

DAILY NEWS

450 W. 33rd St., New York, N.Y. 10001

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O'Rourke's pork

People who go into public service like to say they do it to help others. But in the case of former Westchester County Executive Andrew O'Rourke, it seems to have been to help himself.

When he retired last month to become a Court of Claims judge after 15 years as county executive, O'Rourke began collecting a \$113,000 salary on top of an \$80,000 pension. And he took a truckload of furniture originally paid for by taxpayers.

O'Rourke's greed has made him the poster boy for reforming two laws, one in Albany and another in Westchester.

Change 1: State law prohibits most government employees from collecting both a pension and a salary. But Gov. Pataki used a loophole in the state Retirement and Social Security Law to ask for a waiver so O'Rourke could collect his new salary and his pension. The waiver loophole must be closed.

Change 2: Broad interpretation of a Westchester County law intended to let departing officials keep mementos also allows them to purchase their office furnishings at absurd discounts. O'Rourke took a fax machine, brass lamps, walnut tables, sumptuous leather chairs, a refrigerator and many other items originally bought by taxpayers. He paid only \$5,075, a fraction of the value. And the money came not from his own pocket, but from campaign contributors. Pretty shady.

Westchester legislators owe it to taxpayers to clarify the law to bar officials from pillaging when they exit office. In the meantime, O'Rourke can save his reputation by giving back one of his two government incomes and returning the office loot. It's up to O'Rourke how history should judge him: as a dedicated public servant, or a greedy, self-serving pol.

DAILY NEWS

Thursday, February 5, 1998

S "C"

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February 5, 1998

Letters to the Editor

Daily News

450 West 33rd Street

New York, New York 10001

RE: "O'Rourke's Pork" (2/5/98)

Dear Editor:

We share your outrage that former Westchester County Executive Andrew O'Rourke -- now Court of Claims Judge -- is collecting an \$80,000 pension on top of his \$113,000 judicial salary. However, it is NOT a "loophole" in the Retirement and Social Security Law that has allowed this. Rather, the Office of Court Administration (OCA) has BROKEN THE LAW in approving Mr. O'Rourke to be hired as a "retired person" eligible to collect his pension.

The law is very clear that for Mr. O'Rourke to be re-employed in public service as a "retired person", his "prospective employer" had to make a "written request" showing that he met its specific requirements. These include, that he is "duly qualified", that there is a "need for his services", that "there are not readily available for recruitment persons qualified to perform the duties of such position" and that his "employment is in the best interests of government service". Even still, the head of the OCA could NOT lawfully approve the application without a "finding, on evidence" that these requirements had, in fact, been met. Moreover, to prevent abuse, the law REQUIRES the application request and findings and determination to be "a public record open for inspection".

Our non-partisan, non-profit citizens' organization has demanded that the OCA respect the public's right to inspect Mr. O'Rourke's application and the documents relating to its approval. We have also called upon the OCA head to rescind the approval based on the EXPLICIT requirements of the law, which the overwhelming, publicly-available evidence shows Mr. O'Rourke could not remotely meet. Indeed, we have called for an investigation of the OCA for its blatant misrepresentation of the law to cover up its improper approval of the request.



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Friday, February 13, 1998

52

DAILY NEWS

VOICE OF THE PEOPLE

O'Rourke's appointment was illegal

White Plains: We share your outrage that former Westchester County Executive Andrew O'Rourke, now a Court of Claims judge, is collecting an \$80,000 pension on top of his new \$113,000 salary, (Feb. 5 editorial, "O'Rourke's pork"). But it is not a loophole that allows this. Rather, the Office of Court Administration broke the law in approving O'Rourke.

The law is clear that for O'Rourke to be employed in public service as a retired person, his new employer had to make a written request showing that he met specific requirements. These include: that he is duly qualified; that there is a need for his services; that there are no other qualified people to perform the duties of such position, and that his employment is in the best interests of government service. The office could not approve the application unless these requirements had been met.

The office must respect the public's right to inspect O'Rourke's application and the other relevant documents. O'Rourke's appointment should be rescinded based on the requirements of the law, and there should be an investigation of the office for its blatant misrepresentation of the law to cover up its improper approval of the request.

Elena Ruth Sassower, Center for Judicial Accountability Inc.

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27 pages 4:00 p.m.

