

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Wednesday, November 15, 2017 12:22 PM
To: 'gsc4@westchestergov.com'; 'GregoryC@westchesterlegislators.com'
Cc: 'DanteD@westchesterlegislators.com'; 'GaryF@westchesterlegislators.com';
'sundayv@westchesterlegislators.com'; 'kaplowitz@westchesterlegislators.com';
'testa@westchesterlegislators.com'; 'boykin@westchesterlegislators.com';
'rmeehan@westchestergov.com'; 'jmccarty@westchesterda.net';
'ascarpino@westchesterda.net'
Subject: Keeping a True Record -- & reiterating my request to the Citizens Budget Advisory Committee that it advise the Board of Legislators that its duty to the taxpayers is to VERIFY the truth about the D.A. salary increases contained within the county budget
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: Gregory Casciato, Director of Budgetary Affairs for the Westchester County Board of Legislators

This responds to your below e-mail, sent at 5:33 p.m. yesterday – just as I was arriving at the county office building for the Citizens Budget Advisory Committee meeting, scheduled to begin at 6 p.m. I discovered your e-mail only upon returning home, afterward.

What do you mean by your e-mail's concluding sentence, "There will be no further correspondence with respect to this matter"? Shouldn't I have the opportunity to dispute your revision of the facts?

Contrary to what you state, the only reason I furnished you with my yesterday's e-mail to the Board of Legislators' Chief of Staff Gary Friedman was so that you could forward it to the members of the Citizens Budget Advisory Committee. This, because, in our first conversation yesterday, you expressed uncertainty as to whether I would be permitted to speak at its evening meeting – because, as I understood you to say, in the two years of your tenure, no member of the public had ever spoken at one of its meetings. It was to enable the Citizens Budget Advisory Committee to assess the seriousness of the D.A. salary issue about which I wished to apprise its members – as, likewise, the unexpected difficulty I was encountering in scheduling a meeting with Board Chair Kaplowitz -- that I sent you the e-mail for forwarding to the members. This, I stated – and you agreed.

Nor did you tell me, in our second conversation yesterday, that you had not heard back from Chair McGarr. Rather, you told me that the Chair had stated that the agenda was already full with consideration of the budget. Or do you also deny that you told me that the agenda was already full? If you do not deny it, on what basis would you have stated that its agenda was full, unless you had spoken to Chair McGarr – which is what you told me.

As for your assertion "there is no public comment portion of the meeting", obviously, there is "no public comment portion" when there is no member of the public attending, which apparently has been the situation. However, when a member of the public does show up and asks to be heard, why would there not be a "public comment portion", consistent with what the Board of Legislators' website says about the Citizens Budget Advisory Committee, *to wit*, that it provides "regular input on fiscal matters from the public through monthly meetings, which the public is invited to attend". (<http://westchesterlegislators.com/budget-and-appropriations.html>).

I am happy to report that the Citizens Budget Advisory Committee began its last night's meeting by giving me the opportunity to speak, at fair length. It did not object to my request that upon its review of my e-mail to Chief of Staff Friedman, with its appended November 9th e-mail to Legislative Clerk Sunday Vanderberg and attachments – hard copies of which I distributed to each member – that it exercise its advisory function with respect to the D.A. salary increases –

such being part of the county budget. That advisory function does not require the Citizens Budget Advisory Committee to itself determine the lawfulness of the D.A. salary increases, based on the EVIDENCE I stated was all posted on CJA's website. Rather, it requires nothing more than advising the Board of Legislators that my request that it direct County Attorney Meehan to identify what he did upon receiving my July 8, 2016 NOTICE TO THE COUNTY and my September 7, 2016 NOTICE TO INTERVENE in the citizen-taxpayer action is reasonable and appropriate – and that the Citizens Budget Advisory Committee endorses such direction – and, all the more so, because the county attorney's function is to counsel the Board of Legislators. The Board of Legislators needs to know what Mr. Meehan did to verify the truth of what these two NOTICES stated as to the unlawfulness of the judicial salary increases to which the D.A. salary increases are tied. What were his findings of fact and conclusions of law? Likewise, what did First Deputy District Attorney McCarty – then the Acting D.A. -- do upon his receipt of my July 8, 2016 NOTICE TO THE COUNTY? Did he not make findings of fact and conclusions of law, including as to whether the two commission reports upon which the D.A. salary increases rest, are "false instruments", violative of a succession of penal law. And what has District Attorney Scarpino done since I sent him the two NOTICES on October 23, 2017? In other words, consistent with "the purpose of CBAC", which, as you describe it, is "to advise the Board of Legislators on budgetary matters", I asked the Citizens Budget Advisory Committee to advise the Board of Legislators to verify THE TRUTH of what I stated to them at last night's meeting as to the fraud, statutory violations, and unconstitutionality of the two commission reports on which the D.A. salary increases are based – this being the ONLY way for the Board of Legislators to discharge its duty to Westchester taxpayers as guardians of their tax dollars.

