

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Thursday, September 8, 2016 8:54 AM
To: 'Adrienne Kerwin'
Subject: FW: Notice of Right to Seek Intervention -- Citizen-Taxpayer Action to Void D.A. Salary Increases & State Reimbursement to the Counties
Attachments: 9-7-16-notice-intervention-counties.pdf; 9-2-16-signed-osc-with-affidavit.pdf

TO: Assistant Attorney General Kerwin --

Attached & below is plaintiffs' Notice of Right to Seek Intervention sent yesterday to the county attorneys for the 62 counties of the State of New York – and their organizational and lobbying entities – the New York State Association of Counties and the County Attorneys' Association of the State of New York.

I take this opportunity to reiterate plaintiffs' request that the Attorney General intervene on plaintiffs' behalf – or undertake our representation -- which I stated to you on September 2, 2016, both during the court proceeding on plaintiffs' order to show cause and thereafter. Please promptly advise who is independently evaluating our entitlement thereto pursuant to State Finance Law Article 7-A and Executive Law §63.1.

Thank you.

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

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewidth.org]
Sent: Wednesday, September 7, 2016 9:25 AM
To: 'zcarter@law.nyc.gov' <zcarter@law.nyc.gov>; 'dennis.brown@suffolkcountyny.gov' <dennis.brown@suffolkcountyny.gov>; 'Foskey, Carnell' <CFoskey@nassaucountyny.gov>; 'rmeehan@westchestergov.com' <rmeehan@westchestergov.com>; 'michael.siragusa@erie.gov' <michael.siragusa@erie.gov>; 'law@monroecounty.gov' <law@monroecounty.gov>; 'robertdurr@ongov.net' <robertdurr@ongov.net>; 'lchapman@orangecountygov.com' <lchapman@orangecountygov.com>; 'humbacht@co.rockland.ny.us' <humbacht@co.rockland.ny.us>; 'daniel.lynch@albanycountyny.gov' <daniel.lynch@albanycountyny.gov>; 'Fedorchak, James' <jfedorchak@dutchessny.gov>; 'prayhill@ocgov.net' <prayhill@ocgov.net>; 'sdorsey@saratogacountyny.gov' <sdorsey@saratogacountyny.gov>; 'claude.joerg@niagaracounty.com' <claude.joerg@niagaracounty.com>; 'rbehnke@co.broome.ny.us' <rbehnke@co.broome.ny.us>; 'bhav@co.ulster.ny.us' <bhav@co.ulster.ny.us>; 'spechenik@rensco.com' <spechenik@rensco.com>; 'chris.gardner@schenectadycounty.com' <chris.gardner@schenectadycounty.com>; 'abdellas@co.chautauqua.ny.us' <abdellas@co.chautauqua.ny.us>; 'rich@oswegocounty.com' <rich@oswegocounty.com>; 'kimberlys@co.jefferson.ny.us' <kimberlys@co.jefferson.ny.us>; 'sbutton@stlawco.org' <sbutton@stlawco.org>; 'gary.curtiss@co.ontario.ny.us' <gary.curtiss@co.ontario.ny.us>; 'jwood@tompkins-co.org' <jwood@tompkins-co.org>; 'jennifer.bumgarner@putnamcountyny.gov' <jennifer.bumgarner@putnamcountyny.gov>; 'alanr@co.steuben.ny.us' <alanr@co.steuben.ny.us>; 'dconnors@co.wayne.ny.us' <dconnors@co.wayne.ny.us>; 'bmaggs@co.chemung.ny.us' <bmaggs@co.chemung.ny.us>; 'jcoffey12901@gmail.com' <jcoffey12901@gmail.com>; 'fwestphal@cayugacounty.us' <fwestphal@cayugacounty.us>; 'mmhowden@cattco.org' <mmhowden@cattco.org>;

