



Westchester's Most Influential Weekly



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THE SPOOF

Baby Porcupine Irwin: First Interview and Wish List

By GAIL FARRELLY



He's a YouTube sensation -- the baby porcupine in Pennsylvania trying to eat from a coffee cup. But he's not a happy camper.

In his first interview, he told all, including why he's furious with the media and what's on his wish list.

He denies being drunk when the video was taken. He says he has taken "the pledge" and drinks no alcohol at all. "How would YOU like being filmed in the morning, before you've even had your coffee?" he asked the reporter. Irwin signed no legal papers either giving permission for him to be filmed or permitting the release of the video to the world. "My rights were violated, and I plan to sue," Irwin revealed. "My self-esteem has been damaged, and I don't intend to stand for it."

On a more positive note, Irwin revealed his wish list. He'd like privacy while he's eating, his food served on a big plate (rather than in a cup), an entertainment agent to handle his career, a complete body waxing (since he lives in a rescue wildlife center, he feels he has no need of what he calls "all those pesky quills"). Furthermore, he'd like a new name. Something like George, Brad, Ashton -- whatever. With a sigh, he said, "Just about any name would have more pizzazz than Irwin."

"Stories of humans bullying each other always seem to in the news," baby Irwin points out, continuing, "but there should be more publicity about humans bullying animals."

Out of the mouths of babes.....

Learn more about [The Farrelly Sisters - Authors: http://www.farrellysistersonline.com/](http://www.farrellysisters.com/) on the Internet.

INVESTIGATION

Injudicious Justice?

By ABBY LUBY



Two New York State Supreme Court judges have allegedly shown favoritism while bending administrative court rules in a highly contentious legal battle between two factions at the Greencroft Condominium complex in New Rochelle, New York.

Several motions, now in front of Judge Joan Lefkowitz, are disputes between two Greencroft boards of Condominium 1 and Condominium 2. The Greencroft Homeowners Association, made up of five members from each condo, is also part of the litigation.

The original case was heard by Judge William Giacomo, who, in July, 2011, had to recuse himself for an inappropriate, private conversation with one of the condo owners. After July, the cases were transferred to Judge Lefkowitz.

So far the majority of decisions by Judges Giacomo and Lefkowitz have sided with board members of Greencroft Board 1. According to records obtained by *The Westchester Guardian*, the tenant roster of Greencroft 1 lists Nancy Mangold as a resident. Mangold is the Chief Clerk of the 9th Judicial District who wields a great deal of administrative power in the courts, where this case is being heard. Mangold resides in Greencroft 1 with her partner, Jerry Cohen, who is part of the current litigation.

Seeking Giacomo's recusal because of the possible clubby connection with Mangold was Greencroft 2 attorney Saul Fellus of Bisogno & Meyerson, L.L.P., in Brooklyn, New York. Fellus' February 2011 letter to Giacomo sought to have



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the judge recuse himself based on his working relationship with Mangold because her "offices are in the same building as your chambers" and "given her years of service in Court Administration and prominent position, Your honor may well be acquainted with Ms. Mangold." Giacomo curtly denied Fellus' request saying his "relationship with Ms. Mangold is strictly on a professional level..."

The board of Mangold's building, Greencroft 1, has repeatedly sued Greencroft 2 who protested certain issues. At the crux of the litigations - questionable capital expenditures by the Homeowner's Association, the barring of access to condo financial records by Greencroft 1, and fraudulent Board elections and questionable assessments on apartments, also by Greencroft 1. When Greencroft 2 voiced their objections, Greencroft 1 sought remedy by the courts, ratcheting up the list of lawsuits against Greencroft 2. As defendants, Greencroft 2 has never counter-sued Greencroft 1.

