're at a distinct disadvantage. And that's pointed out in this general memo for the general budget. We're here to answer any questions that you may have on that.

Now, so as far as George's division is concerned, we were here last year. And you were kind enough to give us a quarter of a million dollars to keep the program going. What happened last year with the senior citizens is that we found that we were doing more and more work out of the general budget for senior citizens. And luckily the Senior Citizens Division told us to do a time and motion study. And thank God we good. And we found we could no longer continue because we're using general funds for the senior citizens.

So we came to you people and we asked for another quarter of a million dollars. And you were kind enough to give it us to. And we're running a great program. George is doing a fabulous job. And we're answering the senior citizens problems for Medicare and housing and landlord and tenants, etcetera, etcetera; mortgages and car loans. Very sensitive issues. Now, of

course •• and so far as the general budget is concerned, the County Exec has cut us down to 300,000 which will just give us enough to cover our medical and our pension. There's no money for raises. You'll see it in that memo. So far as George is concerned, they cut \$250,000. That means the Senior Citizen Program will be cut in half and we'll no longer be able to service the community. George, would you like to take over?

MR. ROACH:

Mr. Chairman and members of the committee, again as Bob said, we were here earlier in the year to thank you last year for appropriating \$250,000 which enabled us to put another attorney and a paralegal back into the program so Bob didn't have the headache of carrying everybody in the general budget. And as you know, as you work with budgets, certain money has to be appropriated for certain places. And we thought we had the problem solved until we had essentially got a letter. Bob got a letter from the County Exec's Office, I guess, through the Office of the Aging saying don't count on that \$250,000 this year, guys. It's not going to be there.

So as a result, what happens? We're back here again asking this body, this Legislature in its wisdom to say if the senior citizens of this county count, is it possible to get that money? I know in the grand scheme of things everybody's scrambling for dollars to put that \$250,000 back into that senior citizen budget because without it what happens? We lose those two people we put in that budget and essentially can't run the program any more. Can't do what we do. I mean, one of the reasons we •• the program exists is we take the calls from your offices, from your districts, from senior citizens that have legal problems and we try to handle them as best we can.

Last time we were here •• I didn't bring it, but actual Newsday, as you know, is dedicated to retirement issues and legal issues to senior citizens. And we were featured in it back in October of 2004. As a matter of fact, Mr. Chairman, you're in this article on what an elder law lawyer can do for you. And the cover article happens to be an elderly African American couple in Brentwood who essentially got a judgement against the husband for treatment in a nursing home. And they were going to sell his house. They were going to sell their house. And the only reason we found out about it, they didn't even know our program existed, the Judge who had the order,

Supreme Court Judge Thomas {Wallen} who had the order to sell the house called us. And he said, George, you got to come in on this case. These people are going to lose their house and I have no choice in the matter.

And it took •• literally it took three attorneys •• all right •• three skilled elder law attorneys in our office eight months to resolve this case, get Medicaid to pay back the nursing home retroactively. All right? When you think about it, there's no way these people would have ever been able to afford even private elder law counsel to do that. Just outrageous. But we were able to do it because that's why the program exists.

But when you think about the litigation and the resources that we have to do, we just •• without that money, that 250,000, we lose that attorney, we lose that paralegal. We can't do this kind of thing. It's sort of like sticking your finger in the dike and plugging up the holes here and there as best we can. So we're back here hat in hand and asking this body to say, hey, please appropriate that \$250,000. We certainly could use it.

CHAIRMAN STERN:

George, are there particular areas of the law, particular types of cases that the Division doesn't handle?

MR. ROACH:

Yeah. Actually for those who don't know about the Senior Citizens Division of the Legal Aid Society, we handle civil matters only. No criminal matters. We are defense oriented. We defend people. We defend people who get sued. We don't prosecute cases. We don't sue for money. We have certain ethical considerations. A lot of times we get calls from senior citizens who rent out. They're landlords. And they're not getting their rent. Now they want to evict somebody. All right? And you can't •• Legal Aid can't evict them. It'd great look great to go into court and say I'm being thrown out by the Legal Aid Society. Just doesn't happen. We don't handle, in fact, fee generating cases. We don't handle estate matters. We don't do commercial matters if it's related to a senior's business. It's personal and it's defense oriented. That's what we do.

