

# Trustee Candidate Suing The Village Of Sea Cliff

**TRUSTEE continued from 1**

the claimant. The claimant seeks costs and legal expenses for prosecuting this action, along with suitable compensation for harassment, emotional distress, and punitive damages.

According to Mayor Kennedy, he called Anthony Losquadro about this notice immediately. The Mayor stated that, "I just wanted to try to help resolve this issue." He explained to Losquadro that a woman had answered the door and granted permission for Lawrence to access the property to which Losquadro replied "I know, I was home and heard everything; but my housekeeper doesn't have the right to grant permission to go on my property". According to Mayor Kennedy, he offered to come over the following weekend to assist Mr. Losquadro in moving the shed and dog run away from the neighbor's property line in order to bring the structures into compliance with the law and to conciliate the neighbor. "Losquadro brusquely refused my offer and stated that he was unwilling to modify the structure in any way," stated Kennedy.

Another grievance about continued work was received by Village Hall on November 30, 2010. Upon witnessing that work on the shed / dog run had continued, Building Superintendent Law-

rence established that the Stop Work Order has been violated and issued summons #3553 for constructing an accessory structure (dog run) without a permit and violating a Stop Work Order.

Losquadro went to court on February 11, 2011 with his attorney and was officially charged with 4 counts of violating Village Code Sections 48-15(A) for construction without a permit; Section 48-83 for violating a stop work order; and 48-84(A) for constructing without a permit or using without a certificate of occupancy, in connection with construction of a dog run on the property consisting of a fenced in area with a dog house / shed. He was also charged with violating Zoning set-backs. Losquadro refused a plea bargain deal of obtaining required permits, bringing the structure into zoning compliance and a \$100 fine. Instead he chose to plead not guilty and demand a trial.

The case went to trial before Judge Susan Katz Richman December 7, 2011 with Losquadro being represented by Tom Levin of the law firm Meyer, Suozzi, and English. At the conclusion of the hearing Judge Richmond reserved decision and requested post trial memoranda of law from both the prosecution and defense. A verdict was rendered on February 28, 2012 with Losquadro being found guilty of all four counts. For

count 1 he was fined \$500; for count 2 he was fined \$750; for count 3 he was fined \$500; and for count 4 he was fined \$1000, all for a total of \$2750.00. He was ordered by the judge to pay the fine on or before March 7, 2012.

Prior to the trial in Village Court, on September 12, 2011, Losquadro filed a lawsuit in NY State Court against the Village claiming that the Building Department violated his civil rights by entering his property to inspect the illegal dog run. He is claiming that he suffered "great emotional harm and distress by reason of the aforesaid unlawful and unconstitutional entry upon his property, and has been subjected to legal proceedings instituted by defendant Lawrence and the Village, has been required to incur legal expenses, and has had his reputation severely damaged as a result of the aforesaid."

Losquadro is asking for judgment against the defendants (The Village of Sea Cliff and Drew Lawrence) as follows:

- A. Declaring the conduct of defendants as alleged herein to have been in violation of plaintiff's rights pursuant to the United States Constitution and the Constitution of the State of New York;
- B. Declaring invalid and in violation of the United States Constitution and the Constitution of the State of New York any provisions of the Village Code of the Village of Sea Cliff which purport to authorize entry upon private property in the Village without a search warrant and

- without the consent of the owner or person in charge of such property;
- C. Enjoining and restraining defendants from further such conduct;
- D. Awarding plaintiff compensatory damages against defendants in an amount not less than \$500,000;
- E. Awarding plaintiff punitive damages against defendant Lawrence in an amount not less than \$500,000;
- F. Awarding plaintiff his costs and attorneys' fees for this action;
- G. Awarding plaintiff such other and further relief as may be reasonable and proper

When asked what specific Sea Cliff Code he alleges is unconstitutional Losquadro cited Section 48-7 which states, "The Building Inspector, upon showing proper credentials and in the discharge of his duties, may lawfully enter upon any building, structure or premises at any reasonable hour . . ." Losquadro's response when pressed for more specific clarification of constitutionality of this code his response was "Due to the pending litigation, I can't comment on it further."

Upon request for a comment on this matter Mayor Kennedy stated, "We have no laws on the books that are unconstitutional. The Village submits that this is a frivolous lawsuit that does nothing more than cost the taxpayers money and drains time from our staff from being of maximum service to all our residents. I am confident that our Village will be triumphant."

# Rx

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