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PEOPLE

Commissioner David Chong Honored as 2012 Year of The Dragon Person of the Year by the NYPD Asian Jade Society



David Chong (center), White Plains Public Safety Commissioner and a Berkeley College faculty member, Justice Studies - Criminal Justice, School of Professional Studies, was recently honored as the 2012 Year of the Dragon Person of the Year by the New York Police Department (NYPD) Asian Jade Society. Mrs. Patricia Chong, and Thomas Roach, White Plains Mayor, stand by his side. The NYPD Asian Jade Society was established in 1980 to promote a diverse police department and to champion the cause of Asian law enforcement personnel.

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GOVERNMENT

No Guarantees: One Man's Road Through the Darkness of Depression

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thing from alien abductions to flashbacks of child abuse and ghostly encounters. I had none of these notions. But it has to be said that these episodes, which I endured scores of times, were one of the most devastating and surreal agonies I have ever experienced in my life, including the other insults incurred during my years with depression. And, as I have pointed out, its addition to the 24-hour torment that was my day, left me with no break or escape whatsoever.

This reality drove me to the thoughts of suicide coinciding with the first chapter of this book, but that very well may have saved my life; and cer-

tainly kept my life from being less than fulfilling, as it might have been, by virtue of a pampered, less useful cure.

I often think about this dichotomy when I consider the fates of people like Howard Hughes, Elvis Presley or Michael Jackson. Their experiences had their own dichotomy, a corollary to mine really, that ultimately ruined, or shortened their lives.

With no self pity, I tell you that there was no peace to be had for me. Not during sleep, not when medicated, not at work, not in repose. Nor could I enjoy a book, a movie or the company of others; not for a long time. My only way out was to find a way to live with it and work through it. I cannot

tell you that I would not have stayed in bed all day if doing so would have abated the pain and agitated self-hate. I cannot tell you that I would not have over medicated had I thought it would give me a moment's peace. Further, I did not have the means to take off from work or buy illicit drugs.

Another factor was my upbringing and the double edged sword that was my environment. A man did not do drugs or quit. And he especially did not walk away from a child. As you will learn later on, one of my greatest sources of courage, if that is the right word, was the presence of my daughter Christine, in the crib. There was no way, after the life I had led and the failure of men as

fathers all around me, that I would not be a good provider and father to my daughter.

As for the famous men I mentioned above. Mr. Hughes could afford to buy an entire hotel and cut deals with the government to escape his respective fears of germs and nuclear fallout. The hangers on of Elvis and Michael Jackson made it easy for the two of them to buy their way out of their conflicts and fears. It is strange, but my good fortune would prove to be that I had the benefit of few options other than getting well.

Bob Marrone is the host of the Good Morning Westchester with Bob Marrone, heard from Monday to Friday, from 6-8:30 a.m., on WVOX-1460 AM.

INVESTIGATION

Injudicious Justice?

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Among the most contentious issue was that of long time attorney for the Greencroft Homeowner's Association (HOA), Ronald Sher of Himmelfarb & Sher LLP. Based in White Plains, New York, who concurrently advised not only Greencroft 1 and 2 boards, but the Greencroft Homeowner's Association (HOA). Sher, who specializes in counseling condominium and coop boards, was hired by Greencroft 1 long before Greencroft 2 was built.

When Greencroft 2 decided to hold back their HOA dues until they could assess how the monies were being used, Greencroft 1 sued the HOA board members from Greencroft 2 for their unpaid dues. According to Greencroft 2 board President Howard Mandelbaum, when the two boards became adversarial, in a startling conflict of interest, "Sher went along with Greencroft 1, even though he still represented the HOA. We raised the issue about being fairly represented."

Sher was officially fired by the board of Greencroft 2 but he remained attorney of the HOA until Greencroft 2 sought to have him disqualified, an issue that they hoped would be addressed by Judge Giacomo.

It took Judge Giacomo six months before he issued a decision. However, in July, 2011, court transcripts revealed that Judge Giacomo had a private conversation with Greencroft 2 resident Rosa McGrath who seemed to oppose her own board's actions. The conversation took place after the hearing ended in an empty courtroom except for the court reporter who continued recording.

