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The Inspector General's Office is entrusted with the responsibility of ensuring that State government, its employees and those who work with the state meet the highest standards of honesty, accountability, and efficiency.

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On Line Complaint Form

You can use this form (See NOTE below) to report allegations of misconduct in state government. When filling out this form, please provide as much information as possible, which may include the following:

Who is engaging in misconduct?
 Which state agency is involved?
 What wrongdoing occurred?
 When did it happen?
 Are there witnesses to the misconduct that we can contact?
 What laws or agency regulations have been violated?

If you are unsure whether your complaint relates to matters within our jurisdiction, please call our hotline, 1-800-367-4448, during office hours and someone will assist you.

Name(s) and title(s) of person(s) you are complaining about:

2011 Special Commission on Judicial Compensation: (1) William C. Thompson, Chair; (2) Richard Cotton, Esq., Commission Member; (3) William Mulrow, Commission Member; (4) Mark S. Mulholland, Commission Member; (5) James Tallon, Jr., Commission Member; (6) Robert B. Fiske, Jr., Commission Member; and (7) Kathryn S. Wylde, Commission Member

New York State Division of Budget: (1) Robert L. Megna, Director; (2) Susan Knapp, Chief Budget Examiner; (3) Other High-Level Professional Staff,

State agency involved:

2011 Special Commission on Judicial Compensation
 New York State Division of the Budget

Brief description of complaint – 800 characters (approximately 20 rows) maximum:

The facts and evidence are particularized by the Center for Judicial Accountability's July 11, 2013 corruption complaint already posted on our website, www.judgewatch.org, on a specially-created webpage. It is accessible via the top panel "Latest News" by the first hyperlink "Holding Government Accountable for its grand larceny of the public fisc and other corruption", which brings up a menu for CJA's July 11, 2013 corruption complaint to the NYS Inspector General. Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/ny-inspector-general.htm>

Your Contact Information:

Please provide us with your contact information, which will greatly assist our effort to properly handle your matter. If you choose not to provide this information, it may limit our ability to act upon your complaint. If you request confidentiality, we will make every effort to keep your identity confidential consistent with applicable New York State and federal laws, rules and regulations, and the provisions of our privacy policy. Our office does accept anonymous complaints.

Your Name:

Elena Sassower, Director

Your employer (if any):

Center for Judicial Accountability, Inc. (CJA)

Business phone:

914-455-4373

Home address:

Box 8101

City

White Plains

State

New York

Zip

10602

Country

USA

Email

elena@judgewidth.org

Home Phone

Cellphone

646-220-7987

I am requesting confidentiality(Yes/No)

- Yes
- No

I have documentation in my possession that relates to my complaint

- Yes
- No

Submit

Empire State Plaza | Agency Building 2, 16th Floor | Albany, New York 12223

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

Post Office Box 8101
White Plains, New York 10602

Tel. (914)455-4373

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

July 11, 2013

TO: New York State Inspector General Catherine Leahy Scott

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

RE: Complaints of Corruption, Fraud, Criminal Activity, Conflicts of Interest, & Abuse
by: (1) the 2011 Special Commission on Judicial Compensation, headed by William C. Thompson, Jr.; and (2) the New York State Division of the Budget, headed by Robert L. Megna

Executive Law Article 4-A (§§51-55) establishes the Office of the State Inspector General, empowering you to receive and investigate complaints of “corruption, fraud, criminal activity, conflicts of interest or abuse” with respect to “covered agencies” whose heads are appointed by the governor and which do not have their own inspector general.

Consistent therewith, our nonpartisan, nonprofit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), files this complaint against the 2011 Special Commission on Judicial Compensation, headed by William C. Thompson, Jr., who Governor Cuomo appointed as both a Commission member and its chair (Chapter 567 of the Laws of 2010). Under Chairman Thompson, the seven-member Commission on Judicial Compensation brazenly violated fundamental conflict of interest/disqualification rules and its explicitly-prescribed statutory duty to render an August 29, 2011 Report recommending judicial pay raises that it knew to be fraudulent, statutorily-violative, and unconstitutional.

