

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, January 25, 2019 2:01 PM

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**Subject:** **Agenda of Oversight for the Assembly Committee on Oversight, Analysis & Investigation -- & for the Joint Legislative Commission on Government Administration, etc.**

**Attachments:** [12-6-18-ltr-to-heastie-with-exhibits-compressed.pdf](#);  
[12-12-18-assembly-response.pdf](#);  
[12-11-18-foil-sen-joint-commissions.pdf](#);  
[12-18-18-senate-response.pdf](#)

**TO: Assembly Committee on Oversight, Analysis and Investigation**

**Chair:** Assemblyman Thomas Abinanti, ESQ.

**Ranking Member:** Assemblyman Brian Mantelow

**Rank & File Members:**

Assemblywoman Nathalia Fernandez

Assemblyman Michael Montesano, ESQ.

Assemblyman William Magnarelli, ESQ.

Assemblyman Fred Thiele, Jr., ESQ.

Assemblyman Phil Steck, ESQ.

**TO: Commission on Government Administration Chair & Only Member, Assemblyman David Buchwald, ESQ.**

Following up my phone conversations with your staff, below is the e-mail I sent yesterday to Senate and Assembly leadership, to which you are indicated recipients because oversight and remedial action is essential.

There is more, much more, to follow – and the attached referred-to December 6, 2018 letter to Assembly Speaker Heastie is a good starting point. Will the members of the Committee on Oversight, Analysis and Investigation sign a “petition” so that I might give testimony to the Committee, at a public hearing, pursuant to Assembly Rule IV, §4(a), which reads:

“During each legislative session, chairpersons of standing committees may call public hearings to permit interested persons, groups or organizations the opportunity to testify orally or in writing on legislation or other matters pending before such standing committee provided, however, that each chairperson

shall call such public hearings upon a petition signed by a majority of the members of the committee. Such testimony if submitted in writing shall be posted on the Assembly Internet site to the extent practicable". (underlining added).

A top priority for "oversight, analysis and investigation" must be the EVIDENCE that the New York State attorney general engages in a *modus operandi* of litigation fraud to defeat meritorious lawsuits against the state, sued for unconstitutional and unlawful conduct, when there is NO legitimate defense – and the collusion of the New York courts, "throwing" the lawsuits by fraudulent judicial decisions, upending ALL cognizable standards.

Exemplifying this "double-whammy" of collusion between the attorney general and the courts in corrupting the judicial process to perpetuate a corrupt status quo – and so-reflected by Exhibit B to the December 6, 2018 letter -- is the litigation record of CJA's still-live citizen-taxpayer action challenging the constitutionality and lawfulness of the state budget, including three-men-in-a-room, behind-closed-doors, budget deal-making and the Legislature's behind-closed-doors party conferences that substitute for open committee proceedings. Ten months ago, on March 23, 2018, a material portion of that litigation record was given, *in hand*, to the former chair of the Assembly Committee on Oversight, Analysis and Investigation – then Assemblywoman, now Senator, Shelley Mayer, ESQ. -- in support of a question which was as follows:

"Last December, you were appointed chair of one of the Assembly's committees, the Assembly Committee on Oversight and Investigation. Please tell us when, if ever, that committee or any other committee of the Assembly or Senate conducted any investigation or oversight as to how the Attorney General, New York's highest law enforcement officer, defends lawsuits against the State, its public officers and agencies, when they are sued for corruption and other abuses. And what were the results of [such] investigation, if any. And, in view of the importance of public trust in the integrity of government, [] can we count on you, as chair, to conduct such investigation, NOW?"

