



September 2016

[www.nrbar.org](http://www.nrbar.org)

**PRESIDENT'S MESSAGE**



My Dear Colleagues and Friends:

Welcome to my first “President’s Message” for the NRBA Newsletter. My goal as president is to continue to build upon the success that the NRBA has enjoyed during the terms of my immediate predecessors, Paula Johnson Kelly, Richard Sosis and Laurie Korngold. The NRBA has an eventful year of activities and continuing legal education programs planned. The planned events will enhance our members’ knowledge of current legal issues and practices and will also offer an opportunity to socialize with our members, friends and sponsors. I hope that each of you will take advantage of these events. With your continued support and the positive reputation of the NRBA it should continue to increase its membership and the programs that it offers.

For the past two years Paula has been a fabulous leader of the NRBA. The hours she has devoted to leading the NRBA are countless. Fortunately for the NRBA Paula will continue to serve on the

Board of Directors as the Immediate Past President. She has been a great source of assistance and guidance to me as I transition into my new role and responsibilities.

Also joining and or continuing as officers are our new Vice Presidents, Michele Tombini and Ronald Zezima. Lori Corini has replaced Laurie Korngold as Secretary. Julie Zgoda has assumed the duties as our Treasurer from Patricia Bave. The new Board members are Warren Agatston, Mike Faust, David Lacher, Damon Maher and Jennifer Pasquantonio. Andrew Spatz has left the Board. The NRBA appreciates each officers’ and directors’ past and future contribution to the success of the NRBA.

Carmelina DiMarco and Ron Zezima planned the successful Installation reception at Patsy’s Pizzeria that was enjoyed by everyone who attended. I am personally thankful that Justice Daniel D. Angiolillo honored the NRBA with his presence, his remarks and by administering the oath of office to our officers and directors.

The planned Continuing Legal Education programs included the program presented on September 20, 2016 at the New Rochelle Public Library titled *On The Road To Raising The Age: Tools to Support Young Offenders*. It was an excellent program introduced by the Hon. Councilman Jared Rice and presented by Hon. Judge Helen Blackwood (Westchester County Court), Allison Lake (Deputy Director, Westchester Children’s Association), Christian Philemon, Esq. (Executive Director, Youth Shelter of Westchester) and Sheralyn Pulver, Esq. (Senior Associate Counsel, Legal Aid Society of Westchester). The NRBA hosted the program.

My Brother's Keeper of New Rochelle underwrote the costs of the venue. The light supper was underwritten by the Westchester Children's Association and Michele Silverman Bedell of Silversons Realty, once again, baked the biscotti.

On October 20, 2016 the CLE titled *Qualified Retirement Plan Design for Law Firms* will be presented by Andrew E. Roth, Esq. Mr. Roth is a partner at Danziger & Markhoff LLP in White Plains. The CLE will be held at the Hampshire Country Club. Registration will begin at 5:30. The two credit CLE program will be from 6:00 to 8:00. The CLE is being generously sponsored by Brett Forman and First Nationwide Title Agency, LLC. The CLE program has been organized by James Alperin and Morgan Stanley Wealth Management.

Ron Zezima has organized an excellent CLE program, *The Art of Appellate Persuasion*, to be presented by the Hon. Judge Robert S. Smith on appellate practice and persuasive appellate arguments. The program will be on November 15, 2016 at the New Rochelle Public Library. Judge Smith is a former Associate Judge of the New York Court of Appeals. He is an active attorney, practicing law with Friedman, Kaplan, Seiler & Adelman LLP as the head of the firm's appellate practice.

In January 2017 Carl Finger will continue with part two of his Landlord & Tenant Law CLE. David Lacher will speak during February 2017 about the landmark New Rochelle defacto segregation case, *Taylor v. Board of Education of the City of New Rochelle*. Other CLE programs are being planned for March through June 2017. There will be an ethics CLE with our All Star grievance defense attorney, Richard Grayson. Your suggestions for

CLE topics and speakers are always welcomed.

Next Spring Ron Zezima will once again coordinate the NRBA's award winning Lawyer in the Classroom program. Ron will be recruiting attorneys to participate in this fabulous educational experience.

The New Rochelle Small Claims Arbitration program is continuing under the guidance of Mike Faust.

