

GEORGE SASSOWER

16 LAKE STREET
WHITE PLAINS, N. Y. 10603

914-949-2169

February 23, 1994

Gerald Stern, Esq.
Commission on Judicial Conduct
801 Second Avenue,
17th Floor
New York, NY 10017

Re: WILLIAM C. THOMPSON. Associate Justice, Appellate
Division, Second Judicial Dept.

Dear Mr. Stern,

My complaint of January 17, 1994, specifically stated I was setting forth "only some of the acts of misconduct of Mr. Justice Thompson" [emphasis supplied], a complaint that your office still has not acknowledged as having been received.

Irrespective of the disposition of my complaint against Mr. Justice Thompson, I believe some action should be taken by the Commission (Judiciary Law §44[10]) with respect to an ongoing racket in Suffolk County, and probably elsewhere, which is not limited to the Kelly Estate and/or Judge Thompson.

However, in the Kelly Estate such racket was raised to vertiginous and unconstitutional heights by, inter alia, Mr. Justice Thompson.

Charge II[a]

1. I incorporate herein, without needless repetition, Charge II of my complaint of January 17, 1994.

2. Public Administrator ANTHONY MASTROIANNI ["Mastroianni"] is the appointee of Surrogate ERNEST L. SIGNORELLI ["Signorelli"]. However, Mastroianni is paid a fixed salary by Suffolk County (SCPA §1207[1]), and all income received by his office is turned over to the County (SCPA §1207[10]), as county funds.

County Law §501 provides that the County Attorney "shall prosecute and defend all civil action and proceedings ... brought by or against ... any officer whose compensation is paid from county funds ..." [emphasis supplied].

I do not believe, for multiple reasons, that SCPA §1207[3] is applicable to public administrators, such as Mastroianni, who are paid by the county.

Where Mastroianni needs an uncompensated attorney, as may exist with an assetless estate, he employs the services of the County Attorney and/or otherwise imposes the cost and expense on the county.

Where, however, the estate has substantial assets, Mastroianni does not appoint the County Attorney, and thus turn over to the County the fees earned, but instead designates a Signorelli-Mastroianni crony.

Theoretically estates do not sustain any damages by such fraud upon the county government, since it makes no difference the estate who is compensated, Suffolk County or a private attorney.

Statute, vel non, notwithstanding, since Mastroianni is a county employee, having fiduciary obligations to his employer, he should in those asset cases appoint the County Attorney and/or the County Attorney, also having similar fiduciary obligations, should insist upon such appointment, so that such compensation would inure to the benefit of the county and/or offset some of the expenses imposed upon it in uncompensated proceedings.

One of those in the Suffolk County's Office who is cooperating in this fraud on the county purse, is Assistant Suffolk County Attorney GARRETT W. SWENSON, JR., Esq. ["Swenson"].

3a. In the Kelly matter, the first appointee was Signorelli's political campaign manager, who did absolutely nothing to advance estate interests, and should have been, along with Mastroianni, surcharged for the damages he caused to the Kelly Estate.

He removed himself, as the attorney for Mastroianni in the Kelly Estate, after I strongly told him that he should not seek compensation from the Kelly Estate for his Signorelli motivated activities.

Although Mastroianni approved his claim as filed, nisi prius awarded him a fraction of what he requested.

b. The second attorney for Mastroianni in the Kelly Estate, was a money creditor of Signorelli, whose appointment in the Kelly and other estates was supposed to satisfy such personal monetary obligations of Signorelli. He also did nothing to advance the interests of the Kelly Estate.

He was a reluctant attorney for Mastroianni, afraid of judicial retaliation, if he did not file claims against estates to satisfy his personal claims against Signorelli, as Signorelli requested.

Nisi prius awarded the second attorney \$1,000, a small fraction of what he requested and which Mastroianni had approved.

c. The third attorney, who attempted to settle the Mastroianni accounting at nisi prius, and who appeared before the Thompson tribunal, attempted to minimize the Mastroianni misconduct, and his efforts were wholly and totally for the benefit of Mastroianni and/or the County of Suffolk, not the Kelly Estate.

The third attorney did nothing for the Kelly Estate or which was intended to inure to the Kelly Estate, as distinguished from Mastroianni personally and/or the County of Suffolk.

For efforts which were to inure to the benefit of Mastroianni and/or the County of Suffolk, the third attorney was compensated from the Kelly Estate.

Particularly since I was never served for the Appellate Division presentation, and the attorney for most of the beneficiaries was dead, it was, in my opinion, the obligation of Judge Thompson and his Court to protect the interests of the Kelly Estate, a helpless judicial trust (Wood v Georgia, 450 U.S. 261, 265 n. 5 [1981]).

The conduct of Judge Thompson in the Kelly Estate matter speak eloquently and loudly.

4. If you or your Commission desire further information or specificity, a simple request is all that is necessary, provided that confidential sources are not compromised thereby.

Post-Script

Anything perceived herein to the contrary notwithstanding, I have no animus towards Mastroianni, Attorney #2, or Attorney #3. I have treated them with respect, and they likewise treated me with the same respect. We did our tasks as, under the circumstances, we believed warranted and/or justified.

Gerald Stern, Esq.

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This is not the situation with Judge Thompson or Surrogate Signorelli who have heaped abuse upon me and those perceived to be associated with me, including my spouse and/or former spouse. My peccadillos, whatever they may be, are my own, controlled by no one, and others should not be attainted by reason of same.

Most Respectfully,

GEORGE SASSOWER

cc: Mr. Justice William C. Thompson