

NASSAU COMMUNITY COLLEGE
Garden City, New York

BOARD OF TRUSTEES' MINUTES

Meeting of November 20, 2012

The five hundred fifty-second meeting of the Board of Trustees was held on Tuesday, November 20, 2012 on the eleventh floor of the Administrative Tower.

The meeting was called to order by Chair Prime at 6:36 p.m.

Present: Geoffrey N. Prime - Chair;
John P. Donnelly - Secretary;
Mary A. Adams, Anthony W. Cornachio, Arnold W. Drucker
Faruque Amin, Student Trustee.

Also in attendance: Kenneth Saunders, Maria Conzatti, Chuck Cutolo.

Absent: Jorge L. Gardyn, Richard M. Gutierrez

Chair Prime requested a motion that pursuant to Section 105 of the Open Meetings Law of the State of New York, the Board of Trustees shall enter Executive Session for the following purposes: 1. to discuss matters relating to collective bargaining involving the NCCFT; 2. to discuss matters leading to the appointment, promotion, demotion or removal of the President, Officer in Charge, Academic Deans and certain other ungraded administrators; and 3. to discuss the proposed acquisition, sale or lease of real property. Trustee Donnelly moved the motion; seconded by Trustee Drucker. Motion carried 6-0.

Chair Prime resumed the open meeting at 8:57 p.m. followed by a salute to the flag.

Present: Geoffrey N. Prime - Chair;
John P. Donnelly - Secretary;
Mary A. Adams, Anthony W. Cornachio, Arnold W. Drucker
Richard M. Gutierrez, Faruque Amin, Student Trustee.

Also in attendance: Kenneth Saunders, Maria Conzatti, Donna Haugen, Chuck Cutolo.

Absent: Jorge L. Gardyn

The minutes of the meeting of October 10, 2012 were presented for approval. Motion made by Trustee Donnelly and seconded by Trustee Amin. Motion carried 6-0.

Trustee Donnelly made a motion under Article IV section 3(f) of the Rules of Procedure to allow for the consideration of an item that does not appear on the Calendar.

Trustee Amin seconded the motion. Motion carried 7-0.

Trustee Donnelly introduced item "c":

- | | | | |
|----|--------------------------------------|---|---------------|
| a) | Exec VP/Marketing/
Communications | Studio 4 Communications Inc. to probed marketing,
communications and advertising initiative. | \$ 250,000.00 |
|----|--------------------------------------|---|---------------|

1. Trustee Donnelly introduced the following resolution:

RESOLVED, THAT THE FOLLOWING EXPENDITURES BE APPROVED AND AUTHORIZED:

	Department	Description	Amount
b)	VP Finance/ITS	To encumber and secure funding that has been received for software implementation. (Capital Project 97112)	\$ 144,228.00
c)	Executive VP/ Library	To purchase books for the support of the College curriculum; these books are to be used by students, faculty and the entire College community.	\$ 192,150.00
d)	Exec VP/Marketing/ Communications	Studio 4 Communications Inc. to provide marketing, communications and advertising initiative. (6-1)	\$ 250,000.00

Seconded by Trustee Gutierrez. Motion carried items (a and b) 7-0 and for item (c) 6-1.

2. Trustee Amin introduced the following resolution:

RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES HEREBY APPROVES AN INCREASE IN 2011 – 2012 STATE OPERATING AID IN THE AMOUNT OF \$839,167 FROM \$41,456,390 TO \$42,295,557 WITH NO INCREASE IN THE TOTAL OPERATING BUDGET;

BE IT FURTHER RESOLVED, THAT THIS REVISION BE FORWARDED TO THE STATE UNIVERSITY OF NEW YORK FOR APPROVAL.

Seconded by Trustee Drucker. Motion carried 7-0.

3. Trustee Donnelly introduced the following resolution:

BE IT RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES APPROVES THE ESTABLISHMENT OF A SEPARATE GRANT FUND TO ACCOUNT FOR REVENUE TO NCC FROM THE BEACON WIRELESS CELL TOWER LEASE.

Seconded by Trustee Gutierrez. Motion carried 7-0.

Trustee Donnelly made a motion under Article IV section 3(f) of the Rules of Procedure to allow for the consideration of an item that does not appear on the Calendar.

Trustee Gutierrez seconded the motion. Motion carried 7-0.

4. Trustee Donnelly introduced the following resolution:

WHEREAS STUDENT LEADERS AT NASSAU COMMUNITY COLLEGE ARE AN INTEGRAL PART OF THE GOVERNANCE PROCESS OF NASSAU COMMUNITY COLLEGE (NCC), AND

WHEREAS THE STUDENT GOVERNMENT ASSOCIATION EXERCISES A LEADERSHIP ROLE ON BEHALF OF THE APPROXIMATELY 23,000 STUDENTS WHO ATTEND NCC, AND

WHEREAS THE RESPONSIBILITIES OF STUDENT LEADERS HAVE ADDED SIGNIFICANTLY TO THEIR WORKLOAD BEYOND THE REQUIREMENTS OF THEIR ACADEMIC COURSES, INCLUDING ATTENDING AND CONDUCTING MEETINGS PRIOR TO AND AFTER NORMAL BUSINESS HOURS, AND

