

The Star-Ledger

STATE EDITION

50 CENTS

Chef suing for a piece of \$46M real estate pie

Says he set up builder with Leona Helmsley

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Hotel magnate Leona Helmsley's former chef claimed in court yesterday that a developer duped him into helping secure a \$46 million real estate deal in Bergen County, then dropped him "like a hot potato."

Trading the kitchen for a courtroom yesterday, Dennis Sammarone, 51, claimed he was promised a restaurant, condominium and 3 percent commission for arranging a meeting between the developer and Helmsley. The developer eventually bought Helmsley's Fort Lee parcel, where his company is building a \$700 million project.

Sammarone said his slice of the deal would have been "a dream."

"They told me ... my name would be in the bright lights on a beautiful restaurant," Sammarone said after the hearing in Superior Court in Hackensack yesterday.

But Sammarone, of Blairstown, is not entitled to a penny because he is not a licensed real estate broker, said a lawyer for Town & Country Developers of Woodcliff Lake. New Jersey's Broker Protection Act says only licensed brokers are entitled to commission.

"It all boils down to that illegal contract," said the developer's attorney, Stuart J. Glick, who argued to get the case dismissed. "It's a very bright line. If you're not a licensed real estate broker, you cannot resort to the courts."

Superior Court Judge Menelaos Toskos will rule later on whether to dismiss the case before it goes to trial. If he decides the case falls under the broker statute, Sammarone may be barred from pursuing claims of fraud, unjust enrichment and breach of contract.

At stake is about \$5 million that Sammarone claims the developer owes him for his "pivotal" role in the purchase of Helmsley's long-vacant 16-acre property at the foot of the George Washington Bridge.

In a March 2003 letter to developer James Bovino, chief operating officer of Town & Country Developers, Sammarone wrote, "I ask only for what you have promised me. I do so, as my contribution was the 'recipe for success' no pun intended!"

According to the chef's attorney, Angelo Genova, Bovino reached out to Sammarone for help because the developer was having trouble getting a meeting with Helmsley, also known as the "Queen of Mean," for her notorious temper and intolerance.

A cousin of Sammarone's who worked for the developer, told her boss about the chef, whose friendship with Helmsley goes back to a night in 1977 when she ate his lobster fra diavolo. Helmsley liked the dish so much, according to Sammarone, she hired him as her personal chef and as the executive chef at her Manhattan hotel chain.

Bovino was dealing with a seller whose reputation for being a difficult personality was legendary, Genova said, referring to Helmsley, who was convicted of tax evasion in 1989.

Sammarone maintains Helmsley was "nice" and "generous" with him, and he made "numerous" phone calls to facilitate the meeting that ultimately resulted in the purchase of her Fort Lee property. Later, in 2004, Fort Lee officials approved Bovino's company's \$700 million plan for 762 residential units, 100,000 square feet of retail shops, 90,000 square feet of office space and a hotel.



DON SMITH/POOL PHOTO

Chef Dennis Sammarone, right, confers with his attorney, Michael J. Grohs, yesterday in Superior Court in Hackensack, where Sammarone is suing developer James Bovino.

In exchange for his assistance, Sammarone said Bovino promised him 3 percent of the property's sale price, a condo and a first-floor restaurant in a high-rise on the tract. He said Bovino never made good on the promise, however.

"They used him. They duped him. They took advantage of him to get to Mrs. Helmsley," Genova said. "And now they want to drop him like a hot potato."

Sammarone said he prayed every day that the deal would come to fruition. The stocky chef, who is now unemployed, said he has not spoken to Helmsley since her health began declining last July.

By acting as a "messenger" and a "bridge" between the parties, Sammarone played an important role in the real estate deal, Genova said. But that role doesn't fit the legal definition of a broker, he said.

In fact, the chef claims he told the developer up-front that he was not a licensed broker, a point the developer allegedly used to lower the so-called commission.

Whether Sammarone's actions fit the definition of a broker under the Broker Protection Act could be crucial to the case.

The developer's attorneys say the 80-year-old law was designed to protect potential buyers and sellers from unscrupulous and untrained would-be brokers.

"This plaintiff clearly falls within the statute," said Glick. "It's a broad law and it's there to protect the public."

Glick warned the judge that a ruling in Sammarone's favor could set a bad precedent, opening the door for anyone to get involved in real estate transactions and claim a commission. "What's next, a landscaper? A doctor? A businessman? A journalist? Where would you draw the line?"

In this case, however, the tables were turned, Genova argued, with a sophisticated developer on one side and a culinary artist with a high school diploma on the other side.