

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Tuesday, January 19, 2021 8:35 AM  
**To:** 'schmidjtj@co.chautauqua.ny.us'; 'kneerr@co.chautauqua.ny.us';  
'abdellas@co.chautauqua.ny.us'; 'carrowa@co.chautauqua.ny.us'  
**Subject:** Public corruption/grand jury complaint vs Chautauqua County state legislators & other public officers for "wilful misconduct in office" including fraud and larceny pertaining to their own salary raises & the state & county budgets -- plus FOIL request  
**Attachments:** 6-12-20-complaint-chautauqua-da-swanson.pdf; chautauqua-signature.pdf; chautauqua-7-24-20-da-foil.pdf

### TO: Chautauqua County District Attorney Jason Schmidt

Above attached for presentment to a Chautauqua County grand jury, so that it may discharge its duty pursuant to Article I, §6 of the New York State Constitution "to inquire into the wilful misconduct in office of public officers and to find indictments", is the June 12, 2020 public corruption complaint I filed with your Chautauqua County D.A. predecessor, Patrick Swanson, involving the Chautauqua D.A. salary and the Chautauqua county budget, about which I gave you notice when you were running to be elected Chautauqua County D.A. by the below October 12, 2020 e-mail -- and, as recited therein, by prior messages on August 10, 2020 and August 17, 2020.

The status of the June 12, 2020 complaint -- whose *prima facie*, open-and-shut EVIDENTIARY substantiation is accessible from CJA's website, [here](#) -- is, as below recited. I received no response from D.A. Swanson and, on July 24, 2020, sent it to him a second time, with the above-attached FOIL request. Only to the FOIL request did I receive any response -- an August 19, 2020 letter from the County Attorney's office. You can find this correspondence posted on the webpage I have created for this complaint, [here](#) -- and I hereby re-file the July 24, 2020 FOIL request with you, for your own response thereto.

Needless to say, should you -- like former D.A. Swanson -- ignore, without response, the FULLY-DOCUMENTED June 12, 2020 public corruption complaint and your financial and other conflicts of interest arising therefrom, you, like he, will be guilty of "wilful misconduct in office" -- and ANY grand jury would so-find. You are plainly drawing a salary -- and, presumably, it is not \$119,800, but the \$200,400 resulting from the two commission reports that are each "false instruments", about which my below October 12, 2020 e-mail alerted you.

As the injury caused to the People of Chautauqua County -- and New York State -- by the systemic governmental corruption laid out by the June 12, 2020 complaint is on-going and irreparable, time is of the essence. Will you -- or will you not -- be upholding the grand jury's constitutionally-guaranteed "power...to inquire into" it?

Thank you.

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Monday, October 12, 2020 11:51 PM  
**To:** 'lwvmc2020@gmail.com' <lwvmc2020@gmail.com>  
**Cc:** 'swansonp@co.chautauqua.ny.us' <swansonp@co.chautauqua.ny.us>; 'jasonschmidtforda@gmail.com'



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**Subject: Questions for Chautauqua D.A. Candidates Swanson & Schmidt: "Meet the Candidates Forum"/Oct 14, 2020, Chautauqua League of Women Voters**

**TO: Chautauqua County League of Women Voters**

According to the October 10<sup>th</sup> article "*League seeks questions for debate*" in the Observer, members of the public have until midnight tonight to submit questions for the October 14<sup>th</sup> "Meet The Candidates Forum" that will include the two Chautauqua County district attorney candidates – incumbent D.A. Patrick Swanson and Challenger Jason Schmidt.

I have questions for both D.A. Swanson and Challenger Schmidt.

My questions for D.A. Swanson are these:

1. Your Chautauqua district attorney salary, which is paid from the Chautauqua County budget, is \$200,400 – in other words, higher than the Chautauqua county executive's salary (\$96,426) by approximately \$104,000, higher than the Chautauqua county sheriff's salary (\$86,955) by approximately \$113,000, and higher than the county clerk's salary (\$57,856) by approximately \$143,000. Isn't it true that this HUGE disparity is because district attorney salaries are statutorily-linked to judicial salaries which, since April 1, 2012, have risen by about \$80,000 as a result of two commission reports which are "false instruments" – violative of a succession of penal laws?
2. Isn't it true that in 2016, you were furnished with notice and proof that these two commission reports, raising the Chautauqua D.A. salary from the \$119,800 it had been on March 31, 2012, were each fraudulent, statutorily-violative, and unconstitutional – and in materially-identical respects – and that your duty was to disavow further D.A. salary increases, whose cost was being borne by Chautauqua County taxpayers. What steps did you take to verify the situation, including the Legislature's wilful refusal to discharge oversight responsibilities with respect to the two commission reports?
3. Isn't it true that four months ago, a public corruption/grand jury complaint was filed with you against Chautauqua County's two state legislators – Assemblyman Goodell and Senator Borrello – for fraud and larceny, including with respect to the legislative salary raises they had procured for themselves *via* a December 10, 2018 committee report that materially replicated the fraud, statutory violations, and unconstitutionality of the two commission reports that had raised judicial and D.A. salaries. What steps did you take to verify the truth of the June 12, 2020 complaint? Is there anything in the complaint that did not check out 100%?



