

CENTER for JUDICIAL ACCOUNTABILITY, INC. (CJA)

Post Office Box 8101
White Plains, New York 10602

Tel. (914) 421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

Statement by Center for Judicial Accountability Director Elena Sassower on “Groundhog’s Day” – at the February 2, 2018 Forum on the State Budget, Sponsored by Westchester’s Delegation of State Assembly Members

ENDING THE GROUNDHOG’S DAY REPETITION OF “DYSFUNCTIONAL ALBANY”

It is now a year since I stood before you, at your February 3, 2017 forum on the state budget, alerting you that the budget was “off the constitutional rails” and, in addition to violating a succession of constitutional provisions, was violating a succession of statutory provisions and the Legislature’s own rules. I told you that this was particularized by a citizen-taxpayer action, brought by our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), suing you – the Legislature – for corruption and “grand larceny of the public fisc”. I stated that embedded in the state budget were judicial salary increases that are the product of two state commission reports that are statutorily-violative, fraudulent, and unconstitutional -- as to which there had been no oversight by the Legislature. Only days earlier I had testified about all of this, in Albany, at two of the Legislature’s budget hearings – and I urged you to view the VIDEOS of my testimony – identifying that they and everything else were conveniently posted on CJA’s website, www.judgewatch.org, accessible *via* the link “2017 Legislative Session”.

If you viewed the VIDEOS and examined the citizen-taxpayer action, you know that they detail that not a single legislative committee had engaged in any oversight of either of the two state commission reports – each “false instruments” under the Penal Law – nor of the 40-year old state law that had taken from counties their prerogative to set the salaries of their own district attorneys, notwithstanding district attorneys are county officers whose salaries come out of the county budget. As a consequence, the two fraudulent state commission reports had not only raised judicial salaries – which the state was paying for – but district attorney salaries – which the counties were paying for.

Following my appearance before you, I sent correspondence imploring you to take steps to rectify the lawlessness chronicled by our citizen-taxpayer action – and for legislative committees to discharge oversight. The first, dated February 6, 2017 (Exhibit A), was addressed to Senate Minority Leader Stewart-Cousins – who is MY senator, representing the 35th senate district. Its Senate cc’s, from the Westchester delegation, were: Senator Murphy, chair of the Senate Committee on Investigations and Government Operations, and Senator Bailey, ranking member of the Senate Committee on Crime Victims, Crime, and Correction. Its Assembly cc’s, from the Westchester delegation, were:

- Assemblyman Buchwald, who is MY assembly member, representing the 93rd assembly district, and not only a lawyer, with a Harvard Law School degree and a further degree from the Kennedy School of Government, but a member of a trifecta of relevant Assembly committees: Judiciary, Government Operations, and Local Governments;

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- Assemblyman Abinanti, a lawyer and chair of the Commission on Government Administration – a joint Senate and Assembly entity;
- Assemblyman Otis, a lawyer and member of the Assembly Committee on Local Governments;
- Assemblywoman Galef, a member of the Assembly Committee on Governmental Operations;
- Assemblyman Pretlow, a member of the Assembly Ways and Means Committee.

On December 4, 2017, I sent each of you – indeed, all 14 Senate and Assembly members of Westchester’s Albany delegation, including then Senator Latimer — a letter identifying that embedded in the Westchester County budget for 2018 were \$70,000 in fraudulent salary increases for the Westchester County district attorney – and that your obligation was to assist the Westchester County Board of Legislators in protecting Westchester County taxpayers by furnishing it with your findings of fact and conclusions of law with respect to the state commission reports so that it could understand its duty to remove them from the county budget (Exhibit B). By then, Assemblywoman Paulin had been appointed chair of the Assembly Committee on Corporations, Authorities and Commissions – presumably a further legislative committee having jurisdiction over the state commission reports and the larceny they enabled. Eleven days later, Assemblywoman Mayer, a lawyer, would be appointed chair of the Assembly Committee on Oversight, Analysis, and Investigation – the overarching Assembly oversight committee.

Your response to this December 4, 2017 letter, identical to your response to my prior and subsequent communications – was no response. Why was that? What did each of you do to VERIFY the truth of what I stated to you, as, for instance that not a single legislative committee had discharged oversight over the two state commission reports, “notwithstanding their facial statutory violations are verifiable within minutes” – or that the cost of this “to Westchester taxpayers and to taxpayers throughout the state... [is] approximately \$300 million, to date, in larcenous judicial salary increases and in district attorney salary increases resulting therefrom, as well as in increased costs of such salary-based, non-salary benefits as pensions”? (Exhibit B: p. 2, underlining in the original).

The state budget for fiscal year 2018-2019 – by the Judiciary’s budget – adds on another \$70 million or so for the judicial salary increases resulting from the two state commission reports. Other than Senator Bailey, not a single legislator from Westchester’s Albany delegation attended the Legislature’s hearing on the Judiciary’s budget this past Tuesday. This includes Assemblyman Buchwald who, on Monday, received from me both telephonic and written notice that the Judiciary’s budget was deceitful, false and misleading – including with respect to the judicial salary increases it embeds – and that Chief Administrative Judge Marks needed to be interrogated “mercilessly” about it. My written notice furnished 46 questions for that purpose (Exhibit C) – all designed to safeguard HUGE sums of public monies and achieve a state judiciary that fulfills its constitutional mission of rendering justice, rather than, as it does, obliterating ALL cognizable adjudicative standards to “throw” cases by fraudulent judicial decisions.

As not a single legislator asked Chief Administrative Judge Marks a single one of the 46 questions at Tuesday's hearing on the Judiciary's budget – a fact about which I testified, as the last witness at the hearing, stating that I had furnished the questions to every member of the Senate and Assembly Judiciary Committees and to the chairs and ranking members of the Senate Finance Committee and Assembly Ways and Means Committee – I am supplying you with the same written notice and questions as I furnished them (Exhibit C), with a request that you secure the answers from Chief Administrative Judge Marks on behalf of your constituents and the People of the State of New York.

If you do not think that you are not duty-bound to secure answers to these 46 questions, or to secure legislative oversight, immediately, of the two state commission reports – as to which there has been no oversight – or to address the multitude of constitutional, statutory, and rule violations pertaining to the state budget, chronicled by the pleadings in the citizen-taxpayer action, and the litigation record establishing what my notice identifies, *to wit*, that CJA's citizen-taxpayer action suing you for corruption was torpedoed by a double-whammy of litigation fraud by your co-defendant, Attorney General Schneiderman, and fraudulent judicial decisions – then you should not be running for re-election this year – or, as Assemblywoman Mayer is currently doing, running for the senate seat vacated by now Westchester County Executive Latimer.

Quite simply, if you believe that you can just keep quiet about it all, you should read the Penal Law:

Penal Law §175.35 (“offering a false instrument for filing in the first degree”);
Penal Law §155.42 (“grand larceny in the first degree”);
Penal Law §190.65 (“scheme to defraud in the first degree”);
Penal Law §195.20 (“defrauding the government”);
Penal Law §195 (“official misconduct”);
Penal Law §105.15 (“conspiracy in the second degree”);
Penal Law §20.00 (“criminal liability for conduct of another”); and
Penal Law §496 (“corrupting the government”) – part of the “Public Trust Act”

because you are chargeable thereunder as accomplices and co-conspirators in public corruption and grand larceny of taxpayer monies. In that regard, I take this opportunity to furnish you with the January 8, 2018 criminal/corruption complaint I filed against you with Westchester County District Attorney Anthony Scarpino, arising from your willful disregard of the December 4, 2017 letter (Exhibit D) – a complaint also against District Attorney Scarpino for colluding in the larceny of taxpayer monies, of which he is a direct beneficiary.

