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Judge says Helmsley's former chef gets no fee

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Kills suit to collect on deal in Fort Lee

Chef Dennis Sammarone won't be getting any help from the courts in his bid to recover a multimillion-dollar commission for "brokering" a sale between his former boss, Leona Helmsley, and a developer who bought a prized tract in Fort Lee.

At least not at this level.

Though sympathetic to his plight, Superior Court Judge Menelaos W. Toskos dismissed Sammarone's suit Monday. The law is clear, he said: If you don't have a real estate license, you can't collect a fee.

"Although plaintiff's pleadings

call for some remedy, the law governing this matter does not provide for any," Toskos said in a written opinion.

The judge acted on a motion by developer James Bovino, who Sammarone claimed broke a promise to lavish him with compensation worth \$5 million if he could put him in touch with Helmsley and help seal the \$46.3 million deal.

"We're obviously disappointed," said Sammarone's attorney, Angelo Genova. "My client has instructed us to file an appeal. He remains optimistic that he'll get

relief from a higher court."

"He is hopeful that a higher court will understand the uniqueness of what transpired here and why it is the statute that's asserted here is inapplicable."

Bovino's attorney, Stuart J. Glick, had no comment.

Sammarone 51, of Blairstown, was a longtime cook and a close friend of Helmsley's. He said he was asked by Bovino in October 2000 to set up an introduction. He agreed, in return for 3 percentage points on the sale price, plus a restaurant and a condominium.

In moving to dismiss the suit, Bovino's attorney argued that New Jersey real estate law, in an attempt to protect buyers from fraud and incompetent practices, requires brokers to be licensed if they want to collect commissions.

Sammarone countered that his

services went far beyond those of a typical real estate broker since the agreement hinged on his unique relationship with Helmsley.

But Toskos concluded that the chef's "significant role" in the deal fell within the statute's broad definition of a real estate broker and there could be no doubt that he "assisted in the negotiation" of the transaction.

The judge added that the "public policy of this State is not to lend unlicensed brokers the aid of the courts to enforce their brokerage agreements."

Bovino's company has since been designated as a redeveloper of the 16 acres near the George Washington Bridge, where a \$700 million project is under way to build hundreds of residential units, as well as retail and office space.

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