Senior citizen get sued on some kind of a matter, they get a Summons and

a Complaint served on them, bring it into the office, send it in, we take a look at it, put the Answer in, see if we can resolve it for them. All right? At no cost to them. But, again, if resources dwindle and I'm the only attorney left, a lot of times there's litigation we can't take. And it's very difficult for senior citizens •• for anybody to go out into the private sector now days and get affordable legal assistance in these types of matters.

CHAIRMAN STERN:

And, George, I mean you do and have always done a tremendous job in speaking to both the public and to professional organizations particularly bar associations. What type of outreach efforts, if any, come from you, your office to take that kind of a role to prevent some of these •• these types of situations to prevent, you know, some of the kinds of things that your office is called in to assist on in the first place?

MR. ROACH:

Part of our mandate, by the way, other than the contract with the Office of the Aging, is community outreach. As a matter of fact, last night in the pouring rain I was at in the Setauket Library from seven to nine o'clock. And I was amazed I had about 35 people showed up in the pouring rain to come and hear about putting your affairs in order, that type of thing, the will, the durable powers of attorney, the planning aspect of elder law. All right? And a little bit about this new •• this new DRA, this Deficit Reduction Act, what it means to senior citizens as far as Medicaid and protection of assets; they should be aware. And we go out to the public libraries, as you know.

One of the reasons I lecture to our colleagues at the Bar Association is to •• and we get a lot of elder law attorneys come in. They got to know this stuff. The largest committee in the Bar Association is our Elder Law Committee. And they got to know what they're doing. And it's gotten so difficult, as the Chairman knows with this Deficit Reduction Act, that you cannot dabble in this Medicaid anymore if you're a general practitioner. All right? The rules have gotten really tight. We're in a period of overlapping rules. Things clients may have done previously may have an effect now. So, it's a difficult time. And if you don't •• even if you do specialize in this area, we're all learning a whole new set or rules. We're all going to these

lectures being held. And we're waiting to see how this thing pans out. So that's what we do; community outreach.

CHAIRMAN STERN:

Year's not up yet, but can you give us an idea as to how many •• how many seniors your office has assisted and •• to date and maybe put some historical context in it? I ask because obviously the senior citizen population of Suffolk County is growing; will continue to grow expedientally in the future. What kind of numbers are we talking about?

MR. ROACH:

Very simply. When I first started this job 28 years ago •• as a matter of fact October 29th I start my 28th year here with the Senior Citizens Division of Legal Aid. I took this job temporarily 28 years ago. Here I am. And back then in 1979, we had 120,000 people age 60 and over. Now we have over 250,000 people. Think about that. That's a quarter of a million people who live here in Suffolk County alone that are at least 60 years of age or older. That population has more than doubled in 28 years. And as you say expedientally we're an aging society. There's no question about it. People are living longer and longer. Our records show that we have •• I think the handout you have shows a little over 3,000 matters and cases and contacts that we've handled over the year. This year to date. People contacting our office.

And as you know as you go out into the community and you make people aware of the program that the service, the advice, the counsel, the representation is free, they want to take advantage of it. And the more people who know •• yet the program hasn't grown over the years. We don't have •• I don't have •• I have •• right now I have one full•time attorney, one part•time attorney and myself. All right? So two•and•a•half lawyers to cover the entire Suffolk County. And that's the 250,000 people that are 60 and over; let alone their children, third parties who call our office on behalf of senior citizens. So we're trying to do the best we can given the specialized realm. These attorneys have experience. There's no question about it. But we're getting to that point where we're triaging. We can't handle certain things because we don't have the resources. All right? That's my problem. So that \$250,000 is going to mean a lot to us.

CHAIRMAN STERN:

Legislator Mystal. Yeah, okay. Legislator Alden.

LEG. ALDEN:

George, this is probably not to you, but •• it's probably Bob. When you say your starting salary is 48,000?

MR. MITCHELL:

Yeah.

LEG. ALDEN:

Comparably, and I don't mean the starting salary at the DA's Office, but comparably to an admitted attorney, what's the DA starting people at?

MR. MITCHELL:

I think the DA's about 54.

LEG. ALDEN:

And then how fast do they move from there?

