

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, October 1, 2021 2:46 PM

**To:** WFerguson@doi.nyc.gov; squad6complaint@doi.nyc.gov  
**Cc:** ERivkin@doi.nyc.gov; ASein@doi.nyc.gov; squad5complaint@doi.nyc.gov; EMcCorkle@doi.nyc.gov

**Subject:** CJA's June 28, 2021 complaint AGAINST the Conflicts of Interest Board, within your purview as its Inspector General

**Attachments:** [Investigative Manual 200.00.pdf](#)

**TO: NYC Department of Investigation Inspector General for the NYC Conflicts of Interest Board Whitney Ferguson –**

I presume your investigator, Hope Stagnaro, apprised you of my nearly hour phone conversation with her yesterday, September 30, 2021 (from 10:46 am – 11:43 am), when I called (212-825-2402), immediately upon discovering, from the [DOI's website](#), that DOI has an inspector general for the Conflicts of Interest Board (COIB) – and that [it is you](#), as head of [DOI's Squad 6](#).

The reason I was scouting the DOI website was because I was trying to figure out who to contact about the status of my [June 28, 2021 complaint against](#) COIB for corruption, born of conflict of interest – and, likewise **against** DOI for the same. I had filed the June 28<sup>th</sup> complaint with DOI's Squad 5 because it concerns my underlying [May 17, 2021 complaint against](#) New York City's Public Advocate and five District Attorneys for corruption, born of conflicts of interest – a complaint I had filed with COIB and, simultaneously, with DOI Squad 5 because its jurisdiction includes "City elected-officials".

As I discussed with Investigator Stagnaro, the ONLY response I received to my June 28<sup>th</sup> complaint from DOI was a [June 28<sup>th</sup> e-mail acknowledgment](#) from Squad 5 Investigator Evelyn McCorkle, stating she would "forward the new complaint to the person handling our complaints this week".

**As you are the inspector general for COIB, my June 28<sup>th</sup> complaint against COIB should reasonably have been forwarded to you – or, at very least – brought to your attention. Was it? And who is handling that portion of the June 28<sup>th</sup> complaint which is against DOI for its corruption, born of its conflicts of interest?**

As discussed with Investigator Stagnaro, [DOI's conflicts of interest](#) pertain to DOI Commissioner Margaret Garnett and Deputy Commissioner Daniel Cort, each knowledgeable of, and complicit in, the massive governmental corruption that is the subject of my complaints against New York City's five D.A.s – whose particulars are set forth by footnote 3 of the May 17<sup>th</sup> complaint. [COIB's conflicts of interest](#) pertain to COIB Member/New York Law School Dean Anthony Crowell and former COIB Chair/Columbia University Law School Professor Richard Briffault, both participants in the underlying massive governmental corruption – whose particulars are set forth by footnote 3 of the June 28<sup>th</sup> complaint.

Based on the *readily-verifiable*, FULLY-DOCUMENTED nature of these two complaints and [DOI's Investigative Manual §200, entitled "Complaint Intake: Opening and Tracking Procedures"](#) – which DOI sent me on [September 8<sup>th</sup>](#) in response to my [June 28<sup>th</sup> FOIL request to it](#), accompanying the June 28<sup>th</sup> complaint – DOI's investigations should long ago have concluded, with referral of the May 17<sup>th</sup>

complaint, if not additionally the June 28<sup>th</sup> complaint, to the ONLY criminal prosecutorial authorities available: the Feds – and, specifically, the Public Integrity Section of the U.S. Justice Department’s Criminal Division. That DOI is instead “sitting on” the May 17<sup>th</sup> complaint – and the June 28<sup>th</sup> complaint based thereon – is obvious from its failure to apprise me of the status of either complaint, to call me up to ask any question about either, and, of course, to interrogate me under oath. Such is explicable ONLY as a manifestation of DOI’s conflicts of interest, starting with those of Commissioner Garnett and Deputy Commissioner Cort, whose duty it was to have made arrangements for **independent** investigation by an outside party, as was done, [in 2018](#), by former DOI Commissioner Mark Peters for the complaint **against** him and senior DOI staff. As DOI’s Investigative Manual makes apparent, Commissioner Garnett and Deputy Commissioner Cort presumably reviewed each of my complaints fairly promptly upon their receipt by Squad 5.