Additionally, we are also filing a complaint against the New York State Division of the Budget, headed by Robert L. Megna, who Governor Cuomo appointed as director, serving at his pleasure, as well as Director Megna’s high-level professional staff (Executive Law §180). Under Budget Director Megna, the Division of the Budget colluded with Governor Cuomo in knowingly covering up the Commission on Judicial Compensation’s fraudulent, statutorily-violative, and unconstitutional August 29, 2011 Report, and in knowingly facilitating judiciary and legislative appropriations that concealed and misappropriated tens of millions of taxpayer dollars – if not more. Indeed, with respect to the judicial salary increases recommended by the Commission, the cost to New York taxpayers is already \$40 million dollars, will rise to at least \$70 million by the end of this fiscal year, to approximately \$120 million by the end of next fiscal year, and, thereafter, be an annually recurring

* **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens’ organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

charge of approximately \$50 million, in perpetuity.

Both complaints are based on dispositive, rock-solid evidence:

- CJA's October 27, 2011 Opposition Report to the Commission on Judicial Compensation's August 29, 2011 Report; and
- CJA's correspondence based on the October 27, 2011 Opposition Report and on the facially-obvious deficiencies of the judiciary and legislative budget requests for fiscal year 2013-2014 and the appropriations bills for the Judiciary and Legislature, S.2601-A/A.3001-A, which became Chapter 51 of the Laws of 2013.

This evidence not only presents an open-and-shut case for prosecution and conviction of the complained-against Commissioners, Budget Director, and his staff for "corruption, fraud, criminal activity, conflicts of interest [and] abuse", but reflects a complete disregard of the reporting requirement of Executive Law §55, "Responsibilities of covered agencies, state officers and employees":

"Every state officer or employee in a covered agency shall report promptly to the state inspector general any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee relating to his or her office or employment.... The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty..."

For your convenience, the evidence is summarized below.

Summary of Evidence

The starting point for our complaint against the 2011 Special Commission on Judicial Compensation is the statute establishing it – Chapter 567 of the Law of 2010. Pursuant thereto, the Commission was to be established as of April 1, 2011 for a duration of no more than 150 days (§§1(a), (h), (i)). Of its seven members, Governor Cuomo appointed three and designated its chair, Chief Judge Lippman appointed two, Temporary Senate President Skelos appointed one, and Assembly Speaker Silver appointed one (§1(b)).¹ The Commission's charge was "to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary benefits for judges and justices of the state-paid courts of the unified court system" (§1(a)), and to "examine the prevailing adequacy of [their] pay levels and non-salary benefits" (§1(a)(i)). To do this, the

¹ Governor Cuomo's three appointees were William C. Thompson, Jr., Richard Cotton, Esq., and William Mulrow. Chief Judge Lippman's two appointees were Robert B. Fiske, Jr. and Kathryn S. Wyld. Temporary Senate President Skelos's single appointee was Mark S. Mulholland, Esq. Assembly Speaker Silver single appointee was James Tallon, Jr.

Commission was required to “take into account all appropriate factors” (§1(a)). The Commission was “deemed dissolved” upon rendering a report to the four appointing authorities (§1(i)). As for the recommendations of its report, they were to have “the force of law”, taking effect on April 1 of the fiscal year to which the recommendations applied, unless overridden by the legislature (§1(h)).

On August 29, 2011 the Commission, chaired by William Thompson, Jr., rendered a “Final” Report to Governor Cuomo, Chief Judge Lippman, Temporary Senate President Skelos, and Assembly Speaker Silver, recommending 27% judicial salary increases over a three-year period. The first of the Report’s five appendix exhibits was Chapter 567 of the Laws of 2010. The last was Budget Director Megna’s written testimony at the Commission’s July 20, 2011 hearing. To this, we responded by an October 27, 2011 Opposition Report, demonstrating that the Commission’s August 29, 2011 Report was “statutorily non-conforming, constitutionally violative, and the product of a tribunal disqualified for interest and actual bias”. Indeed, we demonstrated that the Commission’s Report was a “fraud upon the public”, achieved by concealing the citizen opposition to any judicial pay raises which we had championed and all the facts, law, and legal argument presented in support. For this reason, our Opposition Report not only called upon Governor Cuomo, Chief Judge Lippman, Temporary Senate President Skelos, and Assembly Speaker Silver, to whom it was addressed, to take steps to override the recommendations, but to refer the Commissioners to criminal authorities for prosecution – relief compelled, *as a matter of law*, by our October 27, 2011 Opposition Report.

