

Tinari adds to judicial earnings with pension



**POLITICS
& POWER**

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Marian Tinari, one of Suffolk's most high-profile judges in the past year, may be about to become the county's highest paid jurist.

Tinari, who next year will become a state Supreme Court Justice, retired early on Nov. 25 from her \$193,500-a-year post as a Huntington District Court judge. When she takes the Supreme Court bench Jan. 1, she will make a salary of \$208,000 a year.

But by retiring, Tinari also becomes eligible to double dip, collecting a state pension of as much as about \$114,000, which will bring her total to about \$322,000 a year. Her first estimated pension check should arrive before year's end.

Tinari, 64, wife of Suffolk

Conservative Party Chairman Frank Tinari, was virtually assured election as a Supreme Court justice as part of a nine judge cross-endorsement agreement between Democrats, Conservatives and the Independence Party.

Her Supreme Court nomination in September came after she withdrew as the cross-endorsed candidate for Suffolk Surrogate judge, a politically potent post because of the power to award lucrative patronage appointments connected with wills, estates and adoptions.

Tinari stepped aside after Republican Tara Scully sought to challenge Tinari, a Conservative, in what could have become an unpredictable Democratic primary. Scully, whose father, Peter Scully, is Suffolk County Executive Steve Bellone's sewer czar, assailed the cross-endorsement pact as a corrupt backroom deal.

Tinari's state pension comes after more than 31 years working in Suffolk's legal system.



JAMES ESCHER

Hon. Marian Tinari

She started as an assistant district attorney, and then served as a law clerk to state Supreme Court Justice Michael Mullen, top law clerk for a decade to Surrogate Judge John Czygier and then a top aide to Suffolk Administrative Judge C. Randall Hinrichs before becoming a judge herself in 2015.

Tinari referred questions about details about her retirement to Hinrichs' office.

According the office of state Comptroller Thomas DiNapoli, Tinari can collect up to 62 per-

cent of the average of her three final years of salary on District Court.

State law prohibits most municipal workers under age 65 who are collecting a state pension from making more than \$30,000 a year in a state or local government job. However, they can seek a waiver from the state Civil Service Commission, which must decide a job is crucial and cannot be filled any other way.

Tinari will not turn 65 till May 16, 2019, but the limit does not apply because the law exempts elected officials. She also has no worries about political fallout because she has a 14-year term, although the state retirement age for judges is 70. Supreme Court justices also can apply for up to three two-year extensions past age 70.

Experts say that by taking the pension, Tinari in some ways saves taxpayers money because there are no further payments for her pension or health benefits.

Few in local politics wanted to comment on Tinari's double dip, including Conservative maverick Kenneth Auerbach, who battled Frank Tinari for leadership of the minor party for the past two years.

However, an aide to County Executive Steve Bellone, who supported Scully for Surrogate when Tinari was the candidate, said the state should change the law.

"This is another reason why the state legislature should make judicial reform a priority during the next legislative session come January," said Jason Elan, Bellone's spokesman.

Former Suffolk County Legis. Michael O'Donohoe, a Conservative, said the minor party should be leading the fight to end double dipping.

"I can't blame her for taking advantage of the situation, but those in power should change the law," O'Donohoe said. "A pension is fine when you retire but a pension isn't fine when you also continue to work."

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