

B 5-20

Additional Backup Redacted
B-5-20

RECEIVED
CLERK OF THE LEGISLATURE
2020 MAR - 6 P 1:46



DAVIDOFF HUTCHER & CITRON LLP

ATTORNEYS AT LAW
605 THIRD AVENUE
NEW YORK, NEW YORK 10158

TEL: (212) 557-7200
FAX: (212) 286-1884
WWW.DHCLLEGAL.COM

FIRM OFFICES

GARDEN CITY
ATTORNEYS AT LAW
200 GARDEN CITY PLAZA
GARDEN CITY, NY 11530
(516) 248-6400

ALBANY
GOVERNMENT RELATIONS
150 STATE STREET
ALBANY, NY 12207
(518) 485-8230

WASHINGTON, D.C.
GOVERNMENT RELATIONS
201 MASSACHUSETTS AVENUE N.E.
WASHINGTON, D.C. 20002
(202) 347-1117

WRITER'S DIRECT: [REDACTED]
E-MAIL: [REDACTED]

February 19, 2020

Hon. Jodi Franzese
Inspector General
One West Street
Mineola, New York 11501

Re: E&A Restoration, Inc.

Dear Ms. Franzese,

This firm represents E&A Restoration, Inc. ("E&A"). We write you concerning Contract No. B-5-20 (B-19-10) (ID No. B90632-02G), and specifically in response to your office's February 7, 2020 report (annexed hereto as Exhibit "A").

For the reasons more fully stated below and given E&A's long, stellar history with public projects, we respectfully submit that E&A's vendor disclosure forms were factually accurate, and that E&A is, in fact a "responsible vendor", eligible for the subject contract award.

E&A

E&A is a WBE certified contractor in Nassau and Suffolk Counties.¹ E&A's sole shareholder, officer and director is Kalliopi Vournou.

Notably, to expand on this point, in each performance bond application submitted by E&A for completion work, the bonding companies look solely to Kalliopi Vournou's financial statements. Thus, it is Kalliopi Vournou's assets, not those of Jenny Sakalis and Antonios Vournou, which are the collateral for any of E&A's performance bonds.

E&A has had a long, successful history of performing construction work for Nassau County. Specifically, over the past fifteen (15) years, E&A has been awarded sixteen (16) contracts as itemized in the schedule annexed hereto as Exhibit "B". Each time E&A has received a contract award from Nassau County, they have submitted the identical disclosure forms as those submitted in the subject contract, that is, forms that indicate that Kalliopi

¹ As the subject contract is not an WBE contract, any discussion concerning WBE requirements or operations has no relevance here.

February 19, 2020

Page 2

Vournou is E&A's sole shareholder, officer and director. True and correct copies of the contract awards and the disclosure forms (that are in E&A's possession) are annexed hereto as Exhibit "C".

Whether Kalliopi Vournou's son, Antonios Vournou, or daughter, Jenny Sakalis, have referred to themselves as "Officers", "Owners Representative" or CFO, on LinkedIn or an industry website, have no legal significance. Again, Kalliopi Vournou is E&A's sole shareholder, officer and director as demonstrated by E&A's most recent corporate tax return, a true and correct copy of which is annexed hereto as Exhibit "D", and bond, a true and correct copy (demonstrating that Kalliopi Vournou, her husband Steven Vournou, and several investment entities which Kalliopi Vournou is a shareholder or member are the sole guarantors) of which is annexed hereto as Exhibit "E". The forms do not ask for "de facto" officers or key employees. Instead, the Principal Questionnaire Form calls for answers by "all officers and any individuals who hold a ten percent (10%) or greater ownership."

Last, whether individuals not associated with E&A believe that others are in fact officers of E&A is irrelevant, as the corporate books, records, tax filings and bond demonstrate that E&A has one shareholder, officer and director. Toward that end, since 2005, there has never been any formal corporate appointment of an officer other than Kalliopi Vournou.

Testimony and Interviews

Both Kalliopi Vournou and Antonios Vournou gave consistent testimony during their interviews with IG staff. Each consistently described Kalliopi Vournou as the sole shareholder, officer, and director. Each consistently described that Antonios Vournou would run the day to day operations in the field and that Jenny Sakalis would run the day to day operation in the office. Moreover, each consistently described that daily, the three would meet to discuss E&A matters, and tellingly, Kalliopi Vournou would be the final arbiter of any major decisions.

The mere fact that day to day operations are handled by individuals other than Kalliopi Vournou do not anoint the individuals to the status of officer or director. Nor would an arbitrary designation as "de facto" officers suggest that Ms. Sakalis or Mr. Vournou be considered officers, since the concept of a de facto officer, from a legal standpoint, is only intended to protect third parties relying on the alleged de facto officer's authority to contract for the company.²

² The Court in *In re Gen. Vision Services, Inc.*, 423 B.R. 790 (S.D.N.Y. 2010) explained how a de facto officer may bind the corporation with respect to its dealings with third parties but is not, in fact, an officer de jure:

One's status as a *de facto* officer is limited to the public and third persons interested in his acts, and beyond that he is a "mere usurper" whose acts are invalid. . . . In his relationship with the corporation itself, "a *de facto* director in not a director in law or in fact."

