

IN RE: Complaint of Robert Cox

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DEPOSITION TAKEN VIA ZOOM

May 6, 2022
10:00 a.m.

WITNESS: MARC JEROME, held at the
above-mentioned time, before, PAIGE HAYDEN, a Court
Reporter and Notary Public of the State of New York.

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MAGNA LEGAL SERVICES
(866) 624-6221

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A P P E A R A N C E S:

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, LLP
Attorneys for Defendant
150 East 42nd Street
New York, New York 10017-5639

BY: PETER MEISELS, ESQ.

ALSO PRESENT:

David Blumenthal, Member of Ethics Committee

Dawn Warren, City of New Rochelle

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2 MARC JEROME, the WITNESS herein, having
3 been first duly sworn by a Notary
4 Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MR. MEISELS:

8 Q. State your name for the
9 record, please.

10 A. Marc Jerome.

11 Q. State your address for the
12 record, please.

13 A. 224 Lincoln Street,
14 Englewood, New Jersey 07631.

15 Q. Mr. Jerome, let me explain
16 what this proceeding is. An ethics
17 complaint was filed by Robert Cox,
18 with the City of New Rochelle. And
19 what the city does when it receives
20 those kind of complaints, it refers
21 to the Ethics Board. The Ethics
22 Board proceeds in -- basically in
23 two possibly ways.

24 One is, it can bring
25 complaints, which is basically an

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2 adversary proceeding. It is the
3 board versus.

4 Other -- otherwise, it
5 investigates complaints. This is an
6 investigation. No complaint has
7 been made against anybody by this
8 Board. It is purely investigatory.
9 And it will result in the issuance
10 of an advisory opinion. That -- so
11 just so that you can appreciate, and
12 the reason I am emphasizing this is
13 we don't want anyone to get the
14 misimpression that this Board has a
15 complaint against anyone, is
16 pursuing a complaint against anyone.
17 We are just here to investigate and
18 report.

19 A. And you are investigating
20 based -- the sole request of the New
21 Rochelle resident, Robert Cox?

22 Q. Of the sole complaint of
23 him.

24 A. Yes. Fine.

25 Q. Correct.

1 M. JEROME

2 A. I understand that.

3 Q. And so, subsequently, this
4 is a rather informal proceeding, as
5 you can see. We are asking all of
6 the witnesses that come before us,
7 and everyone has come to us
8 voluntarily to take an oath because
9 we think that is only fair to the
10 person who is complained about, that
11 whatever information we have is
12 given to us under oath.

13 A. Understood.

14 Q. Now the reason that we have
15 asked you to appear is based upon
16 that article, which you probably
17 read that was published in Talk of
18 the Sound, on April 24th, referring
19 to a business improvement district
20 meeting that occurred about two
21 months beforehand.

22 A. Yes. I am aware of it. I
23 did not read the entire article.

24 Q. Okay. That is fine.

25 The -- you don't -- for our

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purposes, you don't ready need to.
I just want to explain to you why is
it that we called you, and that is
the reason.

What I would appreciate is
I am going to ask you the most
leading questions, but I think it
will go a lot faster if I do this,
and as long as Mr. Blumenthal
doesn't have on objection.

Am I correct that there are
13 members of the Business
Improvement District?

A. I believe so, yes.

Q. And am I correct that you
are the chairman of the BID?

A. Yes.

Q. And am I correct that
Charles Strome (phonetic), the New
Rochelle city manager is the vice
chairman?

A. Yes.

Q. And am I correct that Al
Tarinito (phonetic), one of the

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counsel persons, is the secretary?

A. Yes.

Q. Okay.

And am I correct that the city's commissioner of finance, Commissioner Ritter, is a member of the Committee?

A. Yes.

Q. Okay.

A. Just to clarify, I'm not sure if Al is the secretary. I know that he is officially the city's representative to the BID.

Q. Fair enough.

Am I correct that there are three city -- always withdrawn.

Am I correct that there are always three city representatives to the BID?

A. Yes.

Q. And in addition, does the BID have an executive director?

A. We do.

Q. And who is that?

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2 A. Her name is Karel, Littman,
3 K-A-R-E-L, L-I-T-T-M-A-N.

4 Q. Now is the position of
5 executive director a paid position?

6 A. It is.

7 Q. And do you recall
8 approximately what the executive
9 director earns?

10 A. Approximately 150 to
11 \$160,000.

12 Q. Per year?

13 A. Yes.

14 Q. Okay.

15 A. It is not -- it is not a
16 salary. It is a contract. She is a
17 consultant. An independent
18 contractor. So this is not a
19 salary. This is a monthly --
20 monthly paid contract.

21 Q. And how often is that
22 contract renewed?

23 A. It is renewed annually.

24 Q. Now am I correct that the
25 BID is made up of property owners,

1 M. JEROME

2 business owners, residents, and
3 public officials?

