

# Businessman Files Complaint Against Southeast Officials

Carli-Rae Pann y

A Putnam County businessman has filed a civil complaint with the United States District Court Southern District of New York against several Town of Southeast officials. Among six of the defendants named in the complaint are town attorney Willis Stephens, who was recently under scrutiny for his contractual agreements as both a town employee and special council, and James Borkowski, a former Southeast judge currently running for the 99th State Assembly District on the Conservative Party line.

The complaint was filed Tuesday morning by Ved Parkash and Aman Estates, an LLC for which Parkash is the sole owner. Parkash was unwilling to speak about the case due to the pending litigation, however, the civil action complaint alleges that town employees and other agents conspired to unlawfully convict Parkash and Aman of violating town code based on the fact that he is a vocal and financial supporter of Assemblyman Greg Ball. Prior to Ball winning the 99th district assembly seat, Stephens had held the elected position from 1995- 2006; Stephens was ousted by Ball from a position that his family previously held for nearly 80 years.

With less than a week until the November 2 election, some would say that the date in which the complaint was filed is politically motivated. Parkash has publicly donated funds to Ball's campaign on his own and through his businesses Perfume Valley Inc. and Parkash Motors.

Parkash's attorney, Michael Kelton, esq., told the Courier Wednesday, that "the town and [defendants] were giving him summonses and citations alleging that his use of the property was in violation of the town code when they knew that he was authorized and allowed to do that, it was lawful because of the prior use that property had been put to."

Join Us In April 2008, according to town board minutes, Supervisor Michael Rights made a motion to suspend and withdraw Parkash's prosecution. It was decided that the litigation would cease in a 3-2 vote, however Joseph Charbonneau, acting as special prosecutor, reportedly continued to send summonses to Parkash. Rights told the COURIER he did not wish to comment on this matter.

"The town board actually kind of woke up to the fact that these were clearly improper summons, improper prosecutions, and they actually resolved and voted to stop the prosecutions," Kelton said. "Notwithstanding that, the special prosecutor they appointed, Mr. Charbonneau, refused to abide by the town's express directive to him to cease the prosecutions. He continued to prosecute these cases despite the fact that the town told him 'we don't want to continue prosecuting these cases.'"

Charbonneau could not be reached for comment as of press time on Wednesday.

Kelton reiterated that Stephens, Borkowski, Charbonneau, Ronald Harper, Charles Tessmer, and William Ford acted "individually and conspired together to falsely accuse, falsely charge and maliciously prosecute" Parkash and Aman Estates. In July 2005, Parkash purchased property on Old Mine Road that was already the location of several commercial tenants, all of which were authorized for commercial use under town code-some dating back at least 50 years.

Ford is Southeast town assessor, Tessmer was the code enforcement officer at the time, and Harper was on the architectural review board.

Parkash received summonses from the Town of Southeast stating that the commercial use had expired-something Kelton said doesn't expire as it is grandfathered in. "The law says that if you are using your

property in a certain way prior to the town code coming into existence, you can continue to use your property in that same way after the town code comes into existence—even if the town code indicates that type of property may no longer be used for that purpose," he said.

On Wednesday morning the COURIER broke news of the complaint to Southeast Town Clerk Ruth Mazzei.

"I guess news doesn't travel as fast in that community as I thought it did," Kelton said, surprised that Mazzei hadn't at least heard about it. "Nonetheless it's on its way to all of [the defendants]," he said.

The complaint states that Stephens, Borkowski, Charbonneau, Harper, Tessmer, and Ford "conspired together to falsely accuse, falsely charge and maliciously prosecute" Parkash and Aman. As a result of the summons issued, Aman's property tax assessment was increased from 61.9 percent in 2007-2008.

Parkash and Aman were allegedly deprived of their First and Fourth Amendment rights, says the complaint. They were "maliciously [prosecuted] on town code violation charges for which no probable cause existed, and by wrongfully and without legitimate legal or economic basis increasing Aman's property tax assessment from \$494,000 in 2007 to \$800,000 in 2008, an increase of over 61.9 percent in one year."

"These summons ... were criminal offenses, these were misdemeanors potentially for which he could have gone to jail if he was found guilty," Kelton said. "So this is a serious matter."

Borkowski said he was unable to comment. The COURIER was unable to contact Charbonneau as of press time.

© 2009-2010 The Putnam County Courier, LLC