



Mail or Deliver in an Envelope Marked "Confidential" To:

Albany County Ethics Commission

C/o Clerk of the Legislature, 112 State Street, Room 710

Albany, NY 12207

(518) 447-7168

**SWORN COMPLAINT**

The Albany County Ethics Commission has jurisdiction to investigate potential violations of Local Law No. 8 for 2011 that establishes a code of ethics and financial disclosure law for officials and employees of Albany County government.

Complainant Name Elong Sassower *Director - Confidential Judicial Accountability, Inc*

Address Box 8101

City, State, ZIP White Plains, NY 10602

Telephone 914-421-1200

Email elena@judgwatch.org

Please provide a statement or description of the alleged violation of Local Law No. 8 for 2011. Please include facts constituting a violation of the law, the identity of the individual(s) and, if possible, a date, time and place of the alleged violation. Include any documents or enclosures to support the allegations. Please use additional pages as needed.

*see attached July 17 2024 copy of indictment complaint vs Albany County D.A. Soares for violation of Albany County's Code of Ethics prescribing financial interest & mandatory recusal which he has ignored & flaunted since 2013, enriching himself by salary increases that are the product of "false instrument" commission reports, now totaling approximately \$700,000*

*see attached as pages 9-10*

Has this matter been referred to any other agency?  YES  NO

If yes, which agency? \_\_\_\_\_

Is there a pending legal action or proceeding that you are aware of?  YES  NO

If yes, where? \_\_\_\_\_

I, Elong Sassower, being duly sworn, have read the foregoing complaint in its entirety, including attachments, and to the best of my knowledge, or based on information and belief, believe it to be true. I also understand that the intentional submission of false information may constitute a crime punishable by fine or imprisonment, or both.

Sworn to me this 17<sup>th</sup> day of July, 2024

Elong Sassower  
Signature

Charles Rodman  
Notary Public

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101  
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: [mail@judgewatch.org](mailto:mail@judgewatch.org)  
Website: [www.judgewatch.org](http://www.judgewatch.org)

July 17, 2024

TO: Albany County Ethics Commission

FROM: Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)

RE: Conflict-of-interest complaint against Albany County District Attorney P. David Soares for violation of Albany County’s Code of Ethics, proscribing financial interest and mandating recusal, which he has ignored and flouted, since 2013, enriching himself by salary increases that are the product of “false instrument” commission reports, now totaling approximately \$700,000

Pursuant to Albany County’s “Code of Ethics and Financial Disclosure Law” ([Local Law 8 for 2011](#))<sup>1</sup> whose [Section 18](#) establishes the [Albany County Ethics Commission](#), our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), files this sworn, notarized complaint against Albany County District Attorney P. David Soares for willfully violating its [Section 5](#) “Code of Ethics for County Officers and Employees”, and, specifically,

¶1(a):

“1. General prohibition. A County officer...shall not use his/her official position or office, or take or fail to take any official action, in a manner which he/she knows or has reason to know may result in personal financial benefit, not shared with a substantial segment of the population of the County, for... (a) The County officer...”

and ¶2:

“2. Recusal. A County officer...shall promptly recuse himself/herself from acting on a matter before the County when acting on the matter, or failing to act on the matter, may financially benefit any of the persons listed in Subsection A of this section.”

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<sup>1</sup> Also, [Albany County Charter](#), Division 2, Part 1, Chapter 17 – §17-17: “Ethics Commission” and its Code of Ethics §17-4(A) and (B).

By violating these two provisions, D.A. Soares has been able to enrich himself by state-mandated increases to his D.A. salary that are the product of “false instrument”<sup>2</sup> commission reports, whose authors, accomplices, and beneficiaries are and have been his duty to prosecute pursuant to [County Law §700.1](#):

“...it shall be the duty of every district attorney to conduct all prosecutions for crimes and offenses cognizable by the courts of the county for which he or she shall have been elected or appointed...”.

This he has not done because of his financial and other interests — and despite his knowledge that the escalating costs to Albany County, resulting from the reports, have not been reimbursed by the state since April 1, 2016, other than, perhaps, *via* appropriations not designated as such from New York’s slush fund, off-the-constitutional-rails state budget, also his duty to prosecute.