In re Gen. Vision Services, Inc., 423 B.R. at 794 (citations omitted); see also *Stile v Antico*, 272 A.D.2d 403, 404 (2d Dept. 2000) (noting that de facto director may bind the corporation but is not, in law or fact, a director); *In re*

February 19, 2020

Page 4

along with a revised E&A disclosure form and a revised Principal Disclosure Form as Exhibit "F".

Conclusion

The purpose of the County's disclosure forms is to ensure that the County has sufficient information on the applicants in order to review the applicant's criminal, corporate and financial status. Here, Kalliopi Vournou properly submitted factually accurate disclosure forms, as E&A's corporate records, tax returns and financial statements all indicate that she is E&A's sole shareholder, officer and director. The fact that Kalliopi Vournou's children are involved in day to day operations does little to belie the fact that, again, Kalliopi Vournou is E&A's sole shareholder, officer and director, and thus, the only one who rightfully should have submitted disclosure forms.

In the interest of full disclosure, the County now has the disclosure forms of Antonios Vournou and Jenny Sakalis, nominally, two E&A employees. As Antonios Vournou has received contracts from the County for another entity, we are confident that any review of these supplemental disclosure forms will provide the County with additional comfort. Also, should the County wish additional disclosure forms from other key E&A employees, E&A stands ready to provide those as well.

Last, given E&A's stellar history with the County, and the explanations above along with the supporting documentation, we respectfully submit that E&A has accurately responded to the requisite forms. Further, E&A has always been deemed to be a "responsible vendor". Considering the totality of the circumstances here, to think otherwise of E&A would simply be a wrong decision, and accordingly, E&A reserves all its legal rights herein. *See, e.g., AAA Carting and Rubbish Removal, Inc. v Town of Southeast*, 17 N.Y.3d 136, 144 (2011); *Professional Sec. Bur., Ltd. v City Univ. of New York*, 151 Misc.2d 225, 228 (Sup. Ct. New York Cty. 1991).

Very truly yours,



Charles Capetanakis

CC:rf
Encl.

CONTRACT AWARD DATE	CONTRACT NO.	CONTRACT NAME
5/17/2005	B90963G	Building Construction Requirements, Various Locations, Nassau County
*MISSING NOA	B90964G	Building Construction Requirements, Various Locations, Nassau County
6/19/2007	B90230201G	Police & Fire Communication Center, Phase I Structural Modification
5/6/2008	B90965G	Building Construction Requirements, Various Locations, Nassau County
6/24/2008	B90230PG	Public Safety Center Phase II General Construction
1/20/2009	B9040001G	Building Construction Requirements, Various Locations, Nassau County
2/17/2011	CY98-113010-0946	On Call General Contractor Trade Construction Contract
6/13/2011	B7006501G	Plaza Deck Restoration Phase II
7/27/2012	B9040002G	Building Construction Requirements, Various Locations, Nassau County
11/25/2013	B9E100016G	Hempstead House Lintel Replacement & Window Rehabilitation
12/10/2013	B90230P03G	Public Safety Center Phase III Forensic Laboratory
7/14/2014	CFCY16000004	On Call General Construction at Nassau Community College
10/2/2014	B70089-01G	Nassau Community College Student Services Center
11/17/2017	B90400-03GR	Building Construction Requirements Contract- General Construction
7/24/2018	B50688-02G	Nassau County Police Dept- Center for Training & Intelligence
IN REVIEW/PENDING AWARD	B90632-02G	Family & Matrimonial Court Phase II

COUNTY OF NASSAU

CONSULTANT'S, CONTRACTOR'S AND VENDOR'S DISCLOSURE FORM

1. Name of the Entity: E & A RESTORATION INC.

Address: 40 WILLIS AVE

City, State and Zip Code: SYDSEET, NY 11791

2. Entity's Vendor Identification Number: [REDACTED]

3. Type of Business: ☐ Public Corp ☐ Partnership ☐ Joint Venture

☐ Ltd. Liability Co ☒ Closely Held Corp ☐ Other (specify)

4. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, all partners and limited partners, all corporate officers, all parties of Joint Ventures, and all members and officers of limited liability companies (attach additional sheets if necessary):

Kalliope Vournou PRESIDENT / OFFICER

Jenny Sakalis Key Employee:

Antonios Vournou Key Employee:

5. List names and addresses of all shareholders, members, or partners of the firm. If the shareholder is not an individual, list the individual shareholders/partners/members. If a Publicly held Corporation, include a copy of the 10K in lieu of completing this section.

Kalliope Vournou 100% shareholder

- A. Include a resume or detailed description of the Proposer's professional qualifications, demonstrating extensive experience in your profession. Any prior similar experiences, and the results of these experiences, must be identified.

Should the proposer be other than an individual, the Proposal MUST include:

i) Date of formation; 11/1/2000

ii) Name, addresses, and position of all persons having a financial interest in the company, including shareholders, members, general or limited partner

iii) Name, address and position of all officers and directors of the company;

iv) State of incorporation (if applicable); New York

v) The number of employees in the firm;

vi) Annual revenue of firm;

vii) Summary of relevant accomplishments

viii) Copies of all state and local licenses and permits.

SEE ATTACHED PROJECTS COMPLETED.
SEE ATTACHED NJ LICENSE

key employees:
JENNY SAKALIS - OFFICE MGR

ANTONIO VOURNOU - Proj MGR

- B. Indicate number of years in business.

