

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Friday, August 13, 2021 12:10 PM
To: 'kelly.mccready@jcope.ny.gov'; 'jcope@jcope.ny.gov'
Cc: 'lreid@nysenate.gov'; 'reidl@nyassembly.gov'
Subject: CJA's July 20, 2021 letter -- & CJA's March 5, 2021 conflict-of-interest/ethics complaint vs Governor Cuomo, Lieutenant Governor Hochul, et al.
Attachments: 7-20-21-ltr-to-berland.pdf

TO: Sanford N. Berland, Executive Director/Joint Commission on Public Ethics (JCOPE)

I have received no response to my above-attached July 20, 2021 letter, sent to you by the below e-mail – and sent to you again, the next day, when I forwarded the e-mail to the appropriate oversight committees of the Legislature.

Do you deny or dispute that [each of JCOPE's annual reports to the Governor and Legislature, since 2012](#), has violated the mandatory provision of Executive Law §94.9(l)(i) requiring – for accountability purposes – “a listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint”. If not, when will you be rectifying same – starting with [JCOPE's 2020 annual report, dated July 8, 2021](#), for which you, as JCOPE's executive director, are immediately responsible.

I have also received no response from Legislative Ethics Commission (LEC) Executive Director and Counsel Lisa Reid, to whom I also sent my above July 20, 2021 letter, twice, by the same two e-mails.

By copy of this e-mail to Ms. Reid, I comparably ask whether she denies or disputes that [each of LEC's annual reports to the Governor and Legislature, since 2012](#), has, likewise, violated the parallel accountability provision in Legislative Law §80.7(l) requiring “a listing of each complaint and referral received by the Commission, [and] the current status of each complaint...” – a requirement reiterated by LEC's own Article VI of its By-Laws. If not, when will she be rectifying same and, since LEC operates in tandem with JCOPE, ensuring that JCOPE's annual reports are compliant with Executive Law §94.9(l)(i)?

As incoming Governor Hochul will be sworn in on August 24, 2021, please furnish me with your answers no later than August 19, 2021, so that I may incorporate them into the letter I will be sending our new Governor, for immediate and priority attention, copying, of course, the Legislature.

In that connection, inasmuch as Lieutenant Governor Hochul is the second named subject of [CJA's March 5, 2021 conflict-of-interest/ethics complaint](#) pertaining to her pay raise arising from the December 10, 2018 report of the Committee on Legislative and Executive Compensation, whose fraudulence [CJA's July 15, 2019 NOTICE](#) and [analysis](#) alerted her to, do I assume correctly – based on Executive Law §94.13(a) – that she is familiar with the complaint because JCOPE sent her the required 15-day letter concerning it? Likewise, that 15-day letters were sent, at very least, to all the other specifically named subjects: Governor Cuomo, Attorney General James, Comptroller DiNapoli, Temporary Senate President Stewart-Cousins, and Assembly Speaker Heastie?

Finally, and also pertaining to the March 5, 2021 conflict-of-interest/ethics complaint (at p. 9), hasn't JCOPE, by now, determined that the penal law violations identified by CJA's underlying [June 4, 2020 grand jury/public corruption complaint](#) and [June 13, 2020 grand jury/public corruption complaint](#) require it “to make expeditious referrals back to Albany County D.A. Soares, to...Montgomery County D.A. Lorraine Diamond... -- and to New York's four U.S. Attorneys – pursuant to Executive Law §94.14 and Legislative Law §80.9(a)” and fundamental rules of professional

responsibility? Please advise – and, of course, how you have resolved your conflicts-of-interest, starting with your direct financial interest and, additionally, how the Commissioners have resolved such conflicts as to themselves, identified by the July 20, 2021 letter (at p. 6).

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, July 20, 2021 10:00 AM
To: 'kelly.mccready@jcope.ny.gov' <kelly.mccready@jcope.ny.gov>
Cc: 'lreid@nysenate.gov' <lreid@nysenate.gov>; 'reidl@nyassembly.gov' <reidl@nyassembly.gov>

Subject: JCOPE’s violations of Executive Law §94.9(l)(i) by its July 8, 2021 annual report for 2020 – and by ALL its prior annual reports – and DEMAND that it rectify same

TO: Sanford N. Berland, Executive Director
Joint Commission on Public Ethics (JCOPE)

This follows my brief conversation with your confidential clerk, Kelly McCready, a short time ago, who gave me her e-mail address so that this would reach you, directly.

Attached is the Center for Judicial Accountability’s above-entitled letter of today’s date to which Legislative Ethics Commission Executive Director/Counsel Lisa Reid is its sole cc. Later today, or tomorrow, I will be forwarding the letter to the appropriate committees of the Legislature under a coverletter to which you and Ms. Reid will be cc’d – and which I will e-mail to all simultaneously.

CJA’s EVIDENTIARY webpage for the letter is here: <http://www.judgewatch.org/web-pages/searching-nys/jcope/july-20-2019-ltr-to-berland.htm>.

By the way, I am NOT among those looking to “scrap” JCOPE – not the least reason because of the exemplary safeguarding provisions of Executive Law §94.13 and Executive Law §94.9(l)(i).

Thank you.

Elena Sassower, Director
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