Indeed, as a result of last night's meeting, I learned that not only will D.A. Scarpino be before the Board of Legislators' Committee on the Budget and Appropriations on November 28th, but County Attorney Meehan will be before the Committee on November 20th. It is at these two upcoming committee meetings that the legislators must interrogate these two lawyers and require them to produce their findings of fact and conclusions of law with respect to the July 8, 2016 and September 7, 2016 NOTICES – and I so stated this to the Citizens Budget Advisory Committee.

Finally, with regard to your below statement that the "appropriate forum for communicating with members of the Board of Legislators regarding budgetary matters" is its "public hearings on the budget", the "communicating" at such hearings is there limited, as you know, to three minutes: <http://westchesterlegislators.com/fy2017-budget-dashboard.html>. Do you actually believe that three minutes is sufficient for educating the Board of Legislators' 17 members as to what is their duty to do? Indeed, if three minutes were sufficient, then the three minutes of my "public comment" at Monday's Board of Legislators' meeting should have sufficed to have compelled IMMEDIATE action by ANY public officer worthy of the public's trust. What could be more shocking than that the D.A. salary increases that are part of the county budget are fraudulent, which I stated clearly and unequivocally before the assembled legislators: <http://westchestercountyny.igm2.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=4441&AgendaID=4145&FileFormat=pdf&Format=Agenda&MediaFileFormat=mpeg4> (at 6 mins). What more was needed to have compelled a response to so serious a charge – if not then and there and by something as basic as an expression of concern and assurance that that the Board of Legislators would get to the TRUTH of the matter -- than yesterday, by the prompt scheduling of a meeting with Chair Kaplowitz, with Minority Leader Testa, and with my own legislator Boykin – as to which I am still waiting.

As to the Board of Legislators' public budget hearings, you curiously failed to list the third, on December 6, 2017, in the Board of Legislators' own chamber, which is the most geographically accessible to me. Frankly, it would not surprise me if the Board of Legislators' three budget hearings are, like the state Legislature's budget hearings, simply window-dressing, whose purpose is for appearances, not for responsive action on matters that step on the most powerful political toes and expose, as the D.A. salary increases do, a larcenous scheme by New York's highest constitutional officers of all three branches of state government, stealing from state taxpayers probably \$300 million in combined judicial and D.A. compensation increases since April 1, 2012.

I can, of course, speak knowledgeably about the state Legislature's sham budget hearings, as I have direct first-hand experience, having testified, in Albany, at three such hearings, on February 6, 2013, January 30, 2017 and January 31, 2017 – the VIDEOS of which, readily accessible from CJA's webpage pertaining to the D.A. salary issue and the county budget: <http://www.judgewatch.org/web-pages/elections/2017/post-election-latimer.htm>, I urged the members of the

Citizens Budget Advisory Committee to watch because they provide a quick overview of the judicial and D.A. salary issue and the citizen-taxpayer action. I further stated, albeit only in passing, that Senator Latimer, Assemblyman Buchwald, and Senate Minority Leader Andrea Stewart-Cousins are fully familiar with it all.

I invite your response to any of the foregoing – including, most importantly, your assurance that as the Board of Legislators' Director of Budgetary Affairs, for which Westchester taxpayers pay you \$147,500, you will do your duty to protect them. That means by activating safeguards, including with respect to conflicts of interest, so that NO budgetary appropriations will be made for the D.A. salary increases, absent findings of fact and conclusions of law rebutting the sixth, seventh, and eighth causes of action of CJA's September 2, 2016 verified complaint in the citizen-taxpayer action, germane to such increases. By the way, I brought to last night's meeting and exhibited to the Citizens Budget Advisory Committee CJA's September 2, 2016 verified complaint – about which I testified before the Legislature at its January 30, 2017 and January 31, 2017 budget hearings -- and to which the September 7, 2016 NOTICE OF RIGHT TO INTERVENE relates. Likewise, I brought and exhibited CJA's October 27, 2011 opposition report to the Commission on Judicial Compensation's August 29, 2011 report – the "starting point" for my testimony at the Legislature's February 6, 2013 budget hearing, with a copy handed up by me, during the testimony, so that the Legislature could make findings of fact and conclusions of law and void the salary raises that would otherwise take effect.

So that the members of the Citizens Budget Advisory Committee can correct any inaccuracy in my above recitation as to what I stated and showed them at their last night's meeting, as to which, additionally, your colleague, Dante Daley, the Board of Legislators' Director of Fiscal Affairs, was present, heard what I had to say, and received from me, *in hand*, a hard copy of the same e-mail and enclosures as I had furnished to each member of the Citizens Budget Advisory Committee, I request that either you or he forward this e-mail to the Citizens Budget Advisory Committee members.

