

SUPREME COURT OF THE STATE OF NEW YORK
WESTCHESTER COUNTY

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SAMUEL DAVIS and DAWN POWELL,

Petitioners,

For a judgment pursuant to CPLR Article 78 against

THE TOWN OF PUTNAM VALLEY TOWN BOARD
and BOARD OF ETHICS,

Respondents.
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**REPLY AFFIDAVIT IN
SUPPORT OF
RESPONDENTS' MOTION TO
DISMISS**

Index No. 06-23102

ANTHONY J. BONDI, being duly sworn, deposes and says:

1. I make this affidavit in further support of respondents' motion to dismiss based on my own personal knowledge.

BISHOPS OF THE EASTERN ORTHODOX CHURCH

2. I feel compelled to respond to the statements made by the petitioners at page 2, footnote 2 of their joint affidavit dated February 2, 2007.

3. Petitioners stated in their joint affidavit that:

Bondi is described as "Bishop Bondi" because he conducts a church from his home, in the Eastern Orthodox denomination. The court should not confuse this title with the "bishop" title used in the Roman Catholic church.

4. It is respectfully requested that the Court take judicial notice of the fact that the Eastern Orthodox Church enjoys the same worldwide respect as the Roman Catholic Church. A discussion of the organization, beliefs and history of the Eastern Orthodox Church may be found at: http://en.wikipedia.org/wiki/Eastern_Orthodox.

5. Indeed, the Vatican has recognized that the Eastern Orthodox Church "possess[es] true sacraments and above all, by apostolic succession, the priesthood and the Eucharist, whereby...[it is] linked with ...[the Catholic Church] in closest intimacy."

See, Decree on Ecumenism *Unitatis Redintegratio*, given at St. Peter's, November 21, 1964 (the full text may be found at the official web site of the Vatican:

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19641121_unitatis-redintegratio_en.html).

6. I am an Archbishop of the Eastern Orthodox Church. I use the title "Bishop" because calling someone "Archbishop" is too much of a mouthful for most people. A discussion of the role of bishops in the Catholic, Orthodox and Anglican Churches may be found at: <http://en.wikipedia.org/wiki/Bishop>.

7. For economic reasons, I maintain my Archdiocesan offices in my home, where I also maintain a private chapel.

DRAFTING OF REVISED ETHICS CODE

8. Petitioners further stated at page 14, footnote 22, that respondents' counsel, Steven G. Leventhal, Esq., was the draftsman of the Revised Code of Ethics adopted by the Town Board on October 18, 2006.

9. Mr. Leventhal was not the draftsman of the Revised Ethics Code. The Revised Ethics Code was drafted by the Board of Ethics based largely on the 1993 article of Professor Mark Davies, *Keeping the Faith: A Model Local Ethics Law – Content and Commentary*, published in the Fordham Urban Law Journal, Vol. XXI, No. __, p. 61.

10. At the Board's request, Mr. Leventhal reviewed and commented on an early draft of the Revised Ethics Code.

11. The Board submitted the proposed Revised Ethics Code to the Town Attorney, who made his own revisions before forwarding it to the Town Board for introduction, debate and adoption.

Dated: Putnam Valley, New York
February 3, 2007

(The Most Rev.) Anthony J. Bondi

Sworn to and subscribed before me
this 3rd day of February 2007

Notary Public, State of New York