



## East Hampton Town Police Benevolent Association

P.O. Box 1035

East Hampton, NY 11937

(631)329-3317

**Joseph Izzo**  
*President*

**Luke McNamara**  
*Vice President*

**Tyler Gilbride**  
*Treasurer*

**Michael Rodriguez**  
*Secretary*

**Michael Coleman**  
*S.C.P.C. Delegate*

**Susan Vorpahl**  
*Trustee*

**Katherine Izzo**  
*Trustee*

**Nicholas Pupo**  
*Trustee*

**Davis & Ferber**  
*Counsel*

Andrea,

It is my duty to inform you the Executive Board has determined you engaged in acts against the interest of the Association. Please see the attached statement of charges.

As per the By-Laws, the proposed disciplinary action herein may be contested by you at a special meeting of the Membership of the Association that shall be called and held within ten days of the date of service of this notice. You have the right to contest these charges. You have a right to appear at this hearing and to address the membership. You must answer any questions posed by the membership.

The special meeting is schedule for August 13th, 2024 at 5:30pm at EHTPD headquarters, upstairs training room.

Respectfully,

Joseph Izzo, President

STATE OF NEW YORK  
COUNTY OF SUFFOLK  
EAST HAMPTON TOWN PBA

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In the Matter of the Charges Preferred by the

EAST HAMPTON TOWN POLICE BENEVOLENT ASSOCIATION INC.

- against -

POLICE OFFICER ANDREA KESS,

Respondent.

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Pursuant to Article XI, Section 2, of the By-Laws of the East Hampton Town Police Benevolent Association, Inc., PO Box 1035, East Hampton, New York 11937 (hereinafter referred to as EHTPBA or the ASSOCIATION), the undersigned Executive Board members hereby proffer the following charges against the Respondent, Police Officer Andrea Kess (hereinafter referred to as RESPONDENT or KESS) and demand she be suspended from membership for six (6) months.

**STATEMENT OF THE CHARGES**

**CHARGE I** - RESPONDENT violated Article XI, Section 2, of the By-Laws of the EHTPBA by engaging in acts against the interest of the Association, as follows:

**SPECIFICATION I** – RESPONDENT engaged in acts of conduct against the interest of the EHTPBA when she surreptitiously recorded PBA President Joseph Izzo and published that recording without his consent in an EEOC filing. That recording and the published transcript documented private conversations which should not have been disclosed to the Police Department or the public.

**SPECIFICATION II** – RESPONDENT engaged in acts of conduct against the interest of the EHTPBA by publishing text messages that she received from Detective Arthur Scalzo without his consent in an EEOC filing. The published transcript of those text messages documented private conversations which should not have been disclosed to the Police Department or the public.

**SPECIFICATION III** – RESPONDENT engaged in acts of conduct against the interest of the EHTPBA when she surreptitiously recorded PO Devin Toia and published that recording without her consent in an EEOC filing. That recording and the published transcript documented private conversations which should not have been disclosed to the Police Department or the public.

**SPECIFICATION IV** – RESPONDENT engaged in acts of conduct against the interest of the EHTPBA by publishing text messages that she received from PO Thomas Strong

without his consent in an EEOC filing. The published transcript of those text messages documented private conversations which should not have been disclosed to the Police Department or the public.

SPECIFICATION V – RESPONDENT engaged in acts of conduct against the interest of the EHTPBA by publishing text messages that she received from PO Sarah Van Asco without her consent in an EEOC filing. The published transcript of those text messages documented private conversations which should not have been disclosed to the Police Department or the public.

SPECIFICATION VI – RESPONDENT engaged in acts of conduct against the interest of the EHTPBA by making statements in an EEOC filing that diminished PBA Vice President Luke McNamara's career and career achievements in an attempt to establish she should have been appointed to detective and not Detective McNamara.

SPECIFICATION VII – RESPONDENT engaged in acts of conduct against the interest of the EHTPBA by making statements in an EEOC filing that called attention to the fact that Public Safety Dispatcher Katelyn Davis (Anderson) was arrested and subsequently reinstated to her position.

