

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Wednesday, September 2, 2020 3:05 PM
To: 'sean.simpson@sunywcc.edu'; 'Christy.fogal@suny.edu'; 'browe@nccc.edu';
'cvasin@genesee.edu'; 'charles.hoffman@flcc.edu'; 'tamrowsn@sunyocc.edu';
'steelejs@herkimer.edu'; 'mklein@sunydutchess.edu'; 'prathed@sunysuffolk.edu';
'iris.cook@sunywcc.edu'; 'Clonsbary@sunyjefferson.edu'; 'johnstonw@sunyacc.edu';
'malmbergsrn@sunybroome.edu'
Subject: Superseding Conflict of Interest Ethics Complaint vs SUNY's Board of Trustees & its
Other Officers & Staff for Violating Public Officers Law §74 -- & the Faculty Council of
Community Colleges' Ethical & Legal Duty...
Attachments: 8-31-20-notarized-jcope-complaint-form.pdf; 8-31-20-complaint-to-jcope-
corrected.pdf

TO: Faculty Council of Community Colleges -- Executive Committee Members

Vice President Bruce Rowe
Secretary Candice Vacin
Treasurer Charles Hoffman
Past President Nina Tamrowski
Governance Committee Jeffrey Steele & Vice-Chair Melanie Klein
Academic & Student Affairs Committee Chair Danna Prather-Davis
Awards Committee Chair Iris Cook
Communication & Professional Development Committee Chair Cynthia Lonsbary
Student Life Committee Chair Wendy Johnston & Vice-Chair Stephanie Malmberg
Information Officer Sean Simpson

Upon discovering a substantive error in my August 31st ethics complaint to JCOPE that I sent you early this morning by the below e-mail, I sent JCOPE – and the SUNY Board of Trustees -- a superseding complaint, stating, in the transmitting e-mail:

“The complaint I sent you on August 31st ... stated (at p. 13) that Trustee Hoyte – the Student Assembly President – had voted in support of Mr. Malatras’ appointment as chancellor. This is incorrect. In voting, Trustee Hoyte abstained – although his remarks during the meeting were indistinguishable from a vote in support by his only passing reference to ‘our process of appointing a new chancellor is a little flawed’.

Above is a superseding complaint, corrected to reflect (at p. 13) that Trustee Hoyte’s vote was ‘to abstain, rather than oppose’. It additionally corrects typos and makes minor non-substantive change. Its only other substantive change is to footnote 9 (at p. 15) identifying that my June 27, 2013 complaint to JCOPE, my April 15, 2013 complaint to U.S. Attorney Bharara, and my July 19, 2013 complaint to Albany County District Attorney Soares were all furnished to Governor Cuomo’s so-called Commission to Investigate Public Corruption, to which D.A. Soares was a member – and that I mentioned these three complaints in testifying at its September 17, 2013 hearing.

Apologies for the inconvenience.” (underlining in the original).

Above attached is the superseding complaint – and to you, too, I apologize for the inconvenience. I take this opportunity to note that only a grammatical change was made to the important paragraph (at p. 14) pertaining to

President Fogal and, inferentially, the Faculty Council of Community Colleges – which I had intended to include in my below e-mail of this morning. The paragraph reads:

“Neither Trustees Kay or Fogal or Hoyte – the SUNY Board’s not ‘politically-appointed members’ – ‘played by the rules’. There are no ‘rules’ permitting what they did, which was to betray their fiduciary responsibilities not only as members of the SUNY Board of Trustees, but to their constituencies of university faculty, community colleges, and students whose interests they purported to represent as presidents. They knowingly and deliberately concealed the truth of what was going on from each of their constituencies – and that truth is that they could have EASILY secured what they publicly proclaimed to have wanted: an appropriate search for a new SUNY chancellor. To achieve that goal, all it required was ‘whistleblowing’ about my [August 14th](#) and [August 19th](#) e-mails, which was their ethical and legal duty to do. Only conflict-of-interest, violative of Public Officers Law §74, can account for their failure to have identified those dispositive e-mails at the August 21st meeting and by their subsequent resolution and public statements.” (capitalization in the original).

