

ERIE COUNTY LEGISLATURE**92 Franklin Street - 4th Floor
Buffalo, New York 14202**

December 3, 2018

Hon. Mark C. Poloncarz
Erie County Executive's Office
95 Franklin Street – 16th Floor
Buffalo, New York 14202

Re: Request for Witness 1 memorandum referenced in special counsel report

Dear Executive Poloncarz,

As you are aware, the Legislature recently received the final report from the Lemire Law Firm, the special counsel hired to review Erie County's practices surrounding the resignation of former Commissioner Dr. Dirschberger. After having an opportunity to review the report, we are pleased to see many of the results, but feel that important information relative to the specific incident is missing.

Lemire's report makes several references to a memo^[1] by "Witness 1," dated December 27, 2017. This memo was prepared at the request of your office and Personnel Commissioner David Palmer, and then shared with Lemire's investigators as part of their overall investigation.

Based on our review of the final report, "Witness 1" previously served in a senior leadership position in the Department of Social Services and had firsthand knowledge of many of the incidents in question. As a result, we believe the testimony is important and should be made public. As you know, Lemire's investigators were unable to speak with "Witness 1" face-to-face because of an agreement with the Albany County District Attorney's Office, where it is expected "Witness 1" will testify in the criminal trial against Dr. Dirschberger.

In order to develop a more complete understanding of the policies, practices, and issues surrounding Dr. Dirschberger's resignation, it is important to review the information contained in "Witness 1's" memo. Since the memo contains the only testimony of "Witness 1" that currently exists, we believe the memo should be submitted to the Legislature for public review. As such,

^[1] Special Counsel Report, Albert Dirschberger Matter, page 18

we request that you immediately provide the "Witness 1" memorandum to the Erie County Legislature.

We appreciate your attention in this matter and look forward to your anticipated cooperation.

Sincerely,



Lynne M. Dixon
Erie County Legislature



Joseph C. Lorigo
Erie County Legislature