MR. MITCHELL:

Oh, they move up every year. Don't forget they have steps and grades so they're getting 3 to 6% a year plus they're moving them. They're moving them back from 54 to 65, 63, whatever they need. We can't do that. We're stuck. I mean we got older guys that are trying cases against, you know, making \$70,000 against fellows that are making 125,000. It's tough to keep them. You got to have some type of, you know ••

LEG. ALDEN:

And for the non-lawyer, does our system work if we don't have legal aid?

MR. MITCHELL:

If we don't have Legal Aid then •• no, it doesn't. It'll jam right up. Everything will come to a halt. Right now it cost us about •• it cost the County, I think, close to \$400 a case. We do well over 20,000 cases a year just for the District Court. 18B is about a \$1,000 a case. So if you go to

18B it's two•and•a•half times what we charge; what our cost is. So it's cheaper to have Legal Aid in the County and use 18B for conflicts. We'd like to have parity, by the way, with the DA and the County Attorney if you guys would be so kind.

LEG. ALDEN:

Well, last year that's what we started talking about. And I did put a few dollars in. And some of my colleagues did join me in putting a few dollars into your budget to try to, you know, like take the first step. It's not going to be an easy process. It's not going to be a short process, but I think that we might be able to just, you know, over the next couple of years if we can plan on that ••

MR. MITCHELL:

That'll be great if we can build it up. But over the next •• if we can try to get some type of parity with the DA and the County Attorney. I realize it would cost •• you know, it's difficult because it costs a lot of money, but the disparity is just getting too big. Just too much.

LEG. ALDEN:

What's the difference between •• is there a difference between a County Attorney's salary and a DA's salary?

MR. MITCHELL:

I don't think so. I think they're probably pretty •• I don't know the answer to that, but I think they're pretty comparable. I couldn't imagine that the County Attorney would want to take less money than the DA's people.

LEG. ALDEN:

And that's something we can get from Budget Review and make sure ••

MR. MITCHELL:

Yeah. I know that they got •• they're under the AME •• you know, the same •• when the AME contract was adopted, the County Attorney and the DA got the same benefits so I would assume that they're on the same level.

LEG. ALDEN:

And actually just from a historical perspective a couple of years ago we put •
• and it was quite a bit of money into the budget at that time to bring up the DA's salary.

MR. MITCHELL:

Right.

LEG. ALDEN:

Because the DA at that time and that's two or three years ago now, they were losing to the outside, you know, private industry. They were losing all their best and their brightest who would have stayed for a couple more dollars. So I think that this is the next step. And we really should very, very seriously look at restoring, if not to the levels that are being asked for, maybe even a plan to bring them up to parity.

MR. MITCHELL:

We'd appreciate that because when you mention that •• that was during Catterson's reign. And they forgot about us again. They left us out of the loop so as far as giving raises. So we're left behind again at that time.

LEG. ALDEN:

Not everybody. There was other Legislators that joined in my efforts. Again, at that time there was a real small amount of money, but we did give you a few dollars. Again, it was a tough •• tough lift.

MR. MITCHELL:

You see, what's happening is the DA will hire our people. If we train someone •• we're constantly training them. The cream rises to the top. If they see somebody good, they're going to take them. And there I'm stuck. I've already trained somebody. Now I got to start somebody all over.

LEG. ALDEN:

But one of the hard parts there, too, is, you know, it's not sexy to give a defense attorney money and create something that •• but from a lawyer's point of view, if we don't have both sides, then, one side can get very sloppy and justice isn't served either. And on your side if we're not serving the public, and those are the people that, you know, don't have a lot of

resources, then, we're not doing anybody any favors there either. So the whole system ends up an embarrassment if there's not good lawyers on both sides.

MR. MITCHELL:

That's correct. And the jails will become over crowded.

LEG. ALDEN:

Wait a minute. We don't to fund you guys to keep criminals out of jail.

CHAIRMAN STERN:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Mr. Chair. What's the L stand for? Lucky?

CHAIRMAN STERN:

Got to be loveable. Loveable.

LEG. KENNEDY:

One other area. You brought out many good areas as you always do, George. And as a matter of fact anytime you speak to anybody particularly to us, you bring out points that are cogent. The New York State Bar Association just sent out its CLE, as a matter of fact, on the Medicaid changes. I was sitting there reading it this morning trying to see what does this mean? So, I would manage that you are seeing or will see more folks coming to you trying to sort out some of what this •• the impacts are going to be as far as Medicaid and where things go.