4. How, if at all, did you address the complaint's threshold issue of your conflicts of interest – as, for instance, your financial interest in preserving your commission-based D.A. salary raises, whose unlawfulness is encompassed in the unlawfulness of the committee-based legislative salary raises
5. Isn't it true that, rather than recusing yourself and seeking a special prosecutor for the complaint – as you were duty-bound to do -- you have been "sitting on" it.
6. Isn't it true that such is "wilful misconduct in office", for which, pursuant to Article I, §6 of the New York State Constitution, a Chautauqua County grand jury would properly indict you.

My questions for would-be D.A Schmidt are these:

1. What knowledge do you have of the foregoing?
2. Isn't your knowledge the reason you did not respond to an August 10<sup>th</sup> phone message and two written messages on August 10<sup>th</sup> and August 17<sup>th</sup> about the foregoing – the written messages each stating:

"You can win, easily & without \$, vs D.A. Swanson -- as he has been using his office, to enrich himself, at the expense of the taxpayers of Chautauqua County & New York State -- & to cover-up open-and-shut, prima facie evidence of public corruption involving the larceny of taxpayer monies which is his duty to present to a Chautauqua County grand jury, pursuant to Article I, Sec. 6 of the NYS Constitution & Criminal Procedure Law Article 190.

Kindly call me, at your earliest opportunity, so that I can furnish you with the details -- & guide you to the readily-available and verifiable evidence."

3. Did you believe there was anything inaccurate about these two written messages – and, if so, what was the basis for your belief?
4. How would you handle the June 12, 2020 complaint, were you to be Chautauqua D.A.? Would you recuse yourself and seek appointment of a special prosecutor?

Had Candidate Schmidt called me, I would have guided him to the above-attached June 12, 2020 complaint and the mountain of EVIDENCE substantiating it, accessible from the homepage of our non-partisan, non-profit citizens' organization, [www.judgewatch.org](http://www.judgewatch.org), via its prominent center link: **ELECTIONS 2020 -- Taking Out Corrupt & Collusive Legislative Incumbents & Conspiring D.A.s – All Beneficiaries of Statutorily-Violative, Fraudulent, Unconstitutional Pay Raises & Other Larcenies of Taxpayer Monies**". He certainly would have had no difficulty in finding the complaint and EVIDENCE, for himself – and also the webpage I had created for the Chautauqua County D.A. race – and for Chautauqua County.

I am available to discuss with you the foregoing -- and invite you to call.

Inasmuch as the above-requested questions establish the unfitness of both D.A. Swanson and Candidate Schmidt for public office and the necessity that voters find a substitute to "write in", I am cc'ing both candidates so that they will have no excuse for not being prepared with answers. I am also cc'ing Chautauqua County's "local journalism" so that it can belatedly investigate and report on a situation about which it has long and repeatedly had notice and opportunity to verify – most recently by my below September 8<sup>th</sup> e-mail to it entitled "Informing Chautauqua County Voters with EVIDENCE: public corruption/grand jury complaint vs Chautauqua County's 2 re-election-seeking state legislators, which



re-election-seeking Chautauqua County D.A. Swanson is 'sitting on'". Suffice to note that the e-mail cc'd D.A. Swanson, as well as Assemblyman Goodell and Senator Borrello, expressly so that they could ready themselves for press inquiry.

Perhaps that's a final question you should ask the two D.A. candidates – whether Chautauqua County's "local journalism" inquired of either of them about any of the foregoing.

Thank you.

