

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Friday, November 15, 2013 9:45 AM
To: comments@moreland.ny.gov; (betty.ellerin@alston.com); (DA@co.franklin.ny.us); (djones@cssny.org); (lliebman@law.columbia.edu); (Peter.Zimroth@aporter.com); (RMMorgenthau@wlrk.com); Barbara Bartoletti (bbheck1@yahoo.com); Benito Romano Esq. (benito.romano@freshfields.com); cheryl.rice@nassauda.org; Daniel J. Castleman (dan.castleman@fticonsulting.com); David Javdan Esq. (djavdan@alvarezandmarsal.com); david.soares@albanycounty.com; Eric Corngold Esq. (ecorngold@fklaw.com); Frank A. Sedita III (seditaf@erie.gov); Gerald F. Mollen (gmollen@co.broome.ny.us); Joanne M. Mahoney (joaniemahoney@ongov.net); Kathleen B. Hogan (hogank@warrencountyny.gov); Kristy Sprague (KSprague@co.essex.ny.us); Makau W. Matua (mutua@buffalo.edu); mwilliams@vladeck.com; Nancy Hoppock (nancy.hoppock@nyu.edu); P. David Soares (egalarneau@albanycounty.com); Richard Briffault (rb34@columbia.edu); Robert Johnson (angueirl@bronxda.nyc.gov); Thomas P. Zugibe (info@rocklandcountyda.com); williamfitzpatrick@ongov.net
Cc: P. David Soares (egalarneau@albanycounty.com); 'robert.freeman@dos.state.ny.us'
Subject: FOIL Request: Request for Transcript of Commission's October 28th Public Hearing & Other Documents Pertaining to the October 28th Hearing
Attachments: initial-press-release-oct-28-hearing.pdf; revised-press-release-oct-28-hearing.pdf

TO: COMMISSION TO INVESTIGATE PUBLIC CORRUPTION

I have received no response to either of the below two FOIL requests pertaining to the Commission's September 17th and September 24th hearings in Manhattan and Albany – nor to any of my subsequent correspondence to the Commission relating thereto. This includes CJA's October 24th letter entitled "Public Access to the Record of the Commission's September 17th and September 24th Public Hearings: Written Testimony & Other Supporting Materials". For your convenience, this correspondence is posted on our website, www.judgewatch.org, on a webpage entitled "The People Have Something to Say -- & Evidence to Back It Up (& the Commission's so-called 'public hearings')". Here's the direct link: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/menu-people-evidence.htm>.

With respect to the Commission's October 28th hearing in Manhattan, the video of which the Commission posted on its website, <http://www.publiccorruption.moreland.ny.gov/>, this is to request, pursuant to FOIL, access to the following:

- (1) the stenographic transcript – the stenographer being the same as transcribed the materially deficient transcript of the September 17th hearing, as detailed by my October 25th letter;
- (2) all written testimony & other supporting materials submitted by the witnesses who the Commission invited to testify and who did testify;
- (3) all written testimony & other supporting materials submitted by witnesses who the Commission invited to testify and then, apparently, disinvited. Among these, the speakers listed in the Commission's initial release "Moreland Commission to Hold Public Hearings In New York City October 28th": "New York Public Interest Research Group Research Coordinator, Bill Mahoney"; "Campaign Finance Institute Executive Director, Michael Malbin; "New York State League of Women Voters President, Sally Robinson"; and "Citizens Union Director of Public Policy and Advocacy, Alex Camarda";

- (4) all written requests to testify by members of the public & such written testimony and/or supporting materials as they furnished.

It is our position that the public, whose trust you have been directed to restore, is entitled to have all such documents posted on the Commission's website, with the video of the Commission's October 28th hearing, already posted. If the Commission chooses not to do so, we request to know why – and request, pursuant to FOIL, access to inspect and copy these documents at the Commission's office – as well as to inspect and copy all records pertaining to the Commission's decision, reflected by its initial and revised release for the October 28th hearing, that "Members of the public are invited to attend only. Those invited to provide testimony to the Commission will be the only speakers for the hearing." For your convenience, copies of these two undated Commission releases are annexed, with a further request for: (1) all documents reflecting the date and time the Commission posted each release on its website; (2) all documents reflecting the date and time the Commission furnished each release to the press; and (3) all documents reflecting when, if at all, the Commission gave notice to members of the public who had registered to attend and/or requested to testify of the change in the hearing's starting time from 6 p.m. to 5 p.m., as reflected by the revised release. If no such documents exist, the requested information is requested, nonetheless, consistent with the Commission's mandate to restore public trust.

As stated when I e-mailed CJA's October 17th letter to each of you:

"As I have no e-mail addresses for the following: (1) Commissioner J. Patrick Barrett; (2) Commissioner Seymour James, Jr.; (3) Special Advisor D'Amico; (4) Special Advisor Raymond Kelly, please ensure that this e-mail is forwarded to them, so that all may be held accountable to the People whose trust in New York's government and its public officials the Commission is supposed to restore."

Pursuant to FOIL, your response is required "within five business days" of your receipt of this request (Public Officers Law §89.3).

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]
Sent: Wednesday, September 25, 2013 2:12 PM
To: comments@moreland.ny.gov
Cc: williamfitzpatrick@ongov.net; cheryl.rice@nassauda.org; mwilliams@vladeck.com; david.soares@albanycounty.com; Eric Galarneau (egalarneau@albanycounty.com)
Subject: Request for CD-Video & Transcript of Commission's September 24th Public Hearing

TO: COMMISSION TO INVESTIGATE PUBLIC CORRUPTION

As the Commission has posted the video of its September 17th public hearing in New York City on its website, I assume it will also be posting the video of its yesterday's September 24th public hearing in Albany. If not, this is to request a CD-video of the September 24th hearing.

I do not recall seeing a stenographer present at yesterday's hearing. Was a stenographer present? In any event, if the hearing is being transcribed stenographically, this is to request the transcript – unless the Commission is planning to post it.

Pursuant to FOIL, which we hereby invoke, your response is required “within five business days” of your receipt of this request (Public Officers Law §89.3) . Meantime, below is our September 19, 2013 e-mail pertaining to the Commission’s September 17th hearing, to which, as yet, we have received no response.

Thank you.

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373
elena@judgewatch.org

From: Center for Judicial Accountability [<mailto:elena@judgewatch.org>]
Sent: Thursday, September 19, 2013 11:02 AM
To: comments@moreland.ny.gov
Cc: williamfitzpatrick@ongov.net; cheryl.rice@nassauda.org; mwilliams@vladeck.com; david.soares@albanycounty.com;
Eric Galarneau (egalarneau@albanycounty.com)

Subject: Request for CD-Video & Transcript of Commission's September 17th Public Hearing

TO: COMMISSION TO INVESTIGATE PUBLIC CORRUPTION

Does the Commission plan to post the video of its September 17, 2013 public hearing in New York City, which it had webcast live during the hearing? And what about the transcript? If not, this is to request a CD-video of the hearing – and a copy of the transcript, once the stenographer renders her transcription.

Please advise, by e-mail, as to the cost of reproduction and mailing – and I will promptly forward it to you.

Pursuant to FOIL, which I hereby invoke, your response is required “within five business days” of your receipt of this request (Public Officers Law §89.3) .

Thank you.

Elena Sassower, Director
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