WHEREAS THE NCC BOARD OF TRUSTEES DEEMS IT APPROPRIATE THAT SUCH EFFORTS BE RECOGNIZED IN THE APPROPRIATE MANNER,

BE IT THEREFORE RESOLVED THAT THE NCC BOARD OF TRUSTEES DOES HEREBY AMEND BOARD RESOLUTION 11/12-50 APPROVED ON APRIL 30, 2012, RELATING TO TUITION AND FEES FOR THE 2012/2013 FISCAL YEAR, FOR THE PURPOSE OF EXEMPTING THOSE INDIVIDUALS DESIGNATED BY THE STUDENT GOVERNMENT ASSOCIATION, NOT TO EXCEED THIRTY INDIVIDUALS PER SEMESTER, AS "STUDENT LEADERS" FROM THE OBLIGATION TO PAY THE NCC VEHICLE REGISTRATION FEE, AND

BE IT FURTHER RESOLVED THAT ANY VEHICLE REGISTRATION FEE THAT HAS BEEN PAID BY INDIVIDUALS DESIGNATED BY THE STUDENT GOVERNMENT ASSOCIATION AS "STUDENT LEADERS," NOT TO EXCEED THIRTY INDIVIDUALS, FOR THE FALL 2012 SEMESTER SHALL BE HEREBY REFUNDED TO THEM FORTHWITH, AND

BE IT FURTHER RESOLVED THAT THOSE INDIVIDUALS DESIGNATED BY THE STUDENT GOVERNMENT ASSOCIATION AS "STUDENT LEADERS," NOT TO EXCEED THIRTY INDIVIDUALS PER SEMESTER, SHALL BE EXEMPT, FOR THE SEMESTER THAT THEY ARE SO DESIGNATED BY THE STUDENT GOVERNMENT ASSOCIATION AS "STUDENT LEADERS," FROM THE OBLIGATION TO PAY SUCH NCC VEHICLE REGISTRATION FEES AS MAY BE APPROVED BY THE BOARD OF TRUSTEES AS PART OF THE TUITION AND FEE SCHEDULES APPLICABLE TO FUTURE FISCAL YEARS.

Seconded by Trustee Drucker. Motion carried 6-0-1.

Trustee Donnelly made a motion under Article IV section 3(f) of the Rules of Procedure to allow for the consideration of an item that does not appear on the Calendar.

Trustee Drucker seconded the motion. Motion carried 7-0.

5. Chair Prime introduced the following resolution:

WHEREAS DR. KENNETH K. SAUNDERS WAS APPOINTED OFFICER-IN-CHARGE OF NASSAU COMMUNITY COLLEGE EFFECTIVE JULY 30, 2012, AND

WHEREAS DR. SAUNDERS' PERFORMANCE IN THE POSITION OF OFFICER IN CHARGE HAS BEEN EXEMPLARY, AND

WHEREAS THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES RECOGNIZES THAT DR. SAUNDERS' ABILITY TO PROVIDE LEADERSHIP AT THE COLLEGE AND TO INTERACT WITH OFF-CAMPUS INDIVIDUALS AND ENTITIES WOULD BE ENHANCED IF HE IS APPOINTED ACTING PRESIDENT OF NASSAU COMMUNITY COLLEGE, AND

WHEREAS THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES IS ACTIVELY ENGAGED IN INITIATING THE PROCESS BY WHICH A PRESIDENT OF NASSAU COMMUNITY COLLEGE WILL BE CHOSEN, INCLUDING THE APPOINTMENT OF A BOARD SUBCOMMITTEE THAT HAS BEEN CHARGE WITH THE RESPONSIBILITY OF IDENTIFYING CONSTITUENCY GROUPS THAT SHOULD BE INCLUDED IN THE PRESIDENTIAL SEARCH COMMITTEE AS WELL AS REVIEWING THE OPTIONS FOR THE UTILIZATION OF A FIRM THAT WILL ASSIST IN THE PRESIDENTIAL SEARCH PROCESS, AND

WHEREAS THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES RECOGNIZES THAT THE APPOINTMENT OF AN ACTING PRESIDENT OF THE COLLEGE REQUIRES THE APPROVAL OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK,

THEREFORE BE IT RESOLVED, THAT THE NASSAU COMMUNITY COLLEGE BOARD OF TRUSTEES DOES HEREBY RECOMMEND TO THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK THAT DR. KENNETH K. SAUNDERS BE APPOINTED TO BE ACTING PRESIDENT OF NASSAU COMMUNITY COLLEGE, AT THE SALARY OF \$225,000 TO BE EFFECTIVE UPON THE APPROVAL OF THE BOARD OF TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK.

Seconded by Trustee Adams. Motion carried 7-0.

Dr. Saunders reported on the following items:

- Gave a general overview of Super Storm Sandy and the impact it had on NCC. Thanked administration, faculty and staff for working collaboratively in addressing the critical issues with regard to this tragedy.
- Preliminary assessment of the cost associated with repairs, data line, security alarms system services, 150 hardship case withdrawals equaling about \$200,000. The approximate calculations total \$958,000 which we will be applying for reimbursement.
- Thanked the Foundation for setting up an emergency relief fund for faculty and staff in the amount of \$15,000 to help individuals in need. Anywhere from \$250 to 500 is available and that information is online.
- Initiation of searches for two Assoc. VP's and 4 Deans. The selection committee's should be identified by January 2013.
- Update on Middle States Progress Report which was submitted on October 1, 2012. The response from Middle States Commission was favorable and the next step is the decennial Self-Study Review.
- Letters were mailed and an e-mailed to faculty regarding the PERB decision on Temporary Faculty entering their 5th consecutive semester.
- Congratulated the 10 recipients who received the prestigious SUNY Chancellor Awards at the General Faculty Meeting on November 15, 2012.

- Congratulated the NCC football team on their winning season and for representing NCC in the El Toro football game in Huma, Arizona on December 1.
- Wished all a Healthy and Happy Thanksgiving.