For the benefit of all – and none more so than your Westchester constituents whose votes you will be seeking in this election year and before whom you posture as honest, ethical public servants, concerned about their tax dollars and the proper functioning of their government – this statement and all the substantiating EVIDENCE on which it is based is posted on CJA's website, www.judgewatch.org, accessible *via* the link “2018 Legislative Session” – which is beneath, and part of, CJA's webpages for “OUSTING CORRUPT & COLLUSIVE INCUMBENTS & Ending their Road to Re-Election & Higher Officer – WITH EVIDENCE”.

I am available to assist you, to the max, in cleaning up “dysfunctional Albany” and safeguarding public monies. What more do you need from me?

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White Plains, New York 10602

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February 6, 2017

TO: Senate Majority Coalition Leader John Flanagan
Assembly Speaker Carl Heastie
Senate Minority Leader Andrea Stewart-Cousins
Assembly Minority Leader Brian Kolb

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
Constituents of Senator Stewart-Cousins (35th Senate District)
& of Assemblyman David Buchwald (93rd Assembly District)

RE: (1) Where are your appointments to the Commission on Government Administration and to the Commission on State-Local Relations, required by Legislative Law Article 5-A?;
(2) When will you be responding to my requests for a meeting for purposes of preventing a repeat of the constitutional, statutory, and legislative rule violations chronicled by the September 2, 2016 verified complaint in CJA's citizen-taxpayer action?

On Friday, February 3, 2017, at a local budget hearing sponsored by the Westchester legislative delegation, I asked Assemblyman Thomas Abinanti whether – as reflected by the Assembly website – he is chair of the Legislature's Commission on Government Administration. He confirmed that he is – and then, in response to my inquiry about the Commission's other members, stated they have not yet been appointed.

Legislative Law Article 5-A (§§82, 83) establishes 13 legislative commissions. Among them are the Commission on Government Administration (§83-c) and the Commission on State-Local Relations (§83-h), each of which was to have ten members, appointed as follows:

“...three members of the senate shall be appointed by the temporary president of the senate; three members of the assembly shall be appointed by the speaker of the assembly; two members of the senate shall be appointed by the minority leader of the senate; and two members of the assembly shall be appointed by the minority leader of the assembly. From among the members so appointed, a chairman and a vice chairman shall be designated by the joint action of the temporary president of the senate and the speaker of the assembly....” (Legislative Law §83-c(1); §83-h(3)).

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Consequently – and with all deference to Assemblyman Abinanti – he cannot lawfully chair the Commission on Government Administration – as Legislative Law §83-c(1) expressly requires that you first appoint all ten members, which – according to Assemblyman Abinanti – you have not yet done.

Please, therefore, immediately rectify your violations of Legislative Law §83-c(1) by making your ten appointments to the Commission on Government Administration and designating its chair and vice-chair from among them. Likewise, please immediately rectify your violations of Legislative Law §83-h(3) pertaining to the Commission on Local-State Relations, which apparently now has neither a chair nor members.

Both Commissions have time-sensitive work to do that is all the more exigent because key standing committees of the Legislature are NOT discharging their oversight responsibilities. This was the subject of my extensive testimony at the Legislature’s January 30th budget hearing on “Local Government Officials/General Government”. The committees I named as derelict with respect to oversight of the Judiciary, of its chief monitor – the Commission on Judicial Conduct – of judicial compensation, of district attorneys, of district attorney compensation, and of state aid to the counties for district attorney salaries – were:

- the Senate Judiciary Committee;
- the Assembly Judiciary Committee;
- the Senate Codes Committee;
- the Assembly Codes Committee;
- the Senate Committee on Local Government; and
- the Assembly Committee on Local Governments.

In addition to these six standing committees are four more I might have also identified, by name:

- the Senate Committee on Crime Victims, Crime, and Correction;
- the Senate Committee on Investigations and Government Operations;
- the Assembly Committee on Governmental Operations; and
- the Assembly Committee on Oversight, Analysis, and Investigation.

Then, of course – and but for the fact that I was testifying before the chairs and ranking members of the Senate Finance Committee and the Assembly Ways and Means Committee who bear greatest culpability for the mountain of constitutional, statutory, and legislative rule violations that have created the HUGE slush fund that is the state budget – I would have also specified those two committees, the largest of the Senate and Assembly, whose nonfeasance and misfeasance with respect to oversight is evident from the budget hearings, as, likewise, from their incompetent, substandard, and intentionally misleading “White Book”, “Blue Book”, “Yellow Book” and “Green Book” purported “analyses” of the budget.

In the event you have not personally viewed the VIDEO of my January 30th testimony at the budget hearing on “Local Government Officials/General Government” and the VIDEO of my testimony the following day at the January 31st budget hearing on “Public Protection”, I ask that you do so IMMEDIATELY, in further support of my January 9th written requests to meet with you, to which I also testified. The VIDEOS and my meeting requests are all posted on CJA’s website, www.judgewatch.org, accessible *via* the prominent homepage link “2017 Legislative Session”.

Likewise, if you have not yet personally examined the September 2, 2016 verified complaint in CJA’s citizen-taxpayer action and the record thereon – about which I also testified – you must do so IMMEDIATELY. It, too, is readily accessible from CJA’s website, including *via* the prominent homepage link: “CJA’s Citizen-Taxpayer Actions to End NYS’ Corrupt Budget ‘Process’ and Unconstitutional ‘Three Men in a Room’ Governance”.

The first cause of action of the verified complaint, detailing the unconstitutionality of the legislative budget, *as written and as applied*, presents multiple paragraphs relating to the Commission on Government Administration, the Commission on State-Local Relations, and other legislative commissions and standing committees. Chief among these paragraphs are the following:

“28. ...the Legislature’s proposed budget, *on its face*, is not ‘itemized estimates of the financial needs of the legislature’ ... its section entitled Senate and Assembly Joint Entities’ (...) omits most of the joint commissions that the Legislature is required to establish and fund pursuant to Legislative Law, Article 5-A (§§82, 83). Among these, the Legislative Commission on State-Local Relations and the Legislative Commission on Government Administration. Additionally, the Administrative Regulations Review Commission, required to be established and funded pursuant to Legislative Law, Article 5-B (§§86-88) is omitted.

29. Upon information and belief, the Legislature’s joint entities, mandated by Legislative Law Articles 5-A and 5-B, to the extent they exist, have only appointed chairs, collecting stipends. They have no funding, or virtually none – a fact concealed by the legislative budget’s violation of the Article VII, §1 requirement of ‘itemized estimates of the financial needs of the legislature, certified by the presiding officer of each house’.

30. The consequence of the Legislature’s facial violation of Article VII, §1 by its budget is the unconstitutionality of that budget, *as applied*. Without funding, the joint legislative commissions are not functioning – and cannot function – as Legislative Law Article 5-A and 5-B intended them to^{fn2}. They are sham, just as the Legislature’s standing committees, which, excepting the Senate Finance

^{fn2} Likewise not functioning, for lack of funding, is another commission established by the Legislative Law: the Law Revision Commission, established by Legislative Law Article 4-A.”