I look forward to speaking with you, directly, about my June 28<sup>th</sup> complaint against COIB, within your jurisdiction as its inspector general – including for purposes of your investigation of its footnote 3 recitation of the corruption of COIB Member Crowell, as a member of the 2015 JCOPE/LEC Review Commission, and of former COIB Chair Briffault, as a member of the Commission to Investigate Public Corruption and as advisory board member of the Center for the Advancement of Public Integrity – a sham and corrupt entity at Columbia University Law School, whose funding by DOI of nearly two million dollars, so revealed by [DOI’s response](#) to my [June 28<sup>th</sup> FOIL request](#), MUST be the subject of a “claw-back”/recovery action by DOI for fraud.

I would also welcome speaking with the two inspectors general who head Squad 5, Eleonora Rivkin and Andrew Sein and, for that reason, am cc’ing them on this e-mail, as likewise Squad 5 Investigator McCorkle. For the record, my June 28<sup>th</sup> complaint against DOI is NOT “concerning” Investigator McCorkle – notwithstanding so-purported by [COIB’s June 29<sup>th</sup> acknowledgment letter](#) and its [transmitting e-mail](#). Ms. McCorkle is subordinate DOI intake staff, NOT, as Jeffrey Tremblay is, Deputy Director of Enforcement for COIB.

CJA’s menu webpage for DOI and COIB on which my May 17<sup>th</sup> and June 28<sup>th</sup> complaints are posted and accessible – with ALL the EVIDENCE substantiating them – and ALL correspondence pertaining thereto – is here: <http://www.judgewatch.org/web-pages/searching-nys/district-attorneys/NYC/nyc-doi-coib.htm>. I e-mailed that link yesterday to Investigator Stagnaro, so perhaps you’ve already seen it.

Because of the electoral significance of the May 17<sup>th</sup> complaint, identified therein (at p. 5) and by the June 28<sup>th</sup> complaint (at p. 3), **time is of the essence**. Please let me hear from you as soon as possible.

Below is my yesterday’s e-mail to COIB, which I also discussed with Investigator Stagnaro, and which perhaps you have already seen posted on CJA’s menu webpage.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Thursday, September 30, 2021 8:33 AM  
**To:** 'kmliller@coib.nyc.gov' <[kmliller@coib.nyc.gov](mailto:kmliller@coib.nyc.gov)>  
**Cc:** 'hammer@coib.nyc.gov' <[hammer@coib.nyc.gov](mailto:hammer@coib.nyc.gov)>; 'tremblay@coib.nyc.gov' <[tremblay@coib.nyc.gov](mailto:tremblay@coib.nyc.gov)>; 'Gross@coib.nyc.gov' <[Gross@coib.nyc.gov](mailto:Gross@coib.nyc.gov)>

**Subject: STATUS of CJA's June 28, 2021 complaint & underlying May 17, 2021 complaint & FOIL request for COIB's written protocol for intake and processing complaints**

**TO: New York City Conflicts of Interest Board Assistant Counsel Katherine J. Miller**

This follows up our half-hour phone conversation together yesterday, September 29<sup>th</sup> (2:45 pm - 3:15 pm), when you returned the voice message I had left for you at 11:16 am, inquiring as to the status of my June 28, 2021 complaint. You stated that you could not apprise me of its status because such is confidential. The sole provision you cited for that proposition was §2603(k) of the New York City Charter, notwithstanding its inapplicability is particularized at page 4 of the June 28<sup>th</sup> complaint – which I read you. You also stated that confidentiality precluded you from even confirming that the June 28<sup>th</sup> complaint had been presented to COIB members for their determination pursuant to §2603(e)(2) of the Charter. This, notwithstanding I told you that Mr. Tremblay had not deemed confidentiality as preventing him from indicating to me that my May 17, 2021 complaint had been presented to COIB members – the truth of which my June 28<sup>th</sup> complaint had disputed (at pp. 2, 8).

