

HISTORY OF THE YONKERS DEPARTMENT OF INSPECTOR GENERAL

The predecessor to the Department of Inspector General was the Department of City Auditor, which was created in 1994, during the height of a political power struggle between the City Council and the Mayor.[1] When the City Council first enacted the City Auditor legislation, then-Mayor Terence Zaleski vetoed it, and the Council overrode his veto. Zaleski, however, refused to implement the legislation and instead sued the City Council to prevent the law from taking effect. Zaleski claimed that the law was illegally adopted because it impermissibly "curtailed" the mayor's powers.

Because of the political controversy that surrounded the Department of City Auditor, Mayor Zaleski never established a functioning office with policies and procedures. Mr. Zaleski did, however, appoint two people to the title of Chief Auditor who conducted investigations out of the Mayor's office.[2] These investigations were widely perceived as politically motivated and discredited both within and outside of City government.[3] No permanent record of these investigations was compiled.

The courts never resolved the legal issues presented in the City Auditor case. In November of 1995, the voters approved a charter revision that ratified the creation of the Department of the City Auditor making moot the issues presented in the litigation. Furthermore, at the same time, John Spencer was elected Mayor, effectively ending the political dispute between the Mayor and Council. As a result, all pending political litigation was discontinued.

In 1997, in order to elevate its importance within City government and help establish its independence, the City Council approved the change of the Department of City Auditor to the Department of Inspector General. Under the Charter, the Inspector General ("IG") is appointed by the Mayor with advice and consent of the City Council, and serves a five-year term of office.[4] The Department of Inspector General is an independent office that is not part of either the executive or legislative branch of government. However, both the Mayor and City Council can direct the IG to conduct investigations into governmental matters, and also determine the IG's annual budget.

During 1999 and 2000, the IG's office undertook several assignments at the Board of Education ("BOE"). Initially, all work at the BOE was performed at either the request of BOE Trustees or the Superintendent of Schools. As a result of these projects, the IG recognized that there was a need for an ongoing inspector general function at the BOE. Moreover, it was the IG's position that the City Charter extended the IG's jurisdiction to the BOE. While the question of whether the IG's authority extended to the BOE was initially questioned by then Superintendent of Schools Andre Hornsby, the issue became moot on July 12, 2000 when the BOE Trustees, by a vote of 8-1, adopted Board Member Resolution #00-7-1 which designated the Inspector General for the City of Yonkers as the Inspector General for the City of Yonkers Public Schools.

The IG's involvement in School matters became a central focus of the office. In February of 2005, the Office conducted an investigation into the District's hiring of Pietro Barberi, as a

senior accountant in the finance department. The investigation found that the Superintendent Angelo Petrone and Executive Director of Finance Frank Lutz gave inconsistent and not credible testimony concerning the facts and circumstance surrounding this appointment. The Superintendent was also found to have violated the School District's conflict of interest provisions. A follow up investigation by the Westchester County District Attorney's Office led to the indictment of both Petrone and Lutz. Both pleaded guilty and resigned their positions with the District. In the criminal investigation, Mr. Petrone admitted a family connection to Mr. Barberi and that he created false documents and lied under oath to the Inspector General.

The first duly appointed IG was Conrad Rutkowski. Mr. Rutkowski, however, resigned after only several weeks on the job because of poor health and before he could establish an office. Philip A. Zisman, the City's former Corporation Counsel, succeeded Mr. Rutkowski and was sworn in as IG on December 10, 1997, to complete the remaining two years of the unexpired term. Mr. Zisman was reappointed to serve a new four year term beginning January 1, 2000, and subsequently reappointed on January 1, 2004 to a new five year term. A Deputy Inspector General position was created in 2000, Edward Benes has served in that post since its inception.

Dan Schorr, a former criminal prosecutor in the Westchester and Queens District Attorney's Offices, was sworn in as Inspector General on February 16th, 2010 to complete the five-year term that ends on December 31st, 2013. Prior to the end of his term, in March 2013, Mr. Schorr resigned from the position to accept a job in the private sector.

The remainder of Mr. Schorr's term was filled by Kitley Covill, a former Deputy in the Westchester County Attorney's Office. Ms. Covill also served as first chief in the Nassau County District Attorney's Civil Forfeiture Unit

In January 2014, Mayor Mike Spano nominated Brendan J. McGrath to serve as Inspector General for the 5-year term from 2013 through 2018. Mr. McGrath had served as the Deputy Corporation Counsel immediately prior to his appointment. Prior to that, he had served as Senior Assistant County Attorney in Westchester County for nearly ten years. Mr. McGrath was unanimously confirmed by the Yonkers City Council and began serving as the City's 5th Inspector General on January 21, 2014.

An investigation in 2014 concerning the overstatement of state school aid in the amount of \$55 million, led to the City's merger with the Board of Education. The resulting Inter-municipal agreement between the two entities gave the Inspector General explicit authority to investigate matters related to the Yonkers Board of Education.

The City of Yonkers is the only City in New York State outside of New York City to have a functioning inspector general.

[1] In January of 1992 a charter revision went into effect that created a "Strong Mayor" form of government. Previously, the charter provided that the City Council wielded power, and hired a City manager to administer the government. The 1992 charter amendment, while creating a strong independent Mayor, did not clearly delineate what were the respective powers of the Mayor and City Council. This resulted in a protracted dispute between the branches of government over the separation of powers within City government.

[2] Mayor Zaleski's first Chief Auditor was Anthony Shaw who had previously served as an Assistant Commissioner of New York City's Department of Investigation. After Mr. Shaw was appointed Deputy Mayor, Joseph Zingalli was appointed City Auditor.

[3] Mr. Zingalli would regularly claim that he was working closely with both the Westchester DA and the New York State Organized Crime Task Force ("OCTF"), and that indictments of present and former City officials and politicians were imminent. No indictments were ever issued, and subsequently, sources in both the DA and OCTF's offices confirmed that neither Mr. Zingalli nor the information that he provided were credible.

[4] When originally created, the IG held a four-year term that coincided with the Mayor's term. In November, 2002, however, the voters approved a referendum extending the term to five years. The objective of this change was to provide greater independence to the IG so that the IG's term would not coincide with the Mayor's term.