

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, October 21, 2021 11:12 AM
To: WFerguson@doi.nyc.gov; squad6complaint@doi.nyc.gov

Cc: ERivkin@doi.nyc.gov; ASein@doi.nyc.gov; squad5complaint@doi.nyc.gov; MGarnett@doi.nyc.gov; DCort@doi.nyc.gov; EMcCorkle@doi.nyc.gov; kmiller@coib.nyc.gov; tremblay@coib.nyc.gov; hammer@coib.nyc.gov; FOIL@coib.nyc.gov

Subject: **CJA's June 28, 2021 corruption complaint vs COIB -- the subject of CJA's Oct. 1, 2021 e-mail to DOI's Inspector General for COIB, to which there has been no response -- Etc.**

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

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

I have received no response from you to my below October 1, 2021 e-mail pertaining to [my June 28, 2021 complaint](#) against the Conflicts of Interest Board (COIB) for corruption, born of conflicts of interest – a complaint simultaneously against the Department of Investigation (DOI) for its corruption, born of conflicts of interest.

I assume this is because you did not respond. Is this because COIB's corruption pertaining to [my May 17, 2021 complaint](#) against NYC's five district attorneys and NYC Public Advocate Juamaane Williams is inseparable from DOI's corruption pertaining to that same May 17th complaint and involves DOI Commissioner Garnett and DOI Deputy Commissioner Cort, the subject of its [FULLY-DOCUMENTED footnote 3](#).

And were you aware, in not responding to my October 1st e-mail, that Commissioner Garnett was either seeking or being considered by then incoming New York Southern District U.S. Attorney Damian Williams for appointment as his deputy U.S. Attorney.

[U.S. Attorney Williams announced the appointment on October 13th](#) and, according to [news articles](#), Deputy Commissioner Cort will take over as DOI's acting Commissioner once Ms. Garnett leaves on November 10th.

As I have also received no responses from any of the cc's to my October 1st e-mail, I am cc'ing them on this e-mail. Most important are the two DOI inspectors general who head Squad 5, Eleonora Rivkin and Andrew Sein, whose duty it was to ensure that my May 17th and June 28th complaints, filed with Squad 5 as corruption complaints, were processed consistent with [DOI's Investigative Manual §200: "Complaint Intake: Opening and Tracking Procedures"](#), rather than relegated to limbo because they expose corruption involving Commissioner Garnett and Deputy Commissioner Cort. Such processing would have begun with prompt interviews of me about the open-and-shut, *prima facie* EVIDENCE the complaints supplied so that verification of the material facts, easily accomplished within hours, could be further accelerated prefatory to DOI's mandated referral of the complaints to criminal authorities for prosecution and as part of its investigative function for COIB.

I note that on October 7th, DOI released a report entitled "[DOI's Investigation into Mayor De Blasio's Security Detail](#)", bearing Ms. Rivkin's name as "Senior Inspector General" beneath Commissioner Garnett's name on the cover and whose conclusion identifies that "DOI is making a number of referrals to the appropriate authorities" (at p. 44). Nothing in that report remotely approaches the magnitude of criminality, fraud, and larceny – let alone ACTUAL danger to the integrity of NYC governance and its People – presented and substantiated by my May 17th and June 28th complaints.

Suffice to say, I have still received no response from COIB as to the status of the May 17th and June 28th complaints, filed with it as conflict-of-interest complaints – the subject of my below September 30th e-mail to COIB that was beneath my October 1st e-mail to you. Indeed, the only response I received from COIB was to the FOIL request therein for "[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'](#)" – and such reinforced that COIB relies upon DOI for investigation of its complaints. This by COIB's enclosure of "[a chapter explaining the enforcement process from the Board's 2018 Monograph](#)", stating:

"The Board has no independent investigative authority and must rely on the New York City Department of Investigation ('DOI') to confidentially investigate matters on the Board's behalf.^{fn4} In addition, DOI must report to the Board confidentially on any investigation and involves or may involve violations of the conflicts of interest law, whether the Board referred to matter to DOI or DOI initiated the investigation.^{fn5} Once DOI makes a confidential report to the Board^{fn6}, the Board may have additional questions and ask DOI to continue or expand its investigation." (at pp. 151-2).