Committee and Assembly Ways and Means Committee, have no appreciable funding.

31. As illustrative, neither the Legislative Commission on State-Local Relations, nor the Legislative Commission on Government Administration, nor any of the Legislature's standing committees, such as the Senate Committee on Local Government, the Assembly Committee on Local Governments, the Senate Judiciary Committee, or the Assembly Judiciary Committee have engaged in any oversight of the statutory link between judicial salaries and district attorney salaries, established more than 40 years ago by Judiciary Law §183-a, or of the related provisions of County Law §§700.10 and 700.11 pertaining to district attorney salaries and state aid to the counties for those salaries, or of the outpouring of state dollars to the counties, *via* the budget, for district attorney salary reimbursement that violates these express statutory provisions.

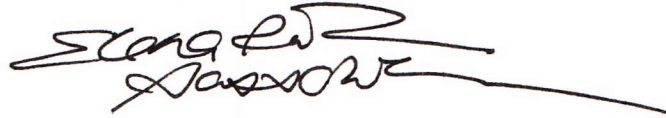
32. Nor are these legislative committees and commissions – or the Senate Finance Committee and Assembly Ways and Means Committee – remotely responsive and responsible, upon being given notice of their duty to protect the counties and the state from the costs of district attorney salary increases having absolutely no basis other than Judiciary Law §183-a and whose consequence is to compound the theft of taxpayer monies resulting from the Commission on Legislative, Judicial and Executive Compensation's December 24, 2015 report. The legislative defendants are perfectly willing to countenance and continue a run-away 'grave train' of district attorney salary increases that are the by-product of the statutorily-violative, fraudulent, and unconstitutional December 24, 2015 report....”

It was last June, in the wake of multiple Senate and Assembly bills aimed at giving the counties \$1,600,000 in additional aid for district attorney salaries for fiscal year 2016-2017 that I first tried to contact the Legislature's Commission on State-Local Relations and Commission on Government Administration, *via* the chairs identified by the Assembly's website as Assemblyman Sean Ryan and Assemblyman Brian Kavanaugh, respectively. The experience compelled me to file a June 9, 2016 FOIL/records request with the Senate and Assembly in an effort to ascertain if these two important statutory commissions in fact exist and are operational. A copy of the FOIL/records request and the Senate and Assembly responses are enclosed.

Suffice to say that when I testified at the January 30th and 31st budget hearings in Albany – and on February 3rd, when I testified before Assemblyman J. Gary Pretlow, Assemblyman Steven Otis, and Assemblywoman Sandy Galef at the local budget hearing in Westchester – I brought with me the June 9, 2016 FOIL/records request and the Senate and Assembly responses, as well as many additional FOIL/records requests I had filed for documents relating to other government operations – the responses to which further evidenced the utter nonfeasance of Senate and Assembly committees in discharging basic oversight responsibilities, including where statutorily-contemplated.

I look forward to your scheduling meetings at which we can sit down and discuss the situation – and as soon as possible. I would be pleased to meet with you either individually or together – and to include the chairs and ranking members of the 12 Senate and Assembly standing committees hereinabove identified, as well as the chairs and vice-chairs of the Commission on Government Administration and Commission on State-Local Relations – and, additionally, the co-chairs of the Administrative Regulations Review Commission, established pursuant to Legislative Law Article 5-B (§§86-88).

Thank you.



Enclosure: CJA's June 8, 2016 FOIL/records request & Senate and Assembly responses

cc: Senate Majority Coalition/Independent Democratic Conference Leader Jeffrey Klein

Senate Judiciary Committee

Chair: Senator John Bonacic
Ranking Member: Senator Brad Hoylman

Assembly Judiciary Committee

Chair: Assemblywoman Helene Weinstein
Ranking Member: Assemblyman Michael Montesano

Senate Codes Committee

Chair: Senator Andrew Lanza
Co-Chair: Senator Diane Savino
Ranking Member: Senator Daniel Squadron

Assembly Codes Committee

Chair: Assemblyman Joseph Lentol
Ranking Member: Assemblyman Al Graf

Senate Committee on Local Government

Chair: Senator Kathleen Marchione
Ranking Member: Senator Todd Kaminsky

Assembly Committee on Local Governments

Chair: Assemblyman William Magnarelli
Ranking Member: Assemblyman Christopher Friend

Senate Committee on Crime Victims, Crime, and Correction

Chair: Senator Patrick Gallivan
Ranking Member: Senator Jamaal Bailey

Senate Committee on Investigations and Government Operations

Chair: Senator Terrence Murphy

Ranking Member: Senator Brad Hoylman

Assembly Committee on Governmental Operations

Chair: Assemblywoman Crystal Peoples-Stokes

Ranking Member: Assemblyman Mark Johns

Assembly Committee on Oversight, Analysis, and Investigation

Chair: Assemblyman Matthew Titone

Ranking Member: Assemblyman Joseph Errigo

Senate Finance Committee

Chair: Senator Catharine Young

Vice-Chair: Senator Diane Savino

Ranking Member: Senator Liz Krueger

Assembly Ways & Means Committee

Chair: Assemblyman Herman Farrell, Jr.

Ranking Member: Assemblyman Bob Oaks

Assemblyman Thomas Abinanti – chair/Commission on Government Administration

Assemblyman Sean Ryan – former chair/Commission on State-Local Relations

Assemblyman Brian Kavanagh – former chair/Commission on Government Administration

Senator Chris Jacobs – co-chair/Administrative Regulations Review Commission

Assemblywoman Aravella Simotas – co-chair/Administrative Regulations Review Commission

Assemblyman J. Gary Pretlow (member/Codes Committee; Ways & Means Committee)

Assemblyman Steven Otis (member/Committee on Local Governments)

Assemblywoman Sandy Galef (member/Committee on Governmental Operations)

Assemblyman David Buchwald (member/Judiciary Committee;

Committee on Local Governments;

Committee on Governmental Operations)

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December 4, 2017

TO: State Senate & Assembly Members Comprising Westchester County's Albany Delegation

Senate Minority Leader Andrea Stewart-Cousins – 35th Senate District
Senate Majority Coalition Leader Jeffrey Klein, ESQ. – 34th Senate District

Senator George Latimer – 37th Senate District
Senator Terrence Murphy – 40th Senate District
Senator David Carlucci – 38th Senate District
Senator Jamaal Bailey, ESQ. – 36th Senate District

Assemblyman David Buchwald, ESQ. – 93rd Assembly District
Assemblyman Thomas Abinanti, ESQ. – 92nd Assembly District
Assemblyman Steven Otis, ESQ. – 91st Assembly District
Assemblywoman Sandy Galef – 95th Assembly District
Assemblywoman Shelley Mayer, ESQ. – 90th Assembly District
Assemblywoman Amy Paulin – 88th Assembly District
Assemblyman Gary Pretlow – 89th Assembly District
Assemblyman Kevin Byrne – 94th Assembly District

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

RE: Your Duty to Assist the Westchester County Board of Legislators in Discharging its Duty to Safeguard the Westchester County Budget from Statutorily-Violative and Fraudulent District Attorney Salary Increases

In just over three weeks, the Westchester County Board of Legislators must enact a budget for 2018 – and close a budget gap of between \$16-30 million. What should they do about the salary of the Westchester district attorney that comes out of the county budget, but which, unlike the \$160,760 salary of the Westchester county executive and their own \$49,200 base salaries, is set by the state. They need your help.