+ 19 years

- C. Provide any other information which would be appropriate and helpful in determining the Proposer's capacity and reliability to perform these services.

- D. Provide names and addresses for no fewer than three references for whom the Proposer has provided similar services or who are qualified to evaluate the Proposer's capability to perform this work.

Company SEE ATTACHED REFERENCES

Contact Person A

Address

City/State

Telephone

Fax #

E-Mail Address

PRINCIPAL QUESTIONNAIRE FORM

REVISED

All questions on these questionnaires must be answered by all officers and any individuals who hold a ten percent (10%) or greater ownership interest in the proposer. Answers typewritten or printed in Ink. If you need more space to answer any question, make as many photocopies of the appropriate page(s) as necessary and attach them to the questionnaire.

COMPLETE THIS QUESTIONNAIRE CAREFULLY AND COMPLETELY. FAILURE TO SUBMIT A COMPLETE QUESTIONNAIRE MAY MEAN THAT YOUR BID OR PROPOSAL WILL BE REJECTED AS NON-RESPONSIVE AND IT WILL NOT BE CONSIDERED FOR AWARD

- Principal Name: KALLIOP1 VOURN00
 Date of birth: [REDACTED]
 Home address: [REDACTED]
 City: [REDACTED] State/Province/Territory: [REDACTED] Zip/Postal Code: [REDACTED]
 Country: USA
 Business Address: 40 WILLIS AVE
 City: SYOSSET State/Province/Territory: NY Zip/Postal Code: 11791
 Country: USA
 Telephone: [REDACTED]
 Other present address(es):
 City: _____ State/Province/Territory: _____ Zip/Postal Code: _____
 Country: _____
 Telephone: _____

List of other addresses and telephone numbers attached

- Positions held in submitting business and starting date of each (check all applicable)

President	<u>11/1/2004</u>	Treasurer	_____
Chairman of Board	_____	Shareholder	<u>11/1/2004</u>
Chief Exec. Officer	_____	Secretary	_____
Chief Financial Officer	_____	Partner	_____
Vice President	_____		
(Other)	_____		

- Do you have an equity interest in the business submitting the questionnaire?

YES ☒ NO ☐ If Yes, provide details.

100% shareholder

- Are there any outstanding loans, guarantees or any other form of security or lease or any other type of contribution made in whole or in part between you and the business submitting the questionnaire?

YES ☐ NO ☒ If Yes, provide details.

- Within the past 3 years, have you been a principal owner or officer of any business or notfor-profit organization other than the one submitting the questionnaire?

YES ☐ NO ☒ If Yes, provide details.

N/A... See attached explanation

6. Has any governmental entity awarded any contracts to a business or organization listed in Section 5 in the past 3 years while you were a principal owner or officer?

YES ☐ NO ☒ If Yes, provide details.

NOTE: An affirmative answer is required below whether the sanction arose automatically, by operation of law, or as a result of any action taken by a government agency. Provide a detailed response to all questions checked "YES". If you need more space, photocopy the appropriate page and attach it to the questionnaire.

7. In the past (5) years, have you and/or any affiliated businesses or not-for-profit organizations listed in Section 5 in which you have been a principal owner or officer:

- a. Been debarred by any government agency from entering into contracts with that agency?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- b. Been declared in default and/or terminated for cause on any contract, and/or had any contracts cancelled for cause?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- c. Been denied the award of a contract and/or the opportunity to bid on a contract, including, but not limited to, failure to meet pre-qualification standards?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- d. Been suspended by any government agency from entering into any contract with it; and/or is any action pending that could formally debar or otherwise affect such business's ability to bid or propose on contract?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

8. Have any of the businesses or organizations listed in response to Question 5 filed a bankruptcy petition and/or been the subject of involuntary bankruptcy proceedings during the past 7 years, and/or for any portion of the last 7 year period, been in a state of bankruptcy as a result of bankruptcy proceedings initiated more than 7 years ago and/or is any such business now the subject of any pending bankruptcy proceedings, whenever initiated?

YES ☐ NO ☒ If 'Yes', provide details for each such instance. (Provide a detailed response to all questions check "Yes". If you need more space, photocopy the appropriate page and attached it to the questionnaire.)

9.

- a. Is there any felony charge pending against you?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- b. Is there any misdemeanor charge pending against you?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- c. Is there any administrative charge pending against you?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- d. In the past 10 years, have you been convicted, after trial or by plea, of any felony, or of any other crime, an element of which relates to truthfulness or the underlying facts of which related to the conduct of business? Y
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- e. In the past 5 years, have you been convicted, after trial or by plea, of a misdemeanor?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- f. In the past 5 years, have you been found in violation of any administrative or statutory charges?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

10. In addition to the information provided in response to the previous questions, in the past 5 years, have you been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency and/or the subject of an investigation where such investigation was related to activities performed at, for, or on behalf of the submitting business entity and/or an affiliated business listed in response to Question 5?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

-
11. In addition to the information provided, in the past 5 years has any business or organization listed in response to Question 5, been the subject of a criminal investigation and/or a civil anti-trust investigation and/or any other type of investigation by any government agency, including but not limited to federal, state, and local regulatory agencies while you were a principal owner or officer?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

12. In the past 5 years, have you or this business, or any other affiliated business listed in response to Question 5 had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

13. For the past 5 tax years, have you failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges, including but not limited to water and sewer charges?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

I, KALLIOPi VOURENOU, hereby acknowledge that a materially false statement willfully or fraudulently made in connection with this form may result in rendering the submitting business entity and/or any affiliated entities non-responsible, and, in addition, may subject me to criminal charges.

