### **Center for Judicial Accountability**

From: Center for Judicial Accountability <elena@judgewatch.org>

Sent: Friday, November 15, 2013 9:45 AM

To: comments@moreland.ny.gov; (betty.ellerin@alston.com); (DA@co.franklin.ny.us); (djones@cssny.org); (lliebman@law.columbia.edu); (Peter.Zimroth@aporter.com); (RMMorgenthau@wlrk.com); Barbara Bartoletti (bbheck1@yahoo.com); Benito Romano

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(djavdan@alvarezandmarsal.com); david.soares@albanycounty.com; Eric Corngold Esq.

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Kathleen B. Hogan (hogank@warrencountyny.gov); Kristy Sprague (KSprague@co.essex.ny.us); Makau W. Matua (mutua@buffalo.edu);

mwilliams@vladeck.com; Nancy Hoppock (nancy.hoppock@nyu.edu); P. David Soares (egalarneau@albanycounty.com); Richard Briffault (rb34@columbia.edu); Robert

Johnson (angueirl@bronxda.nyc.gov); Thomas P. Zugibe (info@rocklandcountyda.com);

williamfitzpatrick@ongov.net

Cc: P. David Soares (egalarneau@albanycounty.com); 'robert.freeman@dos.state.ny.us'

Subject: FOIL Request: Request for Transcript of Commission's October 28th Public Hearing &

Other Documents Pertaining to the October 28th Hearing

Attachments: initial-press-release-oct-28-hearing.pdf; revised-press-release-oct-28-hearing.pdf

#### TO: COMMISSION TO INVESTIGATE PUBLIC CORRUPTION

I have received no response to either of the below two FOIL requests pertaining to the Commission's September 17th and September 24th hearings in Manhattan and Albany – nor to any of my subsequent correspondence to the Commission relating thereto. This includes CJA's October 24<sup>th</sup> letter entitled "Public Access to the Record of the Commission's September 17<sup>th</sup> and September 24<sup>th</sup> Public Hearings: Written Testimony & Other Supporting Materials". For your convenience, this correspondence is posted on our website, <a href="www.judgewatch.org">www.judgewatch.org</a>, on a webpage entitled "The People Have Something to Say -- & Evidence to Back It Up (& the Commission's so-called 'public hearings')". Here's the direct link: <a href="http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/menu-people-evidence.htm">http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/menu-people-evidence.htm</a>.

With respect to the Commission's October 28<sup>th</sup> hearing in Manhattan, the video of which the Commission posted on its website, <a href="http://www.publiccorruption.moreland.ny.gov/">http://www.publiccorruption.moreland.ny.gov/</a>, this is to request, pursuant to FOIL, access to the following:

- (1) the stenographic transcript the stenographer being the same as transcribed the materially deficient transcript of the September 17<sup>th</sup> hearing, as detailed by my October 25<sup>th</sup> letter;
- (2) all written testimony & other supporting materials submitted by the witnesses who the Commission invited to testify and who did testify;
- (3) all written testimony & other supporting materials submitted by witnesses who the Commission invited to testify and then, apparently, disinvited. Among, these, the speakers listed in the Commission's <u>initial</u> release "Moreland Commission to Hold Public Hearings In New York City October 28<sup>th</sup>: "New York Public Interest Research Group Research Coordinator, Bill Mahoney"; "Campaign Finance Institute Executive Director, Michael Malbin; "New York State League of Women Voters President, Sally Robinson"; and "Citizens Union Director of Public Policy and Advocacy, Alex Camarda";

(4) all written requests to testify by members of the public & such written testimony and/or supporting materials as they furnished.

It is our position that the public, whose trust you have been directed to restore, is entitled to have all such documents posted on the Commission's website, with the video of the Commission's October 28<sup>th</sup> hearing, already posted. If the Commission chooses not to do so, we request to know why – and request, pursuant to FOIL, access to inspect and copy these documents at the Commission's office – as well as to inspect and copy all records pertaining to the Commission's decision, reflected by its initial and revised release for the October 28<sup>th</sup> hearing, that "Members of the public are invited to attend only. Those invited to provide testimony to the Commission will be the only speakers for the hearing." For your convenience, copies of these two undated Commission releases are annexed, with a further request for: (1) all documents reflecting the date and time the Commission posted each release on its website; (2) all documents reflecting the date and time the Commission furnished each release to the press; and (3) all documents reflecting when, if at all, the Commission gave notice to members of the public who had registered to attend and/or requested to testify of the change in the hearing's starting time from 6 p.m. to 5 p.m., as reflected by the revised release. If no such documents exist, the requested information is requested, nonetheless, consistent with the Commission's mandate to restore public trust.