The purpose of this letter is to advise you that as a result of the August 29, 2011 report of the Commission on Judicial Compensation and the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation, the Westchester district attorney salary, which prior to April 1, 2012 was \$136,700, is now more than \$195,000 – and scheduled to rise to approximately \$205,000 on April 1, 2018. On top of that are the non-salary benefits of pension, health insurance, etc. that push the compensation package up another \$40,000 a year, which both

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commissions were statutorily-required to take into account, but did not. All of this comes out of the Westchester county budget.

I have stated to the Westchester County Board of Legislators that the two commission reports – on which the Westchester district attorney salary increases since 2012 rest – are statutorily-violative, fraudulent, and unconstitutional, readily-verifiable as such, and that, upon such verification, their duty is to remove the increases from the county budget – and/or take steps to secure their voiding. Do you disagree?

You can examine for yourself precisely what I have stated to the Westchester County Board of Legislators, as my written communications to it and the VIDEOS of my public comment at its November 13, 2017 and November 27, 2017 regular meetings are posted on CJA's website, www.judgewatch.org, on a webpage entitled "The Larcenous D.A. Salary Increases, the Westchester County Budget – & the Westchester County Board of Legislators". The webpage includes links to the SAME mountain of EVIDENCE I furnished you and your Senate and Assembly colleagues, imploring you, again and again, to discharge oversight responsibilities over the two commission reports – the futility of which I embodied in lawsuits, on behalf of the People of the State of New York, suing you for "grand larceny of the public fisc" and other corruption – whose records, establishing the People's entitlement to summary judgment, are also fully posted. The webpage is most conveniently accessible *via* the top panel "Latest News". The direct link is here: <http://www.judgewatch.org/web-pages/elections/2017/post-election-latimer.htm>.

Because you have NOT discharged ANY oversight over the 2011 and 2015 commission reports – notwithstanding their facial statutory violations are verifiable within minutes – the Westchester County Board of Legislators cannot now make findings of fact and conclusions of law concerning the commission reports and the record of the lawsuits based thereon without exposing your gross nonfeasance – and its cost to Westchester taxpayers and to taxpayers throughout the state, *to wit*, approximately \$300 million, to date, in larcenous judicial salary increases and in district attorney salary increases resulting therefrom, as well as in increased costs of such salary-based, non-salary benefits as pensions.

It is therefore incumbent upon you to assist the Westchester County Board of Legislators, all of whose members have personal, professional, and political relationships with you, by providing them with YOUR findings of fact and conclusions of law with respect to the EVIDENCE I furnished you as establishing the statutory violations, fraud, and unconstitutionality of the commission reports:

- With respect to the August 29, 2011 report of the Commission on Judicial Compensation, the EVIDENCE consists of CJA's October 27, 2011 opposition report and the March 30, 2012 verified complaint in CJA's declaratory judgment action based thereon – about which I testified at the Legislature's February 6, 2013 budget hearing on "public protection" – handing up hard copies in substantiation of my testimony as to the Legislature's duty to make and/or secure findings of fact and conclusions of law;

- With respect to the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation, the EVIDENCE consists of CJA's January 15, 2016 letter to Temporary Senate President Flanagan and Assembly Speaker Heastie, with its accompanying and referred-to evidentiary proof – about which I would have testified at the Legislature's February 4, 2016 budget hearing on “public protection” – copies of which I also would have handed up – had I been permitted to testify, which I was not. The particulars are recited by the March 23, 2016 verified second supplemental complaint in CJA's first citizen-taxpayer and, thereafter, by the September 2, 2016 verified complaint in CJA's second citizen-taxpayer action, about which I testified at the Legislature's January 30, 2017 budget hearing on “local government officials/general government” and January 31, 2017 budget hearing on “public protection.

Again and again, I alerted you to this EVIDENCE, because then, as now, it is DISPOSITIVE of your oversight obligations and duty to void the commission reports.

To aid your recollections, I have created a webpage for this letter entitled “How Many Members of Westchester's Albany Delegation Does it Take to do the Duty of One?”, on which is posted or linked all this EVIDENCE, the VIDEOS of my testimony before the Legislature at its February 6, 2013, January 30, 2017, and January 31, 2017 budget hearings – and illustrative correspondence I sent you, over the past five years, alerting you to it.

As I assume you will all be running for re-election in 2018 – or seeking other and higher offices, as seems the case with Assemblywoman Mayer, reportedly vying for the seat that Senator Latimer will vacate in January upon being sworn in as Westchester county executive – the webpage for this letter is accessible *via* the prominent homepage link “OUTING CORRUPT AND COLLUSIVE INCUMBENTS Running for Re-Election & Higher Office in 2017, 2018, and Beyond –WITH EVIDENCE”. The direct link is here: <http://www.judgewatch.org/web-pages/elections/2018/dec-4-2017-ltr-westchester-delegation.htm>.

In that connection, enclosed is my August 10, 2017 OPEN LETTER pertaining to Senator Latimer's candidacy for Westchester county executive. It is a must-read for each of you – because, to a greater or lesser extent, it could be written about each of you, to whom I reached out, in person, by phone, through staff, and by correspondence to secure review of the two commission reports and the lawsuits based thereon. The only legislators among you with whom I did not have direct or significant contact were newbie Assemblyman Byrne and Assemblywoman Paulin – and this I rectified on November 29, 2017 by telephone conversations with their chiefs of staff – as likewise by a telephone conversation with Assemblywoman Mayer's chief of staff.

As stated by the OPEN LETTER, the governmental corruption therein summarized, laid out by the pleadings in CJA's citizen-taxpayer actions – and substantiated by the mountain of EVIDENCE on CJA's website – is sufficient to indict everyone involved – and to:

“blow open the 2018 races by ending the re-election prospects of Governor Cuomo, Attorney General Schneiderman, Comptroller DiNapoli, as likewise of incumbent legislative leaders and a huge swath of the rank and file legislators occupying the 53 state senate seats and 150 state assembly seats, ALL up for re-election next year. NONE will be able to justify the systemic corruption involving them that is described and reflected by my testimony before the Legislature on February 6, 2013, January 30, 2017 and January 31, 2017 and by the pleadings of the two citizen-taxpayer action lawsuits.”

Assemblyman David Buchwald has a hard copy of the pleadings in both citizen-taxpayer actions and other lawsuit records. These I furnished him on August 31, 2017, so that he could belatedly come forward with findings of fact and conclusions of law with respect to the systemic corruption particularized therein – of which I notified him over and over again from February 2013 onward, often in the same correspondence as I sent Senator Latimer. Indeed, a recital of Assemblyman Buchwald's nonfeasance and collusion in such corruption would largely be identical to the presentation in the August 10, 2017 OPEN LETTER, except worse because he, unlike Senator Latimer, is a lawyer, with a Harvard law degree and a further degree from Kennedy School of Government, publicly postures as a champion of ethics, transparency, and government reform, and sits on so many pertinent committees: the Assembly Judiciary Committee, the Assembly Committee on Governmental Operations, and the Assembly Committee on Corporations, Authorities and Commissions, in addition to the Assembly Committee on Local Governments.

Of course, what Assemblyman Buchwald and Senator Latimer share – as likewise most of Westchester's Albany delegation – is that he purports to be a “full-time” legislator, having no outside earned income. Yet that has not freed him and his fellow “full-time” legislators to discharge their duties to confront the corruption chronicled by plaintiffs' October 27, 2011 opposition report, January 15, 2016 letter, and the lawsuit pleadings and litigation records. Or do you deny that corruption is what these overwhelmingly establish?

