

STATE OF NEW YORK SUPREME COURT
COUNTY OF CLINTON

CITY OF PLATTSBURGH,

Plaintiff,

AFFIDAVIT

-v-

Index No.: 2013-0398

PLATTSBURGH PROFESSIONAL FIREFIGHTERS
BENEVOLENT ASSOCIATION,

Defendant.

STATE OF NEW YORK)
COUNTY OF _____) ss.:

_____, being duly sworn, states:

1. I am a firefighter employed by _____ Fire Department
[“Department”]. As such, I am a member of the _____ Firefighters
Benevolent Association [“Benevolent Association”]. The information contained here is based on
personal knowledge.

2. Pursuant to New York Insurance Law §§9104 and 9105, the Benevolent Association is
eligible to receive “foreign insurance” or “2% money” from certain insurance carriers who
provide coverage for property owners within _____ [“Municipality”]. This
money must be used for the benefit of members of the Department, as shall be determined by the
members of the Department.

3. The Department does not have a treasurer, nor does the Municipality have a special
law, allowing payment of the foreign insurance money directly to the Benevolent Association.
Instead the foreign insurance money collected by New York State is sent to the chief fiscal

officer of the Municipality. Immediately upon receipt, the chief fiscal officer for the Municipality sends a check for the full amount of the annual foreign insurance money to the Benevolent Association. I know this to be true as I am the elected _____ of the Benevolent Association.

4. The Benevolent Association spends the foreign insurance money, as determined by the membership of the Department. Specifically, we hold periodic meetings. Any member of the Benevolent Association can propose a use for the money. Provided the use is lawful, it is voted by the members. Thereafter, assuming the motion passes, the Benevolent Association spends the funds as directed by the membership.

5. Annually the Benevolent Association files a Report with the Office of the NYS Comptroller, detailing how we have spent the foreign insurance money. I believe these Reports are subject to audit by the Office of the Comptroller.

6. The Municipality does not control how the Benevolent Association spends the foreign insurance money. They do not review the motions adopted by the membership nor review the annual Report before submission to the State. Rather, they know we receive periodic training in how the money can be spent, that we file a Report with the Comptroller and, provided the purpose is lawful, the Benevolent Association has full power and authority to determine how the foreign insurance money is spent.

7. Finally, I have attended training sessions conducted by the Office of the Comptroller regarding the lawful purposes for which this money can be spent. They are conducted in conjunction with meetings and conventions of our State Firefighters Federation. I have found this training very useful as the rules change from time to time and I recognize it is important to be careful in how these funds are spent.

(Signature)

Sworn to before me this
_____ day of _____ 2013.

Notary Public