

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Tuesday, November 14, 2017 12:39 PM
To: 'GaryF@westchesterlegislators.com'
Cc: 'kaplowitz@westchesterlegislators.com'; 'testa@westchesterlegislators.com'; 'boykin@westchesterlegislators.com'; 'sundayv@westchesterlegislators.com'; 'rmeehan@westchestergov.com'; 'jmccarty@westchesterda.net'; 'ascarpino@westchesterda.net'; 'gsc4@westchestergov.com'
Subject: Request for Meeting: The Westchester County Budget -- & the Westchester District Attorney Salary it Includes
Attachments: 7-8-16-ltr-to-counties-final-final.pdf; e-mails-to-westchester-attorney-meehan.pdf; 9-7-16-notice-intervention-counties.pdf

TO: Gary Friedman, Chief of Staff

Following up our phone conversation this morning, below is my November 9th e-mail to Legislative Clerk Sunday Vanderberg – hard copies of which she distributed to all legislators yesterday, together with the above attachments. I identified this distribution, when I spoke at the Board of Legislators' meeting yesterday evening, further stating that I would be requesting to meet with each legislator so that each might better understand the fraud, statutory violations, and unconstitutionality of the D.A. salary increases – contained within the county budget:
<http://westchestercountyny.igam2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=4441&AgendaID=4145&FileFormat=pdf&Format=Agenda&MediaFileFormat=mpeg4> (at 6 mins). You stated you were there – so I don't understand why your response to my call requesting to schedule a meeting with Chair Kaplowitz was to tell me – twice – that this was a busy time because of the budget – as if I was not calling about the budget.

Moreover, as I told you, I spoke with Chair Kaplowitz at the end of yesterday's Board of Legislators' meeting, stating that I believed it appropriate to meet with him first, as the Board's chair. He did not disagree and instructed me to call his office, which I did, leaving a voice mail message on his line, shortly after 9 a.m., and then, about 45 minutes later, telephoning your line and speaking with you.

As Board chair, Mr. Kaplowitz is a member of ALL committees – and the relevant committee is, in the first instance, the Committee on Budget and Appropriations. Additionally relevant is the Litigation Committee, inasmuch as the unlawfulness of the district attorney salary increases – and of the judicial salary increases upon which they rest -- are embodied in a citizen-taxpayer action – of which I furnished Westchester County with a September 7, 2016 NOTICE OF RIGHT TO INTERVENE – and whose record establishes plaintiffs' entitlement to SUMMARY JUDGMENT on the 6th, 7th, and 8th causes of action pertaining to the increases, as likewise on the 10th cause of action pertaining to state reimbursement to the counties: <http://www.judgewidth.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/menu-2nd-citizen-taxpayer-action.htm>. Certainly, the Litigation Committee should be evaluating whether, based on the litigation record, the Board of Legislators would not be vulnerable to comparable suit – and of a judgment of summary judgment for the plaintiffs -- were it to ignore the larceny of tax dollars involving the D.A. salary increases – and allow them to remain in the county budget, with no affirmative steps for their voiding. Since Mr. Kaplowitz is a lawyer, he is certainly capable of evaluating the DISPOSITIVE lawsuit record, for himself.

There is, however, no reason for Chair Kaplowitz or other legislators to be burdened, unnecessarily, with time-consuming review of the lawsuit record. They should be able to rely on County Attorney Meehan, whose function is to advise the Board of Legislators – for which Westchester county taxpayers pay him \$155,245. What findings of facts and conclusions of law did County Attorney Meehan make last year upon receiving my July 8, 2016 NOTICE TO THE COUNTY of its duty to repudiate and challenge the district attorney salary increases—and upon receiving my September 7, 2016 NOTICE OF RIGHT TO INTERVENE in the citizen-taxpayer action? Consistent with the July 8, 2016 NOTICE, the Board of

Legislators, under Mr. Kaplowitz' chairmanship, must demand County Attorney Meehan's findings of fact and conclusions of law NOW. Likewise, a similar demand must be made to First Deputy District Attorney McCarty, who was then acting district attorney – and to District Attorney Scarpino, who, on October 23, 2017, was e-mailed these two NOTICES – and who will be appearing before the Committee on Budget and Appropriations on November 28th .

Inasmuch as the unlawfulness of the district attorney salary increases is a government integrity issue – having nothing to do with partisanship – I believe Board of Legislators' Minority Leader, John Testa, who is also a member of the Committee on Budget and Appropriations, should also be invited to join the meeting between myself and Chair Kaplowitz – and I so request. Needless to say, I would welcome the participation of other legislators, as well. I have already left a phone message for my own legislator, Legislator Boykin, who is vice-chair of the Committee on Budget and Appropriations, requesting a meeting.

