



NASSAU-SUFFOLK SCHOOL BOARDS ASSOCIATION, INC.

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PRESS RELEASE

For Immediate Release

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NASSAU COUNTY LOSES EFFORT TO SHIFT RESPONSIBILITY FOR TAX CERTIORARI COSTS ON TO LOCAL SCHOOL BUDGETS

On October 8, 2009, Justice Ute Lally of Supreme Court, Nassau County, denied Nassau County's attempt to shift responsibility for \$60 to \$80 million in tax certiorari costs from the County budget onto the backs of local school districts.

The lawsuit, brought by Nassau County Legislator Roger H. Corbin, found Corbin and Nassau County on opposite sides of the case, but arguing for the same ruling. Consequently, until the Nassau-Suffolk School Boards Association, the Rockville Centre Union Free School District and the Plainview-Old Bethpage Central School District intervened to speak on behalf of the County's school districts, there was no voice to disagree. In finding that Corbin did not even have standing to bring suit in the first instance, Justice Lally was careful to note that until she granted the school boards' association and individual districts the right to intervene, the case wasn't even a "justiciable controversy."

Reviewing the extensive legislative history presented by these intervenors, Justice Lally concluded that Nassau County school districts are not responsible for tax certiorari awards.

Nassau-Suffolk School Boards Association, the Rockville Centre and Plainview-Old Bethpage school districts were represented by Guercio & Guercio LLP and Ingerman Smith LLP, who were retained on a pro-bono basis. Speaking for his membership,

Nassau-Suffolk School Boards Association President Jay L.T. Breakstone praised both firms for accepting the challenge without fee. “The work done by these attorneys and their firms was of the highest quality. It was not only competent, but innovative. Most important, both attorneys kept the membership updated as the case progressed, making sure that school board trustees, as elected officials, had proper and appropriate information at all times. The work they performed achieved a positive result for both school districts and local school property taxpayers. It was nothing short of heroic.”

Despite dismissing Corbin’s Petition on standing grounds, the Court went on to address the narrow issue of whether the Real Property Tax Law (RPTL), as amended in 1974, superseded and annulled the County Guarantee contained in the Nassau County Administrative Code. In reading the legislative history attendant to the passage of 1996 amendments of the Real Property Tax Law, the Court’s analysis revealed that the State Legislature plainly recognized that school districts in Nassau and Suffolk Counties were not financially responsible for tax certiorari refunds.