



**COUNTY OF ERIE**  
**STEFAN I. MYCHAJLIW**  
**COMPTROLLER**

May 24<sup>th</sup>, 2013

Mr. Richard M. Tobe, Esq.  
Deputy Erie County Executive  
Rath Building, 16<sup>th</sup> Floor  
95 Franklin Street  
Buffalo, NY 14202

Dear Deputy County Executive Tobe:

First and foremost, our office fully supports Erie County Executive Mark Poloncarz's public statement that once he determines the members of his administration that were responsible for the continued practice of dumping highly confidential records of our residents in the trash and allowed it to happen, they should be terminated. In the coming weeks we will see if he lives up to his word.

**"If I can pinpoint who was responsible to it and knew about it and allowed it to happen, yeah, they probably should be fired."**

*Source: Honorable Mark Poloncarz, WIVB.com, "Confidential Records Left Out in Open," 5/20/13*

As you are well aware our audit into your administration's haphazard mishandling of personal records that left the residents we serve susceptible to have their identities stolen is ongoing. One cause of concern, and one issue that will be addressed in our findings, is the timeline Mr. Poloncarz told the people of Erie County.

**"I'm disappointed, and to say how disappointed and upset I was, we acted upon it immediately."**

*Source: Honorable Mark Poloncarz, WGRZ.com, "Personal Files From Erie County Social Services Found Discarded," 5/20/13*

**"County Executive Mark Poloncarz says he found out what was happening in early April, and put a stop to it right away."**

*Source: Buffalo.YNN.com, Erie County Social Services Improperly Disposes of Records," 5/20/13*

**"When we found out about it, we put a stop to it."**

*Source: Honorable Mark Poloncarz, WGRZ.com, "Personal Files From Erie County Social Services Found Discarded," 5/20/13*

We are in receipt of your letter dated May 23<sup>rd</sup>, 2013 concerning your request to have returned what are unfortunately now public documents that your employees haphazardly tossed in the trash. If you cared so much to have these highly confidential documents in your possession, then why did Mr. Poloncarz as County Comptroller and County Executive allow them to be tossed in the garbage under his watch going back to 2006?

"As best as we can tell, this has been going on for many years, perhaps during the Collins or even the Giambra Administrations."

*Source: Honorable Mark Poloncarz, WIVB.com, "Confidential Records Left Out in Open," 5/20/13*

Mr. Poloncarz may be irritated that I, as the independently elected Comptroller, discovered this disturbing security breach in my first few months in office. He was asleep at the switch as Comptroller and County Executive going back to 2006.

Facts will show your administration is more concerned with playing hyper partisan political games and finger pointing than protecting taxpayers from identity theft. What is disheartening is that while the administration focuses on dodging, deflecting, and denying responsibility, for years you left thousands of residents vulnerable to the perils of identity theft. Our auditors did more to protect Social Service applicants in my first few months in office than Mark Poloncarz has done in his roles as Comptroller and County Executive for the past seven years.

Our office will consider your request to have the public documents that were thrown in the trash returned. Based on the irresponsible past practice of your administration, our auditors are very concerned about your ability to keep the now public documents safely stored or securely destroyed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Stefan I. Mychajliw', with a long horizontal flourish extending to the right.

Stefan I. Mychajliw  
Erie County Comptroller

cc: Erie County Legislature  
Erie County Fiscal Stability Authority  
Erie County Attorney Michael A. Siragusa  
Carol Dankert, Commissioner of Social Services