With the Westchester County Board of Legislators required to enact a county budget within just over three weeks, please advise when it – and your Westchester county constituents – can expect your findings of fact and conclusions of law with respect to the above-cited EVIDENCE that the district attorney salary increases resulting from the two commission reports are statutorily-violative and fraudulent, if not unconstitutional.

Thank you.



Enclosure: CJA's August 10, 2017 OPEN LETTER

cc: Westchester County Board of Legislators
The Public

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

Elena Sassower, Director

August 10, 2017

OPEN LETTER

**The NYS Reform Party of Curtis Sliwa MUST Rescind its Endorsement of,
& Party Line to, Senator George Latimer for Westchester County Executive
& the Other Parties Must Follow Suit – Unless they Deem Corruption in Office a Qualification**

TO: New York State Reform Party Chairman Curtis Sliwa

I am the co-founder and director of the non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), based in White Plains, New York, with more than 25 years of in-the-trenches, corruption-fighting under my belt. I thank you for your many decades of civic activism, founding the Guardian Angels and speaking out, on your radio show, on issues of public concern and for justice. I thank you, even more, for taking on the chairmanship of the New York State Reform Party, the purpose of which, as I understand it, is to run candidates who will represent the People's interests by cleaning up the corruption of our state and local governments.

To that end, I am eager to assist you, to the max – which you greatly need because the Reform Party is careening off track – far away from its exemplary ten published “Principles”, the first five of which could not be more unequivocal that “the Reform Party is controlled exclusively by its membership, its agenda set by them and its direction guided by them...being a model of intra-party democracy. Our members know what is best”, that the party is “pro people”, aspires to “A more civically engaged and better informed citizenry”, espouses the “rights and interests of voters...[not] the interests of political parties and party bosses”, and that it aims to “make it easier for regular people to run for office”. In your public appearances, you have emphasized these very “Principles” of the Reform Party, under your leadership.

How is it then that the Reform Party's executive committee, in a closed-door vote, with no notice having been given to the People, including, I believe, the Reform Party's own membership, has conferred the party's good name and ballot line to incumbent state Senator George Latimer, a Democrat, running to become Westchester county executive, against the Republican incumbent, Westchester County Executive Rob Astorino. What “process”, consistent with the Reform Party's “Principles” – not to mention the Reform Party's own Rules and the spirit and intent of the Election Law – led up to this?

As a former constituent of Senator Latimer, I have more than four years of direct, first-hand experience with him and can attest to his corruption, in office. I so-stated this, publicly, 2-1/2 months ago, at a May 17, 2017 panel discussion of journalists in Westchester, entitled “*Fake News, The First Amendment, and Democracy*”, at which Senator Latimer was present. Indeed, I publicly stated that the reason New York's electoral races are non-competitive is that there is NO press

scrutiny of the records of incumbents – and that were the press to examine Senator Latimer’s record, as senator, it would expose his corruption, precluding his running for county executive. That very night, I constructed a webpage on CJA’s website, www.judgewatch.org, to facilitate that scrutiny. It is now accessible from a prominent homepage link entitled: “OUTING CORRUPT & COLLUSIVE INCUMBENTS & Ending their Road to Re-Election & Higher Office in 2017, 2018, & Beyond – WITH EVIDENCE”.

Here’s the direct link to the “Ending the Road” webpage for Senator Latimer: <http://www.judgewatch.org/web-pages/elections/ending-the-road-latimer.htm> – from which you can verify THE EVIDENCE, for yourself. There posted are illustrative samples of my correspondence with Senator Latimer, going back to 2013 – as, for instance, my March 22, 2013 e-mail to him, entitled “Your Power and Duty to Reject the Budget: S2601/A.3001 – Judiciary Appropriations Bill”, worth quoting, at length:

“Just to let you know that my letter of today’s date to the General Budget Conference Committee & its Subcommittee on ‘Public Protection’, Criminal Justice, & Judiciary, which I e-mailed to you several hours ago, has now been sent to every member of the Senate and Assembly with the above subject line and & below message.

If you take to the Senate...floor tomorrow on this issue – calling upon your fellow legislators to reject a Judiciary appropriations bill they cannot meaningfully review and whose dollar amount they do not even know, as likewise the dollar cost of the judicial pay raises – not to mention the problems with the legislative appropriations which are part of the same bill (ie where are the ‘General State Charges’?, ie ‘fringe benefits’ – pensions, health coverage, social security, etc) – a budget controlled by leaders operating behind closed doors who make a mockery of any ‘process’, completely sidelining members and, as here, ignoring DISPOSITIVE DOCUMENTARY EVIDENCE to go full speed ahead with judicial pay raises that are utterly fraudulent, statutorily-violative, and unconstitutional – you will be leading the way to HISTORIC CHANGE.

Build alliances tonight & tomorrow with your fellow legislators. Through CJA’s correspondence on this issue & website, they – and you – have everything needed to protect the public’s rights and money. Only scandal makes change – and what is here at issue is a MAJOR SCANDAL that will rightfully topple our highest constitutional officers, whose obligation it was, long ago, to secure override of the judicial pay raises based on our October 27, 2011 Opposition Report. Call the press! Let them know you will be making a stand!

I am available to answer any questions you have – and to help you in doing what is your job to do.

Thank you...” (capitalization in the original)

Also posted are the succession of verified pleadings in CJA's two citizen-taxpayer actions against, *inter alia*, the Senate and Assembly – in other words, against Senator Latimer and his legislative colleagues – and links to the Senate and Assembly videos of my testimony before the Legislature at its budget hearings on February 6, 2013, January 30, 2017, and January 31, 2017.

I recommend that you start with the videos, as my testimony so tangibly summarizes the systemic government corruption, involving all three government branches – legislative, executive, and judicial – which Senator Latimer has known about, covered-up, and perpetuated over all these years. Moreover, I can attest that Senator Latimer viewed the video of my February 6, 2013 testimony since he watched it, in my presence, when we met together on March 8, 2013, in his district office.

In that first meeting with Senator Latimer, on March 8, 2013, I summarized for him where matters stood a full month after testifying as to the Legislature's duty to void the judicial pay raises recommended by the August 29, 2011 report of the Commission on Judicial Compensation because they are statutorily-violative, fraudulent, and unconstitutional – demonstrated as such by CJA's October 27, 2011 opposition report and CJA's March 30, 2012 verified complaint in a declaratory judgment action based thereon, copies of which I had handed up, in substantiation, when I testified. I told him there had been NO investigation by any legislative committee, NO findings of fact, NO conclusions of law, NO legislative committee meeting even discussing my testimony, and NO vote to void the judicial pay raises, whose precise dollar amount the judiciary budget concealed – and whose further consequence would be to raise district attorney salaries which are statutorily-linked to judicial salaries.

