

# ERIE COUNTY LEGISLATURE

**BETTY JEAN GRANT**

*Chair of the Legislature  
2nd District Legislator*



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July 19, 2013

Hon. Timothy B. Howard  
Erie County Sheriff  
10 Delaware Ave.  
Buffalo, NY 14202

VIA HAND DELIVERY

**RE: Telephone Funds Received, Deposited and Spent RE Comm. 6E-24;  
Accounting for Turn-Over of \$669,170.13 - \$772,058.12 to Comptroller;  
Non-Compliance with Legislative Document Requests - COMM. 10E-4 &  
COMM. 12E-3; OVERDUE Disclosure of M&T Bank records  
and Purchase Documents**

Dear Sheriff Howard:

On May 16, 2013, and then on June 7, 2013, I requested copies of certain documents to enable the Legislature to determine whether public money under your control in an M&T Bank account (at least \$669,170.13, and up to \$772,058.12) had been deposited in the County's trust account which was established for the purpose of receiving the revenue from the inmate telephone contract. I asked for the M&T Bank statements and other records in advance of the Erie County Legislature's May 23, 2013 meeting. When you did not produce them, I asked that they be brought with you to the Public Safety Committee on June 13, 2013.

At that Public Safety Committee meeting, no documents were produced, but your office, supported by Gregory Gach of the Comptroller's office, reported that about \$300,000 of the Telephone Funds was turned over to the Comptroller. Reportedly, that \$300,000 transfer, as opposed to a \$669,170.13 to \$772,058.12 transfer, was due to prior purchase orders. But, the Legislature must ask: "Prior to when?"

Had the Legislature received the documents, perhaps we would have concluded that your office's failure to turn over to the Comptroller the entire balance in your M&T Bank inmate telephone account [at least \$669,170.13, and up to \$772,058.12 in public money] back in March and your spending of between \$300,000 and \$400,000 of the Telephone Fund revenue, without prior Legislative approval, should be overlooked.

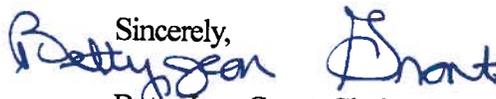
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We have an oversight duty. The obligation to turn over the Telephone Fund revenue arises out of the County Law [Section 201], separate and apart from, and in addition to your obligations pursuant to the Resolution approved on May 9, 2013. We must have full document disclosure of when your office made commitments to spend funds from the M&T Bank inmate telephone account. I urge you to comply with the document requests. Please deliver the following documents to the Legislature, to my attention, by Thursday, August 1, 2013:

1. Copies of the M&T Bank account records that show the account through the date of "closure," when all of the telephone funds [the \$669,170.13 as of 3-29-13] have been paid over to the Comptroller. This should include the April and May 2013 bank account statements, as well as the June statement if it had been received by you by July 10, 2013. I recognize that the information reported at the Public Safety Committee meeting was that a residual amount had been left in the M&T Bank account. If the account is not yet closed, we would like the records that confirm the residual amount remaining in the account.
2. Your staff and Mr. Gach, at the Public Safety Committee meeting, asserted that the smaller amount turned over to the Comptroller was due to "prior" orders or commitments made by your office. Please provide copies of the documents that support those claims. Legislator Timothy R. Hogues had asked for the dates of reported "orders" for the various items identified by your office as "ordered" or "ordered and delivered." With full disclosure of the prior orders and commitments, and the documents of the purchases made with the Telephone Funds from the M&T Bank account, we will be in a position to account for the variance in the reported transfer of \$300,000 as opposed to the \$669,170.13 in the M&T Bank account at the end of March.

Sincerely,  
  
Betty Jean Grant, Chair  
Erie County Legislature

Cc: Hon. Timothy R. Hogues, Chair  
Public Safety Committee

Honorable Erie County Legislature

Erie County Community Corrections Advisory Board