

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

STATE OF NEW YORK  
ATTORNEY GENERAL  
WESTCHESTER  
2022 JUN 28 PM 4:48  
RECEIVED

*John M. Healey, AAG*

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CENTER FOR JUDICIAL ACCOUNTABILITY, INC.  
and ELENA RUTH SASSOWER, individually and  
as Director of the Center for Judicial Accountability, Inc,  
acting on their own behalf and on behalf of the People  
of the State of New York & the Public Interest,

Index #: 904235-22

**Oral Argument Requested**

**Amended Notice of Petition for  
Determination of the "interest of  
the state" Pursuant to Executive  
Law §63.1, Disqualification of the  
Attorney General for Direct  
Financial and Other Conflicts of  
Interest, Transfer/Removal to  
Federal Court, Mandamus,  
Declaratory, & Other Relief**

Petitioners/Plaintiffs,

-against-

NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS,  
LEGISLATIVE ETHICS COMMISSION,  
NEW YORK STATE INSPECTOR GENERAL,

KATHY HOCHUL, in her official capacity as  
GOVERNOR OF THE STATE OF NEW YORK,


ANDREA STEWART-COUSINS, in her official capacity as  
TEMPORARY SENATE PRESIDENT, & the NEW YORK STATE SENATE

CARL HEASTIE, in his official capacity as  
ASSEMBLY SPEAKER, & the NEW YORK STATE ASSEMBLY,

LETITIA JAMES, in her official capacity as  
ATTORNEY GENERAL OF THE STATE OF NEW YORK,

THOMAS DiNAPOLI, in his official capacity as  
COMPTROLLER OF THE STATE OF NEW YORK,

Respondents/Defendants.  
----- x



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL  
LETITIA JAMES

**JOHN M. HEALEY**  
ASSISTANT ATTORNEY GENERAL  
WESTCHESTER REGIONAL OFFICE

44 South Broadway  
White Plains, NY 10601

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S I R S :

PLEASE TAKE NOTICE that upon petitioners/plaintiffs' June 6, 2022 verified  
petition/complaint, its exhibits, their June 23, 2022 notice of petition, and upon all the papers and

proceedings heretofore had, a motion will be made at the Albany County Courthouse, Room 102, 16

Eagle Street, Albany, New York 12207, on Friday, July 22, 2022, at 9:30 a.m., for an order:

- (1) disqualifying Attorney General James, a respondent/defendant, from representing her co-respondents/defendants based on the absence of any sworn statement by her, personally: (a) that representing them, rather than petitioners/plaintiffs, is based on a determination that they have a “merits” defense to the lawsuit, such that representing them is in the “interest of the state”, as Executive Law §63.1 requires; and (ii) that her own direct financial and other interests in the lawsuit, as in petitioners/plaintiffs’ March 5, 2021 complaint against her filed with respondent/defendant Joint Commission on Public Ethics (Exhibit D to the petition/complaint), does not require that she secure independent, outside counsel to determine the “interest of the state” pursuant to Executive Law §63.1 – and petitioners/plaintiffs’ entitlement to representation;
- (2) transferring/removing this case to federal court, including pursuant to Article IV, §4 of the United States Constitution: “The United States shall guarantee every State in this Union a Republican Form of Government”, inasmuch as the justices and acting justices of the Supreme Court of Albany County – and of the 61 other counties of New York State – are divested of jurisdiction to hear the case pursuant to Judiciary Law §14 and “rule of necessity” cannot be invoked by reason thereof;
- (3) declaring unconstitutional, unlawful, and void Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the “ethics commission reform act of 2022” – enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw – and ordering that the reinstated Joint Commission on Public Ethics be furnished with the monies appropriated for the Commission on Ethics and Lobbying in Government by State Operations Budget Bill #S.8000-E/A.9000-E;
- (4) directing that the Joint Commission on Public Ethics comply with Executive Law §§94.13(a) and (b) with respect to petitioners/plaintiffs’ seven complaints – starting with the ministerial act of 15-day letters;
- (5) directing that the Joint Commission on Public Ethics comply with Executive Law §94.9(1)(i) mandating that its annual reports contain “a listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint” – starting with its upcoming annual report for 2021 and such annual report as it will be rendering for 2022;
- (6) directing that Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie comply with Legislative Law §80.1 and §80.4 mandating their joint appointment of the Legislative Ethics Commission’s ninth member



– this being the non-legislative member that makes non-legislators its majority;

- (7) directing that the Legislative Ethics Commission comply with Legislative Law §80.7(l) pertaining to its annual reports – starting with rendering annual reports for 2020 and 2021;
- (8) directing that the New York State Inspector General comply with the mandates of Executive Law Article 4-A and its own Policy and Procedure Manual, violated by its handling of petitioners/plaintiffs’ November 2, 2021 complaint – and declaring the provision of the Policy and Procedure Manual that allows the Inspector General to take “no action” on complaints involving “covered agencies” to be violative of Executive Law §53.1 and void;
- (9) declaring unconstitutional, unlawful, and void the FY2022-23 New York state budget, enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw;
- (10) declaring unconstitutional, unlawful, larcenous, and void Legislative/Judiciary Budget Bill #S.8001-A/A.9001-A, enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw;
- (11) declaring unconstitutional, larcenous, and void the FY2022-23 appropriations for the New York State Commission on Judicial Conduct, the New York State Inspector General, the Appellate Division attorney grievance committees, and the Unified Court System’s Inspector General – based on the evidence of their flagrant corruption in handling complaints furnished by petitioners/plaintiffs at the Legislature’s January 25, 2022 “public protection” budget hearing and again by their March 25, 2022 e-mail;
- (12) declaring unconstitutional, *as written* and *as applied*, Public Officers Law §108.2(b), violating Article III, §10 of the New York State Constitution and legislative rules consistent therewith, by exempting the Legislature from the Open Meetings Law to enable it to discuss “public business” in closed-door party conferences, rather than openly in committees and on the Senate and Assembly floor;
- (13) granting such other and further relief as may be just and proper and, specifically:
  - (a) an order – in the event the Court does not disqualify the Attorney General and does not transfer/remove this case to federal court – certifying the issues to the Appellate Division, Third Department and/or the Court of Appeals for determination;
  - (b) an order referring respondents/defendants to the Public Integrity Section of the U.S. Department of Justice’s Criminal

Division for investigation and prosecution of their public corruption, obliterating constitutional, lawful governance and stealing taxpayer monies, documentarily-established by petitioners/plaintiffs' interrelated complaints to the Joint Commission on Public Ethics, to the Legislative Ethics Commission, to the New York State Inspector General, to the New York State Commission on Judicial Conduct, to the Appellate Division attorney grievance committees, and to the Unified Court System's Inspector General, among other ethics oversight and enforcement entities;

- (c) \$100 motion costs to petitioners/plaintiffs pursuant to CPLR §8202.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR §2214(b), answering papers are to be served on petitioners/plaintiffs seven days before the return date, *to wit*, July 15, 2022, via NYSCEF.

Dated: White Plains, New York  
June 28, 2022

Yours, etc.



ELENA RUTH SASSOWER, petitioner/plaintiff, *pro se*, individually & as Director of the Center for Judicial Accountability, Inc., and on behalf of the People of the State of New York & the Public Interest

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TO: New York State Joint Commission on Public Ethics (JCOPE)  
Legislative Ethics Commission (LEC)  
New York State Inspector General (NYS-IG)  
Governor Kathy Hochul  
Temporary Senate President Andrea Stewart-Cousins & Senate  
Assembly Speaker Carl Heastie & Assembly  
Attorney General Letitia James  
Comptroller Thomas DiNapoli