I, KALLIOPi VOURENOU, hereby certify that I have read and understand all the items contained in this form; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief; that I will notify the County in writing of any change in circumstances occurring after the submission of this form; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that the County will rely on the information supplied in this form as additional inducement to enter into a contract with the submitting business entity.

CERTIFICATION

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE SUBMITTING BUSINESS ENTITY NOT RESPONSIBLE WITH RESPECT TO THE PRESENT BID OR FUTURE BIDS, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

E & A RESTORATION INC.

Name of submitting business

Electronically signed and certified at the date and time indicated by:

PRESIDENT

Title

2/18/2020

Date

PRINCIPAL QUESTIONNAIRE FORM

All questions on these questionnaires must be answered by all officers and any individuals who hold a ten percent (10%) or greater ownership interest in the proposer. Answers typewritten or printed in ink. If you need more space to answer any question, make as many photocopies of the appropriate page(s) as necessary and attach them to the questionnaire.

COMPLETE THIS QUESTIONNAIRE CAREFULLY AND COMPLETELY. FAILURE TO SUBMIT A COMPLETE QUESTIONNAIRE MAY MEAN THAT YOUR BID OR PROPOSAL WILL BE REJECTED AS NON-RESPONSIVE AND IT WILL NOT BE CONSIDERED FOR AWARD

1. Principal Name: JENNY SAKALIS
Date of birth: [REDACTED]
Home address: [REDACTED]
City: [REDACTED] State/Province/Territory: [REDACTED] Zip/Postal Code: [REDACTED]
Country: USA
Business Address: 40 WILLIS AVE
City: SYDSEET State/Province/Territory: NY Zip/Postal Code: 11791
Country: USA
Telephone: [REDACTED]
Other present address(es):
City: _____ State/Province/Territory: _____ Zip/Postal Code: _____
Country: _____
Telephone: _____

List of other addresses and telephone numbers attached

2. Positions held in submitting business and starting date of each (check all applicable)

President	_____	Treasurer	_____
Chairman of Board	_____	Shareholder	_____
Chief Exec. Officer	_____	Secretary	_____
Chief Financial Officer	_____	Partner	_____
Vice President	_____		
(Other)	<u>N/A... see explanation</u>		

3. Do you have an equity interest in the business submitting the questionnaire?
YES ☐ NO ☒ If Yes, provide details.

4. Are there any outstanding loans, guarantees or any other form of security or lease or any other type of contribution made in whole or in part between you and the business submitting the questionnaire?
YES ☐ NO ☒ If Yes, provide details.

5. Within the past 3 years, have you been a principal owner or officer of any business or notfor-profit organization other than the one submitting the questionnaire?
YES ☐ NO ☒ If Yes, provide details.

N/A... see explanation

6. Has any governmental entity awarded any contracts to a business or organization listed in Section 5 in the past 3 years while you were a principal owner or officer?

YES ☐ NO ☒ If Yes, provide details.

NOTE: An affirmative answer is required below whether the sanction arose automatically, by operation of law, or as a result of any action taken by a government agency. Provide a detailed response to all questions checked "YES". If you need more space, photocopy the appropriate page and attach it to the questionnaire.

7. In the past (5) years, have you and/or any affiliated businesses or not-for-profit organizations listed in Section 5 in which you have been a principal owner or officer:

- a. Been debarred by any government agency from entering into contracts with that agency?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- b. Been declared in default and/or terminated for cause on any contract, and/or had any contracts cancelled for cause?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- c. Been denied the award of a contract and/or the opportunity to bid on a contract, including, but not limited to, failure to meet pre-qualification standards?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- d. Been suspended by any government agency from entering into any contract with it; and/or is any action pending that could formally debar or otherwise affect such business's ability to bid or propose on contract?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

8. Have any of the businesses or organizations listed in response to Question 5 filed a bankruptcy petition and/or been the subject of involuntary bankruptcy proceedings during the past 7 years, and/or for any portion of the last 7 year period, been in a state of bankruptcy as a result of bankruptcy proceedings initiated more than 7 years ago and/or is any such business now the subject of any pending bankruptcy proceedings, whenever initiated?

YES ☐ NO ☒ If 'Yes', provide details for each such instance. (Provide a detailed response to all questions check "Yes". If you need more space, photocopy the appropriate page and attached it to the questionnaire.)