The facts are, as follows:

Because enforcement of the penal law is a “state interest”, the state enacted [Judiciary Law §183-a](#)<sup>3</sup> and [County Law §§700.8, 10, and 11](#), mandating that the salaries of full-time D.A.s in counties of over 40,000 be no less than the salaries of supreme court or county court judges and providing for percentages of reimbursement to the counties from whose budgets the D.A. salaries are paid. Albany being a county of [more than 100,000, but less than 500,000](#), its D.A. salary is statutorily-linked to that of its state-paid county judges.

Since 2012, the state has increased judicial salaries by approximately \$100,000, not by amending [Judiciary Law Article 7-B \(§§220-224\)](#), specifying the salaries of state-paid judges. Instead, it has enacted statutes establishing compensation commissions whose reports making judicial salary increase recommendations have the “force of law”, “supersed[ing] inconsistent provisions of article 7-B of the judiciary law...unless modified or abrogated by statute”.<sup>4</sup> These commissions have not been neutral, fact-finding bodies, but fronts to achieve a pre-determined objective of raising judicial salaries. To do this, they have each flagrantly and identically violated the commission statutes pursuant to which they purport to be rendered and have covered up, *in toto*, the corruption of New York’s judges, “throwing cases” by fraudulent judicial decisions, involving trial, appellate, and supervisory levels, the Commission on Judicial Conduct, the Appellate Division Attorney Grievance

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<sup>2</sup> [Penal Law §175.35](#): “Offering a false instrument for filing in the first degree”.

<sup>3</sup> Consistent therewith, [Albany County Charter Section 1701](#) states: “The compensation of the District Attorney shall be as provided in Section 183-a of the Judiciary Law of the State of New York or other applicable state law”.

<sup>4</sup> These are [Chapter 567 of the Laws of 2010](#), enacted without legislative due process, and which was repealed and replaced by [Chapter 60, Part E, of the Laws of 2015](#), without legislative due process, through the budget and by fraud.

Committees, and the Unified Court System’s Inspector General. Yet, the appointing authorities of the compensation commissions – the Governor, the Chief Judge, the Temporary Senate President, and the Assembly Speaker – have taken no corrective steps. Likewise, the Legislature, the Attorney General, and Comptroller.

Consequently, since 2012, by lawsuits brought “on behalf of the People of the State of New York & the Public Interest”, these highest constitutional officers of our three government branches have ALL been sued for corruption and “grand larceny of the public fisc” with respect to these compensation commissions and their “false instrument” reports.

As to what has happened in these lawsuits, their records are perfect “paper trails” establishing an identical *modus operandi*: the Attorney General, a defendant, representing him/herself and all co-defendants, had no legitimate defense, corrupted the judicial process with litigation fraud, and was rewarded by fraudulent judicial decisions of judges whose salary increases were the subject of the lawsuits and who refused to disqualify themselves, in direct violation of [Judiciary Law §14](#) – with both the Attorney General and the judges willfully disregarding their duty to remove/transfer the cases to federal court for adjudication by financially-disinterested judges.

Our non-partisan, non-profit citizens’ organization Center for Judicial Accountability, Inc. (CJA) has proven this by evidence that is open-and-shut:

- the [August 29, 2011 Report](#) of the Commission on Judicial Compensation, demonstrated to be statutorily-violative, fraudulent, and unconstitutional by [CJA’s October 27, 2011 Opposition Report](#)<sup>5</sup> and then challenged by a [declaratory judgment action, CJA v. Cuomo, et al.](#), commenced in Bronx County by a [March 30, 2012 verified complaint](#), and thereafter by a [citizen-taxpayer action, CJA v. Cuomo, et al.](#), commenced in Albany County by a [March 28, 2014 verified complaint](#);
- the [December 24, 2015 Report](#) of the (1<sup>st</sup>) Commission on Legislative, Judicial and Executive Compensation, demonstrated to be statutorily-violative, fraudulent, and unconstitutional by [CJA’s December 31, 2015 letter](#) to then Chief Judge Nominee/Westchester D.A. DiFiore,<sup>6</sup> and [January 15, 2016 letter](#) to then Temporary Senate President Flanagan and to Assembly Speaker Heastie,<sup>7</sup> and then challenged

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<sup>5</sup> Here’s its [EVIDENTIARY WEBPAGE](#).

