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BY E-MAIL

September 11, 2017

TO: New York State Commission on Judicial Conduct

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

RE: June 16, 2017 conflict-of-interest/corruption complaint against Acting Supreme Court Justice/Court of Claims Judge Denise A. Hartman (File No. 2017/A-0167):
(1) Demand for substantiation of the Commission's August 29, 2017 letter;
(2) Supplement to the June 16, 2017 complaint

This follows up – and supplements – CJA's June 16, 2017 conflict-of-interest/corruption complaint against Acting Supreme Court Justice Hartman – which, by letter dated August 29, 2017, signed by Clerk Jean Savanyu, the Commission purports to have dismissed.

According to Clerk Savanyu's letter:

“Upon careful consideration, the Commission has concluded that there was insufficient indication of judicial misconduct to justify judicial discipline.”

Such purported disposition of CJA's facially-meritorious, fully-documented June 16, 2017 complaint, whose presentation of law demonstrated that Judge Hartman's misconduct not only mandates that she be removed from the bench, but that she be referred to criminal authorities for indictment and felony prosecution with the defendants in the *CJA v. Cuomo, et al.* citizen-taxpayer action, with whom she is colluding to corrupt the judicial process, proves the truth of what the complaint stated, at the outset, *to wit*, that:

“the Commission is a corrupt façade, tossing out the most serious and fully-documented of facially-meritorious complaints that are the Commission's duty to investigate”.

Consequently, demand is here made that you substantiate Clerk Savanyu's letter by furnishing:

- (1) the date on which the Commission purportedly “reviewed” and “dismissed” CJA's June 16, 2017 complaint;

- (2) the number of Commissioners who were present and voted on the complaint – and their identities;
- (3) the meaning of the phrase “insufficient indication of judicial misconduct to justify judicial discipline”, including confirmation that dismissal on such ground is without the Commission’s investigating the complaint;
- (4) the legal authority that permits the Commission to dismiss, without investigation, a complaint for “insufficient indication of judicial misconduct to justify judicial discipline”;
- (5) the specific respects in which the Commission deemed CJA’s June 16, 2017 complaint to be “insufficient” in its “indication of judicial misconduct”;
- (7) any and all appeal/review procedures.

Additionally, demand is here made that you identify how, *if at all*, the Commission members and staff addressed their threshold duty of disqualification and disclosure, set forth, with legal authority, at page 8 of the June 16, 2017 complaint, as follows:

“Needless to say, if the Commission’s judicial members, each having the same financial interest as Judge Hartman – a \$60,000 yearly salary interest, a substantial further interest in non-salary benefits, and a \$100,000 liability in the event of a claw back – cannot be fair and impartial by reason thereof, or if Commissioners cannot be fair and impartial by reason of their relationships with the public officers who appointed them, all actually or effectively named defendants [in the *CJA v. Cuomo, et al.* citizen-taxpayer action (#5122-2016)], or because of their relationships with any other defendant, or for any other reasons, their duty is to recuse themselves.^{fn5}

And, of course, the duty of disclosure and recusal falls not only on Commission

^{fn5} Commission Policy Manual, Rule 5.3: ‘Disqualification of Commission Members -- ... (B) Any member of the Commission should disqualify himself/herself from a matter if his/her impartiality might reasonably be questioned. In determining whether to disqualify from a matter, a Commission member should be guided by the disqualification standards set forth for judges in Section 100.3(E) of the Rules Governing Judicial Conduct. A Commission member need not reveal the reason for his/her disqualification...’;

Code of Ethics for Members of the New York State Commission on Judicial Conduct, Rule 2: ‘Rule with respect to conflicts of interest. No member of the Commission should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties in the public interest.’; Rule 3: ‘Standards... h. A member of the Commission should endeavor to pursue a course of conduct which will not raise suspicion among the public that s/he is likely to be engaged in acts that are in violation of his/her trust.’”

members, but on Commission staff, most importantly, its long-time Administrator, Robert Tembeckjian, and long-tenured Clerk, Jean Savanyu.”

Finally, by way of supplement to the June 16, 2017 complaint – and furnishing further “indication of judicial misconduct to justify judicial discipline” – please be advised that notwithstanding I alerted Judge Hartman that I would be filing a judicial misconduct complaint against her for flagrant violation of “fundamental precepts pertaining to judicial conduct, disqualification and disclosure” in the *CJA v. Cuomo, et al.* citizen-taxpayer action, she continued her misconduct unabated. This is particularized by ¶¶5-6, 8-12 of my August 25, 2017 reply affidavit in further support of plaintiffs’ June 12, 2017 order to show cause for reargument/renewal/vacatur of Judge Hartman’s fraudulent May 5, 2017 decision and order denying plaintiffs’ February 15, 2017 order to show cause for her disqualification and, if denied, disclosure.

As you know, CJA’s website, www.judgewatch.org, posts the full record of the *CJA v. Cuomo, et al.* citizen-taxpayer action from which Judge Hartman’s financially-interested, corrupt conduct is readily-verifiable. This includes my August 25, 2017 reply affidavit detailing her misconduct subsequent to what the June 16, 2017 complaint embodies.

Should the Commission wish hard copies of any of the posted documents constituting the record in the *CJA v. Cuomo, et al.* citizen-taxpayer action – none more decisive of Judge Hartman’s demonstrated actual bias, rising to a level of criminal fraud, than:

- (1) plaintiffs’ analysis of Judge Hartman’s fraudulent December 21, 2016 decision, annexed as Exhibit U to my moving affidavit in support of plaintiffs’ February 15, 2017 order to show cause for her disqualification/disclosure;
- (2) plaintiffs’ analysis of Judge Hartman’s fraudulent May 5, 2017 decision and amended decision, presented by ¶¶6, 8, 10, 11 of my moving affidavit in support of plaintiffs’ June 12, 2017 order to show cause for reargument/renewal/vacatur;
- (3) Plaintiffs’ analysis of Judge Hartman’s fraudulent June 26, 2017 decision, annexed as Exhibit I to my August 25, 2017 reply affidavit in further support of the June 12, 2017 order to show cause for reargument/renewal/vacatur,

each analysis furnishing OVERWHELMING “indication of judicial misconduct to justify judicial discipline” – they will be furnished upon request.

Thank you.