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, September 8, 2020 7:01 AM  
**To:** 'jdagostino@observertoday.com' <[jdagostino@observertoday.com](mailto:jdagostino@observertoday.com)>; 'gbacon@observertoday.com' <[gbacon@observertoday.com](mailto:gbacon@observertoday.com)>; 'editorial@observertoday.com' <[editorial@observertoday.com](mailto:editorial@observertoday.com)>; 'mbird@post-journal.com' <[mbird@post-journal.com](mailto:mbird@post-journal.com)>; 'jwhittaker@post-journal.com' <[jwhittaker@post-journal.com](mailto:jwhittaker@post-journal.com)>; 'etichy@post-journal.com' <[etichy@post-journal.com](mailto:etichy@post-journal.com)>; 'mzabrodsky@post-journal.com' <[mzabrodsky@post-journal.com](mailto:mzabrodsky@post-journal.com)>; 'news@wdoe1410.com' <[news@wdoe1410.com](mailto:news@wdoe1410.com)>; 'wrfanews@gmail.com' <[wrfanews@gmail.com](mailto:wrfanews@gmail.com)>; 'NewsDesk@WNYNewsNow.com' <[NewsDesk@WNYNewsNow.com](mailto:NewsDesk@WNYNewsNow.com)>; 'justin.gould@WNYNewsNow.com' <[justin.gould@WNYNewsNow.com](mailto:justin.gould@WNYNewsNow.com)>; 'matthew.hummell@WNYNewsNow.com' <[matthew.hummell@WNYNewsNow.com](mailto:matthew.hummell@WNYNewsNow.com)>; 'rory.pollaro@WNYNewsNow.com' <[rory.pollaro@WNYNewsNow.com](mailto:rory.pollaro@WNYNewsNow.com)>; 'twiley@buffnews.com' <[twiley@buffnews.com](mailto:twiley@buffnews.com)>; 'bconnolly@buffnews.com' <[bconnolly@buffnews.com](mailto:bconnolly@buffnews.com)>; 'editor@buffnews.com' <[editor@buffnews.com](mailto:editor@buffnews.com)>; 'mkenny@buffnews.com' <[mkenny@buffnews.com](mailto:mkenny@buffnews.com)>; 'djgee@buffnews.com' <[djgee@buffnews.com](mailto:djgee@buffnews.com)>; 'kwalter@buffnews.com' <[kwalter@buffnews.com](mailto:kwalter@buffnews.com)>; 'citydesk@buffnews.com' <[citydesk@buffnews.com](mailto:citydesk@buffnews.com)>; 'mccarthy@buffnews.com' <[mccarthy@buffnews.com](mailto:mccarthy@buffnews.com)>; 'tprohaska@buffnews.com' <[tprohaska@buffnews.com](mailto:tprohaska@buffnews.com)>; 'tprecious@buffnews.com' <[tprecious@buffnews.com](mailto:tprecious@buffnews.com)>; 'jheaney@investigativepost.org' <[jheaney@investigativepost.org](mailto:jheaney@investigativepost.org)>; 'gkelly@investigativepost.org' <[gkelly@investigativepost.org](mailto:gkelly@investigativepost.org)>; 'aingersoll@investigativepost.org' <[aingersoll@investigativepost.org](mailto:aingersoll@investigativepost.org)>; 'pgambini@investigativepost.org' <[pgambini@investigativepost.org](mailto:pgambini@investigativepost.org)>  
**Cc:** 'swansonp@co.chautauqua.ny.us' <[swansonp@co.chautauqua.ny.us](mailto:swansonp@co.chautauqua.ny.us)>; 'goodella@nyassembly.gov' <[goodella@nyassembly.gov](mailto:goodella@nyassembly.gov)>; 'borrello@nysenate.gov' <[borrello@nysenate.gov](mailto:borrello@nysenate.gov)>

**Subject: Informing Chautauqua County Voters with EVIDENCE: public corruption/grand jury complaint vs Chautauqua County's 2 re-election-seeking state legislators, which re-election-seeking Chautauqua County D.A. Swanson is "sitting on"**

**TO: OBSERVER TODAY  
POST-JOURNAL  
CHAUTAUQUA TODAY.com/WDOE RADIO  
WRFA RADIO  
WNY NEWS NOW  
BUFFALO NEWS  
INVESTIGATIVE POST**

Chautauqua County's two state legislators – both seeking re-election – are the subjects of a **fully-documented** public corruption/grand jury complaint, filed with Chautauqua County District Attorney Swanson, who is "sitting on" it. Among other things, the complaint involves the "force of law" commission/committee scheme that has given pay raises to all of them.



The June 12, 2020 complaint, by the Center for Judicial Accountability, Inc. (CJA), is above-attached – and below are the e-mails transmitting it and the also attached July 24, 2020 FOIL request to D.A. Swanson. CJA's substantiating evidentiary webpage for the complaint is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/grand-juries.htm>.

As stated by the complaint, Chautauqua County voters are entitled to know that their state legislators are unfit for re-election because they must be indicted for larceny and other corruption on EVIDENCE so DISPOSITIVE as to assure convictions.

To enable Chautauqua County voters to assess, for themselves, the open-and-shut, *prima facie* EVIDENCE that D.A. Swanson has been withholding from a Chautauqua County grand jury to maintain his own fraudulently-boosted salary, paid by Chautauqua County taxpayers, please accompany your story with links to the complaint and the evidentiary webpage.

