



## LEGAL

# State Audit Report is Leaked



**By ABBY LUBY**

A confidential draft audit report for the Town of Yorktown was leaked last week against the orders of the New York State Comptroller's office. The audit was the result of a state investigation for alleged corrupt financial practices in Yorktown, specifically implicating Town Comptroller Joan Goldberg and Highway Superintendent Eric DiBartolo.

"This doesn't make us happy," said Mark Johnson, spokesperson for the State Comptroller's office after hearing the draft report was leaked to the press. The report was emailed to the Town Supervisor, Comptroller, Board Members, Town Clerk, and the Town Highway Superintendent with strict orders not to copy or make the report available to anyone else until after exit interviews were conducted and specific issues were challenged and ironed out. The final report is expected out by the end of July.



(L-R): Bill LaPierre, Fred Gulitz, and Stephan Gardner

Foil requests sent to the town for the report by *The Westchester Guardian* were denied. But other local newspapers, including the *Journal News* and the *Yorktown Examiner* managed to get a copy and subsequently ran headline stories citing the alleged corruption. Anonymous sources have suggested that some town department heads had gotten hold of the report.

"I don't know who leaked the report," said Town Supervisor Susan Siegel. "There are factual issues we are still looking at and challenging. That's why we denied foil requests."

The audit is in part, the culmination of a 15-year old feud between Highway

Superintendent Eric DiBartolo and his former neighbor, Bill LaPierre, owner of the Clark Funeral Home. Over the years LaPierre has compiled massive amounts of town records (copies) as proof of what he believed was DiBartolo's dishonest business deals that illegally used taxpayer money. Last year LaPierre pleaded his case to State Comptroller DiNapoli's Office and to the Office of the State Attorney General. LaPierre originally told *The Westchester Guardian* he first visited DiNapoli's office with Town Board Member Terrence Murphy. *The Westchester Guardian* has been reporting on DiBartolo since February, 2011, during which time several current and retired highway department employees came forward with personal testimonies of specific actions taken by the highway superintendent and the department times sheets from over the last 15 years that were claimed to be falsified.

As LaPierre stepped up his personal probe of DiBartolo, the dispute escalated and spilled into town politics. LaPierre regularly complained at town meetings about alleged falsification of paperwork for purchases, fudged time sheets and political favors from contractors hired by the highway department. DiBartolo retaliated; once by allegedly encouraging and backing the owner of a new funeral home on Route 6, the Yorktown Funeral Home, aimed to compete with LaPierre's solo funeral home in Yorktown.

Aiding LaPierre were his friends Fred Gulitz and Stephen Gardener, who had similar concerns about misspent taxpayer funds. At one point Gulitz was staked out, camera in hand, across the street from the new funeral home which was then under construction. Gulitz, who wanted to see if any town equipment was being used, took pictures of DiBartolo who was on site. Videos of DiBartolo were also taken on a regular basis.

When the draft audit report was emailed to the specific town officials, LaPierre told *The Westchester Guardian* that he was able to "read the report from cover to cover," adding that "I would find it hard to believe if they don't arrest quite a few



Superintendent Eric DiBartolo in his office.

people. The waiting is killing me."

The mounting complaints against DiBartolo deepened the divisiveness in Yorktown government. Friends of DiBartolo, Councilmen Nick Bianco and Jim Martorano resisted re-instating an Ethics Board, one that hadn't existed for years. Last May, after repeated complaints against DiBartolo coupled with the inability of the Town to investigate certain activities of Council Members, the Town was forced to approve a new Ethics Board. But for the last year it was a Board without "teeth." Just last week, however,

the Town Board, who had just received the draft audit report, voted unanimously (Martorano and Bianco included) to make the Ethics Board the "Gate Keeper" of the complaints.

Siegel said the move will make Yorktown government more transparent.

"We will have a stronger disclosure form and future complaints will go directly to the Gatekeeper."

*Abby Luby is a Westchester based freelance journalist who writes about current, local news, environmental issues, art entertainment, and food.*