This type of conversation is known as an "Ex-Parte communication" which just six months earlier in January, 2011, Judge Giacomo posted his own ruling on ex parte communications on the court web site, http://www.nycourts.gov/courts/9jd/PartRules/PR_WJGiacomo_0II0311.pdf. Here Giacomo states "Ex-Parte communications are strictly prohibited except upon the consent of all counsel, or with respect to scheduling matters or the

presentation of orders to show cause for signature."

Although the transcript indicates that Judge Giacomo initially told McGrath "Well, it is really improper for me to hear you when the other side is not here," he nonetheless continued to listen, filling a total of 13 pages of the 50-page court transcript. Greencroft 2 attorney Fellus, in a second letter requesting Giacomo's recusal because of the Ex-Parte communication, refers to McGrath as an "adversary of my clients."

Judge Giacomo not only carried on a lengthy chat with McGrath, but he neglected to disclose the private meeting, only to be discovered when the transcript became public ten days later. The transcript also reveals that Giacomo improperly raised issues with McGrath she herself didn't bring up, such as the homeowner board's voting stalemate. Giacomo gives McGrath unsolicited advice to "either add another board member so you don't have a five/five tie, you can have a six to five vote and it seems to me that that kind of drastic change to the operating agreement would have to be voted on by all the unit owner, so that might be a way to do it..."

The impropriety of Ex-Parte by a judge is seen as unethical judicial behavior and considered a violation by the Commission on Judicial Conduct. But such verbal exchanges usually go unquestioned by the legal community. Debra Cohen, attorney and adjunct professor at Pace Law School, said that generally, for a legal system to work, people have to be able to feel confident in its integrity. "We rely on the judge to strictly adhere to the rules of conduct that make their impartiality above question. Even in situations where there may be well meaning informal communications from the bench, they can lead to unease on the part of one party or the other."

Judge Giacomo claimed that his Ex-Parte communication was "held in open court and on the record and in no way was Ex-Parte." He then recused himself "in order to avoid any appearance of impropriety," after which, on July 28, 2011, he proceeded to issue decisions on the Greencroft case that had been pending for six months.

The judge also sidestepped the issue of at-

torney Sher's conflict of interest claiming it was "rendered moot by Mr. Sher's agreement to withdraw as counsel." Judge Giacomo gave Greencroft 2 one week to pay the back dues.

According to Greencroft 2 Board President Mandelbaum, Giacomo neglected to specify the exact amount to be paid by Greencroft 2 so they could avoid disqualification from the HOA.

"The rulings were egregious," said Mandelbaum. "It seems funny that he waited to the last minute to make these decisions, recuse himself and leave on vacation."

Fellus sought the opinion of the Appellate Division for clarification on how much Greencroft 2 owed. In an August 3, 2011 order of Appellate Division, Justice Miller set the sum of Association dues at \$35,000.00 - which was subsequently paid.

But at that point, the Greencroft 1 board was demanding \$80,800 as an outstanding amount due. The case by that time had been transferred to Judge Lefkowitz who countered the Appellate Division's decision and in a November 7, 2011 order, she agreed to the higher sum of \$80,800.

Greencroft 2 attorney Fellus claims that the litigation has unquestionably been on an unlevel playing field. "The high number of "irregularities" hints that undue influence behind the scenes is at work. We saw a shocking collapse of the adversarial system in the Greencroft 1 faction's effort to "disqualify" my clients from holding their offices on the Greencroft Homeowner's Association Board of Managers which was a piece of litigation in which attorney Ronald A. Sher was counsel for both plaintiff and defendant. Mr. Sher's conflict of interest did not bother Justice Giacomo, and Justice Lefkowitz has allowed the Greencroft 1 plaintiffs to build on that foundation."

Read Part 2 in the next edition of The Westchester Guardian.

Abby Luby is a Westchester based, freelance journalist who writes local news, about environmental issues, art, entertainment and food. Her debut novel, "Nuclear Romance" was recently published. Visit the book's website, <http://nuclearromance.wordpress.com/>.

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