

# Law & Major Contracts

## BOL Meeting Minutes - Published Draft



Committee Chair: Damon Maher

800 Michaelian Office Bldg.  
148 Martine Avenue, 8th Floor  
White Plains, NY 10601  
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**Monday, November 13, 2023**

**10:00 AM**

**Committee Room**

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### CALL TO ORDER

Joint with Budget & Appropriations committee.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting. *With a quorum present, Chair Maher called the meeting to order at 10:33 a.m.*

*Others in Attendance: BOL: Legislators: Erika Pierce, James Nolan, Ben Boykin, Tyrae Woodson-Samuels, Symra Brandon, and Terry Clements; Legislators (Remote): Margaret Cunzio and Jose Alvarado; Committee Coordinators: Jill Axelrod and James Silverberg; GUESTS: Law Dept.: John Nonna and Susan Kettner*

**Present:** Committee Chair Maher, Legislator Barr, Committee Vice-Chair Imamura, Legislator Parker and Legislator Williams Johnson

**Absent:** Legislator Smith

### MINUTES APPROVAL

#### I. ITEMS FOR DISCUSSION

**[ACT-2023-236](#) ACT - Lawsuit Settlement of H.H. v. County of Westchester and Westchester Adult Protective Services**

Guests: Law Dept.: County Attorney John Nonna, Assistant Chief Deputy County Attorney Fred Sullivan, and Susan Kettner

*Mr. Nonna and Ms. Kettner discussed the item. Ms. Kettner explained that this case involved a Westchester County Adult Protective Services (APS) caseworker who stole approximately \$881,062 between 2017 and 2022 from H.H., a 96-year-old woman with dementia. The caseworker entirely depleted H.H.'s bank and retirement accounts, leaving her destitute and unable to pay for her care. This was done through a series of withdrawals, transfers, credit card transactions and other deceptions that went undetected by APS. In March 2023, the caseworker was arrested and charged with three felonies and a misdemeanor in connection with the alleged theft.*

*Ms. Kettner said that the Settlement Agreement requires that the funds be set aside for the*

*lifetime benefit of H.H. and designated to provide for H.H. 's care at The Atria, an assisted living facility. Upon H.H. 's death, any unused funds will revert back to the County, in order to cut off any claims of remote heirs.*

*Ms. Kettner said that although the County's liability as to negligent hiring and retention would be difficult to prove, the issue of negligent supervision could pose serious liability issues, given some of the practices employed by the APS' case workers.*

*With a motion by Legislator Imamura seconded by Chair Maher, the committee went into executive session at 10:55 a.m. to discuss settlement negotiations and future litigation strategy. With a motion by Legislator Imamura seconded by Legislator Barr, the committee came out of executive session at 11:21 a.m..*

On motion of Legislator Barr, seconded by Committee Vice-Chair Imamura, the above item was signed by committee and referred to Board of Legislators. The motion carried by the following vote:

**Aye:** Committee Chair Maher, Legislator Barr, Committee Vice-Chair Imamura, Legislator Parker and Legislator Williams Johnson

**Absent:** Legislator Smith

## **II. OTHER BUSINESS**

## **III. RECEIVE & FILE**

## **ADJOURNMENT**

Moved by Legislator Parker, seconded by Committee Vice-Chair Imamura, the Committee adjourned at 11:25 a.m.