

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, March 5, 2019 12:26 PM

To: abinantit@nyassembly.gov; conroyk@nyassembly.gov;
manktelow@nyassembly.gov; drownej@nyassembly.gov;
fernandezn@nyassembly.gov; tragnid@nyassembly.gov;
rahmanf@nyassembly.gov; montesanom@nyassembly.gov;
mcquairi@assembly.state.ny.us; MagnarW@nyassembly.gov;
swieckic@nyassembly.gov; Thielef@nyassembly.gov;
lombardol@nyassembly.gov; SteckP@nyassembly.gov;
lanea@nyassembly.gov; BuchwaldD@nyassembly.gov;
riveram@nyassembly.gov; roithmayr@nyassembly.gov

Subject: **Agenda Request for the 1st Meeting of the Assembly Committee on Oversight, Analysis & Investigation -- & for the One-Member Joint Legislative Commission on Government Administration**

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](#);
[2-19-18-written-testimony-with-questions-24pp-compressed.pdf](#)

TO: Assembly Committee on Oversight, Analysis and Investigation

Chair: Assemblyman Thomas Abinanti, ESQ.

Ranking Member: Assemblyman Brian Manktelow

Rank & File Members:

Assemblywoman Nathalia Fernandez
Assemblyman Michael Montesano, ESQ.
Assemblyman William Magnarelli, ESQ.
Assemblyman Fred Thiele, Jr., ESQ.
Assemblyman Phil Steck, ESQ.

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

According to the current Assembly Directory: https://nyassembly.gov/leg/nysa_directory.pdf, the Assembly Committee on Oversight, Analysis and Investigation meets on Tuesdays, at 12:30 pm, in Room 104 of the Legislative Office Building. Nevertheless, it appears that the Committee has not held a single meeting in the 2019 legislative session. Is this correct? And why is this so when you have so much critical “oversight, analysis and investigation” to do – as, for instance, pertaining to my below January 25, 2019 e-mail, sent to each of you and to your legislative directors/chiefs of staff, accompanied by the above December 2018 attachments.

What is the status of my January 25, 2019 e-mail, to which, additionally, I have not received a single phone call or e-mail from you or from your staff throughout these five-plus weeks – or from the chair of

the joint Legislative Commission on Government Administration, my own assemblyman, David Buchwald, ESQ., who remains its SOLE member.

Consistent with the Assembly Directory and Assembly Rule IV, §2:

<https://nyassembly.gov/Rules/?sec=r4#s2>, this is to request that the Assembly Committee on Oversight, Analysis and Investigation schedule a meeting for next Tuesday, March 12, 2019, a week from today, *if not sooner* – and that my January 25, 2019 e-mail be on the agenda for discussion and vote as to appropriate action.

As stated by my January 25, 2019 e-mail, “more” would be following – and I herewith provide “more”: the February 19, 2019 written testimony I submitted to the Assembly Ways and Means Committee and to the Senate Finance Committee relating to their February 11, 2019 budget hearing on “local government officials/general government”. CJA’s webpage for the written testimony, with the substantiating EVIDENCE to which it refers, is here: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/feb-19-2019-written-testimony.htm>.

The February 19, 2019 written testimony further particularizes the horrifying situation described by my January 25, 2019 e-mail to you: the Legislature’s failure to discharge ANY oversight in face of *prima facie* casefile EVIDENCE that New York’s judiciary is corrupt and “throws” cases by fraudulent judicial decisions – aided and abetted by New York’s attorney general and such other governmental actors as the Commission on Judicial Conduct, the court-run attorney grievance committees, and the district attorneys. It also appends two sets of QUESTIONS, to which it requests answers:

- (1) 41 “QUESTIONS FOR CHIEF ADMINISTRATIVE JUDGE LAWRENCE MARKS” pertaining to the Judiciary’s proposed budget for fiscal year 2019-2020 and the Governor’s Legislative/Judiciary Budget Bill #S.1501/A.2001;
- (2) 27 “QUESTIONS FOR FORMER TEMPORARY SENATE PRESIDENT JOHN FLANAGAN, & ASSEMBLY SPEAKER CARL HEASTIE, & FOR TEMPORARY SENATE PRESIDENT ANDREA STEWART-COUSINS” pertaining to the Legislature’s proposed budget for fiscal year 2019-2020 and the Governor’s Legislative/Judiciary Budget Bill #S.1501/A.2001.

