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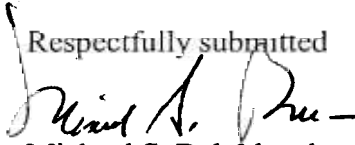
April 18, 2001

The Honorable Stuart M. Cohen
Clerk
New York Court of Appeals
20 Eagle Street
Albany, NY 12207-1095

Re: Ficalora v. Town Board of East Hampton

Dear Mr. Cohen:

After careful review of the submissions filed by appellant Robert Ficalora in the Court of Appeals that challenge as unconstitutional the Town Board of East Hampton's "jurisdiction" over Montauk, this office has determined that it will not at this time seek to intervene pursuant to Executive Law § 71. We would, however, appreciate being advised of the Court's decision once it concludes its *sua sponte* examination of whether this appeal involves a substantial constitutional question to support an appeal as of right. Moreover, we respectfully reserve the right to intervene in the event that the Court concludes that this appeal does involve a substantial constitutional question.

Respectfully submitted

Michael S. Belohlavek
Deputy Solicitor General

cc: Robert Ficalora
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