

LEWIS FAMILY FARM, INC.

October 23, 2000

Robert Rosenthal, Esq.
Assistant Attorney General
Environmental Protection Bureau
NYS Attorney General's Office
The Capitol
Albany, New York 12224

Re: Lewis Family Farm, Inc.

Dear Mr. Rosenthal:

I share your enthusiasm toward resolution of this dispute, but you have some more work to do and we have to reach a better understanding as to a couple of matters.

As you can see, we are prepared to resolve this as a State Court Order. I attach a redraft of the Consent Order because your August 24 proposal, which I failed to receive until last week, is deficient. It does not reflect everything to which we agreed and it fails to include Mr. Piaggione's commitment on behalf of DEC. Specifically, DEC has agreed to sign on to this Consent Order and release the farm from criminal liability. This should be reflected in the caption, and referenced in the Order and in the release paragraph.

Your reference in Paragraph F to the Webb Royce Swamp is inaccurate and unnecessary. I believe your Paragraph J should be expanded to include my allegations. The recitation does not harm your case. In the spirit of compromise, please allow me to articulate the defense that I have decided to forego in the interest of peace.

The commitment that we had made to fund a local environmental benefit project in the amount of at least \$50,000 is extra-judicial and charitable and thus should have no reference in the order. Judge Tyler will assist you and us as an escrow agent. All we need do is drop him a line or indicate in a call that a check should be written to a project. The project we have chosen is known to Anita Deming and others of your acquaintance.


Finally, your references to an environmental monitor must be purged from Exhibit A.

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I startled upon reading your recent admonishment to avoid direct contact with the APA. Please enlighten me as to the rule against this contact. Intuition suggests that my First Amendment freedoms of speech and right to petition my government ought to be preserved and protected by the Attorney General, not chilled without reference to the rule of law.

I also attach a complaint for your review. I look forward to hearing from you promptly in the spirit of resolving this dispute.

Sincerely,



Salim B. Lewis

CC:

Christopher S. Mallery, Ph. D.
Rocky Piaggionne

Attachments
Draft Proposed State Consent Order
Draft Proposed State Complain