Inasmuch as DOI is governed by the procedures and protocol laid out in its [Investigative Manual §200](#), COIB is also governed thereby in its reliance on DOI – and I am cc'ing COIB on this e-mail so that it may know where matters stand and in support of my appeal of its [October 7th FOIL response](#) which stated:

"To the extent that any other documents exist within the files of the Conflicts of Interest Board, they would be exempt from disclosure pursuant to Public Officers Law §87(2)(a), on the grounds that such material is specifically exempted from disclosure by statute, namely, New York City Charter §2603(k), or pursuant to Public Officers Law §87(2)(g) on the grounds that such material is inter-agency or intra-agency material. Should you wish to appeal this determination, you must send written notice within thirty days to Carolyn Lisa Miller, Records Appeal Officer at FOIL@coib.nyc.gov."

Plainly, if DOI did not deem its [Investigative Manual §200](#) exempt from disclosure, COIB's comparable "Complaint Intake: Opening and Tracking Procedures" should not be deemed exempt – and I expressly request your assistance in obtaining same, as COIB's Inspector General.

Finally, although I have no doubt that you, Ms. Rivkin, and/or Mr. Sein furnished my below October 1st e-mail to Commissioner Garnett and Deputy Commissioner Cort, I explicitly request that this e-mail be forwarded to them, in the event my above surmise as to their e-mail addresses is incorrect so that, before they ascend to their new positions, they can discharge their duties to ensure criminal and conflict-of-interest prosecutions of corruption/conflict-of-interest complaints they know to be true.

For the convenience of all, this e-mail and the referred-to complaints and correspondence are posted on CJA's menu webpage for DOI and COIB, [here](#).

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, October 1, 2021 2:46 PM
To: 'WFerguson@doi.nyc.gov' <WFerguson@doi.nyc.gov>; 'squad6complaint@doi.nyc.gov' <squad6complaint@doi.nyc.gov>
Cc: 'ERivkin@doi.nyc.gov' <ERivkin@doi.nyc.gov>; 'ASein@doi.nyc.gov' <ASein@doi.nyc.gov>; 'squad5complaint@doi.nyc.gov' <squad5complaint@doi.nyc.gov>; 'EMcCorkle@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

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 28th 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 28th complaint from DOI was a [June 28th 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 28th 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 28th 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 17th 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 28th 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 8th in response to my June 28th FOIL request to it, accompanying the June 28th complaint – DOI's investigations should long ago have concluded, with referral of the May 17th complaint, if not additionally the June 28th 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 17th complaint – and the June 28th 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 28th 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 28th 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 28th complaint against DOI is NOT "concerning" Investigator McCorkle – notwithstanding so-purported by COIB's June 29th 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 17th and June 28th complaints are posted and accessible – with ALL the EVIDENCE substantiating them – and ALL correspondence pertaining thereto – is here: <http://www.judgewidth.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 17th complaint, identified therein (at p. 5) and by the June 28th 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.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, September 30, 2021 8:33 AM
To: 'kmliller@coib.nyc.gov' <kmliller@coib.nyc.gov>
Cc: 'hammer@coib.nyc.gov' <hammer@coib.nyc.gov>; 'tremblay@coib.nyc.gov' <tremblay@coib.nyc.gov>; 'Gross@coib.nyc.gov' <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 29th (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 28th complaint – which I read you. You also stated that confidentiality precluded you from even confirming that the June 28th 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 28th complaint had disputed (at pp. 2, 8).

Your position – reiterating what your June 29th 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 28th FOIL requests to COIB and DOI, accompanying the June 28th 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 28th FOIL request to DOI. Among its instructions – and germane to my June 28th 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.

Elena Sassower, Director
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