What was Senator Latimer's follow-up to this March 8, 2013 in-person meeting, to the February 6, 2013 video of my testimony that he watched, in my presence, and to the content of the March 30, 2012 verified complaint, which, as related to the Senate and its Judiciary Committee, I summarized for him:

- (1) its sham, rubber-stamp confirmations of New York state judges, disregarding and barring EVIDENCE-supported opposition testimony;
- (2) its refusal to confront EVIDENCE of the corruption of the Commission on Judicial Conduct;
- (3) its refusal to confront EVIDENCE of the corruption of the court-controlled-attorney disciplinary system;
- (4) its refusal to examine EVIDENCE of the attorney general's corrupting of the judicial process to defeat citizen lawsuits where he has no legitimate defense; and
- (5) its refusal to confront EVIDENCE of how New York State judges corrupt the judicial process by fraudulent judicial decisions obliterating ALL cognizable adjudicative standards to "throw" cases.

The answer is that there was NO follow-up by Senator Latimer to any of this – nor to the starting point of my presentation at our March 8, 2013 meeting, namely, the imperative for legislative rules reform – the *sine qua non* for a properly functioning legislature, so-recognized by both the April 2009 majority and minority reports of the Temporary Senate Committee on Rules and Administration Reform, copies of which I also brought to the meeting, along with the 2004, 2006, and 2008 reports of the Brennan Center for Justice, with which he was already familiar.

Instead, Senator Latimer allowed his fellow legislators to go full-speed-ahead to enact a slush-fund legislative/judiciary budget bill for fiscal year 2013-2014, whose dollar amount, both with respect to the legislative portion and with respect to the judicial portion neither he nor they knew or would reveal, a situation compelling me to file an April 15, 2013 corruption complaint against all of them to then U.S. Attorney Preet Bharara, summarizing the “grand larceny of the public fisc” taking place with respect thereto and the fraudulent, statutorily-violative, and unconstitutional judicial salary increases embedded therein – in support of which I furnished copies of ALL I had handed-up to the Legislature in testifying before it on February 6, 2013, plus additional correspondence. This I then filed with a succession of other prosecutorial and investigative authorities, including Albany County District Attorney P. David Soares, in support of a July 19, 2013 corruption complaint that I additionally filed with the district attorney-stacked Commission to Investigate Public Corruption, established by Governor Andrew Cuomo and Attorney General Eric Schneiderman, of which D.A. Soares was a member.

Senator Latimer was provided with the April 15, 2013 corruption complaint and with the July 19, 2013 corruption complaint, including by a July 24, 2013 e-mail, reiterating my constantly repeated entreaties for his “leadership”. Three weeks later, by an August 13, 2013 letter addressed to him, I laid before Senator Latimer the most breathtaking opportunity to champion and advance legislative rules reform in the context of the “Public Trust Act” – touted by Governor Cuomo and all 62 of New York’s district attorneys as essential to stemming public corruption. Here, as during the previous six months, there was ZERO responsiveness from him. Likewise, thereafter, as I continued to beseech his action and “leadership” in countless phone calls and e-mails which apprised him of the ever widening and deepening governmental corruption I was uncovering and documenting, including as to the fraudulence of the Commission to Investigate Public Corruption¹ and of the legislative and judiciary budgets, no longer limited to fiscal year 2013-2014, but replicated in fiscal year 2014-2015 and fiscal year 2015-2016 and fiscal year 2016-2017 and fiscal year 2017-2018 and reaching to the whole of the state budget.

¹ The true facts about the Commission on Public Corruption – suppressed and falsified by the press and their stable of so-called “good-government groups” and “experts”, which the press uses as stand-ins for the People – are particularized, with EVIDENCE, by CJA’s April 23, 2014 order to show cause to intervene in the declaratory judgment action against the Commission purportedly brought by the Senate and Assembly (Supreme Court/New York Co. #160941/2013). This was the subject of CJA’s August 6, 2017 e-mail entitled “PUTTING AN END TO ‘FAKE NEWS’...”, sent to all reporters listed on the roster of Albany’s Legislative Correspondents’ Association. It is posted as part of CJA’s menu of webpages pertaining to “OUTING CORRUPT & COLLUSIVE INCUMBENTS”.

The result? In the complete absence of any “leadership” from Senator Latimer or anyone else, CJA filled the leadership void: commencing two citizen-taxpayer actions, the first on March 28, 2014, the second on September 2, 2016, each expressly on behalf of the People of the State of New York and the Public Interest. The defendants, sued for their corruption, are essentially the same in both suits as in CJA’s 2012 declaratory judgment action, which, likewise, we had brought expressly on behalf of the People of the State of New York and the Public Interest.

In the still-unfolding second citizen-taxpayer action these defendants are: Governor Cuomo, Temporary Senate President John Flanagan, the Senate, Assembly Speaker Carl Heastie, the Assembly, Attorney General Schneiderman, Comptroller Tom DiNapoli, and Chief Judge Janet DiFiore, the latter being the former Westchester County district attorney, with whom Senator Latimer has a long-standing personal friendship – and who Governor Cuomo appointed as chief judge in December 2015 and who the Senate confirmed in January 2016, following a sham Senate Judiciary Committee confirmation hearing at which no opposition testimony was permitted, as for instance by those having direct knowledge and testimonial capacity as to her unfitness, such as myself and the exoneree-activist Jeffrey Deskovic. Needless to say, Senator Latimer, who is not a Senate Judiciary Committee member, was permitted to offer up supporting comment (at 1 hr-6 minutes) – and then, of course on the Senate floor (at 1 hr-12 seconds).²

The verified complaints and verified supplemental complaints in these two citizen-taxpayer actions chronicle the defendants’ flagrant violations of the New York State Constitution, of statutes, and of legislative rules with respect to the legislative budget, the judiciary budget, and the executive budget – the current executive budget being a \$160-plus-billion slush-fund, for which – were there any truly functioning prosecutorial checks, rather than the window-dressing we have – these defendants would all be indicted. This includes a fully knowledgeable and complicit Senator Latimer, who, before being elected as state senator was an assemblyman, with a stint as chair of the sham, essentially member-less Legislative Commission on Governmental Administration, for which he pocketed a lulu.

I am ready, willing, and eager to IMMEDIATELY meet with you and the Reform Party’s executive committee and to answer, under oath, your questions and furnish further details of Senator Latimer’s unfitness for ANY office of public trust, let alone for Westchester county executive, responsible for the Westchester County budget. Based on the videos of my testimony at the Legislature’s budget hearings, my correspondence with Senator Latimer, and the pleadings of the two citizen-taxpayer actions pertaining to the budget, furnishing chapter-and-verse details of the scamming of the public by elected public officers and a self-interested, corrupt state judiciary, the Reform Party’s executive committee, under your chairmanship, must demand Senator Latimer’s responses – because the record before you furnishes not a single response from him.

² CJA’s website, www.judgewatch.org, posts the Senate Judiciary Committee and Senate floor videos on a webpage for Judge DiFiore’s confirmation. It is part of a series of webpages pertaining to her nomination and confirmation, including one entitled “The *UNINVITED* Senate Judiciary Committee Witnesses, with essential testimony as to DiFiore’s record & fitness”. The menu page is here: <http://www.judgewatch.org/web-pages/judicial-selection/nys/judicial-selection-ny-difiore-menu.htm>.

Upon confirming that Senator Latimer CANNOT answer, without incriminating himself, the executive committee must rescind its authorization of his candidacy on the Reform Party line. The sooner this happens, the sooner the other third parties – the Independence Party, the Women’s Equality Party, and the Working Families Party, which preceded the Reform Party in giving over their valuable party lines to Senator Latimer in similar authorizations, will be forced to follow suit. So, too, the Democratic Party because no party can field a candidate who should be indicted for public corruption, including pursuant to the “Public Trust Act” which, as part of the behind-closed-doors “three-men-in-a-room” budget deal for fiscal year 2014-2015, Senator Latimer and his fellow legislators voted to enact, without the slightest legislative due process, in exchange for shutting down the Commission to Investigate Public Corruption.

