

Valva 3/4/2021

SPECIAL MEETING

OF THE

SUFFOLK COUNTY LEGISLATURE

March 4, 2021

A SPECIAL MEETING OF THE SUFFOLK COUNTY LEGISLATURE

WAS HELD AT THE

WILLIAM H. ROGERS LEGISLATURE BUILDING

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY

SMITHTOWN, NEW YORK

Minutes Taken By:

Gabrielle Severs, Court Stenographer

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2 (The meeting was called to order at 10:02 a.m.)  
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4 **P.O. CALARCO:**

5 Okay. Good morning. Welcome to the special legislative committee  
6 on -- the investigate the death of Thomas Valva. If we can all  
7 please rise for the Pledge of Allegiance led by Legislator Hahn.  
8

9 (Pledge of Allegiance)

10  
11 Okay. Thank you, everyone, and welcome to the committee this  
12 morning. With that, we're going to -- I'm going to take a motion  
13 from Legislator Hahn and it's seconded by Legislator Cilmi to go  
14 into executive session for the purpose of discussion on the  
15 investigation. All those in favor? Roll call.  
16

17 (Whereupon, the roll was called by Mr. DuBois)

18  
19 **LEG. HAHN:**

20 Yes.  
21

22 **LEG. CILMI:**

23 Yes.  
24

25 **P.O. CALARCO:**

26 Yes.  
27

28 **MR. DUBOIS:**

29 Three.  
30

31 **P.O. CALARCO:**

32 Okay. With that, we are going to go into executive session. If  
33 you guys will give me one minute, I'm going to migrate to the other  
34 room.  
35

36 (The committee met in executive session  
37 from 10:02 a.m. until 10:37 a.m.)  
38  
39

40 **P.O. CALARCO:**

41 Okay. Welcome back. We are out of executive session now, and there  
42 were a few actions that the committee took in executive session,  
43 and the first -- and I'm going to ask Counsel to just kind of  
44 explain what each one is. The first action is regarding commencing  
45 an Article 78 proceeding.  
46

47 **MR. BRAUNSTEIN:**

48 That's correct. Pursuant to a subpoena duces tecum signed by  
49 Presiding Officer Calarco that was dated February 4, 2021 and was  
50 directed to Francis Pierre, the commissioner of the Suffolk County  
51 Department of Social Services requesting various caseworker case  
52 records and other documents contained in the connections case file  
53 and the full caseworkers case records regarding all cases involving  
54 regarding Thomas Valva and Ms. Pollina and Ms. Valva, we received a  
55 letter from the county attorney indicating that they received  
56 service of the subpoena, and for various reasons that were shared

1 with us pursuant to the social services law, they took the position  
2 that they were not authorized to provide those records to us based  
3 on the status of the special committee.

4  
5 I made an application for -- or requested direction from the  
6 committee an approval for the commencement of an Article 78 action  
7 to be filed in Suffolk County Supreme Court requesting direction of  
8 the court to direct the Commissioner of Social Services to comply  
9 with the subpoena issued by the special committee dated February 4,  
10 2001.

11  
12 **P.O. CALARCO:**

13 And that direction was given to Mr. Braunstein by an affirmative  
14 vote or a unanimous vote of the committee. In addition, Mr.  
15 Braunstein, if you can just explain the additional actions that we  
16 have directed you to take.

17  
18 **MR. BRAUNSTEIN:**

19 There were two proceedings which are relevant to the special  
20 committee's investigation. One is a proceeding that was filed and  
21 is ongoing in Nassau County Supreme Court and that's the  
22 matrimonial action between Mr. and Mrs. Valva, which also included  
23 custody issues, and I have asked for permission to file an order to  
24 show cause in Nassau County Supreme Court to request the court  
25 authorization the release of that matrimonial file to the special  
26 committee.

27  
28 **P.O. CALARCO:**

29 Okay. And that direction was given by unanimous vote of the  
30 committee. In addition, there was an order regarding Suffolk  
31 County Family Court.

32  
33 **MR. BRAUNSTEIN:**

34 That's correct. I have also asked for permission from the  
35 committee to commence an order to show cause in Suffolk County  
36 Family Court for all proceedings filed against Ms. Valva, Ms.  
37 Pollina, and Mr. Valva that the court may have, and so I ask for  
38 permission to file an order to show cause in that regard requesting  
39 those documents and records.

40  
41 **P.O. CALARCO:**

42 That also was given -- direction was given by unanimous vote of the  
43 committee, and there was one last order you were looking for with  
44 the surrogate court.

45  
46 **MR. BRAUNSTEIN:**

47 That's correct. I would ask for permission to also serve an order  
48 to show cause on the surrogate's court in Suffolk County so that I  
49 could obtain all proceedings regarding the death of Thomas Valva,  
50 which would include but not be limited to death certificate and any  
51 of those proceedings and then at some future point in time, I'll  
52 make a further application to the committee for various other  
53 subpoenas that this committee is authorized to issue, but I'm not  
54 doing that at this time.

55  
56 **P.O. CALARCO:**

1 And that order was also given -- direction was given to you to  
2 issue that order by unanimous vote of the committee, and with that,  
3 that was all the items that we addressed during the executive  
4 session and actions that were taken, and let me just say that I  
5 thank our counsel for his diligence in helping us walk through this  
6 process, and if nothing else we have already highlighted a  
7 shortcoming in this system and that there's a lack of the ability  
8 of the elected officials who have oversight over the system to  
9 actually exercise that oversight, and we will continue to pursue  
10 access to the documents so that we can do our thorough  
11 investigation as we need to to ensure that we understand what  
12 happened in this case as well as, unfortunately, in many other  
13 cases that are being brought to light as well and how the system  
14 can be improved. So with that, unless my colleagues have anything  
15 they would like to add.

16  
17 **LEG. CILMI:**

18 No.

19  
20 **P.O. CALARCO:**

21 Okay. Thank you again, Mr. Braunstein, and with that we are  
22 adjourned. Thank you, everyone.

23  
24 **D.P.O. HAHN:**

25 Thank you, Mr. Presiding Officer.

26  
27 **LEG. CILMI:**

28 Thank you.

29  
30 (The meeting was adjourned at 10:42 a.m.)  
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