Trustee Amin thanked the faculty for working with the students who were affected by Hurricane Sandy. Chair Prime thanked Dr. Saunders and all involved in the coordination efforts here at NCC as a designated evacuation shelter. He stated that the County and this Board greatly appreciates all those efforts for those that were displaced.

The following statement was read by Chair Prime:

“At the last meeting, an issue was raised regarding the Nassau Community College Foundation Board. For those of you that are unaware, it is an independent, charitable arm of the College charged with promoting good will as well as providing needed scholarships for our students. Although a detailed report has been forwarded to some of the leaderships groups; I want to respond to some of the issues raised:

Point 1: Any association of former NCC Board of Trustee member, Michael Freeman, with respect to “reportable compensation” on the NCC Foundation Board’s tax filing for 2009/2010 was the result of a clerical error by the accounting firm of Connor & D’Aconti. The information supplied by the NCC Foundation to Connor & D’Aconti referred to Arthur Friedman, also a member of the NCC Foundation Board, and, then, Connor & D’Aconti transposed the names “Friedman” with “Freeman.” I have the following documents and emails: document A [e-mails of February 11, 2011 from the NCC Foundation transmitting the name of “Friedman”] and document B [letter of October 19, 2012 from Connor & D’Aconti acknowledging the clerical error on their part in writing the name “Freeman.”]

Point 2: Michael Freeman did not receive any compensation from NCC Foundation for the 2009/2010 tax year or any compensation from Nassau Community College for the 2009/2010 tax year. I have documents: document C [October 11, 2012 letter from Connor & D’Aconti indicating that Mr. Freeman received no compensation from the Foundation for the tax year in question] and document D [letter of October 19, 2012 from NCC Vice President for Finance indicating that a review by NCC’s offices of Human Resources and Accounts Payable found no documentation indicating that Mr. Freeman had received compensation from the College for the tax year in question].

Point 3: Dr. Kimberley Reiser and Alicia Sanchez are not at any risk that the Internal Revenue Service will attribute any income to them as a result of the NCC Foundation Board’s tax filing for 2009/2010. No 1099 or W-2 forms were filed by the NCC Foundation on behalf of Dr. Reiser or Ms. Sanchez, and in the amended tax filing for 2009/2010 by the Foundation it was explicitly stated that “No trustees or directors were paid for their services to the Foundation. The incorrectly disclosed compensation amounts to Kimberly Reiser and Alicia Sanchez were payments to them by Nassau Community College for services unrelated to this Foundation.” I have documents: documents E [letter of October 19 {different from document A} from Connor & D’Aconti indicating that the Foundation was not required to issue a W-2 Form or Form 1099 for Dr. Reiser or Ms. Sanchez] and document F [2012 amendment to the 2009/2010 tax filing of the NCC Foundation.]

Point 4: The version of the 2009/2010 NCC Foundation tax filing that Dr. Siminoff received from the Foundation office and to which she referred in her remarks to the Board of October 10, 2012 as the “proffered” version and that did not list compensation for Dr. Reiser, Ms. Sanchez and [incorrectly] Mr.

Freeman was a draft version, the first page of which had the word "DRAFT" printed on it. Document G [Draft 2009/2010 tax filing for the NCC Foundation]

Point 5: The mention of the names of Dr. Reiser, Ms. Sanchez and [incorrectly] Mr. Freeman in some of the 2009/2010 tax filings of the NCC Foundation and not others was the result of different interpretations of the relevant legal requirements. I have the earlier referenced document E [letter of October 19, 2012 from Connor & D'Aconti which states "upon further review of the IRS regulations governing Form 990 and discussions with the Exempt Organizations Division of the IRS, it was determined that such disclosure is unnecessary. Accordingly, the 2009 Form 990 has been amended to eliminate all compensation figures to reflect that no one was paid for their services to the Foundation."]

Point 6: In conclusion, the "new information" that Dr. Siminoff referred to in her remarks to the Board of Trustees on October 12, 2010 was at its core based on a provable and proven clerical error by the Connor & D'Aconti. As a result, it is clear that any reference to Michael Freeman, the subject of the clerical error, is now irrelevant. Moreover, in light of the fact that no W-2 forms or 1099 forms were filed by the Foundation on behalf of Dr. Resier and Ms. Sanchez and in light of the fact that the NCC's amended tax filing for 2009/2010 explicitly states that neither Dr. Reiser nor Ms. Sanchez were paid by the Foundation, but instead were already accounted for payments by Nassau Community College, neither Dr. Reiser nor Ms. Sanchez are at any legal risk of having "phantom income," to use Dr. Siminoff's phrase, of being attributed to them by the Internal Revenue Service."

Chair Prime announced on an unrelated note but was also brought up at the last Board of Trustees meeting there is concern about the lack of a Vice President of Academic Affairs. Having heard the arguments for and against the hiring of a VP of Academic Affairs it is the position of the Board at this time to suspend selection for either a temporary or permanent VP of Academic Affairs until the selection of the next President of Nassau Community College is completed.

Chair Prime read the following statement regarding NCCFT Negotiations:

"As you know, the Board of Trustees and the NCCFT began bargaining in August of 2011 for an extension to their current contract which is scheduled to expire on August 31, 2013. The parties engaged in negotiations for over a one year period. During that period, the parties met on many occasions and both sides attempted to come up with a deal that could possibly alleviate the College's projected budget deficit. Unfortunately these discussions were not successful, and the discussions ended this past fall.

On October 26, 2012, the Board proposed to the NCCFT that the parties immediately begin negotiations for a successor agreement to the current labor agreement which, as noted above, will shortly expire. This proposal was made with the hope that beginning the process earlier than usual would help expedite a successful conclusion to negotiations.