Needless to say, this will completely transform the 2017 race for Westchester county executive – and other presently non-competitive 2017 races, such as for district attorney in a host of counties. It will also blow open the 2018 races by ending the re-election prospects of Governor Cuomo, Attorney General Schneiderman, Comptroller DiNapoli, as likewise of incumbent legislative leaders and a huge swath of the rank and file legislators occupying the 53 state senate seats and 150 state assembly seats, ALL up for re-election next year. NONE will be able to justify the systemic corruption involving them that is described and reflected by my testimony before the Legislature on February 6, 2013, January 30, 2017 and January 31, 2017 and by the pleadings of the two citizen-taxpayer action lawsuits.

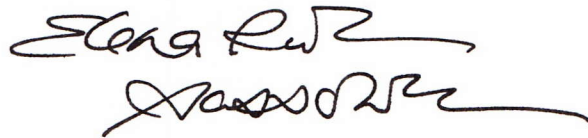
As time is of the essence – and no time must be wasted in ensuring that the Independence Party, the Women’s Equality Party, and the Working Families Party, as well as the Democratic Party, confront the EVIDENCE of systemic governmental corruption involving the legislative, executive, and judicial branches that Senator Latimer has knowingly and deliberately covered-up and perpetuated all these years – causing vast, irreparable injury to the People of the State of New York – I am sending this e-mail to them so that ALL can begin to examine the MOUNTAIN of politically-explosive EVIDENCE posted on CJA’s website, www.judgewatch.org – none more game-changing than the record of CJA’s two citizen-taxpayer actions – and the events relating thereto in the 2017 legislative session, largely chronicled by CJA’s block-buster, summarizing March 29, 2017 supplemental complaint in the second citizen-taxpayer action. CJA’s homepage posts the prominent links to each. For your convenience, they are additionally here: <http://www.judgewatch.org/web-pages/searching-nys/budget/menu-budget-reform.htm> and here: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/new-year.htm>.

To enable the press to discharge its first amendment responsibilities to protect our democracy from such “fake news” as their incessant reporting of polls, which, by their reporting, they rig, this e-mail will also be furnished to the journalists who participated at the May 17, 2017 panel discussion and heard my comments about Senator Latimer at that time – as well as to their fellow journalists covering New York State politics, beginning, of course, with local press.

Finally, to expedite Senator Latimer's response, this e-mail will be sent to him – and to his Democratic primary challenger, Westchester County Legislator Ken Jenkins. In the interest of non-partisanship, it will also be sent to incumbent Westchester County Executive Rob Astorino, to the Republican Party, whose nomination he secured, and to the Conservative Party, which has authorized him to run on its line. Suffice to say, the same EVIDENCE that brings down Senator Latimer tarnishes County Executive Astorino. This, because the EVIDENCE that I had furnished to Senator Latimer as of January 2014, I also furnished to County Executive Astorino, then running for governor against incumbent Governor Cuomo. Like Senator Latimer, he also chose the path of silence and collusion in corruption – a choice that in November 2014 cost him and the Republican and Conservative parties, his election as governor, an electoral sweep of the other top statewide offices: attorney general and comptroller – and bragging rights as leaders of clean, honest, fiscally accountable government.

For the convenience of all,³ this “Open Letter”, with links to the substantiating EVIDENCE on which it is based, will be posted on CJA's webpage on “Ending the Road” for Senator Latimer, accessible from our homepage link: “OUTING CORRUPT & COLLUSIVE INCUMBENTS & Ending their Road to Re-Election & Higher Office in 2017, 2018, & Beyond – WITH EVIDENCE”.

Thank you.

Two handwritten signatures in black ink. The top signature appears to be 'Elena Ruiz' and the bottom signature is more stylized and illegible.

³ I am also sending this letter to the Green Party, which, pursuant to Article 11 of its Rules, does “not nominate, designate, and/or authorize the candidates of the Democratic and Republican parties or any other party or independent body that has a policy that permits the nomination, designation, and/or authorization of candidates of the Democratic, Republican, and allied parties” and prohibits its own candidates from “accept[ing] ballot lines offered by the Democratic, Republican, and/or their allied parties”.

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914) 421-1200

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

BY HAND & E-MAIL

January 8, 2018

TO: Westchester County District Attorney Anthony Scarpino

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

RE: (1) Criminal/Corruption Complaint against You & Complicit Public Officers and Others Over Whom You Have Jurisdiction for “Grand Larceny of the Public Fisc” Arising from the Two State Commission Reports on which Your Larcenous District Attorney Salary Rests;
(2) FOIL Request for Records Pertaining to Your Procedures for Handling Public Corruption Complaints in Which You Have Financial and Other Conflicts of Interest

It is now 2-1/2 months since I first put you on NOTICE and furnished you with *readily-verifiable* EVIDENCE that your current \$195,000 district attorney salary, paid from the Westchester County budget, contains nearly \$60,000 in increases that are not only the result of two state commission reports that violate the very commission statute pursuant to which they purport to be rendered, but are fraudulent and violate a succession of penal laws, including:

Penal Law §175.35 (“offering a false instrument for filing in the first degree”);
Penal Law §155.42 (“grand larceny in the first degree”);
Penal Law §190.65 (“scheme to defraud in the first degree”);
Penal Law §195.20 (“defrauding the government”);
Penal Law §195 (“official misconduct”);
Penal Law §105.15 (“conspiracy in the second degree”);
Penal Law §20.00 (“criminal liability for conduct of another”); and
Penal Law §496 (“corrupting the government”) – part of the “Public Trust Act”.

My first EVIDENCE-supported NOTICE to you was by an October 23, 2017 e-mail and was followed by a great many more e-mails, beginning on November 9, 2017.¹ All alerted you to your

¹ These subsequent e-mails were dated November 9, 2017; November 14, 2017; November 15, 2017; November 16, 2017; November 17, 2017 (2x); November 20, 2017; November 21, 2017; November 28, 2017; December 5, 2017; and January 4, 2018. As you know, all are posted on CJA’s website, www.judgewatch.org, accessible via the top panel “Latest News” by its link entitled “The Larcenous D.A. Salary Increases, The

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duty to VERIFY the EVIDENCE and, absent your disavowing your district attorney salary increases based thereon, furnishing the Board of Legislators, county executive, and county attorney with your findings of fact and conclusions of law with respect thereto so that they could take appropriate steps to remove the increases from the county budget and/or void the commission reports.

Throughout the past 2-1/2 months, you have never denied or disputed the sufficiency of the EVIDENCE or of your duty with respect thereto. Instead, you have been completely silent about your district attorney salary and the commission reports on which it is based. This includes on November 28, 2017, when you appeared before the Board of Legislators' Committee on Budget and Appropriations to advocate with regard to the district attorney budget.