The other thing that I know that your office does from our work over the course of the years is assistance and actually defense with seniors and the whole area of the mortgage fraud and the property frauds. And it's a sad commentary but it seems that it has become much more abundant recently, I guess, as our seniors age and they, you know, try to cope with and deal with the stresses of living here, you know, in Suffolk County. They reach out to less than, you know, scrupulous individuals to assist them. And lo and behold what they thought was going to be a simple financial fix now

they're eyeball to eyeball with losing their home, their investment.

So, I know you guys once again there do a good job with it, but that also is a complex matter and can't be handled by a simple letter. It takes time. It takes appearances.

MR. ROACH:

Any time you have litigation. Litigation is complex especially that mortgage litigation. And really you have two sides to that mortgage fraud litigation. You have the criminal side where we have to send it out to either the Attorney General's Office and the District Attorney's Office; and then you have the civil side trying to protect the house. Just looking at the recent case of that couple in Deer Park, you know, you start out their house was in foreclosure to begin with. And then they tried to pull it out of the fire. And once your house goes into foreclosure, by the way, it's a matter of public record.

So the wolfs out there send these letters out, these notices to these people. They take them in. They're desperate to begin with. And they think they're going to refinance their house. And in the middle of this refinancing procedure, they wind up signing away title to the house. All right? And you can stay in it. There's a problem with the credit. You stay, you pay me rent. And as soon as you re-establish your credit we get you your house back.

All right? The problem is the guy that's selling your house to never makes the payment. Now they're in a second foreclosure. And the problem from the civil side is, as most of the lawyers know, once you have a foreclosure sale and somebody buys it at that sale, they're called a bona fide purchaser. And there are no defenses to a bona fide purchase. The fact that you were defrauded criminally •• bona fide purchaser takes this •• all defenses •• they're in a tough spot that couple. And, again, you sort of read between the lines. When they refinance that house, they didn't have a lawyer. For some reason they went there without their attorney, for whatever reason, and I would hope that no lawyer in his right mind at a refinance would say to this clients well, sign this house over. All right? They were there by themselves. And that, I think, says a lot as to what happened

here.

LEG. KENNEDY:

Again, I just want to point out, I guess, as we all know, it's important work that you do. And certainly you can't do it without the resources that you need and that you've established. Similarly with Bob, and I guess I'll just echo what Legislator Alden says, you know, due process isn't free. In order to go ahead and make the system work, we've got to be able to go ahead and commit the funding so that people do get the representation that you folks provide. That's all. Thank you.

CHAIRMAN STERN:

Legislator Mystal.

LEG. MYSTAL:

Good morning, gentlemen. I'm glad to see you guys here. I'm fighting a slight cold so bear with me for a minute. As you know, this is, you know, we talk a lot about this. I'm glad to hear the other members agreeing to show, at least in theory. The problem will be, you know, will they back it up with the money. And, you know me, I like to cut to the chase. I don't think anybody is disputing or even, you know, slightly saying anything about what guys you do. You guys do valuable work and you do it very well for very little money. And I wanted to find out from you •• officially from you, Bob, did they give you any indication as to why they didn't fund you with the full amount? Or you just found out in the budget that was it?

MR. ROACH:

It's the same thing every year. They did the same thing last year as they did this year and the same thing the year before. The same thing they do every year. What they do is they say they're giving us a 3% raise when in effect they're not giving us any raise at all. They're giving us enough money to pay for the medical and for our pension. And there's no money for raises. Well, we gave you 3%. Well, we're not a County agency. When they want us to be a County agency, they say, well, yeah, we'll give county agency, we're giving you •• we're giving you the 3% raise. But we're not a county agency. We have to pay for our own medical and for our own pension. So it's smoke and mirrors. I mean they know what they're doing.

LEG. MYSTAL:

Okay. That's all.

CHAIRMAN STERN:

Vice Chairman Eddington.