On November 6, 2012, the NCCFT declined the College's offer. Its stated reason for doing so is because beginning the process earlier than the spring would place the Association in conflict with the mandates of its bylaws. The President of the NCCFT in turn communicated that negotiations to effectuate a contract extension would continue to be welcomed.

It is the Board's view that further efforts to modify the existing contract which expires next August would be unwise and ineffective because, in large measure, the College's opportunity to realize economic relief from the College's immediate contractual obligations has passed. Consistent with the terms and conditions set

forth in the 2008-2013 collective bargaining agreement, NCCFT members received the last wage increase provided for in the current agreement, namely a 2.5% salary increase on September 1, 2012, and a step increment increase on November 1, 2012. In light of this situation, it is the Board's belief that continuing negotiations for an extension agreement would not be a productive approach to pursue. The time has come to move forward with negotiating a successor labor agreement to the contract that will expire on August 31, 2013.

The Board has and will continue to honor its obligations under the 2008-2013 collective bargaining agreement. It welcomes the opportunity to begin intensive efforts to forge an agreement with the NCCFT for a successor labor agreement to the current contract.

It is the Board's belief that it will find common ground in the upcoming contract negotiations with the NCCFT inasmuch as it shares with the NCCFT the common goal of providing a quality education to the students of Nassau Community College, recognizing the extraordinary fiscal challenges facing NYS and particularly LI public educational institutions."

Speakers List

Kimberley Reiser, Chair, ASEC, spoke of the losses many of the students incurred from Hurricane Sandy and how the faculty made accommodations in and out of the classroom to lessen the burden of our students while maintaining academic integrity. She and the Senate appreciated that Dr. Saunders consulted with the Senate leadership as events were unfolding before and after Hurricane Sandy. She also stated she was glad to hear that the Board is proceeding with the presidential search as well as other searches but is concerned there is no Academic Vice President.

Phyllis Kurland, Student Personnel Services, expressed her concerns as a donor to NCC Foundation regarding the lack of transparency and lack of accountability.

Michael Steuer, Vice Chair, ASEC, expressed his concerns regarding the NCC Foundation's annual appeal for its holiday greeting card in support of the College's scholarship funds and encourages the Board of Trustees, to undo the fractured relationship that was created last year, this will do much to enhance the well-being of the College and its' students.

A discussion ensued regarding Dr. Steuer's comments in which Trustees Gutierrez, Donnelly and Amin participated.

Faren Siminoff, NCCFT Treasurer, thanked the Board for the in-house investigation of the Foundation's 2009-2010 990 filing but feels the report does not answer all the questions originally raised by the Union. She provided the Board with a copy of her response to the report and asked that the issues she raised be reviewed and commented upon.

Chair Prime indicated that Dr. Siminoff should go to the authorities if she feels that something untoward was done.

Frank Frisenda, VP NCCFT, congratulated Dr. Saunders on his pending title. He expressed his concerns with the NCC Foundation's 990 tax filing. He also expressed his disappointment that the College did not take advantage of the Union's offer of immediate relief to save the College money. He added that as full negotiations are entered into it will be interesting to see if financial relief is what the College is really seeking or if there is a whole lot more.

Jerry Kornbluth, Professor of Mathematics & Computer Science, spoke of the role of a community college and its mission to help students prepare for a highly technical world and applauds the faculty for fulfilling this goal. He commended Dr. Saunders, the administration and the faculty for helping NCC students get back on track after suffering the ramifications of Sandy's wrath and feels that under this leadership NCC has provided a safe haven for the community.

Ed Boyden, Secretary, Academic Senate, expressed his concerns regarding the NCC Foundation and requests that an independent, outside audit of the Foundation's books be conducted in order to clear the possibility of any wrong doing and to restore the faculty's confidence in the Foundation.

Thomas Jackson, Student, expressed his concerns regarding the reduction in hours and staff in the Chemistry Extra Help Center and how it affects NCC students.

Rich Newman, Professor of English, expressed his concerns regarding the selection of a new president for NCC.

Shoel Cohen, Professor of Psychology, expressed his concerns regarding the NCC Foundation and the importance of restoring the faculty's faith in the Foundation for the good of the students.

Natalia DeCuba, LINCC Lecturer, requested a moment of silence to remember the loss of an NCC student, Juan Carlos Granos, from El Salvador, due to Hurricane Sandy. She expressed her gratitude to the folks from Student Services who provided counseling for his classmates and to all who donated to the LINCC fund that is trying to raise money for his aunt to send his body home to his parents.


Chair Prime announced the next Capital and Finance BOT Committee meeting is scheduled for Tuesday, December 18, 2012 at 5:00 p.m. and the Full Board meeting is scheduled for Tuesday, December 18, 2012. The Board will open the public session at 6:30 p.m. and resume the public session at approximately 8:00 p.m.

Motion to adjourn was made by Trustee Donnelly and seconded by Trustee Drucker.

Motion carried unanimously 7-0.

Meeting adjourned at 10:15 p.m.

Respectfully submitted,


John P. Donnelly
Secretary

Re: RE: Re:

Page 1 of 2

DOCUMENT A

Re: RE: Re:

Joseph Buckheit [Joseph.Buckheit@ncc.edu]

Sent: Friday, February 11, 2011 10:13 AM

To: Sharon Walsh [sw@Connor-DAconti.com]

Sharon:

Pursuant to the by-laws there are 3 voting members that are not independent (paid by the College)

Arthur Friedman - elected member of the faculty
Alicia Sanchez - President of the Alumni Association
Kimberly Reiser - Chairperson of the Academic Senate

Joe

— Original Message —

From: Sharon Walsh <sw@Connor-DAconti.com>

Date: Friday, February 11, 2011 9:54 am

Subject: RE: Re:

To: Joseph Buckheit <Joseph.Buckheit@ncc.edu>

>

> Hi Joe – See below – I will change the return in say 22 voting members - can you verify that the remaining members are all independent in accordance with this definition?

