

July 29, 2010

William K. Taylor, Esq.  
307 County Office Building  
39 West Main Street  
Rochester, New York 14614

RE: Incident on Tuesday, July 27, 2010

Dear Mr. Taylor:

I am in receipt of your letter of Wednesday July 28<sup>th</sup>. It came to my office in the late afternoon. I am also in receipt of a letter sent by Second Deputy County Attorney Richard Marchese to Bruce Darling.

I had heard of the incident involving a confrontation between Mr. Marchese and several disabled individuals in wheelchairs who were demonstrating in front of the County Office. I learned of the incident early Wednesday morning and conducted an investigation.

My understanding is that Mr. Marchese was confronted by a group of disabled individuals who were shouting at him because of his role in implementing the County's decision to terminate the services provided by the Center for Disability Rights. Bruce Darling the President/CEO of CDR was present at the scene and saw the confrontation. Mr. Darling and others described the situation to me as one in which Mr. Marchese stepped off the curb into the street in order to get away from the demonstrators in wheelchairs. Mr. Darling observed Mr. Marchese's stepping into the street at the same time a car was coming. He was concerned for Mr. Marchese's safety. Accordingly he came forward to block Mr. Marchese, trying to get him back on the curb so that he would not be injured.

Apparently Mr. Marchese did not know the car was coming. Presumably he would not have stepped into the street had he seen it. Accordingly I believe that he completely misinterpreted Mr. Darling's actions.

The comment in Mr. Marchese's letter to the effect that he smelled alcohol on Mr. Darling's breath is absolutely ludicrous. Mr. Darling is a diabetic. Due to recent event he was been under a great deal of stress, not eating properly and not taking his medication on schedule. One of the common symptoms of diabetics is having problems with maintaining their blood

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sugar is a sweet smell on their breath which is frequently confused for alcohol. Mr. Marchese's assumption that Mr. Darling had been drinking is just one more incident of the County's ignorance of the problems encountered by people with disabilities.

Mr. Darling had been at the demonstration in front of the County Office Building for most of the day in full view of the public and hundreds of other people and at no time did he consume any alcoholic beverages. In fact, due to his diabetes Mr. Darling rarely if ever drinks alcoholic beverages.

All that being said, we are aware of Mr. Marchese's concerns. In the future, should he walk out into traffic we will do nothing to impede his progress.

I hope this puts this matter to rest.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Matthew J. Fusco', with a long horizontal line extending to the right.

Matthew J. Fusco

MJF/lll

Cc: Bruce Darling  
Richard Marchese, Esq.