

From: Christopher McDonough
Sent: Wednesday, April 27, 2022
To: 'Troy Mackey
Subject: RE: Spoke at autism walk

Mr. Mackey,

See attached: Mr. Pretlow's Assembly bill 3269 regarding RCI for Education aid. I came across it while analyzing Mr. Pretlow's legislative record. The issue addressed in this 2021 bill is striking similar to the one I tried to raise w/him last Saturday and is central to the article 78 I filed in 2018. Preschoolers with special needs are excluded from his bill. I can't help but think that Mr. Pretlow was deliberately avoiding speaking with me about this issue.

Thanks,
Chris

From: Troy Mackey
Sent: Friday, April 29, 2022 5:23 PM
To: Christopher McDonough

Subject: RE: Spoke at autism walk

Good afternoon Mr. McDonough

I want to thank you for acknowledging the exceptional work Assemblyman J. Gary Pretlow has done throughout his legislative tenure.

There are approximately 40 Committees in the NYS Assembly and you highlighted how effective and productive Chair Pretlow has been in leading the Racing & Wagering Committee. The Speaker of the House would be elated since he is the person who assigns the committee chairs and committee members.

On the subject of local issues, laws and legislation are handled at the municipal level (meaning the City of Yonkers & Mt. Vernon). The perspective City Council addresses those concerns or they could be elevated to the County level and the County Legislators will address them.

I say that to push back on the point you were trying to make on Assemblyman Pretlow not having a lot of legislation pertaining to Mt. Vernon and he will not unless it something the City or County Legislator ask him to address.

Assemblyman Pretlow's effectiveness locally is displayed in the MILLIONS of dollars he has captured for the City of Mt. Vernon, Mt. Vernon School District, Mt. Vernon Public Library, Mt. Vernon Pool (and many other Municipal entities) and a host of not for profits (too many to name).

You also mention that in the Members legislation Bill A3269 he purposely left out children, that is not factual and is a bad assumption on your part. I'm sure we can review the bill and if an amendment is helpful to your cause and it make sense it can be addressed.

The Assemblyman has been a Champion for his constituents especially Children and Senior Citizens. What I will do for you is talk to him about setting up a meeting with the proper Westchester Delegation Members who can hear your concerns and figure out a solution for FAIR & EQUITABLE reimburse for your professional services if that the issue.

You have my information feel free to take me up on my offer.

Have a great weekend.

From: Christopher McDonough
Sent: Wednesday, April 30, 2022
To: 'Troy Mackey'
Subject: RE: Spoke at autism walk

Hi Mr. Mackey,

I'm glad you found my analysis helpful. Please feel free to share it. And I agree with you: Mr. Pretlow's record is extraordinary; even I was surprised by some of what I read.

Just a few points.

1. The market distortion at issue was created by NYS regulation due to lobbying by a group of large NYC and Long Island based companies. Here is a quote from p12 of the Article 78 I filed in 2018 against Suzanne Bolling, a fiscal administrator at the NYSED Rate Setting Unit (pdf copy attached). The exact quote is from an e-mail I sent to Ms. Bolling:

"There has been concern expressed that some level of 'regulatory capture' may exist in our field. For example, Agencies for Children's Therapy Services (ACTS) is a lobbying group composed primarily of agencies from the NYC/LI region. ACTS participated on the Preschool Special Education Financial Advisory Workgroup. The methodology changes that have been implemented disproportionately favor the agencies from the NYC/LI. This is troubling..... In particular, there is concern that the insertion of language (into the regulations) that would allow a provider to bill for services based on the location of their "administrative office" rather than at the rate of the region in which services are provided was the result of lobbying efforts by groups (like ACTS) who disproportionately represent the interests of NYC/LI based providers. I just want your assurance that this concern is unfounded. Because it's difficult to understand how this language (about "administrative office" location) furthers the regulatory objective of reducing rate variation and inequity. However, it's not difficult to understand how it furthers the business interests of NYC/LI based providers who currently provide services in Labor Force Regions outside of NYC/LI."

In the footnote to this paragraph, I go on to note the following: *"Respondent [Ms. Bolling] formerly worked as Associate Counsel for NYS Assembly Standing Committee on Education. The Executive Director of the ACTS Lobbying group is retired Manhattan NYS Assemblyman Steve Sanders. Mr. Sanders chaired the Standing Committee on Education for over a decade and Respondent [Ms. Bolling] and Mr. Sanders overlapped there for a time. Petitioner believes it's important to know whether or not this relationship influenced Respondent's decision to alter the meaning of "Regional Rate" in the way that she did. Petitioner asked for this assurance from Respondent but never got it."*

To summarize, a NYSED administrator (Ms. Bolling), created a "regulatory distortion" that favors a group of NYC companies represented by a lobbyist and former NYS Assemblyman from Manhattan [Mr. Sanders], and Ms. Bolling and Mr. Sanders worked together for a period of time when Mr. Sanders was chair of the NYS Assembly Standing Committee on Education and Ms. Bolling was Associate Counsel for that Committee. And when Ms.

Bolling was asked to give assurance that this relationship did not influence her decision making she did not respond.

Of course, there is nothing really shocking about this. It's quite common for elected officials to take lobbying jobs once they leave office in order to use their "insider" connections to make our "democracy" work better for their corporate clients, and to make money for themselves. In fact, when I first sought approval from the NYSED to start my business, they dragged their feet, even though there was a clear "regional need" for the services. Regarding the state's interest, one NYSED employee said to me at the time, "*we have an obligation to protect the interests of existing providers*".

I disagree with this. I believe the state's job is to protect the interests of the people, and in this case young children with developmental delays. And with respect to business, the state's interest is to create stability and fairness, not rig the system to advance the interests of one particular group because they have the right lobbyist.

2. The issues I raise are not "local issues" and they have nothing to do with local and municipal law. Only NYS can fix these problems. Mr. Pretlow's legislation does this for some public education students in Westchester County but not others, namely, preschool students with developmental disabilities have been excluded from this legislation.
3. You say that it "is not factual and is a bad assumption" for me to suggest that the preschool children who I represent were intentionally excluded from Bill A3269. If I'm mistaken about that I'm sorry. But please understand that I met with Mr. Pretlow (and Shelley Mayer) about this issue and I walked them through the problem in detail. They seemed to understand the information I provided but they did nothing about it. Nevertheless, it was several years ago so if Mr. Pretlow forgot about it and didn't intentionally leave preschoolers with disabilities out of his effort to correct this inequity, then I apologize.
4. You wrote, "what I will do for you...". No. This is not transactional. I've made you aware of a fiscal inequity perpetrated by New York State that affects the lives of preschool children in Westchester County. Bill A3269 provides a legislative path to fixing this problem, but preschool children with disabilities were left out of this bill. I ask that you do the right thing and fix this not for me, *but because it is the right thing to do*. It's really that simple.

Mr. Mackey you describe Mr. Pretlow as a "champion for his constituents especially children and seniors". With respect to championing a cause for preschool children with developmental disabilities, including autism, fixing the fiscal inequity that I have brought to your attention is a small contribution that could have a meaningful impact. I hope that you and Mr. Pretlow seize this opportunity to do the right thing.

Thanks,

Chris McDonough
17 Vernon Place
Mount Vernon, NY 10552