> If some are not – I need to disclose compensation information. So please call me if this is the case.

- > Voting member of the governing body is independent , if all four of the following
- > body circumstances applied at all times during the organization's tax year:
- > 1. The member was not compensated as an officer or other employee of the
- > organization or of a related organization
- > 2. The member did not receive total compensation or other payments
- > exceeding \$10,000 during the organization's tax year from the organization or
- > from related organizations as an independent contractor
- > 3. Neither the member, nor any family member of the member, was involved
- > in a transaction with the organization (whether directly or indirectly through
- > affiliation with another organization.

> Thanks Sharon

>

> From: Joseph Buckheit [mailto:Joseph.Buckheit@ncc.edu]
> Sent: Thursday, February 10, 2011 10:07 AM
> To: Sharon Walsh
> Cc: Jay.Goldfarb@ncc.edu
> Subject: Re:

> Sharon:

> 1a voting members should be 22 (does not include Dr. Astrob & myself)

> 1b what does "independent" mean?

> Joe

> ----- Original Message -----

> From: Sharon Walsh <sw@Connor-DAconti.com>
> Date: Wednesday, February 9, 2011 2:50 pm
> Subject:
> To: Joseph Buckheit <Joseph.Buckheit@ncc.edu>
> Cc: "Jay.Goldfarb@ncc.edu" <Jay.Goldfarb@ncc.edu>

>> Dear Joe,

>> I have attached the Form 990 and Char 500 for the Foundation for the year ended 8/31/2010. You must use the Foundation's zipcode as the password to open this file. Please get back to me with any comments.
Thanks

>> Sharon A. Walsh, CPA
>> Connor & D'Aconti CPAs
>> sw@connor-daconti.com
>> 631-462-2500
>> Fax 631-462-2837

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Re: RE: RE: Re:

Page 1 of 3

Re: RE: RE: Re:

Joseph Buckheit [Joseph.Buckheit@ncc.edu]

Sent: Friday, February 11, 2011 10:23 AM

To: Sharon Walsh [sw@Connor-DAconti.com]

Friedman and Reiser -- \$112,000 plus 30% fringe
Sanchez -- \$57,000 plus 30% fringe

Foundation Hours -- 4 2 hour meetings per year

Joe

----- Original Message -----

From: Sharon Walsh <sw@Connor-DAconti.com>

Date: Friday, February 11, 2011 10:15 am

Subject: RE: RE: Re:

To: Joseph Buckheit <Joseph.Buckheit@ncc.edu>

>
> Ok then I need wages and benefit information on these people as well as hours devoted to the foundation.

>

> From: Joseph Buckheit [mailto:Joseph.Buckheit@ncc.edu]
> Sent: Friday, February 11, 2011 10:13 AM
> To: Sharon Walsh
> Subject: Re: RE: Re:

> Sharon:

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> Pursuant to the by-laws there are 3 voting members that are not independent (paid by the College)

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> Arthur Friedman - elected member of the faculty
> Alicia Sanchez - President of the Alumni Association
> Kimberly Reiser - Chairperson of the Academic Senate

>
> Joe

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> Date: Friday, February 11, 2011 9:54 am

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>
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- > Hi Joe – See below – I will change the return in say 22 voting members - can you verify that the remaining members are all independent in accordance with this definition?
- > If some are not – I need to disclose compensation information. So please call me if this is the case.

- > Voting member of the governing body is independent , if all four of the following body circumstances applied at all times during the organization's tax year:
 - > 1. The member was not compensated as an officer or other employee of the organization or of a related organization
 - > 2. The member did not receive total compensation or other payments exceeding \$10,000 during the organization's tax year from the organization or from related organizations as an independent contractor
 - > 3. Neither the member, nor any family member of the member, was involved in a transaction with the organization (whether directly or indirectly through affiliation with another organization.

> Thanks Sharon

>

>> From: Joseph Buckheit [mailto:Joseph.Buckheit@ncc.edu]
>> Sent: Thursday, February 10, 2011 10:07 AM
>> To: Sharon Walsh
>> Cc: Jay.Goldfarb@ncc.edu
>> Subject: Re:

>> Sharon:

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>> 1a voting members should be 22 (does not include Dr. Astrob & myself)

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>> 1b what does "independent" mean?

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>> Joe

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>> Date: Wednesday, February 9, 2011 2:50 pm
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>> Cc: "Jay.Goldfarb@ncc.edu" <Jay.Goldfarb@ncc.edu>
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>> Sharon A. Walsh, CPA
>> Connor & D'Aconti CPAs
>> sw@connor-daconti.com
>> 631-462-2500
>> Fax 631-462-2837

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DOCUMENT B

Connor & D'Aconti C.P.A.s, P.C.
Certified Public Accountants

5036 Jericho Turnpike • Commack, New York 11725-2812
Telephone: (631) 482-2500 • FAX: (631) 482-2837

Andrew F. Connor, C.P.A., Attorney
Anthony J. D'Aconti, C.P.A., M.B.A.

October 19, 2012

Dawn DiStefano, Executive Director
Nassau Community College Foundation Inc.
364 Rice Circle
One Education Drive
Garden City, NY 11530

Dear Dawn,

We would like to clarify our letter of October 11, 2012 which indicated that there was a typographical error in the 2009 Form 990 for Nassau Community College Foundation Inc. for the year ended August 31, 2010 which reflected compensation paid by Nassau Community College to Director, Michael Freeman.

