

**A RESOLUTION AUTHORIZING THE
RETENTION OF PISCIONERE & NEWAROW, P.C.
AS CONFLICT COUNSEL IN THE MATTER OF
NEMBHARD V. CITY OF MOUNT VERNON**

WHEREAS, pursuant to Section 153 of the Charter of the City of Mount Vernon, the Corporation Counsel, with the written consent of the Mayor, may employ outside counsel at a compensation rate agreed upon by the Board of Estimate and Contract for proceedings in which the City is a party; and

WHEREAS, by letter dated October 23, 2024, the Corporation Counsel has recommended that the City retain the law firm of Piscionere & Newarow, P.C. as conflict counsel in the matter titled “Mark Nembhard and Brandon Nembhard, plaintiffs, against the City of Mount Vernon, Mount Vernon Police Department (MVPD), Officer Raiton Betty, individually and in his official capacity, and Officer Henry Horatio Spence”; and

WHEREAS, the City’s counsel in this matter, the Quinn Law Firm, has advised that it cannot represent Police Officer Raiton Betty due to potential conflicts of interest that may arise in the case. Accordingly, pursuant to Chapter 50, Personnel Policies, Article IV, Defense and Indemnification of Officers and Employees, Section 50-45, Mr. Betty is entitled to legal representation at the expense of the City; and

WHEREAS, Piscionere & Newarow, P.C. will provide legal representation for Officer Betty under the terms outlined in the Retainer Agreement, with attorneys billing at an hourly rate of \$350.00 and paralegals at an hourly rate of \$85.00; now, therefore, be it

RESOLVED, that Piscionere & Newarow, P.C. is hereby retained as conflict counsel for the City of Mount Vernon and Officer Raiton Betty in the matter of *Nembhard v. City of Mount Vernon*, with fees paid in accordance with the Engagement Letter attached to the Retainer Agreement, and the City will endeavor to process payments within 30 days of receiving invoices; and be it further

RESOLVED, that the necessary funds are available and allocated from Budget Code A1420.405 (Outside Contracted Services) in the Law Department’s 2024 budget; and be it further

RESOLVED, that this resolution shall take effect immediately.