Thank you.

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

From: Casciato, Gregory [<mailto:gsc4@westchestergov.com>]
Sent: Tuesday, November 14, 2017 5:33 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: RE: This Evening's Meeting of the Citizens Budget Advisory Committee

Ms. Sassower,

As requested in your second email, I have forwarded your first email to the members of the Westchester County Board of Legislators' Citizens Budget Advisory Committee (CBAC).

With regard to statements made in your second email, please be advised:

1. Your statement that you had requested that I forward your first email to the members of CBAC is inaccurate: at no time when I spoke with you during our first telephone conversation did you request that your initial email be sent to the members of CBAC; in fact, you indicated in this call that as an afterthought, you would be copying me on an email that you would be sending to the Board of Legislators' Chief of Staff; no request to forward the email was made at this time.
2. During our second telephone conversation, you asked if I had sent your initial email, and after I responded to you that I had not, I proceeded to inform you that what I in fact had done was email the chair of CBAC informing him of your desire to attend one of their meetings, requesting guidance from him on what I should

communicate back to you; at the time of our second telephone conversation, I had not heard back from him.

3. Your statement that the CBAC Chair discouraged your attendance at this evening's meeting is also inaccurate: I had not received a response from Mr. McGarr when we spoke the second time; during that conversation, I informed you that I was not sure of the procedure for members of the public to speak at CBAC meetings, as the committee is a volunteer advisory committee and not a committee of elected policy makers, and the agenda that had already been set for the meeting did not include a public comment portion.

That said, you are certainly welcome to attend this evening's meeting. However, as mentioned, there is no public comment portion to the meeting.

You should also be aware that the purpose of CBAC is to advise the Board of Legislators on budgetary matters; not to advise or provide guidance to citizens as you seek in your below statement.

The appropriate forum for communicating with members of the Board of Legislators regarding budgetary matters is the public hearings that will be held on the Proposed 2018 Budget, the time and location of which are as follows:

Public Hearing on 2018 Budget – Tuesday, November 21, 2017; 7:00 PM; Yonkers Riverfront Library, One Larkin Center, Yonkers
Public hearing on 2018 Budget – Wednesday, November 29, 2017; 7:00 PM; Mount Kisco Library, 100 East Main Street, Mount Kisco

There will be no further correspondence with regard to this matter.

Gregory S. Casciato
Director of Budgetary Affairs
Board of Legislators
Westchester County, New York
Phone: (914) 995-2843

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Tuesday, November 14, 2017 3:51 PM

To: Casciato, Gregory; Casciato, Gregory

Subject: This Evening's Meeting of the Citizens Budget Advisory Committee

TO: Gregory Casciato, Director of Budgetary Affairs

The description of the Citizens Advisory Budget Committee, appearing on the same webpage as the Board of Legislators' Committee on Budget and Appropriations, <http://westchesterlegislators.com/budget-and-appropriations.html>, reads:

"The Citizen's Budget Advisory Committee (CBAC) seeks regular input on fiscal matters from the public through monthly meetings, which the public is invited to attend."

Kindly forward my below e-mail to the members of the Citizens Budget Advisory Committee, as I had requested you to do – and as I understood you would – so that, in advance of this evening's meeting, its members will have the benefit of my "input" as a member of "the public", about an aspect of the budget they presumably nothing about – and as to which I am requesting their guidance. Certainly, I am at a loss to understand how the Citizens Budget Advisory Committee chair, who you identified as John McGarr -- and the sole member of the Citizens Budget Advisory Committee you communicated with about my attendance at this evening's meeting – would have discouraged my attendance on grounds that the meeting agenda is full up with reviewing the budget. The D.A. salary is part of the budget.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Tuesday, November 14, 2017 12:39 PM
To: 'GaryF@westchesterlegislators.com' <GaryF@westchesterlegislators.com>
Cc: 'kaplowitz@westchesterlegislators.com' <kaplowitz@westchesterlegislators.com>;
'testa@westchesterlegislators.com' <testa@westchesterlegislators.com>; 'boykin@westchesterlegislators.com'
<boykin@westchesterlegislators.com>; 'sundayv@westchesterlegislators.com' <sundayv@westchesterlegislators.com>;
'rmeehan@westchestergov.com' <rmeehan@westchestergov.com>; 'jmccarty@westchesterda.net'
<jmccarty@westchesterda.net>; 'ascarpino@westchesterda.net' <ascarpino@westchesterda.net>;
'gsc4@westchestergov.com' <gsc4@westchestergov.com>

Subject: Request for Meeting: The Westchester County Budget -- & the Westchester District Attorney Salary it Includes

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.judgewatch.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
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