As you will doubtless call the complained-against two state legislators and D.A. Swanson for comment about the complaint, I am cc'ing them on this e-mail so that they can be prepared. What, if anything, do they deny or dispute. Let them start where the complaint starts: my July 16, 2019 e-mail to the Legislature's 15 stipend-receiving leaders requesting that they forward it to the 198 other legislators, with its attached July 15, 2019 written NOTICE and substantiating analysis that the December 10, 2018 Report of the Committee on Legislative and Executive Compensation – raising their legislative salaries from \$79,500 to \$110,000 – was “a fraud on the People of the State of New York – and a larceny of their tax dollars’, violating a succession of penal laws, and that their duty was to void it, to return the pay-raise monies they had already received, and to initiate criminal prosecutions of the Committee’s four members and abetting attorneys.” The analysis is 46 pages, excluding exhibits. Will they furnish you with their findings of fact and conclusions of law? If not, I'm sure ordinary Chautauqua County citizens would be able to help you with what is obvious.

I am available to answer your questions and assist you, to the max -- on a story not only upending Chautauqua County's state legislative and D.A. races, but, additionally, ALL New York's other state legislative races and its 14 other D.A. races – and **that's for starters**.

Thank you.

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, July 24, 2020 5:05 PM  
**To:** 'swansonp@co.chautauqua.ny.us' <[swansonp@co.chautauqua.ny.us](mailto:swansonp@co.chautauqua.ny.us)>  
**Cc:** 'kneerr@co.chautauqua.ny.us' <[kneerr@co.chautauqua.ny.us](mailto:kneerr@co.chautauqua.ny.us)>

**Subject: Reasonable questions arising from your nonfeasance: June 12, 2020 corruption complaint in support of grand jury inquiry, pursuant to Article I, §6 of the NYS Constitution, of Chautauqua County state legislators...**

**TO: Chautauqua County District Attorney Patrick Swanson**

As your Chautauqua County D.A. website does not post your e-mail – and DAASNY's roster with your e-mail is erroneous – I assume that the below two e-mails reached you, nonetheless, via your executive assistant Rachel Kneer, whose e-mail is the ONLY e-mail that your D.A. website posts: <https://chqgov.com/directory?section=8>. If this assumption is incorrect, please advise.



In any event, I am now re-sending the below two e-mails to you, with their above attachments -- adapting Ms. Kneer's e-mail address to what I believe yours is -- which I thought I had done on June 12<sup>th</sup>, except that I misspelled Chautauqua.

Apologies.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, July 24, 2020 11:31 AM  
**To:** 'swansonp@chautauqua.ny.us' <[swansonp@chautauqua.ny.us](mailto:swansonp@chautauqua.ny.us)>  
**Cc:** 'kneerr@co.chautauqua.ny.us' <[kneerr@co.chautauqua.ny.us](mailto:kneerr@co.chautauqua.ny.us)>

**Subject: Reasonable questions arising from your nonfeasance with respect to the June 12, 2020 corruption complaint in support of grand jury inquiry, pursuant to Article I, §6 of the NYS Constitution, of Chautauqua County state legislators...**

**TO: Chautauqua County District Attorney Patrick Swanson**

I have received no acknowledgment or other response to my June 12, 2020 public corruption/grand jury complaint against Chautauqua County state legislators, which I sent you by the below e-mail, with a direct link to the substantiating evidentiary webpage: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/grand-juries.htm>.

As the complaint presents evidence so *prima facie* and open-and-shut as to leave no doubt that a grand jury would speedily indict -- and a trial jury speedily convict -- the complained-against state legislators and their accomplices, your nonfeasance raises reasonable questions as to your performance with respect to *other* public corruption complaints filed by *other* members of the public. To help answer those questions, I have today filed a FOIL/information request with Chautauqua County's Records Access Officer & County Attorney Stephen Abdella. A copy is attached.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, June 12, 2020 2:12 PM  
**To:** 'swansonp@chautauqua.ny.us' <[swansonp@chautauqua.ny.us](mailto:swansonp@chautauqua.ny.us)>; 'swansonp@co.chautauqua.ny.us' <[swansonp@co.chautauqua.ny.us](mailto:swansonp@co.chautauqua.ny.us)>  
**Cc:** 'kneerr@co.chautauqua.ny.us' <[kneerr@co.chautauqua.ny.us](mailto:kneerr@co.chautauqua.ny.us)>

**Subject: CORRUPTION COMPLAINT in support of grand jury inquiry, pursuant to Article I, §6 of the NYS Constitution, of Chautauqua County state legislators for "wilful misconduct in office", including larceny & fraud...**

**TO: Chautauqua County District Attorney Patrick Swanson**



Attached is my above-entitled corruption/grand jury complaint of today's date addressed to you – with a separate scanned signature page. The link for CJA's "GRAND JURIES" webpage for the complaint, hyperlinking, linking, and posting all referred-to evidence, is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/grand-juries.htm>.

Should you require an original signed complaint, please notify me – and I will send it, immediately.

Thank you.

Elena Sassower, Director  
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