The compensation amount provided to us from the Foundation was for Dr. Arthur Friedman, and in preparation of the 990 we inadvertently reported under Mr. Michael Freeman.

To reiterate, we have amended the Foundation's 2009 Form 990 to eliminate all compensation figures to reflect that no one was paid for their services to the Foundation.

Please call if you have any questions or need additional information.

Sincerely,

Andy
Andrew F. Connor

AFC/sw

Document C

Connor & D'Aconti C.P.A.s, P.C.
Certified Public Accountants

5036 Jericho Turnpike • Commack, New York 11725-2812
Telephone: (631) 462-2500 • FAX: (631) 462-2837

Andrew F. Connor, C.P.A., Attorney
Anthony J. D'Aconti, C.P.A., M.B.A.

October 11, 2012

Dawn DiStefano, Executive Director
Nassau Community College Foundation
364 Rice Circle
One Education Drive
Garden City, NY 11530

Dear Dawn:

I am writing this letter to address corrections needed to the Nassau Community College Foundation's 2009 Federal Form 990 for the fiscal year ended August 31, 2010.

No Trustees or Directors were compensated for their service to the Foundation. The original return incorrectly disclosed compensation amounts to Kimberly Reiser and Alicia Sanchez that were paid to them by Nassau Community College for services unrelated to this Foundation.

In addition, the original return contains a typographical error reflecting compensation for a Director, Michael Freeman. Mr. Freeman received no compensation from the Foundation.

We have prepared 2009 amended Federal Form 990 for the period ended August 31, 2010 to correct Trustee and Directors' compensation amounts incorrectly presented in Part VII on the original return.

Please call if you have any questions or need additional information.

Sincerely,



Andrew F. Connor

ARC/dm



DOCUMENT D

JAMES T. BEHRENS JR.
Vice President Finance
One Education Drive
Garden City, NY 11530-6793
Tel 516.572.7700
Fax 516.572.7705
James.Behrens@ncc.edu

October 19, 2012

Mr. Geoffrey Prime, Chair
Board of Trustees
Nassau Community College
One Education Drive
Garden City, NY 11530

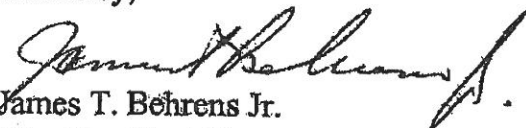
Re: Review NCC records – Compensation to Mr. Michael Freeman

Dear Mr. Prime:

The offices of both Human Resources and Accounts Payable have reviewed the College's records for 2010. Based on that review, there is no documentation that Mr. Michael Freeman received any compensation from the College. Ms. Dawn DiStefano, Executive Director of the NCC Foundation, Inc. has been informed of these findings.

Should anything else be needed on this matter, feel free to call me.

Sincerely,


James T. Behrens Jr.
Vice President Finance

/dw

WHERE SUCCESS STARTS...AND CONTINUES

Nassau Community College is a unit of The State University of New York sponsored by Nassau County

DOCUMENT E

Connor & D'Aconti C.P.A.s, P.C.
Certified Public Accountants

5036 Jericho Turnpike • Commack, New York 11725-2812
Telephone: (631) 462-2500 • FAX: (631) 462-2837

Andrew F. Connor, G.P.A., Attorney
Anthony J. D'Aconti, C.P.A., M.B.A.

October 19, 2012

Dawn DiStefano, Executive Director
Nassau Community College Foundation Inc.
364 Rice Circle
One Education Drive
Garden City, NY 11530

Dear Dawn,

We are writing to further clarify that the compensation disclosed in the original 2009 Form 990 for Nassau Community College Foundation Inc. for the year ended August 31, 2010 was compensation paid to the individuals by Nassau Community College, not the Foundation.

Therefore, the Foundation was not required to issue Form W-2 or Form 1099 for these individuals. Any IRS reporting requirements would have been satisfied by Nassau Community College.

As you know, upon further review of the IRS regulations governing Form 990 and discussions with the Exempt Organizations Division of the IRS, it was determined that such disclosure is unnecessary. Accordingly, the 2009 Form 990 has been amended to eliminate all compensation figures to reflect that no one was paid for their services to the Foundation.

Please call if you have any questions or need additional information.

Sincerely,

Andy
Andrew F. Connor

AFC/sw

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year. Use Schedule J-2 if additional space is needed.

- List all of the organization's current officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
 - List all of the organization's current key employees. See instructions for definition of "key employee."
 - List the organization's five current highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
 - List all of the organization's former officers, key employees, and highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
 - List all of the organization's former directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.
- List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

Check this box if the organization did not compensate any current officer, director, or trustee.

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)					(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee			
MICHAEL MCGINTY DIRECTOR		X					0	0	
MARY ADAMS DIRECTOR		X					0	0	
DR. AZAR K. ANAND DIRECTOR		X					0	0	
JOHN BRANSFIELD, III DIRECTOR	III	X					0	0	
JEFF CLARK DIRECTOR		X					0	0	
GABE HAIM DIRECTOR		X					0	0	
MICHAEL J. MARTINO, JR. DIRECTOR		X					0	0	
JOHN MULROONEY DIRECTOR		X					0	0	
MICHAEL NERSESIAN DIRECTOR		X					0	0	
VICTORIA ORTIZ-KLEINSCHMIDT DIRECTOR		X					0	0	
ROB QUADRINO DIRECTOR		X					0	0	
KIMBERLEY REISER DIRECTOR		X					0	0	
DON RUDOLPH DIRECTOR		X					0	0	
ALICIA SANCHEZ DIRECTOR		X					0	0	
DR. SEAN A. FANELLI DIRECTOR		X					0	0	
MICHAEL FREEMAN DIRECTOR		X					0	0	
JAMES LARGE, JR. DIRECTOR		X					0	0	
DAA		X					0	0	

SCHEDULE O
(Form 990)

Department of the Treasury
Internal Revenue Service

Name of the organization

Supplemental Information to Form 990

Complete to provide information for responses to specific questions on
Form 990 or to provide any additional information.
▶ Attach to Form 990.

