

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, February 25, 2019 10:50 AM
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Subject: Resent/Revised -- The Budget & the M.I.A. Assembly Committee on Governmental Operations in the Legislature's Own Operations
Attachments: 12-6-18-ltr-to-heastie-with-exhibits-compressed.pdf; 12-12-18-assembly-response.pdf; 12-11-18-foil-sen-joint-commissions.pdf; 12-18-18-senate-response.pdf; 12-12-18-assembly-response.pdf

TO: Assembly Committee on Governmental Operations

Chair: Assemblywoman Michele Titus, ESQ.
Ranking Member: Assemblyman Mark Johns
Assemblywoman Rodneyse Bichotte
Assemblyman Michael Blake
Assemblyman David Buchwald, ESQ.
Assemblyman Kevin Byrne
Assemblyman Harvey Epstein, ESQ.
Assemblywoman Sandy Galef
Assemblyman Andy Goodell, ESQ.
Assemblywoman Alicia Hyndman
Assemblyman Ron Kim
Assemblyman Kieran Michael Lalor, ESQ.
Assemblywoman Jaime Williams

The below resends – with slight revisions – the e-mail sent late in the day on Friday, February 22, 2019, entitled “The Budget & the M.I.A. Assembly Committee on Governmental Operations in the Legislature's Own Operations”.

Early last week, I submitted written testimony for the Legislature's February 11, 2019 budget hearing on "local government officials/general government". The hearing was 9-1/2 hours and it is unclear how many members of the Assembly Committee on Governmental Operations were present, as not a single member asked a single question. That includes Assemblyman Buchwald, ESQ., who is also chair of the otherwise memberless joint Legislative Commission on Government Administration, who may have left shortly after being introduced, at the outset of the hearing: http://nystateassembly.granicus.com/MediaPlayer.php?view_id=8&clip_id=4928.

The situation was not much different at the Legislature's January 29, 2019 budget hearing on "public protection": http://nystateassembly.granicus.com/MediaPlayer.php?view_id=8&clip_id=4894. The hearing was 10-1/2 hours – and only a single member of the Committee on Governmental Operations asked any questions, Assemblyman Epstein ESQ., whose two questions, at the outset of the hearing, were of the first witness, the Judiciary's Chief Administrative Judge, pertaining to policy, *to wit*, the presence of ICE in courthouses and increased funding for civil legal services.

This is concerning – as there is much within the purview of the Assembly Committee on Governmental Operations, pertaining to the budget, that its members should have been addressing at those two budget hearings, beginning with the appropriations sought by the Legislature's OWN proposed budget – which, if the Legislature were functioning on any constitutional level, would have been fashioned from "itemized estimates of the financial needs of the legislature" compiled under the aegis of the Assembly Committee on Governmental Operations and the Senate Committee on Investigations and Government Operations, for certification by Assembly Speaker Heastie and Temporary Senate President Flanagan/Stewart-Cousins. On that subject, my February 19, 2019 written testimony appended a list of 27 questions about the Legislature's proposed budget for fiscal year 2019-2020 and Governor Cuomo's Legislative/Judiciary Budget Bill #S.1501/A.2001 and requested that the Senate Finance Committee and Assembly Ways and Means Committee secure answers from Assembly Speaker Heastie, former Temporary Senate President Flanagan, and Temporary Senate President Stewart-Cousins. Questions ##10-15 pertain to the role of the Assembly Committee on Governmental Operations and Senate Committee on Investigations and Government Operations in compiling the Legislature's "itemized estimates" of its "financial needs" – including of all committees and legislator offices. The questions can be easily accessed from CJA's webpage for the testimony, here: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/feb-19-2019-written-testimony.htm>. Is the Assembly Committee on Governmental Operations able to answer the 27 questions, on its own – and will it make the answers public? And if the Committee doesn't have the answers, will it take steps to secure answers from the fiscal committees and from Assembly Speaker Heastie, et al.?