9.

a. Is there any felony charge pending against you?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

b. Is there any misdemeanor charge pending against you?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

c. Is there any administrative charge pending against you?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

d. In the past 10 years, have you been convicted, after trial or by plea, of any felony, or of any other crime, an element of which relates to truthfulness or the underlying facts of which related to the conduct of business? Y

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

e. In the past 5 years, have you been convicted, after trial or by plea, of a misdemeanor?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

f. In the past 5 years, have you been found in violation of any administrative or statutory charges?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

10. In addition to the information provided in response to the previous questions, in the past 5 years, have you been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency and/or the subject of an investigation where such investigation was related to activities performed at, for, or on behalf of the submitting business entity and/or an affiliated business listed in response to Question 5?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

11. In addition to the information provided, in the past 5 years has any business or organization listed in response to Question 5, been the subject of a criminal investigation and/or a civil anti-trust investigation and/or any other type of investigation by any government agency, including but not limited to federal, state, and local regulatory agencies while you were a principal owner or officer?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

12. In the past 5 years, have you or this business, or any other affiliated business listed in response to Question 5 had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

13. For the past 5 tax years, have you failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges, including but not limited to water and sewer charges?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

I, JENNY SAKALIS, hereby acknowledge that a materially false statement willfully or fraudulently made in connection with this form may result in rendering the submitting business entity and/or any affiliated entities non-responsible, and, in addition, may subject me to criminal charges.

I, JENNY SAKALIS, hereby certify that I have read and understand all the items contained in this form; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief; that I will notify the County in writing of any change in circumstances occurring after the submission of this form; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that the County will rely on the information supplied in this form as additional inducement to enter into a contract with the submitting business entity.

CERTIFICATION

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE SUBMITTING BUSINESS ENTITY NOT RESPONSIBLE WITH RESPECT TO THE PRESENT BID OR FUTURE BIDS, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

E & A RESTORATION INC

Name of submitting business

Electronically signed and certified at the date and time indicated by:

Jenny Sakalis

office Manager

Title

2/18/20

Date

PRINCIPAL QUESTIONNAIRE FORM

All questions on these questionnaires must be answered by all officers and any individuals who hold a ten percent (10%) or greater ownership interest in the proposer. Answers typewritten or printed in ink. If you need more space to answer any question, make as many photocopies of the appropriate page(s) as necessary and attach them to the questionnaire.

COMPLETE THIS QUESTIONNAIRE CAREFULLY AND COMPLETELY. FAILURE TO SUBMIT A COMPLETE QUESTIONNAIRE MAY MEAN THAT YOUR BID OR PROPOSAL WILL BE REJECTED AS NON-RESPONSIVE AND IT WILL NOT BE CONSIDERED FOR AWARD

1. Principal Name: ANTONIOS VOURNOU
Date of birth: [REDACTED]
Home address: [REDACTED]
City: [REDACTED] State/Province/Territory: [REDACTED] Zip/Postal Code: [REDACTED]
Country: USA
- Business Address: 40 Willis Ave.
City: Synsset State/Province/Territory: NY Zip/Postal Code: 11791
Country: USA
Telephone: [REDACTED]
- Other present address(es):
City: _____ State/Province/Territory: _____ Zip/Postal Code: _____
Country: _____
Telephone: _____

List of other addresses and telephone numbers attached

2. Positions held in submitting business and starting date of each (check all applicable)

President	_____	Treasurer	_____
Chairman of Board	_____	Shareholder	_____
Chief Exec. Officer	_____	Secretary	_____
Chief Financial Officer	_____	Partner	_____
Vice President	_____		
(Other)	<u>N/A... see explanation</u>		

3. Do you have an equity interest in the business submitting the questionnaire?
YES ☐ NO ☒ If Yes, provide details.

4. Are there any outstanding loans, guarantees or any other form of security or lease or any other type of contribution made in whole or in part between you and the business submitting the questionnaire?
YES ☐ NO ☒ If Yes, provide details.

5. Within the past 3 years, have you been a principal owner or officer of any business or notfor-profit organization other than the one submitting the questionnaire?
YES ☐ NO ☒ If Yes, provide details.

N/A... see explanation

6. Has any governmental entity awarded any contracts to a business or organization listed in Section 5 in the past 3 years while you were a principal owner or officer?

YES ☒ NO ☐ If Yes, provide details.

Nassau Community College On call CM services Contract No. CFCY0000007
CFCY13000005

NOTE: An affirmative answer is required below whether the sanction arose automatically, by operation of law, or as a result of any action taken by a government agency. Provide a detailed response to all questions checked "YES". If you need more space, photocopy the appropriate page and attach it to the questionnaire.

7. In the past (5) years, have you and/or any affiliated businesses or not-for-profit organizations listed in Section 5 in which you have been a principal owner or officer:

- a. Been debarred by any government agency from entering into contracts with that agency?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- b. Been declared in default and/or terminated for cause on any contract, and/or had any contracts cancelled for cause?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- c. Been denied the award of a contract and/or the opportunity to bid on a contract, including, but not limited to, failure to meet pre-qualification standards?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

- d. Been suspended by any government agency from entering into any contract with it; and/or is any action pending that could formally debar or otherwise affect such business's ability to bid or propose on contract?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

8. Have any of the businesses or organizations listed in response to Question 5 filed a bankruptcy petition and/or been the subject of involuntary bankruptcy proceedings during the past 7 years, and/or for any portion of the last 7 year period, been in a state of bankruptcy as a result of bankruptcy proceedings initiated more than 7 years ago and/or is any such business now the subject of any pending bankruptcy proceedings, whenever initiated?

YES ☐ NO ☒ If 'Yes', provide details for each such instance. (Provide a detailed response to all questions check "Yes". If you need more space, photocopy the appropriate page and attached it to the questionnaire.)