By letter dated October 28, 2011, we e-mailed the Opposition Report to Chairman Thompson and the Commissioners, offering them the opportunity to rebut its showing of fact, law, and legal argument and stating that their failure to respond would be deemed a concession that they could not do so without conceding the fraud, illegality, and unconstitutionality therein particularized.

We received no response from them.

Our complaint against the New York State Division of the Budget under Director Megna rests – in the first instance – on the dispositive nature of our October 27, 2011 Opposition Report, imposing upon Director Megna, as upon Governor Cuomo and all other constitutional and public officers, an absolute duty to protect the public purse from the Commission’s recommended judicial salary increases. This was the subject of substantial correspondence from us to Budget Director Megna, both directly and as an indicated recipient of letters and e-mails to the Governor and others. The most important are:

Our November 1, 2011 letter to Budget Director Megna, which furnished our Opposition Report to him and requesting, based thereon, that he “protect the public purse and public interest” by securing Governor Cuomo’s introduction of legislation to override the Commission’s judicial pay raise recommendations, including by his own supplemental report to the Governor. We stated:

“As our October 27th Opposition Report demonstrates (at pp. 1, 18-21, 23, 25, 26, 29, 31, 33), the Commission flagrantly failed ‘to examine, evaluate and make recommendations with respect to adequate levels of compensation and non-salary

benefits for judges and justices’, as was its statutory duty to do – and its judicial pay raise recommendations are unsupported by any finding that current ‘pay levels and non-salary benefits’ are inadequate. Based on our showing therein, we respectfully request that you present Governor Cuomo with a report supplementing our own, amplifying the critical difference between salary and ‘compensation and non-salary benefits’, wholly disregarded by the Commission. This, in addition to addressing such other ‘appropriate factors’ as the Commission wilfully failed to consider, in violation of the Commission statute and New York’s Constitution. Among these, ‘rates of inflation’; ‘changes in public-sector spending’; ‘the state’s ability to fund increases in compensation and non-salary benefits’ – as well as the ‘skewing’ and ‘distorting’ of the salary structure for ‘constitutional officers’ and executive branch commissioners, to which you alluded when you testified.” (at p. 2, underlining in the original).

We quoted this paragraph, four months later, in a March 2, 2012 letter to Governor Cuomo, Chief Judge Lippman, Temporary Senate President Skelos, and Assembly Speaker Silver (at pp. 5-6) – to which Budget Director Megna was an indicated recipient. It identified (at pp. 1-2) that we had received no response to our October 27, 2011 Opposition Report and that such findings of fact and conclusions of law as they would have made would have established “*prima facie*, constitutional and statutory violations, in addition to fraud perpetrated on the People of the State” by the Commission’s August 29, 2011 Report. It further stated:

“If Budget Director Megna has furnished [] a report [to the Governor, supplementing our own], as was his duty to do, we request a copy – as likewise such information as he and/or the Office of Court Administration have furnished you as to the cost to this State’s taxpayers of the judicial pay increases that, absent action, will take effect on April 1, 2012.” (at p. 6).

On March 28, 2012, in the absence of any response, we e-mailed notice to Budget Director Megna, together with Governor Cuomo, Chief Judge Lippman, Temporary Senate President Skelos, Assembly Speaker Silver, Attorney General Schneiderman, and Comptroller DiNapoli that based on our Opposition Report we were commencing a lawsuit to stop the judicial pay raises. The following day, March 29, 2012, we e-mailed them the verified complaint and order to show cause with TRO and preliminary injunction in the lawsuit: *Center for Judicial Accountability, Inc. v. Governor Cuomo, et al.* As reflected by the verified complaint (¶126), the cost of the first phase of the judicial pay raises for fiscal year 2012-2013 was reported to be \$27.7 million.

Ten months later we again communicated with Budget Director Megna – in the context of the second phase of the judicial salary increases, scheduled to take effect on April 1, 2013, unless overridden by the Legislature. By a February 1, 2013 letter to Governor Cuomo – with a copy to Budget Director Megna – we requested that the Governor appear at the Legislature’s February 6, 2013 budget hearing to explain why, in transmitting the Judiciary’s budget to the Legislature both in 2013 and 2012, he had failed to recommend that it override the judicial salary increases. We also called upon the

Governor to amend his fiscal year 2013-2014 budget submission to remove the judicial salary increases:

“because there is NO DEFENSE to the unconstitutionality, statutory-violations, and fraud demonstrated by our October 27, 2011 Opposition Report and the four causes of action of the *CJA v. Cuomo* verified complaint – as your findings of fact and conclusions of law would reveal.” (at p. 2, capitalization in original).

