

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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June 22, 2015

TO: Joint Commission on Public Ethics (JCOPE)
Legislative Ethics Commission (LEC)

Governor Andrew M. Cuomo
Former Temporary Senate President Dean Skelos
& Now Temporary Senate President John Flanagan
Former Assembly Speaker Sheldon Silver
& Now Assembly Speaker Carl E. Heastie
Senate Minority Leader Andrea Stewart-Cousins
Assembly Minority Leader Brian Kolb

Attorney General Eric Schneiderman
Albany County District Attorney P. David Soares
New York State Inspector General Catherine Leahy Scott

U.S. Attorney for the Northern District of New York Richard Hartunian
U.S. Attorney for the Southern District of New York Preet Bharara
Former U.S. Attorney for the Eastern District of New York,
Now U.S. Attorney General, Loretta Lynch

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Enabling Honest Review by the JCOPE/LEC Review Commission:
Rectifying JCOPE's violations of Executive Law §94.9(l)(i) by furnishing the
statutorily-required yearly "listing of assigned numbers of each complaint and referral
received...including the status of each complaint"

As you were each recipients of CJA's December 11, 2014 ethics complaint to JCOPE— excepting
Temporary Senate President Flanagan and Assembly Speaker Heastie – enclosed is CJA's June 18,
2015 letter to the "eight individuals" who Governor Cuomo, former Temporary Senate President
Skelos, and Assembly Speaker Heastie jointly appointed as the JCOPE/LEC Review Commission.¹

¹ CJA's December 11, 2014 ethics complaint, transmitted to you under a December 12, 2014
coverletter, is posted on CJA's website, www.judgewatch.org, accessible via the prominent link: "Exposing
the Fraud of the Commission to Investigate Public Corruption". This leads to a menu page with a link entitled
"Going Where the Commission to Investigate Public Corruption Did NOT:...JCOPE". That is where this letter

The only response we received from JCOPE to the December 11, 2014 ethics complaint was a December 16, 2014 e-mail acknowledging receipt and stating, in pertinent part:

“As a matter of law, Commission proceedings are confidential and thus you may not be notified of any Commission action regarding your complaint unless and until there is final action that can be publicly disclosed.”

Executive Law §94.13(a) and (b) require that:

“...The commission shall, within forty-five calendar days after a complaint...is received...vote on whether to commence a full investigation of the matter under consideration to determine whether a substantial basis exists to conclude that a violation of law has occurred...” (underlining added);

“If the commission determines at any stage that there is no violation or that any potential conflict of interest violation has been rectified, it shall so advise the individual and the complainant, if any...” (underlining added).

Our December 11, 2014 ethics complaint, by its underlying and annexed July 18, 2014 letter, highlighted these two provisions, as likewise Executive Law §94.9(l)(i), requiring that JCOPE’s annual report contain:

“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” (underlining added).

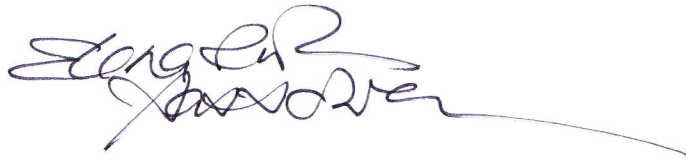
JCOPE’s 2014 annual report, released April 29, 2015, contains NO listing of complaint #14-229 – the number appearing on JCOPE’s e-mail acknowledgment of our December 11, 2014 complaint. Indeed, JCOPE’s 2014 annual report contains NO “listing by assigned number” of any complaint, let alone the “current status of each complaint” – thereby replicating the identical violations of Executive Law §94.9(l)(i), by its 2013 and 2012 annual reports, objected-to by our July 18, 2014 letter, with a demand that these be immediately rectified.

The purpose of the statutory requirement that JCOPE’s annual report contain “a listing by assigned number of each complaint and referral received...including the current status of each complaint” is – as stated by our July 18, 2014 letter (at p. 4) – “to enable tracking of a given complaint and of referrals so that [JCOPE’s] ultimate disposition of each can be established for accountability purposes.” As this is essential to honest review of JCOPE’s “activities and performance” by the JCOPE/LEC Review Commission, JCOPE must be compelled to supplement its 2012, 2013, and 2014 annual reports with such lists, if it does not do so voluntarily. By this letter, we AGAIN demand that JCOPE immediately rectify its violations of Executive Law §94.9(l)(i) and AGAIN call

will also be posted, together with the evidence hereinafter referred-to.

upon the other public officers to whom this letter is addressed to take necessary steps to compel compliance.

Thank you.

A handwritten signature in black ink, appearing to read "Steven Lerner". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Enclosure: CJA's June 18, 2015 letter to JCOPE/LEC Review Commission

cc: JCOPE/LEC Review Commission
New York City Bar Association (ATT: Alan Rothstein, Counsel)
& its Committee on Government Ethics (ATT: Benton Campbell, Chair)
Common Cause/New York (ATT: Susan Lerner, Executive Director)
New York Public Interest Research Group (NYPIRG)
(ATT: Blair Horner, Legislative Director)
The Public & The Press