



COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

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DEPARTMENT OF LAW

October 27, 2021

Via Hand Delivery

Hon. John J. Flynn
Erie County District Attorney
25 Delaware Avenue, 6th Floor
Buffalo, New York 14202

Re: Inappropriate Vendor Payments

Dear District Attorney Flynn:

I write today to inform you of a situation that has arisen in the Office of the Erie County Comptroller and which just today was brought to my attention. This situation involves potentially criminal activity with unauthorized individuals receiving unwarranted vendor payments from Erie County for services that were not rendered, hence my desire to alert your office for possible criminal investigation of the matter.

You may know that the Erie County Department of Public Works ("ECDPW") retained Cerrone Construction, along with other contractors, to conduct repair work on the parking garage at the Edward A. Rath County office building. This multi-stage work has been ongoing since early 2021 and is anticipated to conclude in November. Under their contract, Cerrone was owed approximately \$108,000 for the work they have performed.

On August 2, 2021, ECDPW received an email, ostensibly from Cerrone Construction, stating that Cerrone had changed their banking information and needed to change their billing information with the County. ECDPW advised the emailer to contact the Comptroller's office,

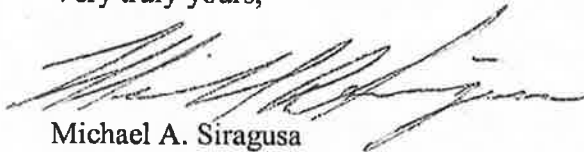
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which handles such information. That contact was made later that day and the Comptroller's office did receive the new information, but unfortunately did not verify the new information or the email sender. As a result, an electronic payment for \$108,014.99 was sent by the Comptroller's office to a fictitious entity, NOT to Cerrone Construction. Cerrone had since contacted ECDPW inquiring about when they would receive their payment and the error was discovered.

My office is working with the County Office of Budget and Management and the Comptroller's office to ensure that the properly contracted amount is paid to Cerrone Construction. However, there clearly is criminal activity that has occurred in this case involving an individual or individuals who knowingly defrauded Erie County. We are ready to work with you to pursue recovery of these funds and hold the perpetrators of this fraud accountable.

I am available at your convenience to share information and determine next steps.

Very truly yours,



Michael A. Siragusa
Erie County Attorney

cc: Robert Keating, Director, Erie County Office of Budget and Management
Stefan Mychajliw, Comptroller
(both via hand delivery)