

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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July 16, 2013

TO: Justin C. Levin, Records Access Officer
& FOIL Counsel to Governor Andrew M. Cuomo

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

RE: FOIL REQUEST:
Governor Cuomo's "Public Trust Act"/Program Bill #3

Pursuant to FOIL (Public Officers Law, Article VI), this is to request all publicly-available records pertaining to Governor Cuomo's "Public Trust Act", announced at his April 9, 2013 press conference and embodied in a document prepared by the Legislative Bill Drafting Commission, bearing the number 12022-01-3 and stamped "Program Bill #3". This includes, specifically,

- (1) all records reflecting when the Legislative Bill Drafting Commission was requested to draft the "Public Trust Act", by whom, and such materials as were furnished to the Legislative Bill Drafting Commission to embody in the draft, as, for instance, district attorney proposals and recommendations, including, for example, the 2009 letter of Albany District Attorney David Soares to then-Governor David Paterson for revision of the larceny statutes¹;

¹ Such letter is identified by District Attorney Soares' website for his "Public Integrity Unit" as follows:

"...The challenge in holding officials criminally accountable, however, is that the state's laws are either antiquated or ill-suited to address the myriad of ways in which the public trust can be breached. The Office of the Albany County District Attorney's has historically sought legislative action to address these issues, as evidenced in the letter DA Soares sent to then-Governor Paterson in 2009 asking for revision of the larceny statutes. This office is committed to continual advocacy for legislative reforms that will allow law enforcement to meet the unique demands presented by crimes of public corruption.", http://www.albanycountyda.com/Bureaus/PublicIntegrityUnit/piu_cases.aspx.

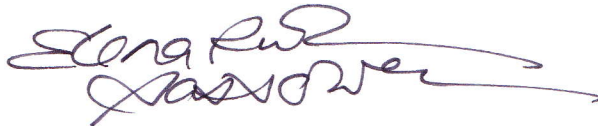
We herewith request a copy of that 2009 letter and similar legislative proposals and recommendations from district attorneys which Governor Cuomo may be presumed to have received over the years, including during his 2007-2010 tenure as Attorney General. Encompassed by this request are documents pertaining to the district attorney "task force" to which the Governor referred at the April 9, 2013 press conference in response to the question: "When did your staff begin working on these proposals and why didn't you pursue this as part of the ethics law [] of 2011?", to which his answer was: "These proposals have been discussed for some period of time and the district attorneys' office just completed a task force, I believe relatively recently, and came up with many of these proposals, which we have been reviewing."

EXE-1

- (2) all records reflecting when the Governor's Office received the Legislative Bill Drafting Commission's 12022-01-3;
- (3) all records reflecting changes made or requested by the Governor's Office with respect to 12022-01-3;
- (4) all records reflecting when, and the manner in which, the Governor's Office made 12022-01-3 publicly-available;
- (5) all records reflecting when the Governor's Office transmitted 12022-01-3 to the Legislature, the manner of transmittal, and to whom;
- (6) all records reflecting what, *if anything*, the Governor did to secure Senate and Assembly sponsors for 12022-01-3, either before or after it was transmitted to the Legislature – and who those Senate and Assembly sponsors were.

Pursuant to FOIL (Public Officers Law §89.3), your response is required "within five business days" of your receipt of this request. Kindly e-mail it to me at elena@judgewatch.org.

Thank you.



cc: Senate Majority Coalition Leaders Dean Skelos & Jeffrey Klein
Senate Democratic Conference Leader Andrea Stewart Cousins
Secretary of the Senate Francis Patience
Assembly Speaker Sheldon Silver
Assembly Minority Leader Brian Kolb
Assembly Majority Counsel William Collins
Public Information Officer Robin Marilla
Robert Freeman, Executive Director, Committee on Open Government
The Public & The Press