

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, December 10, 2021 10:42 AM
To: 'foil@nysenate.gov'
Cc: 'Alessandra Biaggi'; 'Karen Reppy'; 'Jordine Jones';
'ana@senatorbiaggi.com'; 'lkrueger@nysenate.gov';
'usher@nysenate.gov'; 'flagg@nysenate.gov'
Subject: FOIL/Records Request: December 9, 2021 public hearing "To discuss New York State's system of ethics oversight and enforcement"

TO: Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, ESQ.

Reference is made to the [December 9, 2021 public hearing of the Senate Committee on Ethics and Internal Governance](#).

Pursuant to Senate Rule XIV – and in keeping with Senate Ethics and Internal Governance Committee Chair Biaggi’s public posturing about transparency – this is to request:

- (1) all written statements submitted for the December 9th hearing by the witnesses who were “invited” to testify;
- (2) all written statements submitted by others, most importantly, those NOT “invited” to testify;
- (3) all written invitation(s) from Chair Biaggi and “Co-Sponsor” Krueger to those “invited” to testify – and, particularly, (a) the Joint Commission on Public Ethics; (b) the Legislative Ethics Commission; (c) the NYS Inspector General; (d) the NYS Attorney General and/or its Public Integrity Bureau; (e) the NYS Comptroller; (f) the NYS Commission on Judicial Conduct; (g) the Unified Court System’s Inspector General; (h) NYS’ eight attorney grievance committees – and, as to each, their written responses thereto;
- (4) all written requests to testify, in addition to the three written requests I made by the below November 8th, November 15th, and November 30th e-mails – and the written responses thereto, including to my below three e-mails, apart from the [December 9th e-mail from Senator Biaggi’s Chief of Staff Jordine Jones](#);
- (5) all press releases/public announcements about the December 9th hearing by the Senate Ethics and Internal Governance Committee, Senator Biaggi, or the Senate.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Tuesday, November 30, 2021 11:17 AM

To: 'Alessandra Biaggi' <biaggi@nysenate.gov>; 'Jordine Jones' <jonesjj@nysenate.gov>; 'Karen Reppy' <reppy@nysenate.gov>; 'ana@senatorbiaggi.com' <ana@senatorbiaggi.com>

Cc: 'lkrueger@nysenate.gov' <lkrueger@nysenate.gov>; 'usher@nysenate.gov' <usher@nysenate.gov>; 'flagg@nysenate.gov' <flagg@nysenate.gov>; 'foil@nysenate.gov' <foil@nysenate.gov>; 'marillar@nyassembly.gov' <marillar@nyassembly.gov>; 'kleinft@nyassembly.gov' <kleinft@nyassembly.gov>

Subject: YET AGAIN & with a FOIL REQUEST -- December 9, 2021 public hearing "To discuss New York State's system of ethics oversight and enforcement" -- Request to orally testify & "discuss", in person

TO: SENATE COMMITTEE ON ETHICS AND INTERNAL GOVERNANCE CHAIR ALESSANDRA BIAGGI, ESQ.

I have received NO response from you to my below November 15th and November 8th e-mails – AND there is still NO press release/public announcement about the December 9, 2021 hearing posted on the Senate Committee on Ethics and Internal Governance’s website, your own Senate website, or the Senate’s website, nor registration information for witnesses wishing to testify. Nor is there anything posted on the website of the hearing’s “co-sponsor”, Senator Krueger.

Is it your view that I and other members of the public have nothing to contribute to discussion of “New York State’s system of ethics oversight and enforcement”? What is your answer – and what are your answers to the questions posed by my November 15th email as to past legislative committee oversight hearings of such components of “New York State’s system of ethics oversight and enforcement” as:

- (1) the New York State Commission on Judicial Conduct;
- (2) the Unified Court System’s Inspector General;
- (3) the eight attorney grievance committees of New York State’s four appellate divisions;
- (4) the New York State Joint Commission on Public Ethics (JCOPE);
- (5) the Legislative Ethics Commission (LEC);
- (6) the New York State Inspector General;
- (7) the New York State Attorney General; and
- (8) the New York State Comptroller.

To assist you in answering even so basic a question as when the Senate and/or Assembly previously held legislative oversight hearings of each of these entities, **I am simultaneously filing this e-mail with the Senate and Assembly FOIL/records access officers for pertinent records** – and, with respect to the Senate Judiciary Committee’s June 8, 2009 and September 24, 2009 oversight hearings of the Commission on Judicial Conduct and the attorney grievance committees – whose VIDEOS and transcripts are posted on CJA’s website, [here](#) – (1) access to the written statements and EVIDENTIARY materials that witnesses and would-be witnesses furnished for those two hearings and for the Senate Judiciary Committee’s scheduled, but aborted, December 16, 2009 hearing and its unscheduled, but announced, further hearings; and (2) the Senate’s records retention policy permitting destruction of the written statements and EVIDENTIARY materials, if they were destroyed.