Meantime – and also relating to the Legislature's proposed budget for fiscal year 2019-2020 and the Legislature's operations – below is my January 24, 2019 e-mail to Assembly Speaker Heastie, Assembly Minority Leader Kolb, Temporary Senate President Stewart-Cousins, and Senate Minority Leader Flanagan, substantiated by the above attachments. It pertains to the Legislature's joint statutory commissions – all virtually memberless and non-functioning then and previously. This remains virtually unchanged today, a full month later – as illustrated by Assemblyman Buchwald's chairing a memberless, non-functioning Legislative Commission on Government Administration. Further details of the current situation are accessible from CJA's webpage for the January 24, 2019 e-mail entitled "Here's How the Legislature's Joint Commissions Operate – courtesy of the Legislature's 'Leadership'": <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/2019-leadership.htm>.

What will the Assembly Committee on Governmental Operations do about this? As the January 24, 2019 e-mail indicated you as recipients, for purposes of your oversight, apparently, the Legislature's "Leaders" do not believe you will discharge oversight responsibilities – or that such will be discharged by the Legislative Commission on Government Administration, or by the Senate Committee on Investigations and Government Operations, or by the Assembly Committee on Oversight, Analysis and Investigation – each also indicated by the January 24, 2019 e-mail as recipients for purposes of oversight, and to whose members I forwarded the e-mail that day and the next. Nor, it would seem, are the "Leaders" concerned about oversight from the Assembly Committee on Ethics and Guidance or from the Senate

Committee on Ethics and Internal Governance – likewise indicated recipients of the January 24, 2019 e-mail, to whose members I have not yet sent it.

For the convenience of all, this e-mail will be posted on a webpage for the Assembly Committee on Governmental Operations, accessible via CJA's homepage, www.judgwatch.org, by the link for the "2019 Legislative Session". The direct link is here: <http://www.judgwatch.org/web-pages/searching-nys/2019-legislative/assembly-gov-operations.htm>.

I am available to assist you, to the max, in discharging your constitutional responsibilities to the People of New York, whose tax dollars are paying for your committee-based salary increases premised on your doing your job.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgwatch.org>

Sent: Thursday, January 24, 2019 9:26 AM

To: 'scousins@nyenate.gov' <scousins@nyenate.gov>; 'flanagan@nyenate.gov' <flanagan@nyenate.gov>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'Carl Heastie' <cehbronx@gmail.com>; 'kolbB@nyassembly.gov' <kolbB@nyassembly.gov>

Cc: 'grelick@nyenate.gov' <grelick@nyenate.gov>

Subject: Demand that You IMMEDIATELY Rectify Your Willful Violations of Legislative Law Article 5-A & Article 5-B by Appointing the Members of their 14 Joint Legislative Commissions

**TO: Temporary Senate President Andrea Stewart-Cousins
Senate Minority Leader John Flanagan, ESQ.
Assembly Speaker Carl Heastie
Assembly Minority Leader Brian Kolb**

This is to demand that you IMMEDIATELY rectify your willful violations of Legislative Law Article 5-A (§§82-83) and Article 5-B (§§86-88) by appointing the members of their 14 joint legislative commissions.

Nearly two full years ago, by the below e-mail, I sent you a February 6, 2017 letter alerting you that these statutory joint legislative commissions were largely or totally memberless, further identifying that the Legislative budget, in addition to omitting the Administrative Regulations Review Commission established by Legislative Law Article 5-B, "omits most of the joint commissions that the Legislature is required to establish and fund pursuant to Legislative Law, Article 5-A (§§82-83)". In fact, such description – quoted from ¶128 of the September 2, 2016 verified complaint in CJA's second citizen-taxpayer action against you – was too generous. The Legislative budget then – and since, **including for fiscal year 2019-2020** – omits all but one of the 13 Legislative Law Article 5-A commissions. As for the one it includes, it is the "Task Force on Demographic Research and Reapportionment", which, according to the Senate website: <https://www.nyenate.gov/committees/task-force-demographic-research-and-reapportionment>, has no members and is inactive, and, according to the Assembly website: <https://nyassembly.gov/comm/?id=60>, has been inactive since 2012 and currently has but a single member, its so-called chair, Assemblyman Robert Rodriguez.