9.

a. Is there any felony charge pending against you?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

b. Is there any misdemeanor charge pending against you?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

c. Is there any administrative charge pending against you?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

d. In the past 10 years, have you been convicted, after trial or by plea, of any felony, or of any other crime, an element of which relates to truthfulness or the underlying facts of which related to the conduct of business? Y

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

e. In the past 5 years, have you been convicted, after trial or by plea, of a misdemeanor?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

f. In the past 5 years, have you been found in violation of any administrative or statutory charges?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

10. In addition to the information provided in response to the previous questions, in the past 5 years, have you been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency and/or the subject of an investigation where such investigation was related to activities performed at, for, or on behalf of the submitting business entity and/or an affiliated business listed in response to Question 5?

YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

-
11. In addition to the information provided, in the past 5 years has any business or organization listed in response to Question 5, been the subject of a criminal investigation and/or a civil anti-trust investigation and/or any other type of investigation by any government agency, including but not limited to federal, state, and local regulatory agencies while you were a principal owner or officer?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

12. In the past 5 years, have you or this business, or any other affiliated business listed in response to Question 5 had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

13. For the past 5 tax years, have you failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges, including but not limited to water and sewer charges?
YES ☐ NO ☒ If yes, provide an explanation of the circumstances and corrective action taken.

I, ANTONIO VOURNIDOU, hereby acknowledge that a materially false statement willfully or fraudulently made in connection with this form may result in rendering the submitting business entity and/or any affiliated entities non-responsible, and, in addition, may subject me to criminal charges.

I, ANTONIO VOURNIDOU, hereby certify that I have read and understand all the items contained in this form; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief; that I will notify the County in writing of any change in circumstances occurring after the submission of this form; and that all information supplied by me is true to the best of my knowledge, information and belief. I understand that the County will rely on the information supplied in this form as additional inducement to enter into a contract with the submitting business entity.

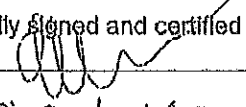
CERTIFICATION

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE SUBMITTING BUSINESS ENTITY NOT RESPONSIBLE WITH RESPECT TO THE PRESENT BID OR FUTURE BIDS, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

E&A RESTORATION INC

Name of submitting business

☒ Electronically signed and certified at the date and time indicated by:



Project Manager

Title

02/18/2020

Date

SUPPLEMENT TO PRINCIPAL QUESTIONNAIRE FORM

Question #2: Positions held in submitting business and starting date of each:

Antonios Vournou and Jenny Sakalis have never been appointed as officers of E&A Restoration. Jenny Sakalis oversees most of E&A's financial operations as Officer Manager and Antonios Vournou manages most of the business' field work as Project Manager. They have served in these positions since 2000 and 2006, respectively.

Question # 5: Within the past 3 years, have you been a principal owner or officer of any business or not-for-profit organization other than the one submitting the questionnaire:

We do not believe that real estate investments constitute "businesses" which must be disclosed in response to this question. However, in the interest of full disclosure, we have listed all entities in which Kalliopi Vournou, Antonios Vournou and Jenny Sakalis hold an interest below.

Antonios Vournou

- 1) ENT Jamaica Realty LLC, 50%
- 2) Construction Estimating School, 100%
- 3) Spea Contracting Inc., 100%
- 4) MKS Realty LLC, 50%
- 5) Afrodisia Development LLC, 100%
- 6) 6500 Jericho Turnpike LLC, 50%
- 7) 50 Jericho LLC, 25%
- 8) ENT Realty LLC, 50%
- 9) Big Top Innovations LLC, 99%
- 10) A. Vournou Construction Management Group LLC, 100%
- 11) TMV Realty, LLC, 50%

Jenny Sakalis

- 1) ENT REALTY LLC, 50%
- 2) ENT JAMAICA REALTY LLC, 50%

Kalliopi Vournou

- 1) E&A Restoration Inc, 100%
- 2) Seak Realty Corp, 100%
- 3) SK&V Realty Corp, 100%
- 4) Vrisi Realty LLC, 50%
- 5) 6500 Jericho Tpke LLC, 50%
- 6) SKALLI 777 Realty LLC, 50%
- 7) GK CORONA Realty LLC, 50%
- 8) SK&V Mineola LLC, 50%
- 9) GKKV Realty LLC, 50%
- 10) MKS Realty LLC, 50%
- 11) Sk&V Railroad Ave Corp., 50%
- 12) TMV Realty LLC, 50%
- 13) 50 Jericho LLC, 25%
- 14) 23 Willis LLC, 50%
- 15) 30 Willis LLC, 50%
- 16) VKS Realty LLC, 50%
- 17) E&A Spaces LLC, 50%



COUNTY OF NASSAU

POLITICAL CAMPAIGN CONTRIBUTION DISCLOSURE FORM

1. Has the vendor or any corporate officers of the vendor provided campaign contributions pursuant to the New York State Election Law in (a) the period beginning April 1, 2016 and ending on the date of this disclosure, or (b), beginning April 1, 2018, the period beginning two years prior to the date of this disclosure and ending on the date of this disclosure, to the campaign committees of any of the following Nassau County elected officials or to the campaign committees of any candidates for any of the following Nassau County elected offices: the County Executive, the County Clerk, the Comptroller, the District Attorney, or any County Legislator?

YES ☒ NO ☐ If yes, to what campaign committee?

see attached

2. VERIFICATION: This section must be signed by a principal of the consultant, contractor or Vendor authorized as a signatory of the firm for the purpose of executing Contracts.