Ms. Mayer, then running in the April 2018 special election to be elected senator, never answered that question – nor accounted for the record and other EVIDENCE she had been given, *in hand*, as Committee chair, on March 23, 2018 or on February 2, 2018. Likewise, Assemblyman Edward Braunstein, ESQ., who succeeded her as chair. This is chronicled by CJA's webpage entitled: "Shelley Mayer's 'Unfinished Business' as chair of Assembly Committee on Oversight, Analysis & Investigation -- & Responsibility of successor chair Edward Braunstein", accessible *via* the link for the "2018 Legislative Session" on CJA's homepage, [www.judgewatch.org](http://www.judgewatch.org). The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/mayer-unfinished-business.htm>.

Assemblyman David Buchwald, who now chairs the joint legislative Commission on Government Administration, of which he is the sole member, is fully familiar with the record and other EVIDENCE furnished to Assemblywoman Mayer, because – before it was handed to her, on March 23, 2018 -- it had been in his possession, for five months, from the end of August 2017 to February 2, 2018, when he returned it to me, publicly, at the conclusion of my testimony before him, Assemblywoman Mayer, and Assemblyman Abinanti, at a forum on the state budget, sponsored by Westchester's Assembly delegation. The MUST-SEE VIDEO of what took place is posted on CJA's website, also as part of the "2018 Legislative Session". The direct link to the webpage, with the VIDEO, my oral and written testimony, and the inventory and posting of the EVIDENCE, is here: <http://www.judgewatch.org/web-pages/searching-nys/2018-legislature/feb-2-2018-budget-hearing-westchester-delegation.htm>. Suffice

to say that the EVIDENCE Assemblyman Buchwald returned to me on February 2, 2018 – and which on March 23, 2018 Assemblywoman Mayer received – included [“A Guide to Legislative Oversight”: February 2005 report of the Assembly Committee on Oversight, Analysis and Investigation’s then chair, Assemblyman James Brennan.](#)

Finally, inasmuch as only newbie legislators Assemblyman Manktelow and Assemblywoman Fernandez are not afflicted by the actualized conflicts of interest with respect to the foregoing that afflict their six incumbent colleagues, I ask that that they assume foremost responsibility in ensuring appropriate “oversight, analysis and investigation” – if not by the Assembly Committee so-named, than by some other legislative committee or commission – or by a designated task force of newbie legislators, like themselves, who will respect the oaths of office to which they so recently swore.

For the convenience of all, this e-mail will be posted on CJA’s webpage for the 2019 Legislative Session, here: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/menu-2019-legislative-session.htm>. That is where you will find other relevant correspondence, including my January 10, 2019 and January 22, 2019 e-mails to your Senate counterpart – the Senate Committee on Investigations and Government Operations – furnishing it with an investigations “Agenda” that is identically relevant to you – and which includes CJA’s initial June 4, 2013 letter to both the Senate Committee on Investigations and Government Operations and the Assembly Committee on Oversight, Analysis, and Investigation – as to which all the investigation and oversight that was there sought remains undone and is even more exigent today, nearly six full years later.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
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**Subject: Demand that You IMMEDIATELY Rectify Your Willful Violations of Legislative Law Article 5-A & Article 5-B by Appointing the Members of their 14 Joint Legislative Commissions**

**TO: Temporary Senate President Andrea Stewart-Cousins  
Senate Minority Leader John Flanagan, ESQ.  
Assembly Speaker Carl Heastie  
Assembly Minority Leader Brian Kolb**

**This is to demand that you IMMEDIATELY rectify your willful violations of Legislative Law Article 5-A (§§82-83) and Article 5-B (§§86-88) by appointing the members of their 14 joint legislative commissions.**

Nearly two full years ago, by the below e-mail, I sent you a February 6, 2017 letter alerting you that these statutory joint legislative commissions were largely or totally memberless, further identifying that the Legislative budget, in addition to omitting the Administrative Regulations Review Commission established by Legislative Law Article 5-B, “omits most of the joint commissions that the Legislature is required to establish and fund pursuant to Legislative Law, Article 5-A (§§82-83)”. In fact, such description – quoted from ¶128 of the September 2, 2016 verified complaint in CJA’s second citizen-taxpayer action against you – was too generous. The Legislative budget then – and since, **including for fiscal year 2019-2020** – omits all but one of the 13 Legislative Law Article 5-A commissions. As for the one it includes, it is the “Task Force on Demographic Research and Reapportionment”, which, according to the Senate website: <https://www.nysenate.gov/committees/task-force-demographic-research-and-reapportionment>, has no members and is inactive, and, according to the Assembly website: <https://nyassembly.gov/comm/?id=60>, has been inactive since 2012 and currently has but a single member, its so-called chair, Assemblyman Robert Rodriguez.