<sup>6</sup> Here’s its [EVIDENTIARY WEBPAGE](#).

<sup>7</sup> Here’s its [EVIDENTIARY WEBPAGE](#).

by [CJA's March 23, 2016 verified second supplemental complaint](#)<sup>8</sup> in its *CJA v. Cuomo, et al.* citizen-taxpayer action and, thereafter, by a second [citizen-taxpayer action, CJA v. Cuomo...DiFiore](#), commenced in Albany County by a [September 2, 2016 verified complaint](#)<sup>9</sup>;

- the [December 4, 2023 Report](#) of the (3<sup>rd</sup>) Commission on Legislative, Judicial and Executive Compensation, demonstrated to be statutorily-violative, fraudulent, and unconstitutional by [CJA's January 18, 2024 Opposition Report](#), now challenged by CJA's hybrid Article 78 proceeding/declaratory judgment action/citizen-taxpayer-action, *CJA v. Commission on Legislative, Judicial and Executive Compensation, et al.*, commenced in Albany County, by a [March 18, 2024 verified petition](#).

Since 2013, CJA has filed a succession of fully-documented public corruption complaints with D.A. Soares, furnishing him with all this *prima facie*, open-and-shut evidence of what has been going on, pertaining not only to the judicial salary increases to which his D.A. salary is linked, but to the corruption of state governance involving an off-the-constitutional-rails state budget and a legislature not operating at a remotely constitutional level. His response has been to “sit on” them, refusing, TOTALLY, to address his direct financial and other interests, requiring that he recuse himself and secure appointment of an independent prosecutor, as the complaints have requested. These are:

- [CJA's July 19, 2013 public corruption complaint](#),  
with its accompanying [EVIDENTIARY WEBPAGE](#);
- [CJA's January 7, 2014 first supplement](#),  
with its accompanying [EVIDENTIARY WEBPAGE](#);
- [CJA's June 21, 2016 second supplement](#),  
with its accompanying [EVIDENTIARY WEBPAGE](#);
- [CJA's March 6, 2018 third supplement](#),  
with its accompanying [EVIDENTIARY WEBPAGE](#);
- [CJA's June 4, 2020 grand jury/public corruption complaint](#),<sup>10</sup>  
with its accompanying [EVIDENTIARY WEBPAGE](#);

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<sup>8</sup> See 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> causes of action (¶¶385-457).

<sup>9</sup> See corresponding 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> causes of action (¶¶59-80).

<sup>10</sup> D.A. Soares's fraudulent two-sentence response to this complaint, purporting that investigation lay with the Joint Commission on Public Ethics (JCOPE) and the Legislative Ethics Commission (LEC), is recited by CJA's February 23, 2024 grand jury/public corruption complaint (at p.7), under the title heading “Your Threshold Duty to Confront Your Conflicts of Interest”.

- [CJA's February 23, 2024 grand jury/public corruption complaint](#), with its accompanying [EVIDENTIARY WEBPAGE](#).

A particularly efficient starting-point for your investigation of all this evidence is [CJA's July 12, 2016 e-mail to Albany County's then County Attorney and its then First Deputy Clerk of the Legislature](#),<sup>11</sup> to which D.A. Soares and his Public Integrity Unit Chief were *cc'd*. Entitled "Notice to Albany Co. Government: Your duty to repudiate & challenge the state-imposed D.A. salary increases based on your own D.A. Soares' findings of facts and conclusions of law", it expressly requested transmittal to "all Albany County legislators, executive officers, & the treasurer/comptroller" of its attached [July 8, 2016 NOTICE](#) and [EVIDENTIARY WEBPAGE](#).

