

HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which, if enacted by Your Honorable Board, would authorize the retention of private outside counsel to render legal services in representing and defending Captain Frank Donovan in the lawsuit entitled *Shannon Hicks v. Westchester County Department of Public Safety, County of Westchester, and Frank Donovan*, New York State Supreme Court, Westchester County, Index No. 58858/2026, by providing for payment for legal services in an amount not to exceed one hundred thousand dollars (\$100,000.00).

Frank Donovan is a Captain in the Westchester County Department of Public Safety. Plaintiff Shannon Hicks is a Police Officer in the Department of Public Safety.

PO Hicks claims that Captain Donovan sexually harassed her and that after she complained about it, the Department of Public Safety retaliated against her by refusing to assign her background check overtime. PO Hicks also claims hostile work environment due to Captain Donovan's "severe and pervasive" sexual harassment that the Department knew about, acquiesced and condoned. PO Hicks alleges three causes of action: quid pro quo sexual harassment, retaliation and hostile work environment, all brought pursuant to New York Executive Law § 296. The named defendants are Westchester County Department of Public Safety, County of Westchester, and Frank Donovan.

The County was recently served with the Summons and Complaint. None of the defendants have served an Answer to the Complaint or moved to dismiss.

Captain Donovan has requested defense and indemnification in accordance with Section 297.31(2)(a) of the Laws of Westchester, and is entitled to representation by

private counsel at the expense of the County pursuant Section 297.31(2)(b)(i) of the Laws of Westchester County.

While the County can provide Captain Donovan with a defense, the County cannot indemnify him for intentional wrongdoing pursuant to Public Officers Law 17 (3)(a), which instructs “the duty to indemnify and save harmless . . . shall not arise where the injury or damage resulted from intentional wrongdoing on the part of the employee.” Additionally, Public Officers Law 18-a (2) requires that “any employee who has been subject to a final judgment for personal liability for intentional wrongdoing related to a claim of sexual harassment, shall reimburse any public entity that makes a payment to a plaintiff for an adjudicated award based on a claim of sexual harassment resulting in a judgement, for his or her proportionate share of such judgment.”

Therefore, it is the opinion of the County Attorney that based upon the allegations, it would be inappropriate for the County Attorney’s Office to represent Captain Donovan in this action. Pursuant to Section 297.31(2)(b)(i) of the Laws of Westchester County, Captain Donovan is entitled to representation by separate private counsel at the expense of the County.

The County Attorney has certified in a communication to the County Board of Legislators that his representation of Captain Donovan would be a potential conflict and that Captain Donovan is entitled to representation by private counsel pursuant to Section 297.31(2)(b)(i) of the Laws of Westchester County. The County Attorney requests that the Board of Legislators designate David Chen, Esq. of Bleakley Platt & Schmidt, LLP as private counsel to represent Captain Donovan and authorize the County of Westchester to pay the designated counsel for legal services to be rendered in connection with that

matter. The term of the proposed agreement will commence April 13, 2026 and will continue until the matter has been resolved.

Your Committee has carefully considered the proposed Act and concurs with the County Attorney and, therefore, recommends your Honorable Board approve the annexed proposed Act.

Dated: April , 2026
White Plains, New York

COMMITTEE ON

C: tsa revised 4.9.26

ACT NO. - 2026

AN ACT entitled “AN ACT designating an attorney to be retained to represent Captain Frank Donovan in connection with the lawsuit entitled Shannon Hicks v. Westchester County Department of Public Safety, County of Westchester, and Frank Donovan, and authorizing the County to pay the designated counsel for legal services rendered in connection with these services in this action.”

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. The County of Westchester is authorized to enter into an agreement with the with the firm of Bleakley Platt & Schmidt, LLP (“Firm”), 1 N. Lexington Ave, White Plains, New York 10601, for legal services rendered in defending and representing Captain Frank Donovan in connection with the lawsuit entitled *Shannon Hicks v. Westchester County Department of Public Safety, County of Westchester, and Frank Donovan*, New York State Supreme Court, Westchester County, Index No. 58858/2026. The Commissioner of Finance is directed to pay the Firm an amount not to exceed One Hundred Thousand Dollars (\$100,000.00), provided that a person designated by the County Attorney shall first review and approve the bills submitted by the Firm for Captain Frank Donovan and further upon presentation of a fully executed claim form. The term of the agreement will commence April 13, 2026 and will continue until the matter has been resolved.

§ 2. The County Attorney’s designee be and hereby is authorized to execute and deliver all documents and take such actions as the County Attorney’s designee deems necessary and desirable to accomplish the purposes hereof.

§ 3. This Act shall take effect immediately.