The always fun NRBA Holiday Party will be held on December 15<sup>th</sup> at the Fountainhead. The Surrogates' Dinner is planned for January 12, 2017. Plans are being discussed to have a dinner with the Westchester District Attorney as the guest and speaker. In April on the 20<sup>th</sup> the NRBA's annual Court of Appeals dinner will be held. The final event of the 2016/2017 calendar will be the June picnic at Five Islands Park. We look forward to your participation and to seeing you at many of the planned activities.

I am excited about being the president of the NRBA. We are a local bar association with a large reputation for offering quality programs and events. With your help we can continue the growth of the NRBA.

Yours,

*Jeffrey Levin*



## HON. ROBERT SMITH TO TEACH NOVEMBER 2016 CLE

Hon. Robert Smith, formerly of the New York Court of Appeals, will teach the **November 15, 2016 CLE** titled "*The Art of Persuasion*" at the New Rochelle Public Library. Judge Smith was nominated by Governor Pataki to the Court of Appeals in November 2003 and served for eleven years, beginning January 12, 2004. He authored 300 opinions while he was on the Court, of which approximately 200 were majority decisions. Following his retirement from the Court of Appeals, Judge Smith returned to private practice and joined the law firm of Friedman Kaplan Seiler & Adelman LLP, where he leads the firm's appellate practice.



## NRBA SOFTBALL TEAM UPDATE By Jeffrey Levin, Esq.



Team manager Rich Grayson for his post season synopsis reported that the New Rochelle Bar

Association softball team had a strong finish to the 2016 season. The team won its last three games to finish with a record of 6-6. The NRBA Purple Barristers lost a season ending consolation playoff game, but the team's 2016 performance was its best record in three years. The team ended the 2015 season 4-8, and then lost its sole playoff game.

Under the leadership of Grayson, the NRBA has fielded a softball team in the New Rochelle Industrial and Open Divisions since 1985. After many seasons of frustration, the team in 2012 with a regular season record of 7-5 then won its two playoff games to win its first tournament championship to become the champions of the New Rochelle Softball League's Open (American Division).

A highlight of the 2016 campaign was produced by NRBA member, Jay Goldstein. After playing softball for 21 seasons, at the age of nearly 65, Goldstein hit his first home run for the NRBA team. Goldstein reported that, "I knew it was good for a triple once I hit it to right field, but when the 3<sup>rd</sup> base coach waved me home I had a few choice words for him. I saw the throw coming in to the plate and a slide would have been a good idea, but I ducked low under the tag and hit the plate with my left hand just ahead of the tag." An inside-the-park home run at any age is an impressive feat.

NRBA members wearing the team's purple and white colors this summer, in addition to Grayson and Goldstein, were Mitch Schwartz with a .643 batting average, Michael Meccia, Alex Fear, and Ken Yudell.

The franchise's total record for its 32 seasons in the Industrial and Open Divisions is 181-225 and 5-10 in playoffs with the tournament championship. Manager Grayson has assured the NRBA that our team will be back for its 33<sup>rd</sup> season in 2017.



**COLLABORATION BETWEEN THE NRBA  
AND THE NEW ROCHELLE PUBLIC  
LIBRARY FOUNDATION**

The NRBA and the New Rochelle Public Library Foundation (“NRPLF”) are collaborating on a series of “Law in the Library” workshops offered to the public for free at the New Rochelle Public Library. The first two-part workshop is titled *Estate and Gift Planning 101: What Everyone Needs to Know* with one being offered on September 28, 2016 and the second on October 5, 2016. On September 28<sup>th</sup>, NRBA member Patricia A. Bave, Esq., and Mindy Eisenberg Stark, CPA, CFE, presented an overview of estate planning concepts. On October 5<sup>th</sup>, Patricia A. Bave, Esq. will be joined by Daniel S. Sirota, CRPC, Vice President, Sr. Financial Advisor, Senior Portfolio Advisor, at Merrill Lynch to continue the discussion and respond to questions. We look forward to future collaborations with the NRPLF, and invite any members interested in conducting a workshop for the public at the Library to contact NRBA Vice President Ronald Zezima at [rvzesq@aol.com](mailto:rvzesq@aol.com).