I request that you take this up at emergency meetings, including with the full membership of your [Governance Committee](#) – and issue a public statement as to the Faculty Council of Community Colleges’ ethical, if not legal, duty going forward and with respect to the August 31st ethics complaint.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, September 2, 2020 4:28 AM
To: 'sean.simpson@sunywcc.edu' <sean.simpson@sunywcc.edu>; 'browe@nccc.edu' <browe@nccc.edu>; 'csvasin@genesee.edu' <csvasin@genesee.edu>; 'charles.hoffman@flcc.edu' <charles.hoffman@flcc.edu>; 'tamrowsn@sunyocc.edu' <tamrowsn@sunyocc.edu>; 'steelejs@herkimer.edu' <steelejs@herkimer.edu>; 'mklein@sunydutchedu.edu' <mklein@sunydutchedu.edu>; 'prathed@sunysuffolk.edu' <prathed@sunysuffolk.edu>; 'iris.cook@sunywcc.edu' <iris.cook@sunywcc.edu>; 'Clonsbary@sunyjefferson.edu' <Clonsbary@sunyjefferson.edu>; 'johnstonw@sunyacc.edu' <johnstonw@sunyacc.edu>; 'malmbergsrn@sunybroome.edu' <malmbergsrn@sunybroome.edu>; 'Christy.fogal@suny.edu' <Christy.fogal@suny.edu>

Subject: Conflict of Interest Ethics Complaint vs SUNY’s Board of Trustees & its Other Officers & Staff for Violating Public Officers Law §74

TO: [Faculty Council of Community Colleges -- Executive Committee Members](#)
Vice President Bruce Rowe
Secretary Candice Vacin
Treasurer Charles Hoffman
Past President Nina Tamrowski
Governance Committee Jeffrey Steele & Vice-Chair Melanie Klein
Academic & Student Affairs Committee Chair Danna Prather-Davis
Awards Committee Chair Iris Cook

Communication & Professional Development Committee Chair Cynthia Lonsbary
Student Life Committee Chair Wendy Johnston & Vice-Chair Stephanie Malmberg
Information Officer Sean Simpson

Above-attached is the conflict of interest ethics complaint against your President Fogal and, inferentially, against you, filed with the [Joint Commission on Public Ethics \(JCOPE\)](#) – to which you are cc'd. Will you share it with your community college constituency, so that they can make their own evaluation of what has gone on and how you have represented their interests? If not, is it because you dispute its accuracy? What, specifically?

As for the below, it is my August 19th e-mails to you – to which I received no response.

I would be happy to speak with you directly, to explain anything unclear, and to answer questions.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, August 19, 2020 2:56 PM
To: 'sean.simpson@sunywcc.edu' <sean.simpson@sunywcc.edu>

Subject: Backstory to the SUNY Board of Trustees' closed-door meetings, since Monday, to appoint James Malatras as SUNY's new chancellor

TO: Sean Simpson/Information Officer – Faculty Council of Community Colleges

As several of my below e-mails came back as undeliverable, I would appreciate if you would forward this e-mail to all executive committee members, directly.

Thank you.

Elena Sassower, Director
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, August 19, 2020 2:18 PM
To: 'browe@nccc.edu' <browe@nccc.edu>; 'prathed@sunysuffolk.edu' <prathed@sunysuffolk.edu>; 'delaney@ecc.edu' <delaney@ecc.edu>; 'tamrowskn@sunyocc.edu' <tamrowskn@sunyocc.edu>; 'steelejs@kerkimer.edu' <steelejs@kerkimer.edu>; 'mklein@sunydutchess.edu' <mklein@sunydutchess.edu>; 'Charles.hoffman@flcc.edu' <Charles.hoffman@flcc.edu>; 'iris.cook@sunywcc.edu' <iris.cook@sunywcc.edu>; 'CLonsbary@sunyjefferson.edu' <CLonsbary@sunyjefferson.edu>; 'johnstonw@sunyacc.edu' <johnstonw@sunyacc.edu>; 'malmbergsrn@sunybroome.edu' <malmbergsrn@sunybroome.edu>; 'sean.simpson@sunywcc.edu' <sean.simpson@sunywcc.edu>
Cc: 'Christy.fogal@suny.edu' <Christy.fogal@suny.edu>