Are there any of the 41 QUESTIONS that you believe Chief Administrative Judge Marks should not be answering? How about the 27 QUESTIONS for the Assembly Speaker Heastie and the former and present Temporary Senate Presidents? What will the Committee on Oversight, Analysis and Investigation do to ensure this happens? Will the Committee, two of whose attorney members, Assemblymen Montesano and Thiele, are members of the Assembly Ways and Means Committee, send a request to the fiscal committees recommending that they obtain answers to the respective QUESTIONS from Chief Administrative Judge Marks and from Legislative Leaders Heastie, Stewart-Cousins, and Flanagan? Or will the Committee directly request the answers from the Chief Administrative Judge and from the Legislature’s presiding officers, in discharge of its “oversight, analysis and investigation” function. **This, too, must be on the agenda of the upcoming Committee meeting – and I so-request.**

Needless to say, should the Committee on Oversight, Analysis and Investigation fail to hold a meeting and deliberate and vote on what must be done, it is the duty of Committee members to individually act

– and the *very least* would be by individual requests to the Legislature’s two fiscal committees and to the Chief Administrative Judge and the Legislature’s presiding officers for answers to the QUESTIONS. This, additionally, is the duty of Legislative Commission on Government Administration Chair Buchwald, ESQ.

I am ready to assist you, to the max, in discharging your constitutional responsibilities to the People of the State of New York – and, as identified by my below January 25, 2019 e-mail, would readily appear before you, under oath, to answer questions and make an EVIDENTIARY presentation.

For the convenience of all, my correspondence with the Assembly Committee on Oversight, Analysis and Investigation in this 2019 legislative session is posted here: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/2019-oversight-analysis-investig.htm>. My correspondence with Legislative Commission on Government Administration Chair Buchwald, ESQ. is here: <http://www.judgewatch.org/web-pages/searching-nys/2019-legislative/joint-comm-govt-admin.htm>.

Please advise, as soon as possible.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Friday, January 25, 2019 2:01 PM

To: 'abinantit@nyassembly.gov' <abinantit@nyassembly.gov>; 'conroyk@nyassembly.gov' <conroyk@nyassembly.gov>; 'manktelow@nyassembly.gov' <manktelow@nyassembly.gov>; 'drownej@nyassembly.gov' <drownej@nyassembly.gov>; 'fernandezn@nyassembly.gov' <fernandezn@nyassembly.gov>; 'tragnid@nyassembly.gov' <tragnid@nyassembly.gov>; 'rahmanf@nyassembly.gov' <rahmanf@nyassembly.gov>; 'montesanom@nyassembly.gov' <montesanom@nyassembly.gov>; 'mcquairi@assembly.state.ny.us' <mcquairi@assembly.state.ny.us>; 'MagnarW@nyassembly.gov' <MagnarW@nyassembly.gov>; 'swieckic@nyassembly.gov' <swieckic@nyassembly.gov>; 'Thielef@nyassembly.gov' <Thielef@nyassembly.gov>; 'lombardol@nyassembly.gov' <lombardol@nyassembly.gov>; 'SteckP@nyassembly.gov' <SteckP@nyassembly.gov>; 'lanea@nyassembly.gov' <lanea@nyassembly.gov>; 'BuchwaldD@nyassembly.gov' <BuchwaldD@nyassembly.gov>; 'riveram@nyassembly.gov' <riveram@nyassembly.gov>; 'roithmayr@nyassembly.gov' <roithmayr@nyassembly.gov>

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

TO: Assembly Committee on Oversight, Analysis and Investigation

Chair: Assemblyman Thomas Abinanti, ESQ.