As you know, I was present at that meeting and, upon your exit, furnished you, in substantiation of your duty, with a "hard copy" of my November 9, 2017 e-mail and its enclosed July and September 2016 NOTICES to Westchester County – the same as had been distributed to the 17 members of the Board of Legislators on November 13, 2017. Additionally, I provided you with a "hard copy" of my December 31, 2015 letter to your district attorney predecessor – the then Westchester District Attorney/Chief Judge Nominee Janet DeFiore – and a "hard copy" of my January 15, 2016 letter to Senate Majority Leader John Flanagan and Assembly Speaker Carl Heastie, with its attached 12-page "Statement of Particulars in Further Support of Legislative Override, Repeal, Etc." – each letter, previously furnished to you and the 17 members of the Board of Legislators by e-mails, including on November 16, 2017, identifying them as:

“the easiest way for legislators – particularly non-lawyer legislators... – to understand the fraud, statutory violations, and penal law violations that have increased the salary of the Westchester D.A. nearly \$60,000 since April 1, 2012 and that will increase it another \$10,000 on April 1, 2018.”

Last week, on January 3, 2018, I hand-delivered to your office a copy of a letter to County Executive Latimer, to which you were a recipient. It identified that the Westchester County Board of Ethics was, for all intents and purposes, non-existent, having been disabled by the Board of Legislators and former County Executive Astorino's administration – and that I had a serious and substantial conflict-of-interest misconduct complaint to file against you and the Board of Legislators, among others. In pertinent part, my January 3, 2018 letter stated:

“The Westchester Code of Ethics proscribes conflicts of interest, which it defines as ‘a direct or indirect pecuniary or material benefit accruing to a county officer...whether as the result of a contract with the county or otherwise...’ (Westchester County Code §883.11(f)), stating:

Westchester County Budget, & The Westchester County Board of Legislators”. The menu page it brings up now includes a link for a webpage for this criminal complaint.

'Disclosure of interest in legislation or county contracts. To the extent that they know thereof, any officer or employee of the County of Westchester...who has any interest in any legislation before the County Board or who gives any opinion to such board upon such legislation...shall publicly disclose on the official record and to an immediate supervisor, in writing, the nature and extent of such interest.' (Westchester County Code §883.21(e)).

Obviously, you have a direct financial interest in a budget that pays your salary. Yet, in appearing before the Committee on Budget and Appropriations to request restoration of \$250,000 cut by the Astorino administration from the district attorney budget, which you identified would pay for hiring six employees to fill positions left vacant for lack of funding, you made no disclosure of what the budget itself neither itemized nor disclosed, but which my many e-mails had demanded you to address: that you would be drawing an added \$10,000 in salary, beginning April 1, 2018, based on commission reports that had boosted your January 1, 2017 starting salary by almost \$60,000 above where it otherwise would have been – and whose unlawfulness was the subject of EVIDENCE-based NOTICES.

What was the reason for your non-disclosure? Do you deny that it is because disclosure would have required you to acknowledge the truth of the NOTICES that the two commission reports, of which you are a beneficiary, are each statutorily-violative and fraudulent – if not also unconstitutional – mandating that the Board of Legislators remove your hefty salary increases based thereon from the county budget and/or take steps to void the commission reports.

One does not have to be a lawyer, as you are, or a former judge, as you are, or a district attorney, as you are, to know that such non-disclosure goes beyond an ethics breach, for which a functioning board of ethics would have ethics jurisdiction over you – or for which a functioning attorney grievance committee would have disciplinary jurisdiction over you. It is criminal, larcenous conduct, cognizable by the penal law – enforcement of which is the district attorney's function. Indeed, my July 2016 NOTICE to Westchester County – first e-mailed to you on October 23, 2017, then again on November 9, 2017, and additionally given to you, as a "hard copy", on November 28, 2017 – could not have been more explicit in stating that any district attorney who did not disavow the salary increases arising from the commission reports would be "complicit in the very penal law violations that are his/her duty to prosecute."

Consequently, in addition to filing this letter with the Westchester County Board of Ethics as an ethics complaint against you, and with the Grievance Committee for the Ninth Judicial District as a disciplinary complaint against you, I herewith file it with you as a criminal/corruption complaint against you – and against your accomplices, culpable with you under the penal law. These accomplices, known to you because they are indicated recipients on the SAME succession of e-mails and letters as were sent and furnished to you, spanning from October 23, 2017, are the public officers and others over whom your office has criminal jurisdiction and who, like you, having knowledge from EVIDENCE-supported NOTICE that your district attorney salary increases are "ill-gotten

gains, stolen from the taxpayers” permitted your theft. Among these:

- The 17 members of the Board of Legislators,² all duty-bound to protect Westchester county taxpayers from larceny and fraud within the county budget, who I publicly addressed on five separate occasions between November 13, 2017 and December 10, 2017, and to whom, during that period, I spoke with individually, either directly or through staff, and who not only received from me a mountain of e-mails and other written communications, but a “hard copy” of the pertinent EVIDENCE, the most material and sufficient portion of which they still have,³ yet all of whom not only failed to demand from you your findings of fact and conclusions of law with respect thereto, but ANY response whatever, as likewise to request findings of fact and conclusions of law, or even response, from their county attorney, or from Westchester’s Albany delegation of legislators whose responsibility it is to oversee the state commission reports;
- Former County Attorney Robert Meehan, whose duty it was to advise Westchester county officers, yourself among them, yet failed to counsel you, the Board of Legislators, the county executive, and the county budget director that you, they, and he were NOT free to ignore my EVIDENCE-supported

² These 17 – and positions they held – are: (1) Board of Legislators Chair Michael Kaplowitz, ESQ.; (2) Board of Legislators Vice-Chair James Maisano, ESQ.; (3) Board of Legislators Majority Leader Catherine Borgia; (4) Board of Legislators Minority Leader John Testa; (5) Committee on Budget and Appropriations Chair Sheila Marcotte; (6) Committee on Budget and Appropriations Vice-Chair Ben Boykin; (7) Litigation Committee Chair Lyndon Williams, ESQ.; (8) Litigation Committee Vice-Chair David Gelfarb, ESQ.; (9) Committee on Budget and Appropriations Member Ken Jenkins; (10) Committee on Budget and Appropriations Member Francis Corcoran; (11) Committee on Budget and Appropriations Member Margaret Cunzio; (12) Committee on Budget and Appropriations Member Catherine Parker; (13) Litigation Committee Member MaryJane Shimsky, ESQ.; (14) Litigation Committee Member Gordon Burrows, ESQ.; (15) Legislator Alfreda Williams; (16) Legislator David Tubiolo; (17) Legislator Virginia Perez.

³ This “hard copy” of EVIDENCE was furnished to Litigation Chair Williams on December 4, 2017 – and remained in his possession until December 10, 2017. It was the same EVIDENCE as I had furnished to County Attorney Meehan on November 27, 2017 and picked up from him on November 28, 2017, so that I could have it with me for the committee on budget and appropriation’s meeting at which you would be appearing. It is itemized by my November 28, 2017 e-mail.

The circumstances of Chair Williams’ December 10, 2017 return to me of the EVIDENCE was my request to his aide to copy the portions of which I had no copies. Upon the aide’s furnishing it to me, Chair Williams not only refused to authorize use of the Board of Legislators’ copier so that I might obtain a copy of the portions of which I had none, but refused to take back the portions of which I had copies. I thereupon deposited the portion of which I had copies with Board of Legislators Chair Kaplowitz, in whose possession it remains. It is the EVIDENCE identified by the November 28, 2017 e-mail inventory as enabling verification of “the statutory violations (& fraudulence)” of “the 1st Commission report” and “the 2nd Commission report”— and includes the same December 31, 2015 and January 15, 2016 letters as I gave you on November 28, 2017.