As stated when I e-mailed CJA's October 17<sup>th</sup> letter to each of you:

"As I have no e-mail addresses for the following: (1) Commissioner J. Patrick Barrett; (2) Commissioner Seymour James, Jr.; (3) Special Advisor D'Amico; (4) Special Advisor Raymond Kelly, please ensure that this e-mail is forwarded to them, so that all may be held accountable to the People whose trust in New York's government and its public officials the Commission is supposed to restore."

Pursuant to FOIL, your response is required "within five business days" of your receipt of this request (Public Officers Law §89.3).

Thank you.

Elena Sassower, Director Center for Judicial Accountability, Inc. (CJA) 914-455-4373

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]

Sent: Wednesday, September 25, 2013 2:12 PM

To: comments@moreland.ny.gov

Cc: williamfitzpatrick@ongov.net; cheryl.rice@nassauda.org; mwilliams@vladeck.com; david.soares@albanycounty.com;

Eric Galarneau (egalarneau@albanycounty.com)

Subject: Request for CD-Video & Transcript of Commission's September 24th Public Hearing

#### TO: COMMISSION TO INVESTIGATE PUBLIC CORRUPTION

As the Commission has posted the video of its September 17<sup>th</sup> public hearing in New York City on its website, I assume it will also be posting the video of its yesterday's September 24<sup>th</sup> public hearing in Albany. If not, this is to request a CD-video of the September 24<sup>th</sup> hearing.

I do not recall seeing a stenographer present at yesterday's hearing. Was a stenographer present? In any event, if the hearing is being transcribed stenographically, this is to request the transcript – unless the Commission is planning to post it.

Pursuant to FOIL, which we hereby invoke, your response is required "within five business days" of your receipt of this request (Public Officers Law §89.3). Meantime, below is our September 19, 2013 e-mail pertaining to the Commission's September 17<sup>th</sup> hearing, to which, as yet, we have received no response.

Thank you.

Elena Ruth Sassower, Director Center for Judicial Accountability, Inc. (CJA) 914-455-4373 elena@judgewatch.org

From: Center for Judicial Accountability [mailto:elena@judgewatch.org]

Sent: Thursday, September 19, 2013 11:02 AM

To: comments@moreland.ny.gov

Cc: williamfitzpatrick@ongov.net; cheryl.rice@nassauda.org; mwilliams@vladeck.com; david.soares@albanycounty.com;

Eric Galarneau (egalarneau@albanycounty.com)

#### Subject: Request for CD-Video & Transcript of Commission's September 17th Public Hearing

#### TO: COMMISSION TO INVESTIGATE PUBLIC CORRUPTION

Does the Commission plan to post the video of its September 17, 2013 public hearing in New York City, which it had webcast live during the hearing? And what about the transcript? If not, this is to request a CD-video of the hearing – and a copy of the transcript, once the stenographer renders her transcription.

Please advise, by e-mail, as to the cost of reproduction and mailing – and I will promptly forward it to you.

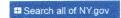
Pursuant to FOIL, which I hereby invoke, your response is required "within five business days" of your receipt of this request (Public Officers Law §89.3).

Thank you.

Elena Sassower, Director Center for Judicial Accountability, Inc. (CJA) 914-455-4373 elena@judgewatch.org







# The Moreland Commission

TO INVESTIGATE PUBLIC CORRUPTION

STATE OF NEW YORK



Phone Line: (518) 485-TIPS(8477)

Moreland Commission
Appointed by
Governor Andrew M. Cuomo

Executive Director
Regina Calcaterra
Chief Counsel
Kelly Donovan
Legislative Director
John Amodeo
Chief of Investigations
Danya Perry

Contact: Michelle Duffy, (212) 417-5965

## Moreland Commission to Hold Public Hearing In New York City October 28th

The Moreland Commission to Investigate Public Corruption will hold its third public hearing on Monday, October 28, 2013 at the Jacob K. Javits Convention Center of New York

Each hearing will cover specific subject areas. Monday's hearing will focus on Campaign Finance Reform.

