

*Lawrence N. Gray, Esq.
20 Fireplace Drive
Kings Park, New York 11754*

Supervisor Patrick Vecchio
99 West Main Street
Smithtown, New York 11787

April 25, 2009

Re: Nick "Ponzi" Cosmo, 255 Kohr Road & Sal "The Swindler" DiCarlo

Dear Supervisor Vecchio:

You know how I try to avoid upsetting you but there are a number of follow-up stories that were left fallow by David Ambro in the *Smithtown News*. Here are three of them that need public explication.

AGAPE CHIEF INDICTED IN \$413M PONZI SCAM

In February the *Smithtown News* wrote that you were investigating how Ponzi schemer Nick Cosmo of AGAPE WORLD and AGAPE MERCHANT ADVANCE obtained a Temporary Certificate of Occupancy for the National Tournament Athletic Center. An **October 10, 2008** Inspection Notice for the Center stated that "all work is to stop until such time as the permits are issued. A follow-up Notice from **October 16th** stated that "no work is to be done on the building at this time." **November 24th** shows another Notice stating that the stop-work order was rescinded. (Why?) But "the building may not be occupied until a CO is issued." **December 29th** shows the site's **Fire Certificate Disapproved**. A **December 12th** Notice warned that the "building may not be occupied" because it was "not ready for inspection." A **December 23rd** Memorandum stated that "the above-noted site is... operating without a Certificate of Occupancy or public assembly permit." A **January 9th** Notice reads: "Final Construction **Not Approved**." One for **January 20th** reads, "Final Construction **Not Approved**." A **January 22^d** Fax stated, "*it is unlikely a TCO will be issued.*" But a **January 22nd** Memorandum stated that "*recently this office received a request... to inspect the above... site for compliance with the approved Site Plan Exemption.*" A **January 23rd** Notice read, "**Final Construction Approved**." A **January 26th** File Memorandum begins with, "this memorandum is meant to clarify the position of this office as it pertains to the above site." Why? The TCO had already been signed.

Frank DeRubeis wrote a **January 27th** Memorandum to Town Attorney Yvonne Liefbrig which stated, "I am sending you this memorandum per our meeting this morning in light of today's *Newsday* article (attached)." [Nick Cosmo of AGAPE had been arrested.] "With this I have included a copy of all of our correspondence.... As of last Friday, this department was in the position to recommend the issuance of a Temporary Certificate of Occupancy for the above referenced site." [Why?] *** "Please advise... on how to handle this matter [with *Newsday* or the folks?]" Did Liefbrig render public relations or legal advice?

Supervisor Vecchio, what was the result of your investigation? AGAPE'S Nick Cosmo has now been federally indicted on 32 counts. He's probably going for 20 years or more, unless he cuts a deal to lessen his sentence by telling all he knows about this and other matters involving public officials in Smithtown, along with the black bags with law degrees who are like bar flies before its Zoning and Planning Boards. **DeRubeis needs a few days in secret in front of 23 grand jurors.**

255 Kohr Road, Kings Park

The minutes of the Smithtown Board of Zoning Appeals for March 27-28, 2000 concerning 255 Kohr Road reflect that Tax Assessor Gregory Hild came before it and was sworn. He did not state that he was actually applying for variances on behalf of Patrick and Richard Vecchio. The lawyer was John Toomey, Esq. No member of the Zoning Board believed that Hild was the real party in interest.

Hild swore that "I believe I have a copy of the plans that are on file with you." Exactly *whose* plans for ultimately *whose* house? Why would Hild be in possession of plans if he knew that he was going to sell the proposed house to Richard Vecchio? Hild's recent statement to *Newsday* that "his" variance for 255 Kohr Road was not "out of the ordinary" is a lie.

Adrienne Giannadeo and Chairman Edmund Lynch called "Case 12943, Gregory Hild, 230 Kohr Road, Kings Park." "**MS. Giannadeo:** Case 12943, I move that the Board approve the application *since it meets all our criteria for approval.*" The Board voted aye. On March 28, 2000 the Smithtown Board of Zoning Appeals granted "a variance to permit environmentally sensitive lands... to be altered." By deed dated May 16, 2000 Hild deeded away 255 Kohr

Road to Richard Vecchio. According to the deed, the sale price was \$90,000. The lawyer was John Toomey, Esq. Supervisor Vecchio, before you can even consider running for reelection you must explain 255 Kohr Road to all the applicants who have been discriminated against by your Zoning Board. There are questions concerning who worked on 255's construction, by whom and how much, with whose money they were paid. **Hild needs a few days in secret in front of 23 grand jurors.**

Sal DiCarlo's South Fork Management

DiCarlo's 102 Main Street buildings were demolished without a permit. They were torn down across the street from your office window. Hild asked the state whether DiCarlo's illegality should be to his advantage because, *according to Hild*, his lumber yard land "could be considered vacant land and the tax burden for that plot could drop from \$57,761 to \$10,393." Hild statement is nonsense. An Albany bureaucrat's opinion is not law. DiCarlo was negotiating with you. DiCarlo is a convicted felon, to wit: *People v. DiCarlo, 293 A.D.2d 279 (1st Dep't 2002)*. "The evidence at trial established that defendants intended to deprive the School Construction Authority of property... and wrongfully obtained such property in an amount exceeding... \$50,000." "Defendants inflated the cost of renovating a building, thereby obtaining reimbursement in excess of their contractual entitlement." Convicted of Grand Larceny in the Second Degree, Criminal Possession of a Forged Instrument in the Second Degree (6 counts) and Offering a False Instrument for Filing in the First Degree (48 counts), Sal was sentenced to 1 to 3 years in prison, conditional discharges and fines of \$5,000. His Eserac Realty was fined \$10,000. He was ordered to pay \$81,000 in restitution. *Newsday* reported that the Suffolk District Attorney had subpoenaed CHOWS records "by the same developer who recently partially took down buildings on a downtown lot that were later found to contain asbestos." Supervisor Vecchio, the citizenry needs an explanation as to how you could be so derelict on behalf of a convicted felon when multi-millions are involved.

When I smell a rat, Pat, I know you are somewhere in the woodpile. **80?** One is never too old to go to prison.

Yours truly,

Lawrence N. Gray, Esq.

Cc: Legislators Lynne Nowick & John Kennedy
Town Board
Planning Director