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## JURY DELIVERS \$2 MILLION DISTRESS AWARD OVER LOST JOB

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A FEDERAL jury has awarded a \$2 million verdict to a former Nassau County probation officer who claimed his political affiliation cost him the department's top job.

George Thorsen, a 30-year veteran of the department, claimed that former County Executive Thomas Gulotta had recommended that he be 'appointed' as the new director of probation in February 2000.

Mr. Gulotta, a Republican, reneged on backing Mr. Thorsen for the job because Mr. Thorsen supported a 'different faction of the Republican Party,' one headed by former GOP chair Joseph Mondello, Mr. Thorsen claimed. Mr. Gulotta allegedly supported another man, John Carway, and urged the county Civil Service Commission to deny Mr. Thorsen the job (NYLJ, Dec. 22, 2003).

Mr. Thorsen, who retired in 2002, sued in February 2003, claiming the county violated his civil rights by effectively punishing him for his political beliefs.

On Monday, a Central Islip jury panel of four women and three men took just under eight hours to find that Mr. Thorsen's political affiliation was a 'substantial or a motivating factor' in denying him the top job and subsequently reducing his duties.

According to Louis D. **Stober**, Mr. Thorsen's attorney, Mr. Gulotta had only given 'lip service' that he would support Mr. Thorsen, when he actually favored Mr. Carway, who headed the department from 2001 to 2007.

Once Mr. Carway became chief of probation, he improperly relegated Mr. Thorsen to menial jobs, Mr. **Stober** said. 'Carway stripped him of everything, put him in a corner and said, why don't you revise a peace officers manual?' said Mr. **Stober**, of Garden City. He said that Mr. Carway also replaced his client as the leader of a task force of police and probation officers who would conduct surprise searches of probationers' homes.

Although the panel found that Mr. Thorsen was not constructively discharged due to his political beliefs, it awarded him \$1.5 million for the emotional distress he claimed forced him into early retirement.

Yesterday, on a motion by the county for judgment as a matter of law, Eastern District Magistrate Judge Arlene R. Lindsay set aside the jury finding that he had been denied the top job as a result of his political views, ruling that the position was policy-making in nature and thus exempt from First Amendment protection.

But the judge declined to set aside the emotional distress verdict with regard to the stripping of his duties, which included an additional \$500,000 in punitive damages against Mr. Carway, because 'it was so intertwined with the stripping of

The county had initially argued that Mr. Thorsen was merely 'nominated' as a possible candidate for the job, and was disqualified because he lacked managerial experience.

In court documents, the county cited to an April 2000 advisory opinion by the Department of Civil Service that upheld the county's determination that Mr. Thorsen lacked 'the established minimum qualifications for the appointment' as 'controlling' on whether Mr. Thorsen met the standards for the job.

The county also argued that 'political affiliation is an appropriate [job] requirement where there 120 F.3d 46 (1997), and claimed that in any event, there was no evidence other than Mr. Thorsen's 'opinion or belief...that he was deemed unqualified because of his involvement in the wrong faction of the Republican Party.'

Mr. Stober said the eight-day trial had 'vindicated my client.'

Nassau County Attorney Lorna B. Goodman said in an interview that the county would file a motion to set aside the verdict and then appeal if that is unsuccessful.

She said that the county 'absolutely denies any discrimination of any kind ' and categorically rejected any claims that Mr. Thorsen was retaliated against.

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