**NYC AMNESTY PROGRAM FOR  
ENVIRONMENTAL CONTROL BOARD  
JUDGMENTS**

**By Vincent G. Danzi, SVP & Senior Counsel at  
First Nationwide Title**

New York City is offering individuals and businesses a one-time opportunity to reduce their Environmental Control Board violation judgments if settled via a special online portal by December 12, 2016. As the City’s official website for the “Forgiving Fines, the NYC Amnesty Program” (the “Program”) website states: “If you have unresolved Environmental Control Board (ECB) violations in judgment, you may be eligible for Forgiving Fines, the NYC Amnesty Program. During the amnesty program, the City will waive penalties and interest charges on ECB violations that went into judgment before June 12, 2016. Some of these violations may also be eligible to have their base penalty reduced. The amnesty program will be available from September 12, 2016, through December 12, 2016.” Any business or individual who is named on a violation judgment that has been adjudicated by the ECB may take advantage of the Program, which is run by the New York City Department of Finance.

The Program is, “a three-month program authorized by Mayor de Blasio and the City Council that allows participants to resolve violations they received from New York City’s Department of Sanitation, Buildings, Transportation, Fire Department, Landmarks, Parks or other City of New York (City) agencies and which are now in judgment,” from the ECB. As the fine print on the flyer produced jointly by the NYC Office of Mayor Bill DiBlasio and NYC Department of Finance states, the ECB violations must be in judgment. “This means the City has taken the legal step of filing a public record of your liability in



court for the entire amount due. After the court filing, interest accrues.”

Starting on September 12, 2016, individuals and businesses will be able to search for and pay for violations in judgment by visiting the Amnesty City Pay application on the Amnesty Home Page ([nyc.gov/forgivingfines](http://nyc.gov/forgivingfines)). If a person or business is unable to find all of their outstanding judgment violations using a single search, they may continue to search and pay for violations throughout the three-month program. DOF will send a list of additional violations if the user does not pay for all of the violations listed in the search. An individual or business must resolve and admit liability for all the debt owed in order to receive amnesty.

Once applicable violations are identified, the Program provides automatic discounts and repayment terms under alternatescenarios.

The amount of the discount depends upon whether the violator attended a hearing or not. For judgments where the violator did not attend a hearing, the amnesty amount due will be the base penalty without the typical additional penalties for failing to attend the hearing (known as “default penalties”) nor interest. If the violator did attend a hearing, then the judgment can be settled by paying only 75% of the base penalty amount, also without interest (a discount of 25% off the original base penalty amount).

The repayment terms depend upon whether the violation also requires ameliorative action. Schedule A violations are those violations that only require payment while Schedule B violations (or “compliance violations”) are those violations that require both payment and corrective action. For Schedule A violations, the violator must pay the entire amount due by December 12, 2016. For Schedule B violations, the violator must pay at least 25% of the amnesty amount due by the end of the program on December 12, 2016. The Schedule B violator with then have six months from the initial payment date

to both correct the violation and to pay the remaining balance. Alternatively, the violator may choose to pay the entire resolution amount before the end of the Program but still enjoy the full six months to correct the condition which gave rise to the violation.

The Program excludes (i) parking tickets (ii) criminal violations (iii) violations which are over \$25,000; (iv) violations that are part of an installment agreement or other resolution agreement for the payment of ECB judgments with the Department of Finance, a City Marshal, the Sheriff or Law Department or an outside collection agency; and (v) violations included by a business or individual in the 2009 Penalty Relief Program. Other limitations, exclusions and eligibility requirements also apply.

Below are some of the most common violations which are covered by the Program:

- Illegal Posting of Handbill or Notice
- Snow, Ice or Dirt on Sidewalk
- Improper Storage of Receptacles
- Improper or Misused Recycling Containers
- Improper Disposal of Trash or Recyclables
- Failure to Comply With an Order of the Commissioner
- Failure to Properly place Recyclables for Collection
- Work without a Permit
- Failure to Conduct Required Inspections and Tests
- Failure to submit Affidavits, Design/Installation or Other Documents
- Vending Merchandise or Food in a Restricted Area

The City has more detail on the Program on its website located here: [nyc.gov/forgivingfines](http://nyc.gov/forgivingfines) Those who did know not they had amnesty-eligible violations and made a payment are advised to contact DOF via [nyc.gov/contactamnesty](http://nyc.gov/contactamnesty) or call [212-440-5300](tel:212-440-5300).