The undersigned affirms and so swears that he/she has read and understood the foregoing statements and they are, to his/her knowledge, true and accurate.

The undersigned further certifies and affirms that the contribution(s) to the campaign committees identified above were made freely and without duress, threat or any promise of a governmental benefit or in exchange for any benefit or remuneration.

~~Electronically~~ signed and certified at the date and time indicated by:

Dated: 2/18/2020

Vendor:

E & A Restoration Inc

Title:

[Signature]

E&A Restoration
February 19, 2020

SUPPLEMENT TO POLITICAL CONTRIBUTIONS FORM

Note: All contributions were made by Antonios Vournou, either in his individual or LLC membership capacity. While we maintain that Mr. Vournou is not an officer of E&A Restoration, in the interest of full disclosure, below are Mr. Vournou's political contributions since April 1, 2016.

2020

2/1/20 – Trump Pence Victory - \$1,000 – paid by personal credit card

2019

10/07/19 – Citizens for Saladino - \$1,000 – paid by personal check

10/28/19 – Salamanca 2021 - \$250 – paid by personal check

12/02/19 – Tannousis Assembly - \$250 – paid by personal check

2017

10/10/17 – Citizens for Saladino - \$5,000 – paid by 6500 Jericho Turnpike LLC

10/23/17 – Martins for Nassau - \$5,000 – paid by personal check

10/25/17 – Labriola for Comptroller - \$1,000 – paid by 6500 Jericho Turnpike LLC

2016

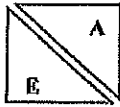
5/02/16 – Friends of Schumer - \$3,000 – paid by personal check

5/09/16 – Zeldin for Congress - \$1,000 – paid by personal check

9/26/16 – NYS Senate Republican Camp - \$1,000 – paid by personal check

10/6/16 – Friends of Ed Mangano - \$10,000 – paid by personal check

12/2/16 – Friends of George Maragos - \$5,000 – paid by 6500 Jericho Turnpike LLC



E&A RESTORATION INC.

March 6, 2020

Hon. Jodi Franzese
Inspector General
One West Street
Mineola, New York 11501

Dear Ms. Franzese,

I write in response to your office's February 7, 2020 report and to supplement our response dated February 19, 2020.

First, I'd like to express my respect and support for the role that the Inspector General's office plays in ensuring that public contractors make full and accurate disclosure to the County. I understand the concerns raised in your report, and it is for this reason that I requested that my children also provide the disclosure forms attached to our February 19 response.

In my long and successful history with Nassau County, I have always filled out the County's disclosure forms in a consistent manner, listing myself as E&A's sole owner and officer. I did so because the forms were not specific (especially when it came to listing businesses) and because we had received advice to complete the forms in that way.

It is true that my children are listed on disclosure forms submitted to New York City's PASSPort (formerly Vendex) system. However, in addition to these PASSPort forms specifically requesting information from "managers," my children were included in these forms since the city would not speak to them if they were not listed on E&A's applications. Nonetheless, my children have never been formally appointed officers as we are a small, family owned business that lacks the corporate formalities of larger companies.

I understand that the Inspector General's office has a broader interpretation of disclosure on the forms (especially as it concerns a small family businesses like E&A) and we respect this view.

Indeed, while I honestly did not believe that disclosure relating to my children was required under the forms, I have now provided and will continue to be happy to provide any and all disclosure relating to my business, my children and myself. I regret that my misunderstanding of the forms' questions has caused concern regarding my long-term relationship with the County, a relationship that we respect and value highly. Whatever differences there may have been with respect to the County's disclosure requirements, please be assured that it was never my intent to deceive the county or provide incomplete disclosures.

40 Willis Ave., Suite 200, Syosset, New York 11791
(516) 921-7030 * Fax: (516) 921-0259



E&A RESTORATION INC.

Concerning E&A's certification as a women-owned business enterprise ("WBE"), I maintain that our certification as a WBE in 2007 was proper. At that time, before my husband took ill, I was involved on a daily basis. I understand that, due to my diminished involvement in the day-to-day operations of E&A as a result of my husband's health condition, E&A may no longer qualify as a WBE and we will take the appropriate measures to address this issue. However, I do not believe that such change in eligibility for WBE certification relates to my qualifications for the subject contract.

I may no longer be familiar with all E&A's employees' names. I can assure you, however, that I am the sole owner and officer of my business, and the sole guarantor (with my husband) of our bonds, even if I am not as involved in E&A's day-to-day activities as I used to be.

It is true that, perhaps, I am an overbearing Greek mother and that I should have appointed my children as officers of my company by now. However, I understand that this has been a cause for concern for the County given my children's increased involvement in the day-to-day activities of E&A, and, to that end, to avoid the confusion that I have caused, I will be requiring my children to provide disclosure forms as part of all of my public bids with the County and elsewhere going forward.

I hope that I have addressed the concerns raised in your report and am happy to provide any additional documentation or information that you request. Simply put, never did I intend to deceive the County and, to the extent our honest interpretation of the procurement guidelines has caused such a perception, I sincerely apologize.