The invited speakers include:

- New York State Board of Elections Co-Executive Directors, Robert Brehm & Todd Valentine and Deputy Enforcement Counsel, William McCann
- New York City Campaign Finance Board Executive Director, Amy Loprest
- New York Public Interest Research Group Research Coordinator, Bill Mahoney
- Campaign Finance Institute Executive Director, Michael Malbin
- · Connecticut Deputy Secretary of State, James Spallone & Demos President, Miles Rapoport
- NYC Council Members, Brad Lander and Carlos Menchaca
- New York State League of Women Voters President, Sally Robinson
- · Citizens Union Director of Public Policy and Advocacy, Alex Camarda

WHAT: New York State Moreland Commission to Investigate Public Corruption

WHEN: 6 p.m. - 9:30 p.m., Monday, October 28, 2013 (Doors open at 5 p.m.)

WHERE: Javits Convention Center, 655 West 34th Street, New York, NY (1E Hall Rooms 12-13)

WEBCAST: The hearings will be available live via webcast for remote viewing

NOTE: All members of the media wishing to attend the hearings are asked to RSVP via email at: michelle.duffy@moreland.ny.gov

\*\*Members of the public are invited to attend only. Those invited to provide testimony to the Commission will be the only speakers for the hearing.

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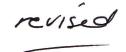
Special Counsel: Robert Morgenthau; Special Advisors: Joseph D'Amico, Raymond Kelly, Barbara Bartoletti;

Commissioners: Patrick Barrett, Richard Briffault, Daniel Castleman, Derek Champagne, Eric Corngold, Kathleen Hogan, Nancy Hoppock, Seymour James,
David Javdan, Robert Johnson, David R. Jones, Lance Liebman, Joanne Mahoney, Gerald Mollen, Makau Mutua, Benito Romano, Frank Sedita III, P. David
Soares, Kristy Sprague, Betty Weinberg Ellerin, Peter Zimroth, Thomas P. Zugibe



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TO INVESTIGATE PUBLIC CORRUPTION

STATE OF NEW YORK



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Danya Perry

Contact: Michelle Duffy, (212) 417-5965

### Moreland Commission to Hold Public Hearing In New York City October 28th

MORELAND COMMISSION TO HOLD PUBLIC HEARING IN NEW YORK CITY OCTOBER 28th

\*\*NOTE: TIME CHANGE – HEARING TO BEGIN

AT 5PM

The Moreland Commission to Investigate Public Corruption will hold its third public hearing on Monday, October 28, 2013 at the Jacob K. Javits Convention Center of New York. Each hearing will cover specific subject areas. Monday's hearing will focus on Campaign Finance Reform.

The invited speakers include:

- New York State Board of Elections Co-Executive Directors, Robert Brehm & Todd Valentine and Deputy Enforcement Counsel, William McCann
- · New York City Campaign Finance Board Executive Director, Amy Loprest
- · Connecticut Deputy Secretary of State, James Spallone & Demos President, Miles Rapoport
- NYC Council Members, Brad Lander and Carlos Menchaca

WHAT: New York State Moreland Commission to Investigate Public Corruption

WHEN: 5 p.m. - Conclusion of Invited Speaker Testimony, Monday, October 28, 2013 (Doors open at 4 p.m.)

WHERE: Javits Convention Center, 655 West 34th Street, New York, NY

(1E Hall Rooms 12-13)

WEBCAST: The hearings will be available live via webcast for remote viewing at: http://pointers.audiovideoweb.com/asxfiles-live/1c2winlive6814.asx NOTE: All members of the media wishing to attend the hearings are asked to RSVP via email at: michelle.duffy@moreland.ny.gov

\*\*Members of the public are invited to attend only. Those invited to provide testimony to the Commission will be the only speakers for the hearing.

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Special Counsel: Robert Morgenthau; Special Advisors: Joseph D'Amico, Raymond Kelly, Barbara Bartoletti;
Commissioners: Patrick Barrett, Richard Briffault, Daniel Castleman, Derek Champagne, Eric Corngold, Kathleen Hogan, Nancy Hoppock, Seymour James,

David Javdan, Robert Johnson, David R. Jones, Lance Liebman, Joanne Mahoney, Gerald Mollen, Makau Mutua, Benito Romano, Frank Sedita III, P. David Soares, Kristy Sprague, Betty Weinberg Ellerin, Peter Zimroth, Thomas P. Zugibe



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