I received NO response from you to my February 6, 2017 letter—and so advised Assembly Speaker Heastie by a December 6, 2018 letter -- annexing the February 6, 2017 letter as Exhibit C-1 and stating that the situation it described was unchanged. Indeed, the December 6, 2018 letter also annexed – as its Exhibits D and E – FOIL/records requests I had just filed to verify the current membership and activity of the Legislative Law Article 5-A and Article 5-B commissions and to secure a copy of the Legislature’s proposed budget for fiscal year 2019-2020.

Attached is the December 6, 2018 letter, with its exhibits. Also attached is the subsequent response to the FOIL request pertaining to the joint legislative commissions that I received from the Assembly’s records access officer – as well as the response I received from the Secretary of the Senate to a corresponding FOIL request. Suffice to note that these two responses confirmed that the Legislative Law Article 5-A and Article 5-B joint legislative commissions are mostly, if not entirely, memberless and non-functioning. As of this date, more than a month later, the same remains true, with only a handful of changes, presumably by Assembly Speaker Heastie. These include, for the 2019 legislative session, appointing Assemblyman Thomas Abinanti, ESQ., who, as noted by the February 6, 2017 letter, was the chair and sole member of the 10-member Commission on Government Administration, to chair the 7-member Assembly Committee on Oversight, Analysis and Investigation, with Assemblyman David Buchwald, ESQ. appointed to replace him as chair and sole member of the Commission on Government Administration.

So that appropriate oversight can be undertaken, if not by the Commission on Government Administration, than by the fully-appointed Assembly Committee on Oversight, Analysis and Investigation, and by the fully-appointed 14-member Assembly Committee on Governmental Operations, and by the fully-appointed 7-member Senate Committee on Investigations and Government Operations, and perhaps, additionally, by the fully-appointed 7-member Senate Committee on Ethics and Internal Governance and by the fully-appointed 8-member Assembly Committee on Ethics & Guidance – all seeming to have jurisdiction to investigate and rectify, by appropriate action, your longstanding willful violations of the duties of your office in disabling and rendering sham these statutory commissions – a copy of this e-mail will be sent to ALL their members.

Finally, as I have received NO response from Assembly Speaker Heastie to my December 6, 2018 letter, whose title, "Demand that You Substantiate Your November 30, 2018 Testimony before the New York State Compensation Committee with EVIDENCE – as You Furnished NONE", mandated response, I call upon each of you to respond, and with EVIDENCE. The link to CJA's webpage for the December 6, 2018 letter, on which is posted the EVIDENCE on which it is based, is beneath this letter, accessible from CJA's webpage for the 2019 Legislative Session here: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/menu-2019-legislative-session.htm>

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
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**Subject:** Letter to Leadership: (1) Legislative Law Article 5-A Commissions on Gov't Administration & State-Local Relations; (2) requested meetings to prevent repeat of constitutional, statutory, & legislative rule violations re: fiscal year 2017-18 budget

Attached is the Center for Judicial Accountability's letter of today's date, addressed to you – or indicating you as a recipient.

It is already posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org), accessible *via* the prominent homepage link "2017 Legislative Session". Here is that webpage, directly: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/new-year.htm> -- on which is also posted the VIDEOS of my January 30<sup>th</sup> and January 31<sup>st</sup> testimony at the Legislature's budget hearings on "Local Government Officials/General Government" and "Public Protection".

Thank you.

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