Your position – reiterating what your June 29<sup>th</sup> acknowledgment letter had stated – was that “unless the Board issues an order finding a violation of the conflicts of interest law”, you could tell me nothing. I answered that such orders should have already issued for complaints that were based on *prima facie*, open-and-shut EVIDENCE, whose electoral significance required expeditious treatment and whose ONLY “appropriate” disposition by COIB members, pursuant to §2603(e)(2), was its subsection (c): initial determinations of probable cause of conflict of interest violations – requiring notices to the complained-against parties for their written responses, whose time parameters, fixed by COIB Rule §2-02(b), had already passed. You stated that such time parameters would only conclude informal proceedings, not formal proceedings – to which I replied that I had no reason to believe that there was anything appropriate happening with respect to my EVIDENCE-supported two complaints, either by COIB or DOI – and that the responses I had received to my June 28<sup>th</sup> FOIL requests to COIB and DOI, accompanying the June 28<sup>th</sup> complaint, reinforced that neither complaint was being properly handled. I described the FOIL responses and offered to show them to you from [CJA's menu webpage pertaining to COIB and DOI](#), but you declined.

I told you that while waiting for your call back, I had drafted an e-mail to you that I would now modify to reflect our phone conversation and send you. The e-mail, whose ending questions I partially read you, was as follows:

“By [letter dated June 29, 2021](#), you acknowledged receipt of my [June 28, 2021 complaint](#) in a fashion materially identical to the [May 17, 2021 letter](#) by which Deputy Director of Enforcement Jeffrey Tremblay had acknowledged receipt of my [May 17, 2021 complaint](#).

As with his letter, you identically stated:

‘Because of the confidentiality provisions of the City Charter, the Board cannot disclose any action taken by this agency, if any action is warranted, unless the Board issues an order finding that a violation of the conflicts of interest law has occurred, at which time the order would be published.’

As detailed by the June 28, 2021 complaint (at pp. 4-5), there are NO confidentiality provisions of the City Charter or COIB Rules that bar you from disclosing to a complainant the status of his/her own complaint.

**What is the status of my June 28, 2021 complaint – as to which I have received no subsequent communication from you and nothing from COIB members. Was it presented to COIB members – and did they decide:**

- (1) that they were NOT going to apprise me of the status of my May 17, 2021 complaint, notwithstanding my showing that Mr. Tremblay’s purported legal authority preventing him from apprising me of its status was bogus;**
- (2) that they were NOT going to confirm that Mr. Tremblay had presented them with my May 17, 2021 complaint for their determination pursuant to §2603(e)(2) of the Charter;**
- (3) that they were NOT going to confirm that they had confronted the threshold conflict of interest issues pertaining to themselves, specified by the June 28, 2021 complaint (at fn. 3), and pertaining to DOI, specified by the May 17, 2021 complaint (at fn. 3) – and how they had resolved same;**
- (4) that they were NOT going to state whether – as §§24(f) and (k) of the City Charter require – Public Advocate Jumaane Williams had referred my May 3, 2021 complaint against New York City’s five district attorneys to DOI and COIB – and whether he had so-referred other complaints since he took office in March 2019.” (hyperlinking in the drafted e-mail, bold added).**

That is as far as I got with my drafted e-mail, when you called. I herein reiterate its questions – and ask that you advise, expeditiously, as to your response to each.

Finally, I request, pursuant to FOIL, any COIB written protocol for intake and processing complaints, such as DOI’s above-attached Investigative Manual, Section 200, entitled “Complaint Intake: Opening and Tracking Procedures” which I received in response to my June 28<sup>th</sup> FOIL request to DOI. Among its instructions – and germane to my June 28<sup>th</sup> complaint’s recitation (at pp. 2-3) of believed “normal and customary procedure” not being followed:

“contact with the complainant...should be the first step in all preliminary investigations. This will allow for

clarification of the complaint and collection of more information with respect to the allegation.” (Section 200.20(l)(B)(3)).

Thank you.

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