



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

ERIE COUNTY DEPARTMENT OF ENVIRONMENT AND PLANNING
OFFICE OF THE COMMISSIONER

MARIA R. WHYTE
COMMISSIONER

February 3, 2014

SENT VIA: Email
Certified Mail

Mr. Joseph Demerly
Managing Director
Kavinoky Theatre at D'Youville College
320 Porter Avenue
Buffalo, NY 14201

RE: 2013 Cultural Agreement with Erie County

Dear Mr. Demerly: *Joe ~*

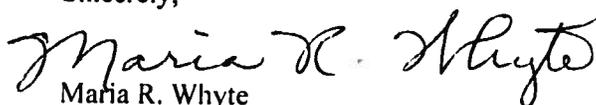
As previously communicated, Kavinoky Theatre has failed to return its 2013 Erie County Cultural Services Contract to my office, the Erie County Department of Environment and Planning (DEP). Below is a record of the many attempts my office has made to obtain the contracts and required documentation from Kavinoky before your 2013 grant payment could be processed:

- February 15, 2013 – Contracts are distributed at new contract orientation in the Rath County Office Building to all arts and cultural organizations in receipt of Erie County Funding. Your signature was obtained confirming you picked up your contract.
- June 4, 2013 – Email sent to you and Kathy Abramowski of your office by Joan Braciak as a reminder the contract has not been returned to DEP. We did not receive a response from you or Kathy.
- July 17, 2013 - Email sent to you and Kathy Abramowski of your office by Joan Braciak as another reminder the contract has not been returned to DEP. This email included some helpful reminders of the requirements to facilitate the contract return to this office. An autoreply from you stated you would be out of the office until July 22, 2013.
- August 8, 2013 – Joan Braciak called your office and left a detailed voice message to you inquiring about the status of your unreturned contract. Again, there was no response.
- January 16, 2014 — A letter providing you with feedback on your 2014 cultural application contained a hand-written note by me discussing your failure to return the required documents and encouraging you to contact my office. Once again, there was no response.

The \$11,000 Kavinoky was awarded in the 2013 Erie County budget is in serious jeopardy. The Erie County Budget Office is in the process of closing out the county's 2013 books and will not encumber this money much longer. **Please return two (2) signed copies of the contract, along with the**

required documents that are listed in Exhibit A of the contract, by this Friday, February 7 at 4:00 pm to Erie County DEP located on the 10th Floor of the Erie County Rath Building. Failure to return the required information by this deadline will result in a forfeit of your 2013 cultural funding and could jeopardize funding in future years.

Sincerely,



Maria R. Whyte
Commissioner

Department of Environment and Planning

CC: ✓ Scott Kroll, Erie County Clerk
Catherine Schweitzer, Chairperson Erie Arts and Cultural Advisory Board
Wayne Redekop, Kavinoky Chairperson
John Amershadian, Kavinoky Vice Chairperson