

Saladino rebuts affidavit alleging he refused house sale to black buyer



Darren and Marlene Thomas at their home on 4th Street in Hicksville. He is suing for \$10 million, attorney's fees and an injunction ordering the town to issue a certificate of occupancy for the house declaring it a two-family dwelling. Photo Credit: Todd Maisel

By Rachel Uda rachel.uda@newsday.com [@Rachel_Uda](https://twitter.com/Rachel_Uda) Updated October 11, 2019

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An amended complaint filed in August in a federal housing discrimination lawsuit alleges that Oyster Bay Town Supervisor Joseph Saladino refused to

sell his home in 2006 to a couple because the man is black, an allegation Saladino denies.

Melville-based real estate broker Lora Cusumano said in an affidavit referenced in the complaint that her clients, Darren and Marlene Thomas, tried to purchase Saladino's Massapequa home. Cusumano negotiated the sale of the New Hampshire Avenue house for \$533,000, but said in the affidavit that after Saladino saw that Darren Thomas was black, he refused to complete the sale.

Darren Thomas subsequently was embroiled in a separate 11-year code enforcement case with the town for a house he later purchased in Hicksville. He was acquitted earlier this year. Oyster Bay prosecutes alleged code violations as criminal charges.



Oyster Bay Town Supervisor Joseph Saladino said he didn't sell his home in Massapequa because "no buyer met my price." Photo Credit: Danielle Silverman

Harry Kutner, the Thomases' Mineola-based attorney, filed a lawsuit in 2011 in U.S. District Court in Central Islip alleging that Thomas was being selectively prosecuted because of his race. He filed the amended complaint Aug. 22.

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In the complaint, Kutner alleges the town launched a “racist-based” criminal prosecution against Thomas after the Saladino house purchase fell through.

Saladino, a Republican New York State assemblyman at the time, said selling the home to a black man would hurt his political career and that it was “even possible the neighbors would burn it down,” according to Cusumano's affidavit, which was taken in 2011.

Christopher Kendric, a Garden City-based attorney representing the town, referred a request for comment from defendants in the case — who include former and current town officials — to Oyster Bay spokesman Brian Nevin, who called the lawsuit a “cheap attempt to pressure and extort money from [the] government weeks before Election Day.”

“The supervisor is outraged at these slanderous, false and disgraceful claims,” Nevin said. “He will not allow taxpayers to be ripped off nor let the plaintiff grab a quick payday for things that never occurred.”

In her affidavit, Cusumano states that Saladino “pulled me aside, introduced himself, and asked if they were the buyers. When I said, ‘Yes,’ he blurted out, ‘They’re black. Are you kidding, I can’t sell to them . . . they can’t buy the house . . . the neighbors’ll never accept them. Oh my God, I’d never be elected again . . . I’d be finished.’ ”

Cusumano had taken the Thomases to the house for another viewing when Saladino stopped by, she said in the affidavit.

Saladino, in a recent interview, denied the incident occurred.



According to the real estate website Trulia, Saladino's house on New Hampshire Avenue in Massapequa was listed again in March 2008 for \$499,990 -- \$33,000 less than what the Thomases offered. Photo Credit: Danielle Silverman

"That is outrageous and wrong, and the proof that none of this exists is the fact that I have not sold that home," Saladino said, adding in a subsequent email that he didn't sell the house because "no buyer met my price."

According to the real estate website Trulia, the house was listed again in March 2008 for \$499,990 — \$33,000 less than what the Thomases offered.

Cusumano said in the affidavit that shortly after the encounter at the house, an attorney for Saladino told Kutner that Saladino would not be selling his home.

Kutner said he was not present during the meeting but that Cusumano informed him of what happened soon afterward.

Cusumano said in an interview that she is “very confident” in her account.

“It was quite shocking to me to hear somebody say that,” Cusumano said of the encounter with Saladino. “And it doesn’t matter if they were an elected official or any person selling their house.”

After the Thomases purchased their Hicksville home, the property became the subject of a decade-long code enforcement battle.

The town charged Thomas with misdemeanors in 2008 for renting out part of the house and violating sections of town code that require a certificate of occupancy and a special-use permit for a two-family home. A six-person jury in Nassau County District Court acquitted Thomas in April.

The complaint was amended by Kutner to include the result of the criminal case and the allegations against Saladino.

Kutner wrote in the complaint that Saladino had “tipped” off town officials after Thomas purchased his house in Hicksville. Kutner alleges that town officials, former Supervisor John Venditto, former town attorney Leonard Genova and former planning commissioner Frederick Ippolito directed then-town code inspector Christopher Gioia to “scare the plaintiffs out of the house and town by claiming the house was not a legal two family.”

Saladino, Venditto, Genova, Gioia, who now works in the highway department, and Ippolito, who died in prison in 2017, are all named as defendants in the suit.

Kendric filed a motion on Sept. 30 to dismiss the amended complaint. He notes that in 2011, a judge denied Thomas’ motion to dismiss the criminal case on the basis that he was being selectively prosecuted.

“The court specifically found that aside from self-serving claims of racial discrimination, Thomas had failed to show any improper motive by Town

officials, and that his evidence of selective enforcement was not persuasive enough to even warrant an evidentiary hearing,” Kendric wrote.

He also contends Kutner should not be able to add Saladino as a new defendant.

According to Thomas, his home has been a legal two-family dwelling for decades and the previous owners, who are white, were not prosecuted.

Thomas' suit alleged discrimination in part based on government documents and sworn testimony by former owners of the house that it had been a two-family home for decades. Nassau County's land record website lists Thomas' property on 4th Street as “A two family dwelling constructed to accommodate year-round occupancy. Includes duplex, single owner.”

Oyster Bay Town Attorney Joseph Nocella said in a statement that the civil suit "is merely a desperate act and an abuse of the system."

Thomas is suing for \$10 million, attorney's fees and an injunction ordering the town to issue a certificate of occupancy for the Hicksville house declaring it a two-family dwelling.



By Rachel Uda rachel.uda@newsday.com [@Rachel Uda](#)

Rachel Uda covers Oyster Bay and Glen Cove.