To keep apprised about the Program, submit your email address to the NYC Department of Finance's email distribution list here: <http://www1.nyc.gov/assets/finance/jump/email-updates.html>



### A SPECIAL THANK YOU FROM THE NRBA BOARD

Over the past few years, **Kommer Bave & Ollman, LLP** has generously provided space for the NRBA's officers and directors to meet. We would like to thank John Kommer, Esq., Patricia Bave, Esq. and Robert Ollman, Esq. as well as the staff of Kommer Bave & Ollman, LLP for their previous and continuing support.



### CALENDAR OF UPCOMING CLEs

The NRBA will be offering the following CLE programs:

1. *Qualified Retirement Plan Design for Law Firms*, October 20, 2016, to be presented by Andrew E. Roth of Danziger & Markhoff LLP at the Hampshire Country Club, 1025 Cove Road, Mamaroneck, NY.
2. *The Art of Persuasion in Appeals*, November 15, 2016 by Honorable Robert Smith, at the New Rochelle Public Library.

Expect to receive advance notices with particulars by e-mail of these and future CLEs. Information will also be posted at [www.nrbar.org](http://www.nrbar.org).

#### UPCOMING CLES:

For information on and reservations for our CLEs, or suggestions for future CLE topics, please contact **Jeffrey L. Levin, Esq.** at [jeffrey.levin.law@gmail.com](mailto:jeffrey.levin.law@gmail.com)



#### A REMINDER ABOUT OUR SPONSORS

The following individuals and institutions have sponsored our CLEs and events in the past. We thank them for their support and ask our members to seriously consider engaging them for their services.

**David Baron and Dan Bokol of TitleVest**,  
40 Wall Street, New York, NY 10005.

**TD Bank**, 107 Chatsworth Avenue, Larchmont, NY 10538.

**Brett Forman of First Nationwide Title (an AmTrust Financial Company)**, 220 East 42<sup>nd</sup> Street, Suite 3105, New York, NY 10017.

**Sterling National Bank**, 21 Scarsdale Road, Yonkers, NY 10707.

**Joseph A. Ruhl, Esq. of Orange Bank & Trust**,  
42 Waller Avenue, White Plains, NY 10601.

**Kommer Bave & Ollman LLP**, 145 Huguenot Street, Suite 402, New Rochelle, NY 10801.

**Ralph J. Berardi, Jr. of Pepe/Berard Capital, LLC and Associated Mortgage Bankers**, 211 South Ridge Street, Second Floor, Rye Brook, New York 10573.

