

RESOLUTION NO. _____ INTRODUCED BY CATHERINE OWENS, LEGISLATOR, DISTRICT 4, TO REQUEST THE ASSISTANCE OF THE DISTRICT ATTORNEY AND UNITED STATES ATTORNEY TO DETERMINE WHETHER THERE WAS UNDUE INFLUENCE IN A FEDERAL LITIGATION BROUGHT AGAINST THE SULLIVAN COUNTY BOARD OF ELECTIONS.

WHEREAS, on March 9, 2015, numerous plaintiffs, including Moshe Smilowitz, filed a federal lawsuit against the Sullivan County Board of Elections, Commissioner Ann Prusinski and Commissioner Rodney Gaebel, claiming alleged discrimination regarding voter registrations in the Village of Bloomingburg, (“Civil Case”), and

WHEREAS, in an effort to limit ongoing expenses of a federal litigation, including discovery and trial, the parties entered into a formal settlement, as a Consent Decree, so-ordered by the Federal District Judge on February 1, 2016, and

WHEREAS, as part of the Consent Decree, the defendants agreed to remit payment of a sum of money to the plaintiffs and as well as to the plaintiffs’ law firm, and voluntarily agreed to undertake certain actions that they were not otherwise legally required to undertake, and

WHEREAS, in December 2016 the United States Attorney filed criminal charges against Shalom Lamm, Kenneth Nakdimen and Volvy Smilowitz for conspiracy to defraud the United States in an election in the Village of Bloomingburg, and

WHEREAS, Kenneth Nakdimen and Shalom Lamm have pled guilty to Conspiracy to Corrupt the Electoral Process in the Village of Bloomingburg, and

WHEREAS, the Sullivan County Legislature previously expressed concern over the criminal charges and now desires to learn whether there is any relationship between the criminal matters and the federal Civil Case against the Board of Elections.

NOW THEREFORE BE IT RESOLVED, the Sullivan County Legislature hereby requests the County Attorney, District Attorney and United States Attorney to conduct or continue any investigation necessary to determine whether the actions of the criminal defendants were related to, interfered with, or otherwise undermined the federal Civil Case litigation process.

Moved _____