

Suit: Seized car disposal illegal

Suffolk accused of not giving owners notice

BY RICK BRAND

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A multimillion-dollar federal class-action lawsuit has been filed against Suffolk County, claiming it illegally disposes of cars seized in drunken driving arrests by turning them over to financial institutions without giving vehicle owners notice or a chance to appeal.

Attorney James Campanelli filed the suit in U.S. District Court in Central Islip on Fri-

day on behalf of Andrea Maddox of Westhampton Beach, who owned a 2016 BMW. The lawyer alleges that 200 to 400 vehicle owners with loans or leases have been similarly damaged and the suit seeks \$3 million.

"The law is crystal clear; they cannot give a car away to a third party without giving the notice and procedure through which to challenge the unauthorized release," said Campanelli, of Merrick, who also represents Nassau County government in civil forfeiture cases.

Suffolk County Attorney Dennis Brown declined to comment on the suit.

Campanelli maintains such practices were thrown out by

the U.S. Second Circuit Court of Appeals in the *Alexandre v. Cortez* case 20 years ago, involving similar cases in New York City. The appeals court mandated a process by which owners could appeal the release of their vehicles to a third party.

The attorney also said major automakers, leasing and financing companies have "explicitly advised" Suffolk County that its law "clearly violates" the Constitution.

Even worse, Campanelli said, Suffolk County forces financial institutions to sign agreements to "never return" vehicles to their owners, noting that his client "has never been convicted or pled guilty



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A preview of a Suffolk police impound auction in March 2017

to any criminal offense."

He said the county improperly imposes on the financial institutions "exorbitant storage fees" of \$4,000 to \$6,000 — many times higher than the \$400 charged in Nassau County. Suffolk also allows banks to recover those fees,

plus the full balance of a loan and report nonpayment as a default to credit agencies.

In court papers, Campanelli said Maddox's bank not only told her she had to pay a \$6,000 storage fee, but also the \$39,748 she still owed on the car.

Honors for firefighter from LI killed in fall

BY MATTHEW CHAYES

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The FDNY dedicated a plaque and street Wednesday to William Tolley, the longtime New York City firefighter and Bethpage resident who plunged off a Queens roof last year, down five stories to his death.

The plaque, unveiled late in the morning at Engine 286/Ladder 135 in Ridgewood, immortalizes Tolley as a man "who made the supreme sacrifice" when he died at age 42 on April 20, 2017.

The street, 66th Place, near Myrtle Avenue, was then named in Tolley's honor.

"It's nice to know that he's watching over this firehouse and over this community forever," his widow, Marie Tolley, said at the firehouse.

Also at the ceremony were their daughter, Isabella, who was 8 when her dad died, and Mayor Bill de Blasio.

"We are gathered here to perform a sacred task, to write into the history books the name William Tolley," de Blasio said.

Tolley was a 14-year veteran when he was dispatched to 1615 Putnam Ave. in Ridgewood. The blaze began after the occupants lit incense for



TODD MASEL

religious reasons and left the flame unattended, the FDNY has said. Tolley had been assigned to the roof as an outside ventilation firefighter.

In the days after Tolley's death, FDNY investigators focused on whether Tolley had been jolted from a raised fire truck bucket, an official briefed on the matter told Newsday then. The FDNY did

not immediately respond to an email seeking an update on the probe.

In September, a sign, "Firefighter William N. Tolley Way" was unveiled at the intersection of Crestline Avenue and Acme Avenue in Bethpage. Tolley also served as a volunteer for the Bethpage and Hicksville fire departments.

At Wednesday's ceremony,



FDNY

Isabella and Marie Tolley, daughter and widow, with the street sign honoring firefighter William Tolley of Bethpage.

FDNY Chief of Department James E. Leonard said firefighters must never forget Tolley.

"That's how we live on. That's why we are who we are. Because we can never forget," Leonard said, adding: "There will become a time when nobody here knew Billy Tolley, whether it's 20, 30, 40 years from now. It's our goal — our duty to remember."

SUSPECTED GANG KILLING ARREST

A Hempstead man was arrested in connection with the suspected MS-13 machete killing of a man whose remains were found in a shallow grave in East Meadow, Nassau County police said Wednesday night.

Jose Quintanilla Cruz, 23, faces a charge of second-degree murder in the August 2017 death of Carlos Rivas-Majano. He will be arraigned Thursday morning, police said.

Police said a news conference will be held Thursday morning.

Acting on a tip, investigators last month found the remains of Rivas-Majano, 21, of Uniondale, in woods south of Glenn Curtiss Boulevard near Kellenberg Memorial High School. He was lured there before being attacked by at least five MS-13 members, authorities have said.

Law enforcement sources have said Rivas-Majano, a suspected MS-13 gang member, was targeted as an informant.

Carlos Benitez-Hernandez, 21, of Uniondale, was arrested last month and charged with second-degree murder in connection with the killing, police said. He pleaded not guilty and was ordered held without bond.

— DEON J. HAMPTON