'cheryl.mccausland@co.sullivan.ny.us' <cheryl.mccausland@co.sullivan.ny.us>; 'john.campanie@madisoncounty.ny.gov' <john.campanie@madisoncounty.ny.gov>; 'Reichenbach, Brian' <ReichenbachB@warrencountyny.gov>; 'dmorris@co.livingston.ny.us' <dmorris@co.livingston.ny.us>; 'jmsergeant@herkimercounty.org' <jmsergeant@herkimercounty.org>; 'countyattorney@co.washington.ny.us' <countyattorney@co.washington.ny.us>; 'rob.fitzsimmons@columbiacountyny.com' <rob.fitzsimmons@columbiacountyny.com>; 'hogand@otsegocounty.com' <hogand@otsegocounty.com>; 'Charles.zambito@co.genesee.ny.us' <Charles.zambito@co.genesee.ny.us>; 'kyaddaw@brottlaw.com' <kyaddaw@brottlaw.com>; 'jmillerlaw@verizon.net' <jmillerlaw@verizon.net>; 'quigleyj@co.tioga.ny.us' <quigleyj@co.tioga.ny.us>; 'mmanion@co.montgomery.ny.us' <mmanion@co.montgomery.ny.us>; 'ccatty@frontiernet.net' <ccatty@frontiernet.net>; 'klhowe@cortland-co.org' <klhowe@cortland-co.org>; 'County Attorney' <countyattorney@discovergreene.com>; 'minerta@alleganyco.com' <minerta@alleganyco.com>; 'porter.kirkwood@dfa.state.ny.us' <porter.kirkwood@dfa.state.ny.us>; 'David.Schubel@orleansny.com' <David.Schubel@orleansny.com>; 'lzymowski@daddandnelson.com' <lzymowski@daddandnelson.com>; 'dmanning@co.essex.ny.us' <dmanning@co.essex.ny.us>; 'ffisher@co.seneca.ny.us' <ffisher@co.seneca.ny.us>; 'sal@midtel.net' <sal@midtel.net>; 'joanmcnichol@lewiscounty.ny.gov' <joanmcnichol@lewiscounty.ny.gov>; 'Scott Falvey' <sfalvey@yatescounty.org>; 'sgetman@co.schuyler.ny.us' <sgetman@co.schuyler.ny.us>; 'cgetty@gettylaw.com' <cgetty@gettylaw.com>; 'cherryb@co.schoharie.ny.us' <cherryb@co.schoharie.ny.us>; 'sacquario@nysac.org' <sacquario@nysac.org>; 'slouis@law.nyc.gov' slouis@law.nyc.gov

Subject: Notice of Right to Seek Intervention -- Citizen-Taxpayer Action to Void D.A. Salary Increases & State Reimbursement to the Counties

**TO: The 62 Counties of New York State – c/o The County Attorneys
New York State Association of Counties
County Attorneys' Association of the State of New York**

This follows up the Center for Judicial Accountability's July 8, 2016 letter to the counties entitled:

"GIVING NOTICE: Your duty to repudiate & challenge the state-imposed district attorney salary increases based on your own district attorney's findings of fact and conclusions of law with respect to rock-solid, *prima facie* evidence establishing them to be based on judicial salary increases that are statutorily-violative, fraudulent – & unconstitutional".

CJA's website, www.judgewatch.org, posts that July 8, 2016 letter – and our July 14, 2016 and August 8, 2016 FOIL requests to the counties, designed to further assist you in evaluating the situation, including with respect to state reimbursement for district attorney salaries. These are accessible from a menu webpage entitled "HOW MANY D.A.s DOES IT TAKE TO CONFRONT EVIDENCE & ABIDE BY ETHICAL RULES?". The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/how-many-das-menu.htm>.

Where are your district attorneys' findings of fact and conclusions of law with respect to the evidence furnished? How about the findings of fact and conclusions of law of each county attorney? Have these been furnished to each county's legislative board? To the county executive officers? To the county treasurer/controller? Has the July 8, 2016 letter been placed on the agenda of your county's legislative board meetings for discussion and vote? And what about your organizational and lobbying entities – the New York

State Association of Counties and the County Attorneys' Association of the State of New York? What kind of leadership have they been providing?

Please be advised that in the absence of any substantive response from you to the July 8, 2016 letter, CJA has had no choice but to continue to proceed alone on behalf of the People of the State of New York and the public interest. On Friday, September 2, 2016, we commenced a new citizen-taxpayer action in Supreme Court/Albany County (#5122-16) pertaining to the state budget for fiscal year 2016-2017. In addition to embodying ALL the evidence that CJA's July 8, 2016 letter furnished you to establish the counties' duty to take steps to void the district attorney salary increases arising from the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation and the August 29, 2011 report of the Commission on Judicial Compensation, it presents a tenth cause of action (¶¶85-110) to void the "grants to counties for district attorney salaries" in this year's Aid to Localities Budget Bill #S.6403-d/A.9003-d.

As the counties are directly affected by the tenth cause of action, this is to give you notice of your right to seek intervention as to that cause, in particular – and, additionally, as to the sixth, seventh, and eighth causes of action to void the December 24, 2015 and August 29, 2011 reports (¶¶59-80). Attached is plaintiffs' formal notice of today's date of your right to seek intervention. Plaintiffs' order to show cause for a preliminary injunction to enjoin the state from disbursing monies to the counties for district attorney salaries, signed on September 2, 2016, is returnable in Supreme Court/Albany County on Friday, September 16, 2016. It, too, is attached. These documents – as, likewise, the September 2, 2016 verified complaint and the transcript of the September 2, 2016 oral argument – are all accessible from CJA's menu page for this second citizen-taxpayer action: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/menu-2nd-citizen-taxpayer-action.htm>.

Feel free to call with any questions. I am available to assist you, to the max, in discharging your duty to your counties' taxpayers.

Thank you.

Elena Sassower, Director
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