

Class-action lawsuit seeks damages for county 'discriminatory conduct' in tax assessment

By **Teri West** - February 20, 2019



County Executive Laura Curran. (Photo by Janelle Clausen)

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Three Nassau residents have filed a class-action lawsuit against the county on behalf of non-white property owners who they contend were forced to bear the property tax burden of wealthier, white communities due to county policies beginning in 2010.

Former County Executive Edward Mangano froze the tax assessment roll in 2011. Two years ago, *Newsday* reported the move shifted the tax burden to lower-income communities because individuals living in higher-income communities were the ones who primarily used the tax grievance process.

The county policy shift was “illegal, discriminatory conduct,” the lawsuit says. It seeks compensation of an amount that the court deems just.

“You can’t balance your books based on phony assessments and sticking it to the weakest citizens,” said David Bishop, an attorney representing the plaintiffs.

The issues at stake directly overlap with those of a 1997 lawsuit against Nassau County, the lawsuit says.

That case, *Coleman v. Seldin*, challenged the county over racial discrimination in its tax assessment. It led to a consent decree, requiring Nassau to maintain an equitable tax assessment and a new county policy that required the tax assessment to be updated annually.

said.

“The system got so out of whack and the taxes are so high in Nassau that doing the right thing, that making the system correct is politically unpalatable,” Bishop said. “It’s painful politically, so weak politicians like Mangano are tempted to do the wrong thing, and they did the wrong thing.”

Though the lawsuit does not designate how much the plaintiffs are seeking, the monetary damage is “enormous,” Bishop said, “and it speaks to the irresponsibility of the county.”

If the plaintiffs win, it should not bankrupt the county, he said. Lawsuits like this were bonded to be paid out over decades during his time in Suffolk County politics, he said.

Presiding Officer Richard Nicoletto (R-New Hyde Park) said he believes the lawsuit is a political tool for Nassau Democrats to change the narrative around the reassessment currently taking place.

In his argument, Nicoletto pointed to plaintiff Wayne Hall’s Democratic Party affiliation and the fact that the lawsuit does not demand a stay on the reassessment’s five-year phase-in as reasons that the legal action is “suspicious.”

He also said the firm representing the plaintiffs also represents county Democratic Chairman Jay Jacobs, which Jacobs said is untrue.

He has no connection to Kirby McInerney, the law firm that represents the plaintiffs, Jacobs said, and does not know Bishop.

“I had no knowledge of the lawsuit before it was filed,” he added. “Nobody asked me about it, nobody presented the idea to me, I never thought about it. I had read it in the paper, I spoke to [County Executive] Laura Curran when I read about it in the paper. She had no knowledge of it, so I think [Nicoletto]’s getting ahead of himself.”

The county executive's office does not comment on pending litigation, a spokeswoman said.

Wayne Hall, one of the lawsuit's plaintiff's and a former Village of Hempstead mayor, also rebutted Nicoletto's statements.

"It's not a Democratic plot," Hall said. "They all colluded along with Mangano to shift the tax burden to senior citizens, disabled veterans and minority communities and they just have to pay for it. Pay for the wrongs that they did. So it's not a Democratic plot."

He had read about a woman who had a \$2 million house and was paying taxes as if it was worth \$1 million, Hall said, which was one reason he decided to engage in a lawsuit.

"I felt that there's some kind of retribution that needs to be made for the wrongs that Mangano's administration did," he said.

The class-action lawsuit was filed Feb. 15, and it took about six months to prepare all 62 pages, said Bishop, a former Suffolk County legislator and Babylon councilman. His firm, Kirby McInerney, which is based in New York City, specializes in class action lawsuits and is constantly scanning the news, he said.

What was happening in Nassau County was "an extraordinary situation that caught our attention," he said.

The named plaintiffs besides Hall are Reina Hernandez and Floridalma Portillo. Both live in the Village of Hempstead, Bishop said.

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