CHARGE II - RESPONDENT violated Article II, Section 2, of the By-Laws of the EHTPBA by engaging in acts of conduct that created an inharmonious feeling between police officers, public safety dispatchers, and community members, as follows:

SPECIFICATION I – RESPONDENT engaged in acts of conduct which caused inharmonious feelings between police officers by surreptitiously recording PBA President Joseph Izzo and publishing that recording without his consent in an EEOC filing. That recording and the published transcript documented private conversations which should not have been disclosed to the Police Department or the public.

SPECIFICATION II – RESPONDENT engaged in acts of conduct which caused inharmonious feelings between police officers by publishing text messages that she received from Detective Arthur Scalzo without his consent in an EEOC filing. The published transcript of those text messages documented private conversations which should not have been disclosed to the Police Department or the public.

SPECIFICATION III – RESPONDENT engaged in acts of conduct which caused inharmonious feelings between police officers by surreptitiously recording PO Devin Toia and publishing that recording without her consent in an EEOC filing. That recording and the published transcript documented private conversations which should not have been disclosed to the Police Department or the public.

SPECIFICATION IV – RESPONDENT engaged in acts of conduct which caused inharmonious feelings between police officers by publishing text messages that she received from PO Thomas Strong without his consent in an EEOC filing. The published transcript of those text messages documented private conversations which should not have been disclosed to the Police Department or the public.

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SPECIFICATION VI – RESPONDENT engaged in acts of conduct which caused inharmonious feelings between police officers by making statements in an EEOC filing that diminished PBA Vice President Luke McNamara's career and career achievements in an attempt to establish she should have been appointed to detective and not Detective McNamara.

SPECIFICATION VII – RESPONDENT engaged in acts of conduct which caused inharmonious feelings between police officers and dispatchers by making statements in an EEOC filing that called attention to the fact that Public Safety Dispatcher Katelyn Davis (Anderson) was arrested and subsequently reinstated to her position.

Pursuant to Article XI Section 3 of the EHTPBA By-Laws disciplinary action is defined as suspension from membership or removal from membership.

#### **STATEMENT OF PROPOSED DISCIPLINE**

The EHTPBA is seeking a six-month suspension from membership.

#### **REQUIRED NOTICE PURSUANT TO ARTICLE XI SECTION 4(C)**

THE PROPOSED DISCIPLINARY ACTION HEREIN MAY BE CONTESTED BY YOU AT A SPECIAL MEETING OF THE MEMBERSHIP OF THE ASSOCIATION THAT SHALL BE CALLED AND HELD WITHIN TEN DAYS OF THE DATE OF SERVICE OF THIS NOTICE. YOU HAVE THE RIGHT TO CONTEST THESE CHARGES. YOU HAVE A RIGHT TO APPEAR AT THIS HEARING AND TO ADDRESS THE MEMBERSHIP. YOU MUST ANSWER ANY QUESTIONS POSED BY THE MEMBERSHIP.

**The Special Meeting is scheduled for August 13, 2024 at 5:30 p.m. at the East Hampton Town Police Department Headquarters, 131 Wainscott Northwest Road, Wainscott, New York 11975.**

If you do not appear at this meeting the proposed discipline shall be presented to the membership and upon a two-thirds (2/3) vote of the members present the proposed disciplinary action and/or any modification of said action deemed appropriate by the membership, shall take place immediately. This vote is final and binding.

If you appear at the meeting, upon conclusion of the hearing, or if the member does not request a hearing, the membership shall vote by secret ballot and upon two-thirds (2/3) vote of the members present said discipline, or any amendment of same that is deemed appropriate by the Association, shall be immediately imposed. This vote is final and binding.

Joseph Izzo, President  
Print Name

Joseph Izzo 08/02/24  
Signature Date

LUKE McNAMARA, VICE PRESIDENT  
Print Name

[Signature] 8/2/24  
Signature Date

Tyler Gilbride, Treasurer  
Print Name

[Signature] 8/2/24  
Signature Date

MICHAEL RODRIGUEZ, SECRETARY  
Print Name

[Signature] 08/02/24  
Signature Date

Michael Coleman  
Print Name

[Signature] 8/2/24  
Signature Date