The letter then continued:

“We would have no objection to Budget Director Megna appearing in your stead at the February 6, 2013 hearing – even to the limited extent of his testifying as to the specific matters set forth by our November 1, 2011 letter to him..., to which we received no response. A copy of that November 1, 2011 letter is enclosed in support of our further demand – pursuant to FOIL and otherwise – for a copy of such supplemental report as Director Megna may have submitted to you, as requested by the letter...” (at p. 2).

Five days later, on February 5, 2013, we copied Budget Director Megna on an e-mail to his Chief Budget Examiner Susan Knapp. Entitled “Waiting to Hear from You: What Review Does the Division of Budget Do of the Judiciary Budget, etc?”, the e-mail identified that Ms. Knapp headed a unit of the Division of the Budget responsible for the Judiciary budget and that every time I called she was purportedly “unavailable”, yet she was the only one I could speak with “due to the sensitivity of the matter”. The so-called “sensitivity of the matter” were the questions, whose answers I was seeking for my testimony at the Legislature’s February 6, 2013 budget hearing. These were:

- (1) What critical review does the Division of Budget actually do of the Judiciary budget?
- (2) The dollar amount of this year’s second phase of the judicial salary increase. Where, if at all, was it identified in this year’s Judiciary budget? Last year’s budget identified the dollar amount for the first phase of the judicial salary increase as \$27.7 million. Such appeared in the Executive Summary, but where, additionally in that budget?
- (3) The dollar amount for “compensation and non-salary benefits” for state-paid judges and justices of the unified court system, excluding salary. Where did this figure appear in the Judiciary’s budgets for this year and last?
- (4) The “single budget bill” that the Judiciary submitted for the budgets this year and last – these being identified in the November 30, 2012 and November 30, 2011 letters transmitting the budget of “General State Charges”.

Notwithstanding I was requesting this information for my February 6, 2013 testimony, I did not hear back from Ms. Knapp – or anyone else from the Division of the Budget – until three weeks later. The facts pertaining to my conversation with Ms. Knapp on February 22, 2013 are recited in a February 26, 2013 letter to Budget Director Megna. Entitled “Furnishing the Legislature with Essential Information: (1) What review did the Division of the Budget do of the Judiciary’s budget for fiscal year 2013-2014?; (2) What is the Division of the Budget’s response to CJA’s testimony at the Legislature’s February 6, 2013 budget hearing on ‘public protection’, opposing the Judiciary’s budget and funding for the judicial salary increase?”, the letter stated:

“This follows my phone conversation on Friday, February 22, 2013, with Chief Budget Examiner Susan Knapp, who initially was not available when I telephoned to speak with her (518-474-4313), but who then hurriedly returned my call upon my communicating to her secretary, Karen Mattison, what I was intending to inform the Legislature in the event I did not hear back from her promptly, *to wit*, that the Division of the Budget does NO critical review of the Judiciary’s budget.

...

As Ms. Knapp told me that nothing she said could be quoted, and because what she told me was so palpably disingenuous, I stated to Ms. Knapp that you should be the one to respond to the straightforward question as to ‘what critical review does the Division of Budget do of the Judiciary budget?’ For that reason, I asked Ms. Knapp to relay my request that you call me. As she expressed reluctance to do so, I stated I would write you a letter.

I also told Ms. Knapp that the Legislature would clearly benefit from having your response to my testimony at its February 6, 2013 budget hearing on ‘public protection’, opposing not only the judicial salary increase, but the whole of the Judiciary’s budget as lacking necessary itemization for meaningful review. Ms. Knapp stated to me that she had watched my testimony – and I understood from her that she had watched it live, as had you. If, in fact, you did not see it, the video is posted on CJA’s website, www.judgewatch.org, on the webpage devoted to ‘Securing Legislative Oversight & Override of the 2nd & 3rd phases of the judicial pay raises...’, whose hyperlink is accessible from the top panel ‘Latest News’.

To further ensure that the Legislature will have your answers so that it can more intelligently exercise its duties with respect to the Judiciary’s budget, I will furnish a copy of this letter to the chairs and ranking members of the Senate Finance Committee and Assembly Ways and Means Committee, as well as to the chairs and ranking members of the Senate and Assembly Judiciary Committees, with a request that should you fail to respond, in writing, to the two questions in the ‘RE: clause’ of this letter, that it be deemed a concession that you did not critically review the Judiciary’s budget and that you do not deny or dispute any aspect of my February 6, 2013 testimony.

