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ERIE COUNTY LEGISLATURE REPUBLICAN CAUCUS

April 5, 2013

Hon. Thomas Mazur
Chairman, Government Affairs Committee
92 Franklin Street - 4th Floor
Buffalo, New York 14202

Dear Chairman Mazur:

As you are aware, County Executive Poloncarz recently announced that Erie County has filed a lawsuit against the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. The suit aims to collect millions of dollars in unpaid real estate transfer excise taxes. For every \$1,000 in home value, a seller must pay \$4.00 to New York State and \$5.00 to Erie County. These taxes have gone unpaid by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation. The amount of taxes claimed to be owed is in excess of \$2,000,000.

To litigate the claim, County Executive Poloncarz and the Erie County Attorney announced that the County has retained Cantor, Dolce & Panepinto, PC. It is our understanding that Cantor, Dolce & Panepinto, PC is also being considered to represent the County in a suit against Mortgage Electronic Registration Systems, related to practices used by the banking industry.

We request that a member of the administration attend the upcoming Government Affairs Committee meeting to discuss the suit briefly and to discuss the decision to hire the Cantor, Dolce & Panepinto, PC law firm to litigate these claims, as well as the fee structure to compensate the law firm. That firm advertises itself as a labor, employment and personal injury firm. The firm's website does not indicate experience in litigating tax or financial matters.

Thank you for your consideration of this request.

Sincerely,

Lynne Dixon
Erie County Legislator
9th District

Edward A. Rath III
Erie County Legislator
6th District

Joseph C. Lorigo
Erie County Legislator
10th District

cc: County Executive Mark C. Poloncarz
County Attorney Michael Siragusa