**Sam Pierce, New Rochelle City Marshall**, 475 North Avenue, New Rochelle, NY 10801.

**Michele Silverman Bedell, of Silversons Realty LLC**, 6 Palmer Avenue, Scarsdale, NY 10583.

**Michael Lisk of Record and Return Title Agency, Inc.**, 7 Dempsey Place, Eastchester, NY 10709.

**Keith D. Munroe of Morgan Stanley**, 1 Blue Hill Plaza, Suite 100, Pearl River, NY 10965

**Nancy A. Scavotti of The Great American Title Agency Inc.**, 170 Hamilton Avenue, Suite 207 White Plains, NY 10601



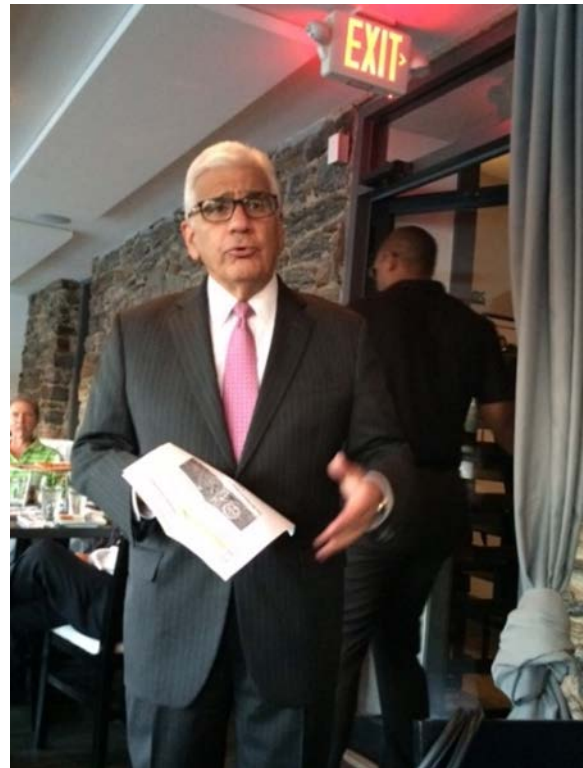
### INSTALLATION OF THE NEW NRBA OFFICERS AND DIRECTORS

On September 13, 2016, the NRBA held its annual Installation reception for new officers and directors. The Installation was held at Patsy's Pizzeria held the installation and the Hon. Daniel D. Angiolillo swore in the new Board: **Hon. Jeffrey Levin**, President; **Michele Tombini** and **Ronald Zezima**, Vice Presidents; **Julie Zgoda**, Treasurer; and **Lori Corini**, Secretary. **Paula Johnson Kelly**, will be Immediate Past-President. The Directors are: **Warren Agaston**, **Frank DiMarco**, **Mike Faust**,

**John Giacobbe**, **Mark Griffin**, **David Lacher**, **Damon Maher**, **Jennifer Pasquantonio**, and **Richard Weiss**.

We would like to thank Judge Angiolillo for once again swearing in the officers and directors of the NRBA, and Michael Lisk of Record and Return Title Agency, Inc. for generously sponsoring the Installation.

Notable guests included: Hon. Barbara Zambelli (Acting Supreme Court); Hon. Susan Kettner (New Rochelle City Court); former Westchester Surrogate Anthony Scarpino; Westchester County Clerk Timothy Idoni; New Rochelle City Councilmember Berry Fertel; New Rochelle Public Library Foundation President Chris Selin; and New Rochelle Zoning Board Chair Richard Sosis.



*Hon. Daniel D. Angiolillo.*



*NRBA President Jeffrey Levin, Secretary Lori Corini, Treasurer Julie Zgoda, and Vice Presidents Ronald Zezima and Michele Tombini.*



*Judge Angiolillo swearing in the new NRBA Officers and Directors.*



*NRBA members Eileen McCarthy, Milton Kreppel, former Westchester Surrogate Anthony Scarpino, NRBA member Lori Korngold and NRBA President Jeffrey Levin.*

[Other photos are available on NRBA website.]





## MEMBER NEWS AND ANNOUNCEMENTS

Congratulations to NRBA member **Frank T. D'Onofrio, Jr.** and Linda A. Kraus who were wed on March 18, 2016.

We send our condolences to NRBA member **Julie Kattan**, whose mother Miriam Soury passed away on September 1, 2016, and whose father Joseph Soury passed away on September 29, 2016.

### WELCOME NEW MEMBERS:

Frank Luis, Esq.  
Paul J. Nodo, Esq.  
William Apuzzo, Esq.



## NRBA UPCOMING EVENTS SAVE THE DATES

The annual Holiday Gala is scheduled for **December 15, 2016** at The Fountainhead, 55 Quaker Ridge Road, New Rochelle. Details will be sent via email and posted on the website.



## MEMBERSHIP DUES & PAYMENT METHODS REMINDER

Annual NRBA Membership dues are due on January 1<sup>st</sup> for membership during that year. Dues

must be paid before a member can attend a CLE. Membership dues and event ticket purchases may now be done on the NRBA's website (<http://www.nrbar.org>) via PayPal.



OUR WEBSITE: [www.nrbar.org](http://www.nrbar.org)

With our website members can obtain information concerning our Bar, its activities, and general legal and community news. We welcome feedback. This Newsletter can be downloaded from our website. Thanks for helping keep NRBA green.

### UPCOMING EVENTS:

For an up-to-date listing of scheduled events, including CLEs and dinner meetings, kindly view existing event postings on our website: [www.nrbar.org](http://www.nrbar.org).

For reservations for any of our upcoming dinners or events please contact Treasurer **Julie Zgoda, Esq.**, 145 Huguenot St., Suite 402, New Rochelle, NY 10801, (914) 633-7400.

### Getting Published

We welcome your submissions! All submissions should be sent to Mark Griffin, Editor, at [mark.griffin@gmail.com](mailto:mark.griffin@gmail.com). Please mark the subject as NRBA news. Articles between 500 to 1200 words should be sent in Word format. Photographs should be sent as jpeg attachments. Authors should include a short biographical statement with their articles, which must be spell checked, cite checked and in blue book form. Opinions expressed in any article printed in the NRBA newsletter are solely those of the author(s) and are not positions taken by the NRBA. Materials submitted allow NRBA limited copyright and full permission to reprint the article in the NRBA newsletter without additional consent.