Alternatively, I will request that these Committees require that you appear before them to be questioned on the subject, pursuant to Article VII, §3 of the New York State Constitution and Legislative Law §31 and §60. This will, additionally, give them an opportunity to question you as to what you did upon receiving CJA's November 1, 2011 letter to you, furnishing our October 27, 2011 Opposition Report and calling upon you, based thereon, to take steps to secure the Governor's override of the judicial salary increases recommended by the Commission on Judicial Compensation's August 29, 2011 'Final' Report...

Needless to say, your appearance before the Committees would be salutary for yet another reason: it will enable them to question you as to the Division of the Budget's own \$53,878,000 budget request for fiscal year 2013-2014." (at pp. 1-2, capitalization in the original).

We received no response to this letter.

Thereafter, Budget Director Megna was an indicated recipient of our March 19, 2013 letter to Governor Cuomo. Entitled "Assisting the Legislature in Discharging its Constitutional Duty: The People's Right to Know the Dollar Cost of the Judiciary Budget & of the Appropriations Bill for the Judiciary & to be Protected from 'Grand Larceny of the Public Fisc' by Unidentified, Unitemized Judicial Pay Raises, whose Fraudulence, Statutory-Violations, and Unconstitutionality are *Proven by Documentary Evidence in Your Possession & the Legislature's*", it asked the Governor to answer the same three questions as we had asked Senate and Assembly members in a March 18, 2013 letter: "Is the Judiciary Budget a 'Slush Fund'? What is its Dollar Cost – and that of the Appropriations Bill?" It also highlighted other deficiencies in specificity and itemization of the Judiciary's budget, of its "single budget bill", and of the Governor's appropriations bill based thereon. Among these:

- No identification of the dollar cost of the judicial salary increases;
- No identification of the dollar cost of judicial salaries, which were improperly combined with salaries of nonjudicial personnel;
- No identification of the dollar cost of "judicial compensation and non-salary benefits" for judges and justices of the Unified Court System, excluding salary – these being 'fringe benefits', which were improperly combined with "fringe benefits" of nonjudicial personnel
- No identification of the number of judges and non-judges on the Judiciary payroll, let alone for different types of courts and offices.

Our March 19, 2013 letter stated:

“Surely, had there been any appropriate, independent review of the Judiciary budget and its ‘single budget bill’ by your Division of Budget, it would have alerted you to these deficiencies so that you could have avoided them in your own Judiciary appropriations bill as, likewise, the repetitive references to prior budget appropriations for unidentified ‘services and expenses including travel outside the state and the payment of liabilities incurred...’, which your appropriations bill takes, *verbatim*, from the ‘single budget bill’ – in flagrant violation of Article VII, §7 of the New York State Constitution...

Please, therefore, identify what independent review was done by your Division of Budget. Here, too, this information is vital for the Legislature to have, as your Division of Budget has known since February 1, 2013, when we first sought its answer to the straightforward question ‘What critical review does the Division of Budget actually do of the Judiciary budget?’...” (at p. 2, underlining in the original).

This March 19, 2013 letter also stated that the failure of Governor Cuomo and Budget Director Megna to deny or dispute what the most cursory examination of our October 27, 2011 Opposition Report made obvious, *to wit*, that it: “dispositively establishes that the judicial salary increases, recommended by the Commission’s August 29, 2011 ‘Final’ Report, are unconstitutional, statutorily-violative, and fraudulent”, let alone to produce their findings of fact and conclusions of law with respect to the Opposition Report, must, *as a matter of law*, be deemed a concession that they could not. It then concluded:

“...Under such circumstances, your failure ‘to amend or supplement’ the budget and your appropriations bill for the Judiciary to remove funding for the second phase of the judicial salary increases – as our February 1st expressly called upon you to do – is official misconduct that is both criminal and impeachable.

That you would have the Legislature likewise engage in criminal and impeachable official misconduct by voting for your Judiciary appropriations bill – with its unidentified, unitemized funding for the second phase of the judicial salary increases – when it possesses the same documentary proof as you possess of their fraudulence, statutory violations, and unconstitutionality, is... ‘grand larceny of the public fisc, involving tens of millions of dollars this year alone’” (at p. 4, underlining in the original).

