

## Preservation Struggle Leads To First Amendment Claim

A Manhattan woman is under investigation, by the city's Department of Investigations, ostensibly for having misrepresented the views of the borough president in a public hearing about preservation matter. But the real purpose, some say, is to stifle dissent on development issues, and the woman has

## A Preservationist Maintains She Did Not Misrepresent the City

By ANEMONA HARTOCOLLIS

In October 2006, a Manhattan preservationist, Virginia Parkhouse, got up at a public hearing and announced that she would read a letter from the borough president, Scott M. Stringer, in support of giving landmark status to two stables on the Upper West Side.

"I ask that you immediately protect the important part of history of the Upper West Side and landmark these buildings," she said.

But according to court documents, those were not the exact words of the letter, which backed preservation, but with a less urgent tone. And now Mr. Stringer says that after writing the letter, he had changed his mind about one of the buildings because demolition had

already begun.

After Mr. Stringer complained to the Landmarks Commission that Ms. Parkhouse misrepresented him, the commission went to the Department of Investigation, which began looking into the complaint.

Ms. Parkhouse has denied the accusations and has gone to court to defend her testimony. In oral arguments on Friday before the Appellate Division of State Supreme Court in Manhattan, her lawyer, Whitney North Seymour Jr., argued that Ms. Parkhouse had a First Amendment right to testify before a government agency and that the city's investigation of her would have a chilling effect on public-spirited citizens.

"It is self-evident that this episode

### Accusations stem from the reading of a letter with a few words changed.

was generated by rancor on the part of a public official and was intended by the angered official to frighten and chastise the entire group of preservation advocates, specifically those associated with Landmark West," Ms. Parkhouse said in her court papers. The New York Civil Liberties Union has also filed papers in support of her case.

In October 2007, a lower court judge,

Justice Herman Cahn of State Supreme Court in Manhattan, had ruled against Ms. Parkhouse, finding that she had misrepresented the meaning of the letter. He denied Ms. Parkhouse's request to cancel a subpoena issued by the Department of Investigation.

Rose Gill Hearn, the department's commissioner, said in a statement on Friday that she did not take issue with Ms. Parkhouse's right to express her views.

"That is not what this case is about," Ms. Hearn said.

"D.O.I. was asked by the city's Landmarks Preservation Commission to investigate an allegation that two people had made representations before the

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## Preservationist Says She Did Not Misrepresent the City

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commission in which they falsely claimed to be speaking on behalf of certain elected officials and that one had even signed in falsely as an elected official's representative."

The stables in question had not housed horses for years. A developer, the Related Companies, had plans to knock them down one of them, the Dakota Stables on Amsterdam Avenue near 77th Street, and put up a condominium building designed by Robert A.M. Stern Architects. Ultimately, the commission voted against landmark status, and the Dakota Stables were knocked down. The other stable, the New York Cab Company stables at 201 West 75th Street, was given landmark protection.

On Oct. 1, 2006, two weeks before the hearing, Mr. Stringer received a \$3,850 donation from Jeff T. Blau, president of Related

Companies, according to city campaign finance records. Related and its officials have given at least \$300,000 to dozens of New York City candidates since 1989, including at least \$14,000 to Mr. Stringer since 2003, according to city campaign finance records.

Mr. Stringer declined to comment on Friday. Mr. Blau could not be reached for comment.

But Mr. Stringer's spokesman, Dick Riley, said that the decision to pursue an investigation of Ms. Parkhouse was made by the city's Landmarks Preservation Commission and Department of Investigation. Mr. Riley said that contributions do not dictate Mr. Stringer's decisions.

The court case hinges on the letter that Mr. Stringer wrote to Robert B. Tierney, chairman of the Landmarks Preservation Commission, on Aug. 14, 2006. In the letter, Mr. Stringer asked that the commission "calendar" the stables — that is, schedule a pub-

lic hearing to discuss landmark status for them — to "protect an important part of the history of the development of the Upper West Side."

Ms. Parkhouse denies that she misrepresented herself. On the sign-up sheet for the hearing, held Oct. 17, Ms. Parkhouse signed in with her home address in Murray Hill, as a representative of Landmark West. She then said she was "volunteering" to read the letter from Mr. Stringer.

Justice Cahn ruled that Ms. Parkhouse misrepresented the meaning of Mr. Stringer's letter by changing the last sentence.

Ms. Parkhouse argues that at that point, "calendar" was a moot point, because the hearing was the very hearing that Mr. Stringer had asked to be "calendared." She argued that she did not change the substance of his request, and her lawyer said in court that she didn't realize that he had changed his mind.

Mr. Stringer's aides say that landmark status itself was moot by October, because workers had already begun chipping away at the facade of the Dakota Stables.

On Nov. 27, 2006, Jimmy Yan, Mr. Stringer's counsel, sent a letter to the Landmarks Preservation Commission to "clarify" Mr. Stringer's position on landmark status for the two buildings and

to complain that Ms. Parkhouse had misrepresented herself by giving the impression that she was speaking for Mr. Stringer.

The letter said that Ms. Parkhouse may have violated New York penal law on "criminal impersonation, an offense that includes acting with intent to cause another to rely upon pretended official authority."

In February 2007, the Landmarks Commission sent a complaint to the Department of Investigation, saying that Ms. Parkhouse and Lindsay Miller, a colleague, had both misrepresented themselves at the meeting, according to the city's court papers. Ms. Miller was accused of falsely signing in as a representative of Assemblywoman Linda B. Rosenthal.

Investigators asked Ms. Parkhouse and Ms. Miller to come in for interviews. Ms. Miller agreed, but then invoked her right to remain silent when she was asked to take an oath before speaking. Ms. Parkhouse refused to even respond to investigators, and the Department of Investigation issued a subpoena seeking her cooperation. She then went to court to quash the subpoena.

Ms. Hearn said that finding out what really happened would help city agencies take measures, if necessary, "to protect the integrity of their proceedings."