4 A. You are correct.

5 Q. Okay.

6 And what is the purpose of
7 the BID?

8 A. The purpose of the BID is
9 to support the development and
10 health of the downtown including the
11 business, property owners, and
12 overall, you know, economic
13 conditions.

14 Q. And how does a person
15 become a member of the BID?

16 A. The -- not a member, a
17 member of the Board. It is defined
18 by statute. There is a prescribed
19 voting procedure where the three
20 classes of Board members are first
21 nominated by a nominating committee
22 of the Board, then it is published,
23 then members of that specific class
24 are permitted to vote for their
25 preferred candidate. For example,

1 M. JEROME

2 property owners can vote for the
3 property owner candidate.

4 Commercial tenants can vote for the
5 commercial tenant candidates, and
6 residential tenants can vote for the
7 residential tenant candidates. The
8 city and elected representative are
9 appointed by their appropriate
10 organization.

11 Q. In the case of the city
12 representatives, do you know who
13 actually makes that appointment?

14 A. I believe by statute, but
15 I'm not sure, the commissioner of
16 finance and the city manager is by
17 statute. And then the Al Tarinito is
18 the elected body's chosen member.
19 But I would have to refer back to
20 the actual mechanics of the rule. I
21 am not exactly certain.

22 Q. In the event that there was
23 a desire to change the people who
24 fill the positions that are reserved
25 for public officials, do you know

1 M. JEROME

2 how that process would work?

3 A. Yeah. There are basically
4 three ways.

5 The first is when a BID
6 Board member position came up,
7 someone could nominate a new person
8 and then that person could be voted
9 on. If they receive a majority of
10 the votes, they would be a member.

11 The second way would be for
12 the BID Board to expand the number
13 of seats, and then we could add more
14 members.

15 The third way is if a
16 member resigns or is removed for
17 conduct inconsistent with the
18 bylaws.

19 Q. For example, as you may
20 have heard, Charles Strome intends
21 to retire as city manager at the end
22 of the year. Assuming that he does
23 that, does that mean that the
24 position that is reserving for the
25 city manager will then be vacant?

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2 A. It is vacant and it -- we
3 would asked for it to be immediately
4 filed with no vacancy by the arm of
5 the city that is statutorily
6 designated to do that.

7 Q. Would the same be true if
8 there was a vacancy in the seat that
9 is now held by the commissioner of
10 the finance or the member of the
11 city counsel?

12 A. Yes. So both Charles
13 Strome and the member of the city
14 counsel have been in their positions
15 since the founding of the BID in
16 2000. However, we have had at least
17 three different members who were a
18 commissioner of finance starting
19 with Howard Rattner, R-A-T-T-N-E-R.
20 Then going to -- when he resigned
21 his position, the new commissioner
22 stepped in, Mark Zulli, Z-U-L-L-I.
23 And Mark, with a K. And then when
24 Mark Zulli retired, just recently
25 the new commissioner stepped in, Ed

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2 R-I-T-T-E-R.

3 Q. Did there come a time
4 approximately in the month of
5 February where you had occasion to
6 have lunch with Mayor Bramsin
7 (phonetic), Charles Strome, and
8 yourself?

9 A. I sure did.

10 Q. And who arranged that
11 lunch?

12 A. I believe the request came
13 directly from the city manager,
14 Charles Strome, S-T-R-O-M-E. He
15 called me and said that he and the
16 mayor would like to have lunch with
17 me without furtherer elaboration.

18 Q. And am I correct that the
19 three of you then did have the
20 arranged lunch?

21 A. We had a delicious Italian
22 lunch at Spadaro, S-P-A-D-A-R-O, in
23 New Rochelle.

24 Q. And that regard Robert Cox
25 was accurate.

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2 A. He interview me. He called
3 me. I just spoke to him about that.
4 All the information comes from me.
5 I called him directly.

6 Q. Now I understand why he was
7 so accurate.

8 A. Yes.

9 Q. Did you have any
10 understanding as to what the purpose
11 of the lunch was?

12 A. I had no idea about the
13 purpose until we sat down.

14 Q. Okay.

15 And after you sat down,
16 what did you discover was the
17 purpose of the lunch?

18 A. I think the purpose of the
19 lunch was to talk about that the
20 Board members had been -- many had
21 been there for a long long time.
22 And was there an opportunity to make
23 the Board more diverse and
24 potentially bring in new members.
25 And I explained to the mayor about

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2 the statutory process, and I
3 essentially explained the two or
4 three options referred to prior in
5 my testimony.

6 I also said that I agreed
7 with the overall goal of having more
8 diversity on the Board, and I
9 offered, even, for myself, if there
10 was anyone who would like to be the
11 volunteer chair of the BID Board, I
12 would always be happy to consider
13 stepping down in favor of a
14 qualified candidate.

