

19479

Date: June 1, 2011

To: Board of Acquisition and Contract

From: Robert F. Meehan  
County Attorney

Re: Authority to enter into an agreement consenting to the assignment of a retainer agreement with Grodensky Law Group, PLLC, as amended, to Stephen Einstein & Associates, P.C. for the provision of legal collection services to Westchester Community College, effective April 1, 2011

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On May 23, 2011, by Act No. 2011-77, the Westchester County Board of Legislators authorized the County to consent to the assignment of a retainer agreement with Grodensky Law Group, PLLC, as amended, to Stephen Einstein & Associates, P.C. for the provision of legal collection services to Westchester Community College, effective April 1, 2011. Under section 161.11(1) of the County Charter, the authority of your Honorable Board is also required to execute the assignment agreement.

By resolution approved on September 11, 2008, your Honorable Board authorized the County to enter into a retainer agreement with the law firm of LeSchack & Grodensky, P.C. ("LeSchack") to provide "of counsel" legal services to the County Attorney in connection with the recovery of delinquent student accounts at Westchester Community College (the "College") for the period from August 1, 2008 through May 31, 2013 with the County's option to extend said agreement beyond its initial term for up to three (3) additional one year periods (the "Agreement"). The Agreement was subsequently executed.

Thereafter, by resolution approved on December 30, 2009, your Honorable Board authorized the County to amend the retainer agreement with LeSchack to reflect the change in name, organizational status, and address of the firm from LeSchack & Grodensky, P.C., New York, New York to Grodensky Law Group, PLLC, Port Washington, New York ("GLG"), effective January 1, 2010 (the "First Amendment"). The First Amendment was subsequently executed.

On March 15, 2011 Steven Grodensky, GLG's corporate secretary, informed my office that GLG would be merging with the law firm of Stephen Einstein & Associates, P.C., New York, New York ("Einstein"), effective April 1, 2011, and would thereafter be conducting business under that name. Steven Grodensky has assured my office in writing that the merger will not in any way affect the level or quality of service currently being provided by GLG and that Einstein will continue to fulfill GLG's obligations as outlined in the retainer agreement, as amended. The College has been informed of the merger and has been provided with all the correspondence relevant to it. I have been advised that the College has been satisfied with the services of the firm and wishes to continue this contract with Einstein going forward. According to the College, GLG and its predecessor in interest, LeSchack, have recovered approximately \$200,000.00 in gross receipts since being retained by the County back in August, 2008.

Accordingly, authority is respectfully requested for authority to execute an agreement by which the County will consent to the assignment of a retainer agreement with Grodensky Law Group, PLLC to Stephen Einstein & Associates, P.C. for the provision of legal collection services to the College, effective April 1, 2011.

The goals and objectives of this agreement will be to retain a law firm to collect delinquent student accounts for the College. The goals and objectives are in the best interests of the County in terms of fiscal responsibility because the firm will be able to recover unpaid tuition from College students that would otherwise go uncollected. In addition, use of an outside law firm provides a cost effective alternative to using in house attorneys to perform these services. This is not only due to the expertise of a firm that specializes in such work, but also because of the firm's ability to achieve economies of scale that the Law Department could not possibly replicate in house. The goals and objectives will be tracked and monitored through monthly reports prepared by the firm and sent to the College.

Accordingly, your favorable action on the annexed Resolution is urged and recommended.

RFM/JPG/l  
Attachment

## RESOLUTION

Upon a communication from the County Attorney, be it hereby:

**RESOLVED**, that the County of Westchester is hereby authorized to execute an agreement consenting to the assignment of a retainer agreement with Grodensky Law Group, PLLC, as amended, to Stephen Einstein & Associates, P.C. for the provision of legal collection services to Westchester Community College, effective April 1, 2011; and it is further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to take such action and execute such documents as may be necessary and proper to effect the purposes hereof.

Account to be Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
					N/A

Budget Funding Year(s) 2008-2013 Start Date 08/01/08 End Date 05/31/13  
 (must match resolution)

Funding Source                      Tax Dollars \_\_\_\_\_  
    State Aid \_\_\_\_\_  
 \$ \_\_\_\_\_ N/A \_\_\_\_\_  
 (must match resolution)          Federal Aid \_\_\_\_\_  
    Other \_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 06/16/2011 - JOSEPH VEIRA, SECRETARY