

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, November 28, 2017 7:34 AM
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Subject: Counseling the Board of Legislators as to their MANDATORY, NON-DISCRETIONARY DUTIES with respect to budget items alleged to be fraudulent and illegal -- as, for instance, the D.A. salary increases

TO: Westchester County Clerk Robert Meehan

It was so pleased to have met you at last night's regular meeting of the County Board of Legislators – and to have had the opportunity to speak with you, in advance of my three-minute public comment and thereafter. The non-lawyer chair and vice-chair of the Committee on Budget and Appropriations – Legislators Marcotte and Boykin -- are in dire need of your guidance, as it appears that this is the FIRST time that a citizen-taxpayer has alerted them to fraud and illegality affecting a budget item. They need to be counseled by you that the protocol is DIFFERENT when allegations of fraud and illegality are raised. In such instance, they do NOT have discretion to just ignore the issue. Rather, they are duty-bound to examine the evidence, in substantiation, and upon verifying the truth of the fraud and illegality alleged, MUST remove the budget item and/or take other corrective steps, here including securing the voiding of the commission reports on which the district attorney salary increases rest. For them to do otherwise is to incur liability in a citizen-taxpayer action -- to which, as evident from the record of CJA's citizen-taxpayer actions against the state, fully-posted on CJA's website: <http://www.judgewatch.org/web-pages/searching-nys/budget/menu-budget-reform.htm>, they will have NO defense – just as the state has had NO defense.

I spoke about this to both Litigation Committee Chair Williams AND Legislative Board Chair Kaplowitz, after the regular meeting had concluded. Despite the fact that both are lawyers, presumably familiar with such citizen-taxpayer statutes as State Finance Law §123 and General Municipal Law §51, etc., both told me that they would be relying on your guidance in the matter.

The DISPOSITIVE evidentiary materials I placed in your capable hands last night, in support of my public comment – and which are inventoried below -- more than suffices for your verifying, within minutes, that the commission reports on which the district attorney salary increases rest, are statutorily-violative – and must be voided on that ground, alone, quite apart from the grounds of fraud and unconstitutionality, whose verification takes more time, but not excessively so. It certainly suffices for your counseling the legislators of

their duty to question District Attorney Scarpino about the increases in his D.A. salary that are part of his requested budget and to require him to come forward with his own findings of fact and conclusions of law with respect to the commission reports and the citizen-taxpayer actions based thereon – as to which he has been on notice from me, for over a month, since October 23, 2017. This includes his own findings of fact and conclusions of law as to whether the commission reports are, as I first stated in my December 31, 2015 letter to then Westchester D.A. Janet DiFiore and then reiterated in my January 15, 2016 letter to Temporary Senate President John Flanagan and Assembly Speaker Carl Heastie, and thereafter in my July 8, 2016 notice to the counties, “false instruments”, violative of a succession of penal laws, that could easily support criminal prosecution of those responsible for the commission reports and complicit in them.

As D.A. Scarpino will be appearing at 10 am this morning before the Committee on Budget and Appropriations, I will, as you agreed, pick up the evidentiary materials at 9:30 a.m. so that I can bring them to the committee meeting, which I will be attending – and at which I hope to be invited to speak. I will gladly return them to you afterward so that you can continue to review them. Of course, everything is posted on CJA’s website, www.judgewatch.org – and the webpage I created entitled “The Larcenous D.A. Salary Increases, the Westchester County Budget -- & the Westchester Board of Legislators”, accessible *via* the top panel “Latest News” furnishes all the links. The direct link to that webpage is here: <http://www.judgewatch.org/web-pages/elections/2017/post-election-latimer.htm>.

I am available to assist you, to the max in assisting the Board of Legislators do its duty to protect Westchester county taxpayers – most of whose hard-earned tax dollars the county turns over to the state.

Thank you.

Elena Sassower, citizen-taxpayer
Center for Judicial Accountability, Inc. (CJA)
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**INVENTORY OF SUBSTANTIATING EVIDENTIARY PROOF,
FURNISHED ON NOVEMBER 27, 2017 IN SUPPORT OF THREE-MINUTE “PUBLIC COMMENT”**

CJA’s November 9, 2017 e-mail to Legislative Clerk Sunday Vanderberg – with its attachments

- (1) CJA’s July 8, 2016 written notice to the county, with transmitting July 12/13, 2016 e-mails
- (2) CJA’s September 7, 2016 notice of right to intervene, with transmitting September 7, 2016 e-mail

Verifying the statutory violations (& fraudulence) of the 1st Commission report --

- (1) The Commission statute -- chapter 567 of the Laws of 2010
- (2) The August 29, 2011 report of the Commission on Judicial Compensation
- (3) CJA's executive summary to its October 27, 2011 opposition report
- (4) CJA’s October 27, 2011 opposition report with 2 compendia of exhibits

Verifying the statutory violations (& fraudulence) of the 2nd Commission report –

- (1) The Commission statute – chapter 60, Part E, of the Laws of 2015
- (2) The December 24, 2015 report of the Commission on Legislative, Judicial & Executive Compensation
- (3) CJA’s December 31, 2015 letter to Chief Judge Nominee/Westchester D.A. Janet DiFiore
- (4) CJA’s January 15, 2016 letter to Temporary Senate President John Flanagan & Assembly Speaker Carl Heastie

Verifying plaintiffs' entitlement to summary judgment on the 6th, 7th, & 8th causes of action (in their 2nd citizen-taxpayer action) to void the salary increases & on their 10th cause of action pertaining to state aid to the counties for D.A. salaries

(1) plaintiffs' September 2, 2016 verified complaint, with exhibits

(2) plaintiffs' November 20, 2017 status report to the Board of Legislators on the 6th, 7th, & 8th causes of action – with free-standing copies of those causes of action & their incorporated 13th, 14th, & 15th causes of action from plaintiffs' March 23, 2016 verified second supplemental complaint (in their 1st citizen-taxpayer action)

(3) plaintiffs' November 27, 2017 status report to the Board of Legislators on the 10th cause of action – with free-standing copy of that cause of action