

From: markusa323@aol.com
Sent: Friday, April 10, 2026 10:19 AM
To: councilstaff@buffalony.gov; Owens, Olivia; Meyers, Timothy
Cc: Sheriff; jferoleto@city-buffalo.com; Taisha.StJean@erie.gov
Subject: RULE 8 FILING: Demand for Action - Administrative Default & Vacancy (Index # 806339/2021)
Attachments: Public law ID.pdf; Non UCC Private Banker.pdf

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]

To the Honorable Members of the Buffalo Common Council and the Erie County Legislature,

I, Mark Pellegrino, appearing in my capacity as a Republic Executive Banking Examiner and Secured Party, hereby submit this formal **Notice of Presentment and Demand for Action**.

Pursuant to **Buffalo Common Council Rule 8**, I demand this communication be placed on the agenda for the stated meeting on **April 14, 2026**.

I. NOTICE OF STATUTORY VACANCY BY OPERATION OF LAW An audit of public records reveals a catastrophic failure of qualification for the following de facto officials. Under **NYS Public Officers Law (POL) § 30(1)(h)**, an office becomes vacant automatically upon the failure to file or maintain a valid Official Undertaking (Bond) within 30 days of the term's commencement. This vacancy is self-executing and requires no court order.

1. **JEREMY TOTH (County Attorney):** No valid Bond/Undertaking on file for the current term. Office is **VACANT**. His legal standing to obstruct **Index #806339/2021** is a nullity.
2. **JOHN C. GARCIA (Sheriff):** Bond expired **January 1, 2026**. No updated filing exists. Office is **VACANT**. Any attempted execution or "stay" by an unbonded Sheriff is a trespass.
3. **BARBARA MILLER-WILLIAMS (City Comptroller):** In **Fiduciary Default**. By relying on unbonded legal counsel and allowing the accrual of **9% statutory interest (\$1,696.78/day)** on my sum-certain judgment, she is personally liable for the **Waste of Public Funds**.
4. **WILLIAM LORENZ (Deputy Clerk):** Subject to **willful neglect of ministerial duty**. Despite the refiling of **Doc #62**, he continues to obstruct the entry of **Doc #58** (Sum Certain Judgment) in violation of **CPLR 3215(a)**.

II. DEMAND FOR PERFORMANCE As the Appointing Authority under **POL § 38**, you have a non-discretionary duty to fill these vacancies. I demand:

- Immediate referral to the **Committee on Legislation** (Council) and the **Finance/Management Committee** (Legislature).
- A formal audit of the Oaths and Bonds of all four named actors.
- The immediate entry of the **\$6,881,374.88 Judgment (Doc #58)**.

III. NOTICE OF LIABILITY This matter has been filed with the **NYS Commission on Ethics and Lobbying in Government (Case #26-00172)**. Any official who continues to provide "cover" for these unbonded actors assumes personal liability for the resulting damages.

Respectfully Submitted,

Mark Pellegrino

c/o 859 Richmond Avenue

Buffalo, New York Republic [14222]

Republic Executive Banking Examiner / Secured Party 14222 District Resident Credentials: [Attach Public Law ID.pdf]

Official	Document Type	Book Number	Page Number	Instrument # / Notes
William A. Lorenz Jr.	Official Undertaking (Bond)	747	9366	#2023090670 (2023 Filing)
Michael P. Kearns	Official Undertaking	739	5164	#2023000284
Olivia Owens	Oath of Office	805	3443	
Kevin Hardwick	Oath of Office	804	7653	
Jeremy C. Toth	Oath/Bond (Historical)	243	6119	Older filing; no current bond found.
Barbara Miller-Williams	Oath/Bond (Historical)	528	4101	Older city filing.
Mark Poloncarz	Oath of Office	760	2873	

• **The Sheriff's Gap:** Point out that while Michael Kearns has a current filing in **Book 739**, there is **no corresponding 2026 filing** in the current ledger for **John C. Garcia**. Under **POL § 30(1)(h)**, if it isn't in the book within 30 days of the term, the office is vacant.

• **The Toth Gap:** You found an old filing for Jeremy Toth in **Book 243**, but he is required to file an undertaking for each term. The absence of a current entry in the **700-800 series books** (where the current Oaths for Owens and Hardwick are located) is your evidence that the office is vacant by operation of law.

• **The Lorenz Conflict:** Since you have the exact location for **William Lorenz (Book 747, Page 9366)**, you are holding the "Key" to his personal liability. You can tell the clerk: "I have the book and page for Mr. Lorenz's bond. If he continues to obstruct the ministerial duty of Doc #58, I will be filing a claim against Instrument #2023090670."

