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## O'Rourke gets OK to collect pension while serving as judge

By Kyle Hughes  
Albany Bureau

ALBANY — Court administrators said yesterday that they had approved former Westchester County Executive Andrew O'Rourke's request to collect a state pension while serving as a judge.

The decision means O'Rourke, who was the 1986 Republican candidate for governor, can collect an estimated \$80,000 annual state pension on top of a \$113,000 judicial salary. The pension is based on

O'Rourke's three decades on the public payroll, including his tenure as county executive.

"This is Governor George Pataki using taxpayer money to reward his friends," fumed state Sen. Richard Dollinger, D-Brighton, who released a letter yesterday questioning the arrangement. "Judge O'Rourke should not allow this to happen. He's a man of higher quality than that."

Michael Colodner, Office of Court Administration chief counsel, said

Chief Administrative Judge Jonathan Littman could not overrule Pataki's appointment of O'Rourke to the Court of Claims. The court hears lawsuits against the state.

Under the law, O'Rourke has the right to collect a pension at the same time he's getting a judge's paycheck. Once O'Rourke filed a request for a waiver to get the pension, the courts could not say no, Colodner said.

The waiver was required because state law generally prohibits

public employees from collecting pension benefits at the same time they are on a public payroll. But the law makes exceptions for newly hired retirees if they are needed in government service, can carry out the job, or there are no other qualified people readily available to do the job.

Colodner called Littman's review of O'Rourke's waiver request "pro forma." O'Rourke was unavailable for comment yesterday.

Dollinger and Sen. Franz Leicht-

er, D-Manhattan, questioned the arrangement.

They asked the Office of Court Administration to turn over O'Rourke's waiver application along with the names of any other judges who have qualified for the waiver in the past five years.

Dollinger called the pension approval "outrageous" and questioned the Office of Court Administration's interpretation of the law. "This is a sweetheart deal for a friend of George Pataki," Dollinger said.

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