

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Wednesday, April 13, 2016 4:01 PM  
**To:** 'Bill Nojay'  
**Cc:** 'calsuper@frontier.net'; 'egott@co.livingston.ny.us'; 'conesusuper@town.conesus.ny.us'; 'will@geneseony.org'; 'knapp1@frontiernet.net'; 'supervisor@townoflima.org'; 'dlefeber@avon-ny.org'; 'supervisor@grovelandny.org'; 'townofleicestersupervisor@gmail.com'; 'chuckdipo@frontiernet.net'; 'dpmahus@frontiernet.net'; 'MerileeW@frontiernet.net'; 'doublemsch@msn.com'; 'springwatersuper@yahoo.com'; 'townsupervisor@townofwestsparta.org'; 'yorksupr@rochester.rr.com'; 'ben@livingstonnews.com'; 'Cc:': 'gallivan@nysenate.gov'; 'NojayW@assembly.state.ny.us'; 'gmccaffrey@co.livingston.ny.us'; 'billie@thebatavian.com'; 'howard@thebatavian.com'; calsuper@frontier.com; calclerk@frontier.com; 'dmorris@co.livingston.ny.us'; 'info@co.livingston.ny.us'  
**Subject:** Assisting the Livingston County Board of Supervisors in Protecting Taxpayer Dollars: D.A. Pay Increase

Dear Assemblyman Nojay –

The issue before the Livingston County Board of Supervisors – presented by my yesterday's e-mail -- <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/county-opposition-to-da-salary-increases.htm> – is the lawfulness of the \$30,000 district attorney pay increase for fiscal year 2016-2017, arising from the judicial salary increase recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation.

Despite your insults to me – including by your subject line: “your idiotic email” and in your phone call to me at 9:24 a.m. this morning -- you have not denied or disputed that you KNEW that the Commission's December 24, 2015 judicial salary increase recommendations were statutorily-violative, fraudulent and unconstitutional – and that the Center for Judicial Accountability was endeavoring to secure legislative oversight and override.

Can you explain then why you took no steps to secure legislative oversight and override – including via Assembly Bill #7997, as suggested by my January 15, 2016 letter to Temporary Senate President Flanagan and Assembly Speaker Heastie (at p. 4): <http://www.judgewatch.org/web-pages/judicial-compensation/2015/jan-15-2016-ltr-to-leg-leaders.htm>, to which you were an indicated recipient because you were a co-sponsor of Assembly Bill #7997.

My yesterday's e-mail further asked that you “respond to the factual and legal showing” of the January 15, 2016 letter – the enclosures to which included your sponsor's memo to Assembly Bill #7997 – and, additionally to “the thirteenth, fourteenth, and fifteenth causes of action of CJA's March 23, 2016 verified second supplemental complaint (<http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm>) that the judicial salary increases – on which the district attorney salary increases are based – are statutorily-violative, fraudulent, and unconstitutional”

Where is your response to that factual and legal showing? As you are a seasoned attorney, in addition to being an Assembly member, you are well equipped to make findings of fact and conclusions of law – and, consistent therewith, to “take steps to secure criminal prosecution of the seven members of the Commission on Legislative, Judicial and Executive Compensation”, as my yesterday's e-mail also requested.

Certainly, your e-mail does NOT in any way assist the 17 members of the Livingston County Board of Supervisors in discharging the duty they owe to Livingston County taxpayers to repudiate the district attorney salary increase. What

are your recommendations to them? And what do you believe the recommendations of Senators Young and Gallivan should be – and of District Attorney McCaffrey?

By this e-mail I reiterate that it is YOUR duty – and that of Senators Young and Gallivan and D.A. McCaffrey --to be assisting the Livingston County Board of Supervisors in challenging the district attorney salary increase for which the County is liable – including by taking steps to void the statutorily-violative, fraudulent, and unconstitutional judicial salary increases on which it rests.

To that end, I certainly would be pleased to welcome you, Senators Young and Gallivan, and D.A. McCaffrey as intervenors in our citizen-taxpayer action to void the judicial salary increases. How about it? Or do you believe that the burden of vindicating the rights of the taxpaying citizens of Livingston County and the rest of the state should be shouldered, entirely, by an unfunded, non-profit citizens' organization?

Certainly, I would also welcome intervention by the Livingston County Board of Supervisors in the citizen-taxpayer action. What are your thoughts? Or do you propose a separate legal action to protect Livingston County taxpayers from the documented larceny of their tax-dollars – which, clearly, is still a larceny, if funding is covered by the state.

Doubtless the Livingston County Board of Supervisors, County Attorney David Morris – and your taxpaying constituents - - would benefit from your response, as soon as possible.

Thank you.

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

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**From:** Bill Nojay [mailto:wnojay1@rochester.rr.com]  
**Sent:** Wednesday, April 13, 2016 9:18 AM  
**To:** elena@judgewatch.org  
**Cc:** calsuper@frontier.net; egott@co.livingston.ny.us; conessusuper@town.conesus.ny.us; will@geneseony.org; knapp1@frontiernet.net; supervisor@townoflima.org; dlefeber@avon-ny.org; supervisor@grovelandny.org; townofleicestersupervisor@gmail.com; chuckdipo@frontiernet.net; dpmahus@frontiernet.net; MerileeW@frontiernet.net; doublemsch@msn.com; springwatersuper@yahoo.com; townsupervisor@townofwestsparta.org; yorksupr@rochester.rr.com; ben@livingstonnews.com; 'Cc:': gallivan@nysenate.gov; NojayW@assembly.state.ny.us; gmccaffrey@co.livingston.ny.us; billie@thebatavian.com; howard@thebatavian.com

**Subject: your idiotic email**

Dear Elena Sassower, Director, Center for Judicial Accountability, Inc. (CJA):

Before you issue any more emails accusing me of being part of the Budget scheme to increase the salaries of the DAs, do your homework so you don't look like an idiot.

The legislation I sponsored was to reduce the salaries of State Legislators by 1/2, and to shorten the Session calendar by 1/2 to end on March 31.

As for the Budget, I voted against the Budget for this and a long list of other reasons.

If you want to attack Legislators go ahead and do so -- I do it all the time -- but first take the time to get your facts straight.

Regards,

Bill Nojay  
Member of Assembly, 133rd AD