February 5, 1998

Alex Storozynski, Editorial Board
Daily News
450 West 33rd Street
New York, New York 10001

RE: "O'Rourke's Pork" (2/5/98)

Dear Mr. Storozynski:

As discussed, the story of Andrew O'Rourke's waiver is about more than "pork" -- it's about flagrant violation of law, not only as to the waiver, but as to Mr. O'Rourke's very appointment to the Court of Claims. The Center for Judicial Accountability, Inc. (CJA) will be happy to provide you with full documentation, all *independently* verifiable. At your request, I enclose the following:

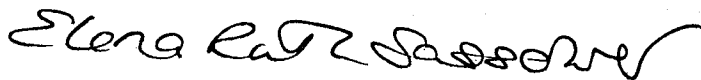
- (1) CJA's proposed Letter to the Editor
- (2) CJA's January 31st letters to the OCA. They consist of two letters to OCA Counsel John Eiseman, with coverletters to OCA head, Jonathan Lippman, calling for Mr. O'Rourke's waiver to be reconsidered, rescinded, and for an investigation of OCA counsel for its misrepresentation of the law under which the waiver was granted.

As discussed, annexed to our first letter is a copy of the January 27th letter we sent the OCA requesting a copy of Mr. O'Rourke's waiver application and information about its evaluation process, including the opportunity for citizen participation. Included with it was the 2-page summary of CJA's opposition to Mr. O'Rourke's confirmation that I handed to the Senators at the Senate Judiciary Committee's January 13th meeting. That confirmation meeting is indirectly referred to in the Daily News January 14th item, "*In the Nabs: Ex-exec's now Judge O'Rourke*". However, the News missed the most explosive part of the Senate's rubber-stamp meeting on Mr. O'Rourke's confirmation -- my public comments. They are reflected in Gannett's January 14th newstory, "*O'Rourke Confirmed as Judge*", a copy of which is annexed to that first letter as Exhibit "E-3".

February 5, 1998

We have informed the offices of Senators Dollinger and Leichter that Administrative Judge Lippman's January 29th response to the Senators' January 27th letter is an outright deceit, designed to mislead them -- and which, based on their February 4th press release -- did mislead them. We have offered to provide the Senators with a written analysis of that letter, which should be ready by tomorrow. I will fax you a copy then so that you can see for yourself how unabashedly Judge Lippman not only misrepresented Section 211 of the Retirement and Social Security Law, but the Freedom of Information Law, and the State Constitution to cover up his unlawful waiver.

Yours for a quality judiciary
and honest government,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures

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6 pages 4:40 p.m.

February 6, 1998

Alex Storozynski, Editorial Board
Daily News
450 West 33rd Street
New York, New York 10001

RE: "O'Rourke's Pork" (2/5/98)

Dear Mr. Storozynski:

Thanks for the return call. Here's our proposed Letter to the Editor, with the corrections.

Also enclosed, as promised, is a copy of our Memorandum to Senators Dollinger and Leichter, demonstrating that Judge Lippman's January 29, 1998 letter to them is, from beginning to end, a lie. It is not quite finalized, but close enough so as to give you a better sense of what an affront Judge Lippman's letter is.

As indicated, Section 211 of the Retirement and Social Security Law is annexed as Exhibit "C" to our January 30th letter to Chief Judge Lippman. Please have someone at the Daily News read it and uphold the public's rights -- beginning with the public's absolute right to inspect Mr. O'Rourke's application and the required determination and findings thereon.

Yours for a quality judiciary
and honest government,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

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8 pages 12:30 p.m.

February 9, 1998

Alex Storozynski, Editorial Board

Daily News

450 West 33rd Street

New York, New York 10001

RE: "O'Rourke's Pork" (2/5/98)

Dear Mr. Storozynski:

Today's Gannett has a huge front-page story, "O'Rourke, 245 Others Double Dip into N.Y.'s Government Coffers". It further underscores the importance of CJA's proposed Letter to the Editor and a follow-up investigation by the Daily News.

Enclosed is a copy of the Gannett article. In describing O'Rourke approval by the OCA, the article states:

"O'Rourke, the former Westchester county executive, was given automatic approval last month because of a quirk in state law."

There is **NO QUIRK IN STATE LAW**. Just as there is **NO LOOPHOLE** -- which is how the Daily News described it in its editorial last week. Plain and simple, **THE LAW WAS BROKEN** by OCA head, Chief Administrative Judge Jonathan Lippman.

Enclosed is CJA's finalized February 6th memorandum to Senators Dollinger and Leichter on the subject. You told me you have Judge Lippman's January 29th letter, as well as the Senators' press release based thereon. Last week, I sent you Section 211 of the Retirement and Social Security Law. All you need now is a reporter to write a story -- or a revised Editorial based on the LAW.

Thanks.

Yours for a quality judiciary
and honest government,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc.

Enclosures