I received NO response from you to my February 6, 2017 letter—and so advised Assembly Speaker Heastie by a December 6, 2018 letter -- annexing the February 6, 2017 letter as Exhibit C-1 and stating that the situation it described was unchanged. Indeed, the December 6, 2018 letter also annexed – as its Exhibits D and E – FOIL/records requests I

had just filed to verify the current membership and activity of the Legislative Law Article 5-A and Article 5-B commissions and to secure a copy of the Legislature's proposed budget for fiscal year 2019-2020.

Attached is the December 6, 2018 letter, with its exhibits. Also attached is the subsequent response to the FOIL request pertaining to the joint legislative commissions that I received from the Assembly's records access officer – as well as the response I received from the Secretary of the Senate to a corresponding FOIL request. Suffice to note that these two responses confirmed that the Legislative Law Article 5-A and Article 5-B joint legislative commissions are mostly, if not entirely, memberless and non-functioning. As of this date, more than a month later, the same remains true, with only a handful of changes, presumably by Assembly Speaker Heastie. These include, for the 2019 legislative session, appointing Assemblyman Thomas Abinanti, ESQ., who, as noted by the February 6, 2017 letter, was the chair and sole member of the 10-member Commission on Government Administration, to chair the 7-member Assembly Committee on Oversight, Analysis and Investigation, with Assemblyman David Buchwald, ESQ. appointed to replace him as chair and sole member of the Commission on Government Administration.

So that appropriate oversight can be undertaken, if not by the Commission on Government Administration, than by the fully-appointed Assembly Committee on Oversight, Analysis and Investigation, and by the fully-appointed 14-member Assembly Committee on Governmental Operations, and by the fully-appointed 7-member Senate Committee on Investigations and Government Operations, and perhaps, additionally, by the fully-appointed 7-member Senate Committee on Ethics and Internal Governance and by the fully-appointed 8-member Assembly Committee on Ethics & Guidance – all seeming to have jurisdiction to investigate and rectify, by appropriate action, your longstanding willful violations of the duties of your office in disabling and rendering sham these statutory commissions – a copy of this e-mail will be sent to ALL their members.

Finally, as I have received NO response from Assembly Speaker Heastie to my December 6, 2018 letter, whose title, "Demand that You Substantiate Your November 30, 2018 Testimony before the New York State Compensation Committee with EVIDENCE – as You Furnished NONE", mandated response, I call upon each of you to respond, and with EVIDENCE. The link to CJA's webpage for the December 6, 2018 letter, on which is posted the EVIDENCE on which it is based, is beneath this letter, accessible from CJA's webpage for the 2019 Legislative Session here:
<http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/menu-2019-legislative-session.htm>

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, February 6, 2017 3:32 PM
To: 'flanagan@nysenate.gov' <flanagan@nysenate.gov>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'Carl Heastie' <cehbronx@gmail.com>; 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'kolbB@nyassembly.gov' <kolbB@nyassembly.gov>
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Subject: Letter to Leadership: (1) Legislative Law Article 5-A Commissions on Gov't Administration & State-Local Relations; (2) requested meetings to prevent repeat of constitutional, statutory, & legislative rule violations re: fiscal year 2017-18 budget

Attached is the Center for Judicial Accountability's letter of today's date, addressed to you – or indicating you as a recipient.

It is already posted on CJA's website, www.judgewatch.org, accessible *via* the prominent homepage link "2017 Legislative Session". Here is that webpage, directly: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/new-year.htm> -- on which is also posted the VIDEOS of my January 30th and January 31st testimony at the Legislature's budget hearings on "Local Government Officials/General Government" and "Public Protection".

Thank you.

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