Finally, I take this opportunity to identify what I was constrained from identifying yesterday at the conclusion of my remarks to the Board of Legislators, *to wit*, that to facilitate each legislator's examination of the EVIDENCE pertaining to the D.A. salary issue, I have created a webpage on CJA's website, www.judgewatch.org, accessible from the top panel "Latest News". The direct link is here: <http://www.judgewatch.org/web-pages/elections/2017/post-election-latimer.htm>. The easiest overview of the EVIDENCE are the VIDEOS of my testimony before the Legislature, in Albany, at its budget hearings on February 6, 2013, January 30, 2017, and January 31, 2017 – and these are featured on that webpage.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Thursday, November 9, 2017 2:04 PM
To: 'sundayv@westchesterlegislators.com' <sundayv@westchesterlegislators.com>
Cc: 'rmeehan@westchestergov.com' <rmeehan@westchestergov.com>; 'jmccarty@westchesterda.net' <jmccarty@westchesterda.net>; 'ascarpino@westchesterda.net' <ascarpino@westchesterda.net>; 'lcs5@westchestergov.com' <lcs5@westchestergov.com>; 'ce@westchestergov.com' <ce@westchestergov.com>
Subject: The Westchester County Budget -- & the Westchester District Attorney Salary it Includes

TO: Westchester County Legislative Clerk & Administrative Officer Sunday Vanderberg

This follows up our phone conversation this morning pertaining to my intended testimony, next month, at the Westchester County Board of Legislators' public hearing on the county budget, pursuant to Westchester County Charter §167.91

The Westchester district attorney's salary is part of the Westchester county budget. Attached is the July 8, 2016 NOTICE I sent to Westchester County Attorney Robert Meehan pertaining to the state's imposition of fraudulent, statutorily-violative, and unconstitutional district attorney salary increases upon the county – and the county's duty, on behalf of its taxpayers, to repudiate and challenge them. The transmitting July 12, 2016 and July 13, 2016 e-mails are also attached, expressly requesting that County Attorney Meehan distribute the NOTICE to "all Westchester County legislators, executive officers & the treasurer/comptroller". Simultaneously, I sent these e-mails to then Acting Westchester District Attorney James McCarty – who is now "second in command" to Westchester District Attorney Anthony Scarpino.

I understood you to say that County Attorney Meehan had not transmitted the July 8, 2016 NOTICE to you for your distribution to Westchester County legislators. Is that correct? I do appreciate your verifying whether County Attorney

Meehan furnished the July 8, 2016 NOTICE to the Westchester County legislators, directly – and whether he additionally advised them of the September 7, 2016 NOTICE of Westchester County’s right to intervene in the Center for Judicial Accountability’s citizen-taxpayer action to protect Westchester county taxpayers from the fraudulent, statutorily-violative, and unconstitutional district attorney salary increases they would otherwise be paying. The September 7, 2016 e-mail NOTICE is also attached.

The Center for Judicial Accountability’s website, www.judgewatch.org, features a webpage for the July 8, 2016 NOTICE, from which all substantiating proof is accessible. It is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/7-8-16-ltr-to-counties.htm>. The webpage for the September 7, 2016 NOTICE, from which the subsequent substantiating proof is accessible, is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/9-2-16-osc-complaint/9-7-16-notice-intervention.htm>.

In the event County Attorney Meehan did not furnish “all Westchester County legislators” with the foregoing, I would appreciate if you would distribute it to them now so that they can do their duty by Westchester county taxpayers by requesting that County Attorney Meehan and First Deputy District Attorney McCarty supply their findings of facts and conclusions of law with respect to those two NOTICES. So that these two attorneys, paid from the county budget, can each ready their findings of facts and conclusions of law, including as to whether the two commission reports, on which the district attorney salary increases rest, are “false instruments”, violative of a succession of penal laws, I am cc’ing County Attorney Meehan and First Deputy District Attorney McCarty on this e-mail. Likewise, I am cc’ing District Attorney Scarpino, whose duty it is to disavow the district attorney salary increases, arising from those two commission reports, based on his own findings of fact and conclusions of law, which he should also be called upon to furnish.

I have left a voice mail message for Westchester County Budget Director Lawrence Soule, inquiring as to whether County Attorney Meehan had furnished him with the July 8, 2016 NOTICE, as I had requested. I am also cc’ing him on this e-mail, so that he can take appropriate steps in connection with the Westchester county budget, due tomorrow (Westchester County Charter §167.61(1)), but which, I understand, will be kicked over to Monday, November 13, 2017, due to the Veterans Day observance.

As this will be Westchester County Executive Astorino’s last county budget, because, as a candidate, he chose to cover-up the *prima facie* evidence of Senator Latimer’s corruption, in office, as a state senator, with regard to district attorney salaries, judicial salaries, and the constitutional abomination that is the judiciary budget, legislative budget, and whole of the executive state budget, I am cc’ing County Executive Astorino so that he can belatedly give an appropriate direction concerning the Westchester district attorney salary increases paid from the Westchester county budget, including by his budget message to the County Board of Legislators, pursuant to Westchester Charter §167.71.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org