15 Q. Was there any discussion
16 about position of executive
17 director?

18 A. There was some limited
19 discussion about the director's
20 performance, and her relationship
21 with members of the city staff. I
22 informed the mayor, and Mr. Strome,
23 who had missed the meeting, where we
24 formally reviewed the executive
25 director, and awarded her a new

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contract, a new compensation. And what I informed the two of them was that I personally pulled an executive session each Board member and the Board members present were unanimous in their support for our executive director during her first year of contract during COVID. And then as a result of that, the Board awarded her a modest increase in her contract fee.

Q. During that discussion, did either Mr. Strome or the mayor reflect that there was some dissatisfaction with the executive director?

A. They reflected that -- they expressed that some members of their staff, you know, Mr. Strome's staff had had, you know, that working conditions could be better and improved. And I responded the blame is on me for not appropriately defining the roles. And this was

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2 partly a result of COVID and that I
3 intended, at the city manager's
4 approval, to sit with the commission
5 or development, the new one, Adam
6 Salgado, S-A-L-G-A-D-O, and the
7 corporate counsel, Kathleen Gill,
8 G-I-L-L, who was acting as both I
9 think commissioner for a bit and as
10 deputy city manager. Which, in
11 fact, I did, I then sat with them,
12 had a meeting, and we moved forward
13 collaboratively.

14 Q. And was the -- the concern
15 raised -- the working relationship
16 between the city and the BID?

17 A. Yes. To some extent, yes.

18 Q. What else was -- was
19 referenced?

20 A. Really very little.

21 Q. What was very little?

22 A. To -- an issue about the
23 executive director's, you know,
24 relationship with one or two staff
25 members of the city, and the

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2 executive director's performance
3 which I addressed.

4 Q. Were you -- were you left
5 with the impression that the mayor
6 might be interested in that position
7 of executive director?

8 A. No.

9 Q. Was there any discussion at
10 all about any employment other than
11 being mayor for Mr. Bramsin?

12 A. No.

13 Q. In -- in -- when the point
14 that you explained to the mayor, the
15 process by which the public
16 officials became members of the
17 Board of Directors of the BID, did
18 -- were you given the impression
19 that the mayor would -- would like
20 to have change or replace the
21 present public members?

22 A. To be fair, the process for
23 replacing the public members did not
24 occur during this lunch. The
25 discussion only was around either in

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enlarging the Board or bringing in new members, and that would be in the three other class, commercial, tenant, property owner, and residential tenant. And I only discussed the process for those three. The discussion of the three public members never was approached.

Q. At any time, other than the lunch, was the discussion of changing any of the public members discussed with the mayor?

A. No.

Q. So would it be fair to say that at no time did you discuss a change in the public members with the mayor?

A. That is correct. We never discussed the change in the public members with the Mayor or Mr. Strome.

Q. Okay.

Would it be fair to say that at no time, not just the lunch,

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at any time, you did not discuss the possibility of the mayor becoming the executive director?

A. It is fair to say. At no time have I ever discussed with the Mayor or anyone else the -- the mayor or Strome that there was a possibility of the mayor becoming the executive director. That discussion has never happened.

Q. Okay.

EXAMINATION BY

MR. BLUMENTHAL:

Q. On the last comment you said that you never discussed it with either Chuck or the mayor himself. But I want to make sure you never discussed with anyone that -- of the mayor's possibly ascendancy to the executive director role, is that right?

A. I don't believe I discussed it with anyone other than it is possible that Mr. Cox suggested it

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to me in my follow-up phone call with him, you know, prior to his story about the -- the BID. I only learned of the issue after the lunch. And I actually only -- I was even unaware of the ethics complaint against the mayor prior to the lunch. So I was not aware of the matter of the mayor and the commissioner of development issue.

(Continued on next page
to accommodate jurat.)

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Q. So fair to say that the --
Robert Cox reached out to you, you
never reached out to him, right?

A. Yeah. I think he reached
out to me.

Q. I don't think I have any
need for any further clarification.

(Time Noted: 10:32 a.m.)

MARC JEROME

Subscribed and sworn to
before me this day of
2022.

Notary Public

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INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections.

You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it. You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

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C E R T I F I C A T E

I, PAIGE HAYDEN, hereby certify that the Examination Before Trial of MARC JEROME was held before me on the 6th day of May, 2022; that said witness was duly sworn before the commencement of his testimony; that the testimony was taken stenographically by myself and then transcribed by myself; that the party was represented by counsel as appears herein;

That the within transcript is a true record of the Examination Before Trial of said witness;

That I am not connected by blood or marriage to any of the parties; that I am not interested directly or indirectly in the outcome of this matter; that I am not in the employ of any of the counsel.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of May, 2022.

Paige Hayden
PAIGE HAYDEN

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MARC JEROME

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____, 20__.

(NOTARY PUBLIC)

MY COMMISSION EXPIRES:

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