

Center for Judicial Accountability, Inc. (CJA)

From: Steven Getman <SGetman@Co.Schuyler.NY.US>
Sent: Friday, August 5, 2016 3:37 PM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: RE: Aug 8th Legislative Meeting: Notice to Schuyler Co. Government: Your duty to repudiate & challenge the state-imposed D.A. salary increases based on your own D.A. Fazzary's findings of facts and conclusions of law

Dear Ms. Sassower:

I am responding to your most recent email, sent to the county administrator, on which I was copied.

In regard to certain of your questions, please note that any communications between this office, the district attorney, the county administrator and/or the legislature on this matter are confidential, due to attorney-client privilege. *CPLR § 4503; NY ST RPC Rule 1.6*. This includes discussions about the content of your submissions. Please also note that communications between myself and department heads/legislators are not necessarily routed through administrative assistants. As such, you should infer nothing from Ms. Tomassi's comments regarding of what she was or was not unaware. I can assure you, however, that the county administrator has been aware of both your July 11 and July 14 emails.

The county attorney is the legal advisor to the county legislature and every officer whose compensation is paid from county funds in all matters involving an official act of a civil nature. *County Law § 501*. Should the district attorney of any county be sued civilly, it is county attorney of that county who has statutory duty to defend the district attorney. *People v. Hellmann, 1984, 124 Misc.2d 582, 476 N.Y.S.2d 1017*. The county attorney is not generally charged with investigating the district attorney's office or making recommendations regarding the district attorney's operations, salaries or budgets. Accordingly, nothing herein should be construed as legal advice or a comment upon the merits of your position. I would, however, generally note the following:

The county's annual budget, including for the district attorney's office, as changed, altered and revised shall be finally adopted by resolution of the legislature not later than December 20. *County Law § 360*. There are one or more public hearings preceding the adoption of such budget. *County Law § 359*. The county has not yet prepared or reviewed a tentative budget for the 2017, which would include matters related to salaries and compensation. "The tentative budget and the budget message, if any, together with the copies thereof, shall be filed by the budget officer with the clerk of the [legislature] not later than the 15th day of November." *County Law § 354*.

The committee having general oversight over the district attorney's office is the county's Public Safety Committee.

Schuyler County allows public comment at meetings of the legislature. "Public Participation time will be allowed after the opening of the official session for up to 30 minutes and at the completion of the agenda for up to 15 minutes."

Kindly refer to the following regarding same: <http://www.schuylercounty.us/442/Legislative-Session>

Thank you for your kind attention to the above.

Steven J. Getman
Schuyler County Attorney
607.535.8121
105 Ninth St, Unit 5
Watkins Glen, NY 14891

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

Sent: Friday, August 05, 2016 10:59 AM

To: Tim OHearn

Cc: Peggy Tomassi; Steven Getman; Joe Fazzary

Subject: Aug 8th Legislative Meeting: Notice to Schuyler Co. Government: Your duty to repudiate & challenge the state-imposed D.A. salary increases based on your own D.A. Fazzary's findings of facts and conclusions of law

TO: Schuyler County Administrator Timothy O'Hearn

This follows up my phone conversation a short time ago with your confidential secretary, Peggy Tomassi, who this morning furnished me with a response to the Center for Judicial Accountability's July 14th FOIL request reflecting that Schulyer County, with a population of less than 20,000, has authorized its full-time district attorney to receive a \$183,000 salary – and, on top of that, to receive another \$40,000-plus in non-salary benefits, bringing his total compensation to \$224,165.31. Isn't this grotesquely disproportionate to the compensation of every other elected and appointed official in Schuyler County?

Ms. Tomassi was unaware of CJA's attached July 8th letter for "all Schuyler County legislators, executive officers & the treasurer/comptroller" pertaining to the district attorney's salary, which I had sent to Schulyer County Attorney Getman on July 11th for distribution. The transmitting July 11th e-mail is below.

Did County Attorney Getman furnish you with this letter? And what about the members of the Schuyler County Legislature and its other public officers charged with decisional responsibilities with respect to the Schuyler County budget and taxpayer monies? Did they receive it?

Ms. Tomassi informed me that there is a monthly meeting of the Schuyler County Legislature on Monday, August 8th. Has CJA's July 8th letter been placed on the agenda for discussion? The webpage for the letter, on which all the substantiating evidentiary proof is accessible – and which I guided Ms. Tomassi to during our conversation -- is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/7-8-16-ltr-to-counties.htm>.

I am available to answer questions – including under oath and at the August 8th meeting, *via* telephone hook-up.

Thank you.

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