Sincerely,



Kalitri Vournou

Additional Backup B-5-20

RECEIVED
MASSACHUSETTS
CLERK OF THE SUPERIOR COURT
2020 MAR -6 P 1:46



DAVIDOFF HUTCHER & CITRON LLP

ATTORNEYS AT LAW
605 THIRD AVENUE
NEW YORK, NEW YORK 10158

TEL: (212) 557-7200
FAX: (212) 286-1884
WWW.DHCLLEGAL.COM

FIRM OFFICES

GARDEN CITY
ATTORNEYS AT LAW
200 GARDEN CITY PLAZA
GARDEN CITY, NY 11530
(516) 248-6400

ALBANY
GOVERNMENT RELATIONS
150 STATE STREET
ALBANY, NY 12207
(518) 465-8230

WASHINGTON, D.C.
GOVERNMENT RELATIONS
201 MASSACHUSETTS AVENUE N.E.
WASHINGTON, D.C. 20002
(202) 347-1117

WRITER'S DIRECT: (646) 428-3206
E-MAIL: cc@dhcllegal.com

February 19, 2020

Hon. Jodi Franzese
Inspector General
One West Street
Mineola, New York 11501

Re: E&A Restoration, Inc.

Dear Ms. Franzese,

This firm represents E&A Restoration, Inc. ("E&A"). We write you concerning Contract No. B-5-20 (B-19-10) (ID No. B90632-02G), and specifically in response to your office's February 7, 2020 report (annexed hereto as Exhibit "A").

For the reasons more fully stated below and given E&A's long, stellar history with public projects, we respectfully submit that E&A's vendor disclosure forms were factually accurate, and that E&A is, in fact a "responsible vendor", eligible for the subject contract award.

E&A

E&A is a WBE certified contractor in Nassau and Suffolk Counties.¹ E&A's sole shareholder, officer and director is Kalliopi Vournou.

Notably, to expand on this point, in each performance bond application submitted by E&A for completion work, the bonding companies look solely to Kalliopi Vournou's financial statements. Thus, it is Kalliopi Vournou's assets, not those of Jenny Sakalis and Antonios Vournou, which are the collateral for any of E&A's performance bonds.

E&A has had a long, successful history of performing construction work for Nassau County. Specifically, over the past fifteen (15) years, E&A has been awarded sixteen (16) contracts as itemized in the schedule annexed hereto as Exhibit "B". Each time E&A has received a contract award from Nassau County, they have submitted the identical disclosure forms as those submitted in the subject contract, that is, forms that indicate that Kalliopi

¹ As the subject contract is not an WBE contract, any discussion concerning WBE requirements or operations has no relevance here.

February 19, 2020

Page 2

Vournou is E&A's sole shareholder, officer and director. True and correct copies of the contract awards and the disclosure forms (that are in E&A's possession) are annexed hereto as Exhibit "C".

Whether Kalliopi Vournou's son, Antonios Vournou, or daughter, Jenny Sakalis, have referred to themselves as "Officers", "Owners Representative" or CFO, on LinkedIn or an industry website, have no legal significance. Again, Kalliopi Vournou is E&A's sole shareholder, officer and director as demonstrated by E&A's most recent corporate tax return, a true and correct copy of which is annexed hereto as Exhibit "D", and bond, a true and correct copy (demonstrating that Kalliopi Vournou, her husband Steven Vournou, and several investment entities which Kalliopi Vournou is a shareholder or member are the sole guarantors) of which is annexed hereto as Exhibit "E". The forms do not ask for "de facto" officers or key employees. Instead, the Principal Questionnaire Form calls for answers by "all officers and any individuals who hold a ten percent (10%) or greater ownership."

Last, whether individuals not associated with E&A believe that others are in fact officers of E&A is irrelevant, as the corporate books, records, tax filings and bond demonstrate that E&A has one shareholder, officer and director. Toward that end, since 2005, there has never been any formal corporate appointment of an officer other than Kalliopi Vournou.

Testimony and Interviews

Both Kalliopi Vournou and Antonios Vournou gave consistent testimony during their interviews with IG staff. Each consistently described Kalliopi Vournou as the sole shareholder, officer, and director. Each consistently described that Antonios Vournou would run the day to day operations in the field and that Jenny Sakalis would run the day to day operation in the office. Moreover, each consistently described that daily, the three would meet to discuss E&A matters, and tellingly, Kalliopi Vournou would be the final arbiter of any major decisions.

The mere fact that day to day operations are handled by individuals other than Kalliopi Vournou do not anoint the individuals to the status of officer or director. Nor would an arbitrary designation as "de facto" officers suggest that Ms. Sakalis or Mr. Vournou be considered officers, since the concept of a de facto officer, from a legal standpoint, is only intended to protect third parties relying on the alleged de facto officer's authority to contract for the company.²

² The Court in *In re Gen. Vision Services, Inc.*, 423 B.R. 790 (S.D.N.Y. 2010) explained how a de facto officer may bind the corporation with respect to its dealings with third parties but is not, in fact, an officer de jure:

One's status as a *de facto* officer is limited to the public and third persons interested in his acts, and beyond that he is a "mere usurper" whose acts are invalid. . . . In his relationship with the corporation itself, "a *de facto* director is not a director in law or in fact."

In re Gen. Vision Services, Inc., 423 B.R. at 794 (citations omitted); *see also* *Stile v Antico*, 272 A.D.2d 403, 404 (2d Dept. 2000) (noting that de facto director may bind the corporation but is not, in law or fact, a director); *In re*