Ranking Member: Assemblyman Brian Manktelow

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. 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
Center for Judicial Accountability, Inc.(CJA)

www.judgewatch.org

914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Thursday, January 24, 2019 9:26 AM

To: 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'flanagan@nysenate.gov' <flanagan@nysenate.gov>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'Carl Heastie' <cehbronx@gmail.com>; 'kolbB@nyassembly.gov' <kolbB@nyassembly.gov>

Cc: 'grelick@nysenate.gov' <grelick@nysenate.gov>

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
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, February 6, 2017 3:32 PM
To: 'flanagan@nysenate.gov' <flanagan@nysenate.gov>; 'speaker@nyassembly.gov' <speaker@nyassembly.gov>; 'Carl Heastie' <cehbronx@gmail.com>; 'scousins@nysenate.gov' <scousins@nysenate.gov>; 'kolbB@nyassembly.gov' <kolbB@nyassembly.gov>
Cc: 'jdklein@nysenate.gov' <jdklein@nysenate.gov>; 'bonacic@nysenate.gov' <bonacic@nysenate.gov>; 'hoylman@nysenate.gov' <hoylman@nysenate.gov>; 'WeinstH@assembly.state.ny.us' <WeinstH@assembly.state.ny.us>; 'montesanom@assembly.state.ny.us' <montesanom@assembly.state.ny.us>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'savino@nysenate.gov' <savino@nysenate.gov>; 'squadron@nysenate.gov' <squadron@nysenate.gov>; 'LentolJ@nyassembly.gov' <LentolJ@nyassembly.gov>; 'grafa@nyassembly.gov'

<grafa@nyassembly.gov>; 'marchione@nyenate.gov' <marchione@nyenate.gov>;
'kaminsky@nyenate.gov' <kaminsky@nyenate.gov>; 'MagnarW@nyassembly.gov'
<MagnarW@nyassembly.gov>; 'friendc@nyassembly.gov' <friendc@nyassembly.gov>;
'gallivan@nyenate.gov' <gallivan@nyenate.gov>; 'bailey@nyenate.gov' <bailey@nyenate.gov>;
'murphy@nyenate.gov' <murphy@nyenate.gov>; 'PeopleC@nyassembly.gov'
<PeopleC@nyassembly.gov>; 'johnsm@nyassembly.gov' <johnsm@nyassembly.gov>;
'TitoneM@nyassembly.gov' <TitoneM@nyassembly.gov>; 'errigoj@nyassembly.gov'
<errigoj@nyassembly.gov>; 'cyoung@nyenate.gov' <cyoung@nyenate.gov>;
'lkrueger@senate.state.ny.us' <lkrueger@senate.state.ny.us>; 'farrellh@nyassembly.gov'
<farrellh@nyassembly.gov>; 'OaksR@nyassembly.gov' <OaksR@nyassembly.gov>;
'abinantit@nyassembly.gov' <abinantit@nyassembly.gov>; 'RyanS@nyassembly.gov'
<RyanS@nyassembly.gov>; 'kavanaughb@nyassembly.gov' <kavanaughb@nyassembly.gov>;
'jacobs@nyenate.gov' <jacobs@nyenate.gov>; 'simotasa@nyassembly.gov'
<simotasa@nyassembly.gov>; 'PretloJ@nyassembly.gov' <PretloJ@nyassembly.gov>;
'OtisS@nyassembly.gov' <OtisS@nyassembly.gov>; 'GalefS@nyassembly.gov'
<GalefS@nyassembly.gov>; 'BuchwaldD@nyassembly.gov' <BuchwaldD@nyassembly.gov>

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, 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 30th and January 31st testimony at the Legislature's budget hearings on "Local Government Officials/General Government" and "Public Protection".

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org