There was no response from anyone to this e-mail and attached NOTICE – nor to a [September 7, 2016 e-mail](#) entitled "Notice of Right to Seek Intervention – Citizen-Taxpayer Action to Void D.A. Salary Increases & State Reimbursement to the Counties", sent to the County Attorney, providing updating information and an [EVIDENTIARY WEBPAGE](#) for CJA's then newly-commenced second citizen-taxpayer action, whose 10<sup>th</sup> cause of action (§§85-110) concerned the "state aid" that until FY2016-17 had given counties 100% reimbursement for the D.A. salary hikes resulting from the Commission on Judicial Compensation's August 29, 2011 Report.

A comparably efficient starting point is [CJA's October 14, 2016 conflict-of-interest/misconduct complaint](#) to the Appellate Division Attorney Grievance Committees against D.A. Soares, his Public Integrity Unit Chief, and his fellow 61 then current D.A.s and acting D.A.s, plus 5 former D.A.s who had been members of the Commission to Investigate Public Corruption. It, too, was accompanied by an [EVIDENTIARY WEBPAGE](#) – and was sent to D.A. Soares and his Public Integrity Unit Chief, by an [October 14, 2016 e-mail](#), highlighting that the complaint was, additionally, a FOIL request for records responsive to the question:

"What are your procedures for handling public corruption complaints, filed with your district attorney offices, where you have financial and other conflicts of interest?"

In pertinent part, the October 14, 2016 complaint against them stated:

"...the financial interest of D.A. Soares and his fellow district attorneys in the [July 19, 2013, January 7, 2014, and June 21, 2016] three corruption complaints is HUGE.

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<sup>11</sup> [County Charter, Section 601](#), entitled "Oversight of financial affairs", reads:

"Oversight of the financial affairs of the County government shall reside in the County Legislature, which may, at any time, cause an examination and audit of the books, records and papers pertaining to the money, funds or other property belonging to the County, or over which the County shall have control."

Since 2012, as a result of the August 29, 2011 report of the Commission on Judicial Compensation, the yearly salary of each district attorney has risen nearly \$40,000. Now, with the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation, their yearly salaries rise by another \$19,000 – and in some cases considerably more. And, it doesn't end there. Based on the December 24, 2015 report, their yearly salaries will likely go up next year to reflect a cost-of-living increase and then, as of April 1, 2018, will be upped another \$10,000, with a likely further cost-of-living increase the following year.

As a consequence, exposing the penal law violations represented by these two commission reports would mean that the yearly salary of each district attorney would take a nearly \$60,000 nosedive. On top of that, there would be a 'claw-back' of the salary increases each district attorney received since April 1, 2012 – approximately \$100,000 to date – plus tens of thousands of additional dollars from salary-based non-salary benefits, such as pensions.” (at pp. 5-6, capitalization in the original).

D.A. Soares did not respond to the October 14, 2016 complaint, including its above-quoted FOIL request. Nor did he respond, four years later, to a [July 23, 2020 FOIL request](#) for, *inter alia*:

“manuals, guides, and other records setting forth the policies and procedures of the district attorney's office in instances of conflicts of interests of the district attorney or assistant district attorneys, *to wit*, financial interest and professional, political, and social relationships” and

“manuals, guides, and other records of the district attorney's office setting forth its procedures for handling public corruption complaints”.

These two items were identically sought by [CJA's February 23, 2024 FOIL request](#), to which D.A. Soares did respond, by a [March 26, 2024 letter](#), certifying that the D.A.'s office has “no responsive documents”.

By a [May 28, 2024 e-mail to D.A. Soares](#), I inquired as to the status of CJA's February 23, 2024 grand jury/public corruption complaint and whether, as it appeared from his [D.A. website](#), he had eliminated his Public Integrity Unit and, if so, why. There has been no response.