OMB No. 1545-0047

2009

NASSAU COMMUNITY COLLEGE FOUNDATION

Employer identification number
11-2533314

Amended Return Explanation

THIS AMENDED RETURN WAS PREPARED TO CORRECT TRUSTEE AND DIRECTORS' COMPENSATION AMOUNTS INCORRECTLY PRESENTED ON FORM 990, PART VII ON THE ORIGINAL RETURN.

NO TRUSTEES OR DIRECTORS WERE PAID FOR THEIR SERVICES TO THE FOUNDATION. THE INCORRECTLY DISCLOSED COMPENSATION AMOUNTS TO KIMBERLY REISER AND ALICIA SANCHEZ WERE PAYMENTS TO THEM BY NASSAU COMMUNITY COLLEGE FOR SERVICES UNRELATED TO THIS FOUNDATION.

IN ADDITION, THE ORIGINAL RETURN CONTAINS A TYPOGRAPHICAL ERROR IN REFLECTING COMPENSATION FOR A DIRECTOR, MICHAEL FREEMAN. MR. FREEMAN RECEIVED NO COMPENSATION FROM THE FOUNDATION.

Form 990 - Organization's Mission or Most Significant Activities

THE FOUNDATION IS A NOT-FOR-PROFIT CORPORATION ORGANIZED UNDER THE LAWS OF NEW YORK STATE FOR THE PRINCIPAL PURPOSE OF ACCEPTING, HOLDING, INVESTING AND ADMINISTERING ANY PROCEEDS OR PROPERTIES RESULTING FROM GIFTS, BEQUESTS, DEVICES OR FUNDRAISING ACTIVITIES AND DISBURSING OR DONATING THE INCOME OR PRINCIPAL THEREOF FOR THE BENEFIT OF NASSAU COMMUNITY COLLEGE INCLUDING, AMONG OTHER THINGS, THE MAKING OF GRANTS, SCHOLARSHIPS AND LOANS TO FACULTY AND STUDENTS; THE MAKING OF GRANTS TO NASSAU COMMUNITY COLLEGE FOR OPERATING AND CAPITAL EXPENDITURES; AND FINANCIAL

Form **990**

Return of Organization Exempt From Income Tax

OMB No. 1545-0047
2009

Department of the Treasury
Internal Revenue Service

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)
▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2009 calendar year, or tax year beginning **09/01/09** and ending **08/31/10**

- B Check if applicable:
- Address change
 - Name change
 - Initial return
 - Termination
 - Amended return
 - Application pending

C Name of organization
NASSAU COMMUNITY COLLEGE FOUNDATION

Organization's EIN
Number and street (or P.O. box if mail is not delivered to street address) and room/suite
ONE EDUCATION DRIVE

City or town, state or country, and ZIP + 4
GARDEN CITY NY 11530

F Name and address of principal officer:
DR. DONALD ASTRAB
ONE EDUCATION DRIVE
GARDEN CITY NY 11530

D Employer identification number
11-2533314

E Telephone number
516-572-7485

G Gross receipts \$ **3,231,651**

H(a) Is this a group return for affiliates? Yes No
H(b) Are all affiliates included? Yes No
If "No," attach a list (see instructions)

I The exempt status: 501(c) (3) (Insert no.) 4947(a)(1) or 527

J Website: **WWW.NCC.EDU**

K Type of organization: Corporation Trust Association Other

L Year of tax year: **1983** M State of legal domicile: **NY**

Summary		Part Year	Current Year
1 Briefly describe the organization's mission or most significant activities: See Schedule O			
2 Check this box <input type="checkbox"/> if the organization discontinued its operations or disposed of more than 25% of its net assets.			
3 Number of voting members of the governing body (Part VI, line 1a)		3	24
4 Number of independent voting members of the governing body (Part VI, line 1b)		4	24
5 Total number of employees (Part V, line 2a)		5	0
6 Total number of volunteers (estimate if necessary)		6	
7a Total gross unrelated business revenue from Part VII, column (C), line 12		7a	
b Net unrelated business taxable income from Form 990-B		7b	0
8 Contributions and grants (Part VII, line 1b)		2,506,253	2,968,467
9 Program service revenue (Part VII, line 2c)		146,977	135,210
10 Investment income (Part VIII, column (A), lines 3, 4, and 7d)		73,702	69,307
11 Other revenue (Part VIII, column (A), lines 5, 6d, 6e, 6c, 10c, and 11a)		170,341	58,667
12 Total revenue - add lines 8 through 11 (must equal Part VII, column (A), line 12)		2,897,273	3,231,651
13 Grants and similar amounts paid (Part IX, column (A), lines 1-5)		2,300,067	2,927,836
14 Benefits paid to or for members (Part IX, column (A), line 6)			
15 Salaries, other compensation, employee benefits (Part IX, column (A), lines 8-10)			
16a Professional fundraising fees (Part IX, column (A), line 11a)			
b Total fundraising expenses (Part IX, column (D), line 25) ▶			
17 Other expenses (Part IX, column (A), lines 11b-11d, 11f-11g)		105,906	104,695
18 Total expenses. Add lines 13-17 (must equal Part IX, column (A), line 25)		2,405,973	3,032,531
19 Revenue less expenses. Subtract line 18 from line 12		491,300	199,120
20 Total assets (Part X, line 10)		3,562,174	4,195,469
21 Total liabilities (Part X, line 20)		358,582	792,953
22 Net assets or fund balances. Subtract line 21 from line 20		3,203,592	3,402,516