We received no response to this letter.

Budget Director Megna was also an indicated recipient of our March 29, 2013 letter to Governor Cuomo’s Chief of Staff. Entitled “The Governor’s Duty to Disapprove S.2601-A/A.3001-A

(Judiciary/Legislative Appropriations Bill), Pursuant to Article VII, §4 & Article IV, §7 of the New York State Constitution, Because the Legislature Violated Express Constitutional and Statutory Safeguards, as well as its Own Rules, in Passing It”, the letter expressly sought information from Budget Director Megna, stating:

“...The budget that Temporary President Skelos and Assembly Speaker Silver submitted to the Governor for the Legislature under a November 30, 2012 coverletter contained no ‘General State Charges’ – and the appropriations for the Legislature in S.2601/A.3001, replicating the leadership’s budget submission, contains none.

In response to our request, the Secretary of the Senate purported that the leadership’s budget submission is ‘not available pursuant to Senate Rules’. The Assembly’s Public Information Office furnished the budget submission, but without ‘General State Charges’, thereafter stating that it has ‘no records that are responsive’. The correspondence is posted on our website.

As legislators and legislative staff do receive ‘fringe benefits’ – ‘pension contributions, Social Security, health, dental vision and life insurance’, etc. – the absence in S.2601/A.3001 of ‘General State Charges’ for the Legislature renders the bill materially incomplete and constitutes a further ground to reject it, over and beyond its deficiencies pertaining to the Judiciary.....’

By copy of this letter to Budget Director Robert Megna, we request that he identify where the Legislature’s ‘General State Charges’ are to be found. To obtain same, including the certifications thereof by Temporary Senate President Skelos and Assembly Speaker Silver, this letter is also being e-mailed, as a FOIL request, to the Governor’s records access officer.

Needless to say, the fact that the Governor provided no ‘Commentary’ to the Legislature’s budget, in contrast to his superficial ‘Commentary’ to the Judiciary’s budget, only underscores that IF his Division of the Budget examined the Legislature’s budget, it was with even less care than its palpably deficient examination of the Judiciary’s budget, endorsed by the Governor’s ‘Commentary’. Such makes it all the more appropriate that the Governor now discharge his check-and-balances duty with respect to the budgets of these two separate branches, which should not have been, but was, joined on the same bill.” (at p. 3, underlining and capitalization in the original).

We received no response from Budget Director Megna or Governor Cuomo. We did, however, receive a response from the Governor’s records access officer to our March 29, 2013 FOIL request, which we had formalized and expanded by an April 2, 2012 letter. The response, by letter dated May 7, 2013, furnished no “General State Charges” for the Legislature, nor certifications thereof by

Temporary Senate President Skelos and Assembly Speaker Silver.² Thus completely unaccounted for – and before you for investigation – is the amount of public monies being expended for legislative pensions, health insurance, social security, etc.

To assist you in investigating the “corruption, fraud, criminal activity, conflicts of interest [and] abuse” of the 2011 Special Commission on Judicial Compensation, headed by Chairman Thompson, and of the New York State Division of the Budget, headed by Director Megna, the evidence hereinabove recited has all been posted on a special webpage of our website, www.judgewatch.org. It is accessible *via* the top panel “Latest News”, whose first hyperlink, “Holding Government Accountable for its grand larceny of the public fisc and other corruption” will bring up a menu containing a webpage for these complaints. Here’s the direct link to that complaint webpage: <http://www.judgewatch.org/web-pages/judicial-compensation/ny-inspector-general.htm>.

Needless to say, upon request, we will furnish you hard copies of all evidence – including fax and e-mail receipts for our correspondence with the Commissioners and Budget Director Megna. Of course, the Commissioners and Budget Director Megna can also supply you with the relevant evidence, as can many public officers within the executive branch – most particularly, Governor Cuomo.