To assist this Albany County Ethics Commission with information further germane to this complaint, I filed with Albany County a series of FOIL requests.<sup>12</sup> Among these a [June 4, 2024 FOIL request](#) for records pertaining to CJA's July 8, 2016 NOTICE, asking:

“With respect to CJA's...[July 12, 2016 e-mail to then Albany County Attorney Daniel Lynch and to then First Deputy Clerk of the Albany County Legislature Necole Chambers](#), to which D.A. Soares and his then Public Integrity Unit Chief Eric Galarneau were cc'd, this is to request, pursuant to FOIL:

(1) records reflecting whether, as the e-mail requested, its [attached July 8, 2016 letter](#) was ‘furnish[ed] to all Albany County legislators, executive officers & the treasurer/comptroller’ – and, if it was not furnished, records, if any, reflecting why;

(2) records reflecting what action was taken by ‘Albany County legislators, executive officers & the treasurer/comptroller’ with respect to the July 12, 2016 e-mail and July 8, 2016 letter – and, if they took no action, records, if any, reflecting why;

(3) records of findings of fact and conclusions of law made by D.A. Soares and/or by then Albany County Attorney Lynch with respect to CJA's July 8, 2016 letter – and of the transmittal of same to ‘Albany County legislators, executive officers & the treasurer/comptroller’.”

The response to this, on June 13, 2024, from the Law Department, *to wit*, the County Attorney, was:

“After a diligent search, no records have been found to fulfill this request. Thank you.”

I filed a [July 15, 2024 FOIL request, based thereon](#), for responses by the “County Legislature”, “County Executive”, “Comptrollers”, “Management & Budget” – and from the “District Attorney”. It has been assigned #24-355.

Is it possible that CJA's July 8, 2016 NOTICE was NOT furnished to “all Albany County legislators, executive officers, & the treasurer/comptroller” – and did no one who received it not deem it appropriate to forward to you?

Suffice to note that whatever Albany County Attorney Lynch and First Deputy Legislative Clerk Chambers did with the NOTICE – and I spoke, by phone, with each of them prior to sending the

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<sup>12</sup> These are [#24-281](#), [#24-288](#), [#24-289](#), [#24-290](#), [#24-291](#), [#24-307](#), and [#24-355](#).



transmitting July 12, 2016 e-mail<sup>13</sup> – did not hurt the trajectory of their professional careers.

In December 2019, County Attorney Lynch was made Deputy County Executive – and, in 2023, ran for a seat on Albany Supreme Court, to which he was elected and on which he has sat since January 1, 2024, earning a salary that is the product of his willful nonfeasance and misfeasance as County Attorney – such doubtless motivated not only by his judicial ambitions, but by the fact that his two twin uncles were an Albany Supreme Court justice and Appellate Division, Third Department justice, the latter having rendered the first fraudulent decision/orders in the 2014 *CJA v. Cuomo, et al.* citizen-taxpayer action, while he was still in Albany Supreme Court, awaiting appointment by Governor Cuomo to the Appellate Division, announced two weeks later.<sup>14</sup>

Apparently, County Attorney Lynch had also worked for 13 years in the Albany D.A.’s office, most of those under D.A. Soares,<sup>15</sup> prior to becoming County Attorney – and presumably, D.A. Soares’ Public Integrity Unit Chief Galarneau had been a colleague of his. ADA Galarneau’s own trajectory is identified by CJA’s June 4, 2020 grand jury/public corruption complaint (at p. 5):

“In November 2019, he was appointed to a Cohoes City Court judgeship, effective January 1, 2020. He thereby became a direct beneficiary of the fraudulent judicial pay raises resulting from the August 29, 2011 and December 24, 2015 commission reports that were the subject of the complaints he ‘sat on’ – an approximately \$70,000 a year salary boost.”

As for the Legislature’s then First Deputy Clerk Chambers, she is now its Clerk – and the person to whose care a sworn, notarized complaint to the Ethics Commission is to be sent.

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<sup>13</sup> This is reflected by [CJA’s July 7, 2016 e-mail](#) entitled “CJA’s July 7, 2016 letter to Albany County Government – RE: Your Duty to Albany County Taxpayers to Repudiate & Challenge the District Attorney Salary Increases”. Following a [bounce-back](#) from 1<sup>st</sup> Deputy Legislative Clerk Chambers, a revised letter was sent the next day, by a [July 8, 2016 e-mail](#) entitled “CJA’s revised & superseding letter to Albany County government to repudiate & successfully challenge the D.A. salary increases based on rock-solid, prima facie evidence” – and it was further revised and superseded by the [July 12, 2016 e-mail](#).

