



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 3, 2014

BY HAND

William J. Fitzpatrick, Co-Chair
Milton L. Williams, Jr., Co-Chair
Regina Calcaterra, Executive Director
Robert Addolorato, Chief of Investigations
The Moreland Commission To Investigate Public Corruption
90 Church Street, 15th Floor
New York, NY 10010

Re: Ongoing Moreland Commission Investigations

Dear Mr. Fitzpatrick, Mr. Williams, Ms. Calcaterra and Mr. Addolorato:

I was disappointed to learn that the important ongoing work of the Moreland Commission To Investigate Public Corruption (the "Commission") will come to a premature end as part of a negotiated arrangement between legislative and executive branch leaders in Albany. In the Commission's preliminary report of December 2013, the Commission identified a broad investigation into public corruption at the legislative level that was described as "aggressive, active and ongoing." The preliminary report referred to over "200 subpoenas and requests for information," "dozens of interviews and depositions, including of former and current legislators and other public officials" and "undercover operations, including surveillance, recorded calls, and meets." It is clear from recent public statements by the Commissioners that many of these investigations are incomplete, and it is difficult to understand why the Moreland Commission was terminated while these active investigations remained ongoing. The sequence of these events gives the appearance, although I am sure this is not the intent, that investigations potentially significant to the public interest have been bargained away as part of the negotiated arrangement between legislative and executive leaders.

As you know, the United States Attorney's Office for the Southern District of New York (the "SDNY") has vigorously investigated and where appropriate prosecuted corruption cases involving New York State legislators and other officials. Indeed, as noted in the Commission's preliminary report, nineteen current or former New York State legislators have been prosecuted since 1999, with many of those prosecutions brought by the SDNY. The SDNY is currently conducting federal criminal investigations that overlap considerably with investigations initiated by the Moreland Commission, including investigations relating to the improper personal use of campaign funds, bribery and fraud, among other things. Many of the documents and other material in the possession of the Moreland Commission almost certainly bear directly on these

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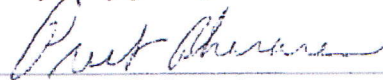
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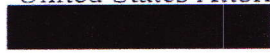
ongoing investigations. Since the Moreland Commission is terminating, it is clear that it will no longer be using these materials.

Accordingly, the USAO respectfully requests that the Moreland Commission preserve all documents relating to its investigative work, including but not limited to documents received from third parties, records of interviews, and the Moreland Commission's own work product. In addition to the USAO's investigations, these materials may be highly relevant to other ongoing public corruption investigations at the federal, state and local levels, including investigations based on Moreland Commission referrals. Please inform me immediately upon receipt of this letter as to what your intended course is regarding the materials in your possession. Should we not hear forthwith from you we will have to assume that you are not preserving these materials. Finally, please do not hesitate to contact me at any time to discuss this issue and how the USAO can most effectively proceed in ensuring that all potential evidence of wrongdoing identified by the Moreland Commission is fully investigated and that any wrongdoers are brought to justice.

Very truly yours,



PREET BHARARA
United States Attorney



cc: Kelly Donovan, Esq.
Chief Counsel