Part II Signature Block

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer: **JOSEPH BUCKHEIT** Date: **FINANCIAL SECRETARY**

Preparer's Information

Preparer's signature: **CONNOR & D'ACONTI C.P.A.S., P.C.** Date: **02/09/11** Check if self-employed: Preparer's identifying number (see instructions): **P00184318**

Firm's name (or yours if self-employed), address, and ZIP + 4: **5036 Jericho Turnpike, Connaack, NY 11725** Phone: **11-2917672** Fax: **631-462-2500**

May the IRS discuss this return with the preparer shown above? (see instructions) Yes No

For Privacy Act and Paperwork Reduction Act Notice, see the separate instructions. Form 990 (2009)

Part VII Compensation of Officers, Directors, Trustees, Key Employees, Highest Compensated Employees, and Independent Contractors

Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees

1a Complete this table for all persons required to be listed. Report compensation for the calendar year ending with or within the organization's tax year. Use Schedule J-2 if additional space is needed.

- List all of the organization's current officers, directors, trustees (whether individuals or organizations), regardless of amount of compensation. Enter -0- in columns (D), (E), and (F) if no compensation was paid.
- List all of the organization's current key employees. See instructions for definition of "key employee."
- List the organization's five current highest compensated employees (other than an officer, director, trustee, or key employee) who received reportable compensation (Box 5 of Form W-2 and/or Box 7 of Form 1099-MISC) of more than \$100,000 from the organization and any related organizations.
- List all of the organization's former officers, key employees, and highest compensated employees who received more than \$100,000 of reportable compensation from the organization and any related organizations.
- List all of the organization's former directors or trustees that received, in the capacity as a former director or trustee of the organization, more than \$10,000 of reportable compensation from the organization and any related organizations.

List persons in the following order: individual trustees or directors; institutional trustees; officers; key employees; highest compensated employees; and former such persons.

Check this box if the organization did not compensate any current officer, director, or trustee.

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Deferred amount of other compensation from the organization and related organizations
		Individual trustee or director	Institutional trustee	Officer	Key employee	Highest compensated employee	Former			
MICHAEL MCGINTY DIRECTOR		X					0	0	0	
MARY ADAMS DIRECTOR		X					0	0	0	
DR. AZAR K. ANAND DIRECTOR		X					0	0	0	
JOHN BRANSFIELD, III DIRECTOR		X					0	0	0	
JEFF CLARK DIRECTOR		X					0	0	0	
GABE HAIM DIRECTOR		X					0	0	0	
MICHAEL J. MARTINO, JR. DIRECTOR		X					0	0	0	
JOHN MULROONEY DIRECTOR		X					0	0	0	
MICHAEL NERSESIAN DIRECTOR		X					0	0	0	
VICTORIA ORTIZ-KLEINSCHMIDT DIRECTOR		X					0	0	0	
ROB QUADRINO DIRECTOR		X					0	0	0	
KIMBERLEY REISER DIRECTOR		X					0	0	0	
DON RUDOLPH DIRECTOR		X					0	0	0	
ALICIA SANCHEZ DIRECTOR		X					0	0	0	
DR. SEAN A. FANELLI DIRECTOR		X					0	0	0	
MICHAEL FREEMAN DIRECTOR		X					0	0	0	
JAMES LARGE, JR. DIRECTOR		X					0	0	0	

Part VII Section A. Officers, Directors, Trustees, Key Employees, and Highest Compensated Employees (continued)

(A) Name and Title	(B) Average hours per week	(C) Position (check all that apply)						(D) Reportable compensation from the organization (W-2/1099-MISC)	(E) Reportable compensation from related organizations (W-2/1099-MISC)	(F) Estimated amount of other compensation from the organization and related organizations
		Officer or Director	Trustee	Key employee	Highest compensated employee	Former	Other			
JOHN DURSON DIRECTOR		X					0	0	0	
DR. ARTHUR FRIEDMAN DIRECTOR		X					0	0	0	
JOSEPH BUCKHEIT FINANCE SEC.	16.00			X			0	127,399	0	
DR. DONALD ASTRAB EXEC DIRECTOR				X			0	0	0	
THOMAS CAVALLARO TREASURER				X			0	0	0	
MS. ANGELA ANTON VICE CHAIRPERSON				X			0	0	0	
DR. DOLORES FERNANDEZ CHAIRPERSON				X			0	0	0	
1b Total								127,399		

2 Total number of individuals (including but not limited to those listed above) who received more than \$100,000 in reportable compensation from the organization: **1**

	Yes	No
3 Did the organization list any former officer, director or trustee, key employee, or highest compensated employee on line 1a? If "Yes," complete Schedule J for such individual		X
4 For any individual listed on line 1a, is the sum of reportable compensation and other compensation from the organization and related organizations greater than \$150,000? If "Yes," complete Schedule J for such individual		X
5 Did any person listed on line 1a receive or accrue compensation from any unrelated organization for services rendered to the organization? If "Yes," complete Schedule J for such person		X

Section B. Independent Contractors

1 Complete this table for your five highest compensated independent contractors that received more than \$100,000 of compensation from the organization.

(A) Name and business address	(B) Description of services	(C) Compensation

2 Total number of independent contractors (including but not limited to those listed above) who received more than \$100,000 in compensation from the organization: **0**