<sup>14</sup> The transcript of the March 28, 2014 oral argument before then Supreme Court Justice Michael Lynch and subsequent correspondence with him are Exhibits Y and Z to CJA’s May 16, 2014 affidavit in the [CJA v. Cuomo, et al. citizen taxpayer action](#), whose webpage is [here](#).

<sup>15</sup> “[Daniel Lynch named new Albany County deputy executive](#)”, [Albany Times Union](#), December 2019; “[The nephew of retiring justices, Peter and Michael Lynch might step in](#)”, [Albany Times Union](#), April 27, 2023.

The foregoing, providing “specific factual allegations or details of the violation”, as required by ¶1 of your [Ethics Commission’s “Regulations Governing Complaints and Investigations”](#), also constitutes, by its hyperlinks, *prima facie* evidence for your referral “to the appropriate law enforcement agency”, at the earliest juncture prior to your culminating “Final Decision and Determination setting forth...findings of fact and conclusions of law, and...an order requiring disciplinary action, civil penalty, damages, civil forfeiture and/or injunctive relief as provided in the Ethics Law”.<sup>16</sup> To further assist you, CJA’s webpage for this complaint, <https://www.judgewatch.org/web-pages/searching-nys/district-attorneys/albany/7-17-24-complaint-vs-soares-to-albany-ethics.htm>, posts links to CJA’s correspondence with D.A. Soares and with Albany County.

I would welcome answering questions, including under oath, at all phases of your review of this fully-documented complaint against D.A. Soares for his knowing and deliberate violations of Albany County Code of Ethics, ¶1(a) and ¶2, proscribing financial interest and mandating recusal.

In addition to my signed sworn and notarized complaint form, I unreservedly attest to the truth of the foregoing – adopting the words of the complaint form for D.A. Soares’ no longer extent Public Integrity Unit:

“I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.”

Thank you.

\* \* \*

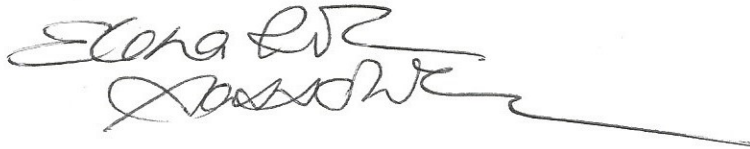
In response to the question on your accompanying “Sworn Complaint” form, “Has this matter been referred to any other agency?”, if, by the word “referred”, you mean by CJA, the answer is “Yes”. CJA has complained to other “agencies” and entities about D.A. Soares’ refusal to confront his

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<sup>16</sup> The Ethics Commission’s [“Regulations Governing Complaints and Investigations”](#) – implementing Code of Ethics [Section 20](#) “Complaints and Investigations” – requires “specific factual allegations or details of the violation” to enable “a majority vote of the total membership of the Commission” for “the Preliminary Review Phase to determine whether a substantial basis exists to conclude that a violation of the Ethics Law has occurred” without which a complaint does not proceed to a “Substantial Basis Determination” and its “Investigative Phase” with an “administrative hearing” before an “administrative hearing officer”, who then renders “an Interim Decision and Hearing Report” with “findings of fact, conclusions of law and recommended civil penalty or other action as provided in the Ethics Law” so that, FINALLY, “the Commission, by majority vote” can “issue a Final Decision and Determination setting forth its findings of fact and conclusions of law, and...an order requiring disciplinary action, civil penalty, damages, civil forfeiture and/or injunctive relief as provided in the Ethics Law”.

financial and other interests and to recuse himself from CJA's corruption complaint, including, in 2016, to Albany County and to the Appellate Division, Third Department Attorney Grievance Committee, as hereinabove set forth.

In answer to your further question, "Is there a pending legal action or proceeding that you are aware of?", if, by "pending legal action or proceeding" you mean against D.A. Soares, the answer is NO.

A handwritten signature in black ink, appearing to read "D.A. Soares", with a long horizontal flourish extending to the right.

cc: Albany County District Attorney Soares