Please advise without delay so that I may be guided accordingly.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, November 15, 2021 11:21 AM
To: 'Alessandra Biaggi' <biaggi@nysenate.gov>
Cc: 'Jordine Jones' <jonesjj@nysenate.gov>; 'Karen Reppy' <reppy@nysenate.gov>; 'ana@senatorbiaggi.com' <ana@senatorbiaggi.com>

Subject: AGAIN -- December 9, 2021 public hearing "To discuss New York State's system of ethics oversight and enforcement" -- Request to orally testify & "discuss", in person

TO: SENATE COMMITTEE ON ETHICS AND INTERNAL GOVERNANCE CHAIR ALESSANDRA BIAGGI, ESQ.

I have received no response to my below November 8th e-mail, inquiring about the December 9th public hearing which you have entitled "To discuss New York State's system of ethics oversight and enforcement".

As of this date, a full week later, there is still no press release/public announcement about the hearing posted on either the Committee's website, your website, or the Senate's website, nor registration information for witnesses wishing to testify.

Please advise – and confirm that [the Committee's December 9th hearing](#) – unlike its [August 25th hearing](#) – will afford members of the public with the opportunity to testify about their direct, first-hand experiences in filing complaints with the gamut of entities comprising "New York State's system of ethics oversight and enforcement". This includes, of course:

- the entity with ethics jurisdiction over New York's judges: the New York State Commission on Judicial Conduct;
- the entity with ethics jurisdiction over the Unified Court System's non-judges: the Unified Court System's Inspector General; and
- the entity with ethics jurisdiction over New York attorneys: the attorney grievance committees of New York's four Appellate Divisions.

By the way, when was the last time ANY legislative committee held oversight hearings over these three ethics entities, thereafter making findings of fact and conclusions of law with respect to the testimony of members of the public – based on investigation of their substantiating documentary EVIDENCE?

If you do not already know the answer, as chair of the Senate Committee on Ethics and Internal Governance, as a member of the Senate Committee on Investigations and Government Operations, of the Senate Judiciary Committee, and of the Senate Codes Committee, you surely can obtain it – and it is your duty to do so.

Likewise, as to when ANY legislative committee last held oversight hearings of the Joint Commission on Public Ethics (JCOPE), the Legislative Ethics Commission (LEC), and the Office of the State Inspector General, at which members of the public were permitted to testify about their experiences in filing complaints with these three entities – followed by legislative investigation of their EVIDENCE and findings of fact and conclusions of law based thereon. Also, as to when ANY legislative committee last held oversight hearings of how the state attorney general and state comptroller discharge their “ethics oversight and enforcement” capacities – also necessarily requiring the taking of testimony and EVIDENCE from members of the public having direct experience, with legislative findings and conclusions thereafter made based on their EVIDENCE.

Please advise as to the foregoing, so that there is “transparency” as to how we have gotten to where we presently are at – and what must be done to right the situation.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, November 8, 2021 10:01 AM
To: 'Alessandra Biaggi' <biaggi@nysenate.gov>
Cc: 'Jordine Jones' <jonesij@nysenate.gov>; 'Karen Reppy' <reppy@nysenate.gov>; 'ana@senatorbiaggi.com' <ana@senatorbiaggi.com>

Subject: December 9, 2021 public hearing "To discuss New York State's system of ethics oversight and enforcement" -- Request to orally testify & "discuss", in person

TO: SENATE COMMITTEE ON ETHICS AND INTERNAL GOVERNANCE CHAIR ALESSANDRA BIAGGI, ESQ.

The most recent “All Updates” posted on the [Committee’s website](#) is for a [December 9, 2021 “Public Hearing: To discuss New York State’s system of ethics oversight and enforcement”](#), which states, in uppercase lettering, “ORAL TESTIMONY BY INVITATION ONLY”.

I have found no press release about the December 9, 2021 public hearing posted on the [Senate’s website](#), [your own Senate website](#), or, for that matter, on the Committee’s website, excepting as “All Updates”. Is there no press release – and are you not inviting testimony from members of the public, with a registration, such as you had for the [“postponed” July 12, 2021 hearing](#), for which I had timely registered and timely submitted a written statement on July 9th and then, again, on July 12th?

What criteria are you using for your December 9th “oral testimony by invitation only” hearing – and were you planning to invite me?

Please advise, as soon as possible – and deem this my formal request to orally testify and “discuss”, in person.

Thank you.

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