As your jurisdiction embraces conflict of interest issues, our June 27, 2013 conflict of interest ethics complaint to the Joint Commission on Public Ethics is germane and enclosed, including its accompanying April 15, 2013 corruption complaint to U.S. Preet Baharara.³ The relevant paragraph pertaining to Budget Director Megna’s conflicts of interest, on page 6, is as follows:

“And what about Governor Cuomo’s budget director, Robert Megna – to whom we independently turned with a November 1, 2011 letter entitled ‘Protecting the Public Purse & Public Interest: Request That You Take Steps to Secure Governor Cuomo’s Introduction of Legislation to Override the Commission on Judicial Compensation’s Statutorily-Violative and Unconstitutional Judicial Pay Raise Recommendations’?^[fn] The ‘proper discharge of his duties in the public interest’ required him to notify the Governor, as the letter requested, that the judicial pay raises could not stand because the Commission had only examined judicial salary, not ‘compensation and non-salary benefits’ as the statute required, and failed to address other statutorily-mandated ‘appropriate factors’. Did he do that? Or did he hold back because he was subordinate to the Governor, to whose conflicts of interest he was hostaged? Or did he have his own additional conflicts? All we know is that the Governor took no

² The expansion included our request for the video of the Commission’s July 20, 2011 public hearing. Of relevance to this complaint: Budget Director Megna’s testimony before the Commission and my response thereto [at 00:32:37 – 00:56:16], as well as my own testimony [at 03:12:58 - 03:24:23].

³ Our website contains separate webpages for each of these complaints, accessible *via* the top panel “Latest News” and its hyperlink “Holding Government Accountable for its grand larceny of the public fisc and other corruption”.

action.”

Please note that because the Special Commission on Judicial Compensation went out of existence upon rendering its August 29, 2011 Report – which was more than a year ago – the Joint Commission on Public Ethics does not have ethics jurisdiction over the conflicts of interest of Chairman Thompson and the other Commission members (Executive Law §94.13(c)). It would appear, however, that you are not so limited.

We look forward to assisting you in your investigation of these complaints, as to which, pursuant to Executive Law §54, you are empowered to:

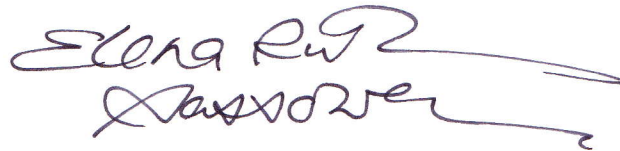
- “1. subpoena and enforce the attendance of witnesses;
2. administer oaths or affirmations and examine witnesses under oath;
3. require the production of any books and papers deemed relevant or material to any investigation, examination or review;
4. notwithstanding any law to the contrary, examine and copy or remove documents or records of any kind prepared, maintained or held by any covered agency;
5. require any officer or employee in a covered agency to answer questions concerning any matter related to the performance of his or her official duties. No statement or other evidence derived therefrom may be used against such officer or employee in any subsequent criminal prosecution other than for perjury or contempt arising from such testimony. The refusal of any officer or employee to answer questions shall be cause for removal from office or employment or other appropriate penalty;
- ...
7. perform any other functions that are necessary or appropriate to fulfill the duties and responsibilities of office.

May we suggest that you start with:

- a subpoena to Budget Director Megna, Governor Cuomo, Attorney General Schneiderman, and Comptroller DiNapoli for production of such findings of fact and conclusions of law as they made – or as were made for them by counsel – with respect to our October 27, 2011 Opposition Report and, if they furnish none, and no memoranda, notes, or other records pertaining thereto, that you subpoena them to testify under oath as to what they did upon receiving the October 27, 2011 Opposition Report, the March 30, 2012 verified complaint in *CJA, et al. v. Cuomo, et al.*, based thereon, and our correspondence with respect thereto;

- a subpoena to Budget Director Megna and Comptroller DiNapoli, if not, additionally, to Governor Cuomo, for records and/or their testimony as to the cumulative dollar amount appropriated/reappropriated for the Judiciary in S.2601-A/A.3001-A (Chapter 51 of the Laws of 2013) and as to the whereabouts and dollar amount of the Legislature's "General State Charges" for fiscal year 2013-2014.

Thank you.

A handwritten signature in dark ink, appearing to read "Elena R. W. DiNapoli". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Enclosure: CJA's June 27, 2013 conflict of interest ethics complaint
to New York State Joint Commission on Public Ethics
with its accompanying April 15, 2013 corruption complaint to U.S. Attorney Bharara

cc: New York State Joint Commission on Public Ethics
U.S. Attorney for the Southern District of New York Preet Bharara
U.S. Attorney for the Eastern District of New York Loretta Lynch
U.S. Attorney for the Northern District of New York Richard Hartunian
The Public & the Press