

NEW HAVEN INDEPENDENT

IT'S YOUR TOWN. READ ALL ABOUT IT.

Kerekes: Mayor Should Pay For Ricci

BY Paul Bass | OCT 11, 2011 4:48 PM

[\(3\) Comments](#) | [Post a Comment](#) | [E-mail the Author](#)

Posted to: [Campaign 2011](#)



PAUL BASS PHOTO



The candidate seeking to unseat John DeStefano has a \$5 million-plus bill with the mayor's name on it.

That candidate, independent Jeffrey Kerekes (pictured), argued Tuesday that Mayor DeStefano, not the taxpayers, should be on the hook for the cost of a settlement in the landmark U.S. Supreme Court *Ricci v. DeStefano*.

And Kerekes wants the state's attorney general to help him get that bill paid.

Kerekes—who faces DeStefano in the Nov. 8 general election, following his loss to the mayor in the Sept. 13 Democratic mayoral primary—presented his case at a press conference in Dixwell Plaza.

He chose to spot to highlight what he called one cost of the city's \$5 million settlement in the *Ricci* reverse-discrimination case: less city money to support branch libraries like Stetson (in the plaza) or youth programs of the kind that used to take place at the Dixwell Community Q House (across the street).

Kerekes noted that DeStefano transferred his two pieces of real estate—his home, and a rental property in the Edgewood neighborhood—to his wife's name in 2008. He argued that DeStefano did that to avoid personal liability in the *Ricci* case.

He also quoted a concurring opinion in the *Ricci* case claiming that DeStefano allegedly “sabotaged” the fire department promotional exam at the heart of *Ricci* in order to placate a key political supporter, the Rev. Boise Kimber. Justice Samuel Alito wrote that opinion. (Read about that [here](#).) Therefore, Kerekes went on to argue, DeStefano should forfeit his immunity from personal liability under the terms of a state law. He called the real estate transactions a “fraudulent transfer.”

“DeStefano knew he was on the hook. So he transferred his assets to avoid personal liability,” Kerekes claimed. “Now he's not even a taxpayer in the city of New Haven.”



Firefighters endorsing DeStefano on Sept. 5.

That *Ricci* case—over whether the mayor's team should have tossed results of a promotional exam—sparked a nationwide debate over race and hiring. It led to a [split Supreme Court decision](#) that changed the rules by which governments are to weigh race in hiring. After seven years of divisive public wrangling, the DeStefano administration settled the case this July 28 by agreeing to [pay the 20 plaintiffs and their lawyers more than \\$5 million](#). (The firefighters union has since [endorsed the mayor's reelection campaign](#); Frank Ricci personally helped make that announcement.)

DeStefano campaign manager Danny Kedem dismissed Kerekes' remarks Tuesday as “dirty politics” and “an act of desperation.”

“These kinds of sleazy personal attacks are just sad. Mr. Kerekes clearly can't put forward any positive ideas for New Haven so he has to resort to the despicable approach of attacking the mayor and Kathy DeStefano,” Kedem said.

Asked why DeStefano transferred the two properties out of his name, Kedem replied, “It's a private financial

decision that at the time made the most sense for his family.”

In his letter to state Attorney General George Jepsen requesting an investigation, Kerekes cited General Statutes Section 7-101a. That statute “provides immunity to city employees except in cases of ‘willful, malicious, wanton or ultra vires act are not so protected,’” Kerekes noted.

[Click here](#) to read Kerekes’ letter to Jepsen.

Jepsen swiftly gave Kerekes the cold shoulder Tuesday afternoon.

“My office is not authorized to oversee the manner that municipalities handle litigation and settlements in cases against them. Nor are we authorized to review municipal decisions regarding indemnification of local government officials and employees,” he said in a statement released by his office.

One municipal and state law expert, Charles Andres, said Kerekes is making a “tough” claim.

Andres said the exemption to immunity in that state statute is generally interpreted as dealing with criminal behavior such as that committed by former Bridgeport and Waterbury mayors—taking bribes and, in the latter case, sexual acts with minors inside his office.

“Politically motivated [actions] permeate everything. It doesn’t come to mind as being in that same category,” said Andres, a member of the Connecticut Association of Municipal Attorneys who has been in practice since 1987.

Kerekes’ argument faces a second important hurdle, according to Andres: The *Ricci* settlement was approved by a local authority. The city’s Litigation Settlement Committee approved it. And then the Board of Aldermen voted to allow the city to float bonds to cover it.

Kerekes argued that the *Ricci* settlement will cost taxpayers millions more than the \$5 million already reported when city legal fees and other costs are figured in.

Kerekes owns two Wooster Square properties along with his wife.

Comments

posted by: Curious on October 11, 2011 5:06pm

I like Kerekes much more than I like DeStefano, but this is a bit lame.

posted by: David Elkin-Ginnetti on October 11, 2011 5:22pm

Hmm, Kerekes misspelled every instance of George JEPSEN’s name in that letter. 2nd draft, maybe?

posted by: noteworthy on October 11, 2011 5:51pm

Destefano is not a taxpayer and he’d fraudulently transferred assets to protect them. While the law generally applies to criminal cases it can be argued that hiding assets in a legal case is equally criminal. Who does that but people afraid of losing them? What financial planner recommends putting your assets in your wife’s name?

Nelson response is no surprise. When was the last time he stood up for taxpayers? He spent his career taking our assets and now holds a job for which he is climaxing about what to do.

Kerek cries dirty politics. Wow is that rich. Ever hear of pot calling kettle black?
