

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Thursday, May 5, 2022 2:40 PM  
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**Subject:** Corrections & Reporting Required: "JCOPE issues a curious letter on Cuomo -  
- 4 years after complaint" (4/29/22) AND "A non-fond farewell to JCOPE  
(4/15/22)  
**Attachments:** 4-13-22-complaint-form.pdf; 4-13-22-complaint-to-jcope-fy2022-23-  
budget.pdf

**TO: Albany Times Union**

Chris Bragg's April 29, 2022 article "[JCOPE issues a curious letter on Cuomo -- 4 years after complaint](#)" requires correction, stating as follows:

"In 2019, Molinaro did not receive a letter from JCOPE stating the commission had declined to investigate the former governor. But at that time the commission also was not required to notify a complainant of the outcome. That changed earlier this year when commissioners [adopted new rules](#) seeking to make commission more transparent. Among them: That within 60 days of a "substantial basis" vote, the commission must 'provide written notification of its decision' to a complainant." (hyperlink in your website article).

Two of these four sentences are FALSE.

- It is FALSE that in 2019 JCOPE was "not required to notify a complainant of the outcome". [Executive Law §94](#), enacted in 2011, establishing and governing JCOPE, states: "...If the commission determines at any stage that there is no violation, that any potential violation has been rectified, or if the investigation is closed for any other reason, it shall so advise the individual and the complainant, if any in writing within fifteen days of such decision." (Executive Law §94.13(b), underlining added)
- It is FALSE that the "[adopted new rules](#)" of "earlier this year" changed that. Firstly, JCOPE's rules cannot supersede the statute, which provided for notification of disposition "within fifteen days". Secondly, the new rule did not

make JCOPE “more transparent”, but, rather, delayed notification to “Within 60 days” (19 NYCRR §941.3(b)(2)).

Please advise whether you will be correcting your article – and, additionally, when you will be reporting on [CJA’s complaints to JCOPE – of which I had previously furnished you with six](#) and now furnish you with [a seventh, my above-attached April 13, 2022 complaint](#) against Governor Hochul, Temporary Senate President Stewart-Cousins, Assembly Speaker Heastie, the 211 other state legislators – and their culpable staff, including Division of the Budget Director Mujica – for their Public Officers Law §74 violations pertaining to the FY2022-23 state budget, and, in particular, pertaining to their repeal and elimination of JCOPE by Part UU of Education, Labor, Housing, and Family Assistance Budget Bill S.8006-C/A.9006-C and their larceny of taxpayer monies by Legislative/Judiciary Budget Bill S.8001-A/A.9001-A.

In light of Casey Seiler’s April 15, 2022 column "[A non-fond farewell to JCOPE](#)" stating about the Commission on Ethics and Lobbying in Government (CELG) that will be replacing JCOPE:

“CELG will operate under more open rules — both in terms of public transparency and its ability to approve investigations — than JCOPE did, but the bar for improvement here is lower than a snake's bellybutton”,

[he and Mr. Bragg, and the many other Times Union editors and reporters to whom I have so repeatedly, over so many, many years, given notice of the stellar safeguarding provisions in Executive Law §94 pertaining to JCOPE](#) – must now confront my analysis of the new Executive Law §94 that replaces JCOPE with CELG, as to which my April 13, 2022 complaint states (at p. 10):

“No competent person, unafflicted by conflict of interest, could regard the new Executive Law §94 governing what the Commission on Ethics and Lobbying in Government is to do upon receipt of complaints or what it must include in its annual reports as anything but inferior to the corresponding Executive Law governing JCOPE. Certainly, Governor Hochul, as an attorney, and the many legislators who are attorneys may be presumed to know that removing from Executive Law §94 non[1]discretionary, mandatory provisions – as they did – would prevent the public from being able to secure its rights by mandamus/Article 78 proceedings, as was done in *Trump v. JCOPE* and *Cox v. JCOPE*, cited and quoted by my March 5, 2021 complaint (at fn. 8, pp. 8-9) in the context of giving NOTICE of my intent to do likewise.”

To that end, I am cc’ing the so-called “good government groups”, on which, over all these years, the [Times Union](#) has uncritically relied, to the public’s detriment – with a request that they assist you by their responses to the complaint – and, in particular, to the analysis appearing at pages 10-14. What, if anything, do they deny or dispute?

My April 13, 2022 e-mail, transmitting the complaint to JCOPE and *cc-ing* the State Inspector General, is below.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)  
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914-421-1200

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
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**Subject:** Conflict-of-interest/ethics complaint pertaining to the FY2022-23 state budget, & in particular, the repeal & elimination of JCOPE & the larceny of taxpayer \$ in the legislative/judiciary budget bill -- plus supplement to Dec. 17, 2021 complaint vs LEC

**TO: JOINT COMMISSION ON PUBLIC ETHICS (JCOPE)**

Attached is my April 13, 2022 complaint form and sworn conflict-of-interest ethics complaint.

The EVIDENTIARY webpage on which they are posted is here: <https://www.judgewatch.org/web-pages/searching-nys/jcope/april-13-2022-complaint-fy22-23-budget.htm>.

I am available to assist you, to the max – including by interviews, under oath.

Thank you.

Elena Sassower, Director  
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