LEG. EDDINGTON:

Good morning and thank you. I have a question. I know when you did visit me, I asked you a question that probably goes along with Legislature Kennedy that due process isn't free. And •• and I know our County Executive is looking at dollars signs right now. I've reached out to different groups. And I'm finding that the issue of undocumented immigrants seem to play a great deal. When I reach out to the jail, I heard there were 200 prisoners there. I talked to the health centers, there's 60% of the people going into the health centers are undocumented. And I'm wondering about your services. And I think I had asked you that but I don't remember if you had any concrete information for me then. How does that play into your case load?

MR. ROACH:

I don't have any facts or figures on that, do you? We don't track that kind of information in terms of •• we don't track that kind of information in terms of demographics, if you will, on our tracking. But individually when a client comes in, those issues have to be considered because there are consequences to convictions in terms of their status. So within the context of handling the case, you know, those are issues that need to be considered. But other than that we don't keep track of those kinds of data.

MR. MITCHELL:

It would be a one on one situation. As the case comes up we'd handle it individually.

LEG. EDDINGTON:

Right. But I mean there could be records kept. You don't?

MR. MITCHELL:

Oh, yeah. We don't.

LEG. EDDINGTON:

Okay.

MR. MITCHELL:

If you want •• I don't know if •• we probably could. Put it in the computer system.

LEG. EDDINGTON:

Well, my question is just like we would like to see the state fund the Long Island Expressway, we're looking for the federal government to recoup funds. And I'm thinking that any information we get whether we get it today or tomorrow, we may be able to be reimbursed in the future if the federal government ever sees it that way. And I'm just thinking that if I'm trying to sell something to the County Executive, I want to be able to tell him that we may be able to be reimbursed in the future because of the following things.

MR. ROACH:

Well, we'll be too happy to try to track it or look into that. Yeah, we'll look into tracking it.

LEG. EDDINGTON:

Thank you.

CHAIRMAN STERN:

Legislator Alden.

LEG. ALDEN:

I just wanted to before I forgot, and I'll get the information out to you, I had a constituent who was a victim. And he's a senior citizen •• or potential victim of this scam where they tell you that you've won the Australian lottery, but you need to send •• you know, here's a check for \$3,000. You need to send \$2800 to cover the taxes because you're a foreigner and it's drawing on a Wells Fargo Bank in California and the people are up in Canada. And more and more senior citizens are becoming targets of ••

even the reverse mortgage which in some cases works, some cases doesn't work; but more and more of those, the unscrupulous that would come in there, and as George pointed out before, end up taking the house. So I'll get that information out to you because I have a copy of the check. I have a copy of the solicitation letter and things like that. And if we can inform the public a little bit better that, you know, watch out for this stuff and they are targeting seniors in Suffolk County.

The other thing, Elie, if everybody puts in •• not even everybody. If •• I think we need nine or ten to put in what I put in for Legal Aid last year in last year's budget, then, that covers this gap. So •• and I've been doing that for about three or four years now.

LEG. MYSTAL:

I was just asking.

CHAIRMAN STERN:

Somebody else? All right. Thank you.

MR. ROACH:

Thank you very much, Mr. Chairman, members of the committee.

LEG. ALDEN:

Thanks for showing up, George. We've been waiting for a month.

MR. ROACH:

Our apologies.

INTRODUCTORY RESOLUTIONS

CHAIRMAN STERN:

Moving through the agenda, next on the agenda we have **Introductory Resolution IR 2115, a local law to extend protections to residents of planned retirement communities (Romaine)** which has to be tabled for a public hearing. So I'll take a motion.

LEG. ALDEN:

Motion.

LEG. EDDINGTON:

Second.

CHAIRMAN STERN:

Motion by Legislator Alden, second by Vice Chairman Eddington. All in favor? Opposed? Abstentions? **(Vote: 5•0•0•0)**

MEMORIALIZING RESOLUTIONS

Next, Memorializing Resolution. **Memorializing Resolution 069, memorializing resolution in support of the Veterans Long•Term Security Act of 2006. (Stern)** I'll make a motion to approve.

LEG. EDDINGTON:

Second.

CHAIRMAN STERN:

Second by Vice Chairman Eddington. All in favor? Opposed? Abstentions? Very good. Nothing else? Nothing else. Very good. Motion to adjourn. We are adjourned. Thank you very much.

(THE MEETING CONCLUDED AT 10:19 AM)

{ } DENOTES SPELLED PHONETICALLY