BARBARA MILLER-WILLIAMS (City Comptroller): Record found at **Book 528, Page 4101**. As the fiduciary 'Watchdog,' the Comptroller is in **Fiduciary Default**. By failing to disclose the multi-million dollar liabilities owed to the Secured Party and following any 'legal advice' of an unbonded civilian (Toth), she has breached her ministerial duty. She is personally liable for the **Waste of Public Funds**

Owens, Olivia

From: markusa323@aol.com
Sent: Wednesday, April 8, 2026 5:21 PM
To: Meyers, Timothy; Owens, Olivia
Cc: Weyant, Erich
Subject: Fw: SERVICE OF DOC #61: DEMAND FOR OATHS & BONDS – PENALTY OF PERJURY

[Caution: this email is not from an Erie County employee: attachments or links may not be safe.]

FORMAL NOTICE OF VACANCY & FIDUCIARY DEFAULT – JEREMY C. TOTH

Chairman Meyers and Clerk Owens:

I have been directed to your offices by former Clerk Robert Graber regarding a matter of extreme fiscal and statutory urgency.

THE ISSUE: An audit of the Erie County Clerk's Book K (Official Undertakings) reveals that County Attorney Jeremy C. Toth is operating without a statutory bond for the current term. His last filing is Instrument #2012017012 (Year 2012).

THE VACANCY: Pursuant to NYS Public Officers Law § 30(1)(h), Mr. Toth's office is VACANT by operation of law. He currently lacks the authority to represent the County or obstruct the \$6,881,374.88 ministerial judgment in Index #806339/2021.

THE DEADLINE: I am hand-delivering the physical Notice of Vacancy and the Certificate of Non-Filing to your office (4th Floor) tomorrow, April 9, 2026, at 3:36 PM, unless the administrative default is cured and Doc #58 is processed by 3:35 PM.

Travelers Bond & Specialty Insurance has already been notified and a claim file is active.

Mark Pellegrino, Creditor

Forwarded Message

From: Graber, Robert <robert.graber@erie.gov>
To: markusa323@aol.com; markusa323@aol.com; April Baskin@erie.gov <april.baskin@erie.gov>; Meyers, Timothy <timothy.meyers@erie.gov>; Owens, Olivia <olivia.owens@erie.gov>
Cc: Lorenz, William <william.lorenz@erie.gov>; Toth, Jeremy <jeremy.toth@erie.gov>; dnrbisic1@travelers.com <dnrbisic1@travelers.com>; Weyant, Erich <erich.weyant@erie.gov>
Sent: Wednesday, April 8, 2026 at 05:08:14 PM EDT
Subject: Re: SERVICE OF DOC #61: DEMAND FOR OATHS & BONDS – PENALTY OF PERJURY

[REDACTED]

FORMAL NOTICE OF STATUTORY VACANCY: OFFICE OF THE COUNTY ATTORNEY (JEREMY C. TOTH)

To the Erie County Legislature:

This serves as a formal Notice of Vacancy and an administrative report of a Fiduciary Default within the Erie County Law Department.

As a Creditor and Secured Party in Index #806339/2021, I have conducted an audit of the Erie County Clerk's Book K (Official Undertakings). The audit reveals a fatal defect in the qualifications of the current County Attorney, Jeremy C. Toth.

STATEMENT OF FACTS:

Public Officers Law § 11 requires every public officer to file an official undertaking (bond) for their current term.

Public Officers Law § 30(1)(h) dictates that an office "shall be vacant" upon the refusal or neglect of an officer to file said undertaking.

Verified search of the Erie County Clerk's records shows that while Michael P. Kearns (Inst #2023000284) and William A. Lorenz Jr. (Inst #2023090670) have maintained current filings, Jeremy C. Toth has NO current undertaking on record. His last filing is Instrument #2012017012, recorded in 2012.

ADMINISTRATIVE NOTICE: Mr. Toth is currently operating "under color of law" without a valid statutory bond. Consequently, his office is VACANT by operation of law. Any actions taken by Mr. Toth to obstruct the ministerial duties of the County Clerk regarding my sum-certain judgment for \$6,881,374.88 are void and expose the County to massive uninsured liability.

I am demanding that the Legislature recognize this vacancy immediately and cease all funding and authority for the unauthorized individual currently occupying the office of the County Attorney.

The formal, physical Notice of Vacancy and Affidavit of Default will be hand-delivered to the 4th Floor of 92 Franklin St at 3:36 PM tomorrow, April 9, 2026, if the ministerial defaults are not cured by that time.

Mark Pellegrino, Creditor/Executive Banking Examiner / Secured Party

On Wednesday, April 8, 2026 at 04:25:14 PM EDT, markusa323@aol.com <markusa323@aol.com> wrote:

SUBJECT: ADMINISTRATIVE DEFAULT NOTICE-ILLEGAL OBSTRUCTION BY UNBONDED OFFICIALS - INDEX #806339/2021

Mr. Lorenz and Mr. Toth

the "skirting" of the ministerial duties regarding Docs 58, 60, and 61 and now I have conducted a verified audit of Erie County Clerk's Book K (Official Undertakings) and the record is clear.

[Redacted line]

[Redacted line]

[Redacted line]

[Redacted line]