

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, October 7, 2016 2:00 PM
To: 'aguam@nysenate.gov'; 'griffo@nysenate.gov'
Subject: Follow-up: Protecting the Taxpayers: The materially false, misleading & fraudulent October 4th resolutions of the Lewis Co. Legislature pertaining to DA salary & state reimbursement
Attachments: 9-7-16-notice-intervention-counties.pdf; 9-2-16-signed-osc-with-affidavit.pdf; 4-21-09-republican-minority-rules-reform-report.pdf

Thank you for the direct e-mail address to you.

Elena

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Friday, October 7, 2016 1:04 PM
To: 'griffo@nysenate.gov' <griffo@nysenate.gov>
Cc: 'peckb@assembly.state.ny.us' <peckb@assembly.state.ny.us>; 'joanmcnichol@lewiscounty.ny.gov' <joanmcnichol@lewiscounty.ny.gov>; 'sacquario@nysac.org' <sacquario@nysac.org>; 'cherryb@co.schoharie.ny.us' <cherryb@co.schoharie.ny.us>; 'Terry Clark' <terryclark@lewiscounty.ny.gov>; 'SVIRKLER@LOWVILLE.COM' <SVIRKLER@LOWVILLE.COM>
Subject: Follow-up: Protecting the Taxpayers: The materially false, misleading & fraudulent October 4th resolutions of the Lewis Co. Legislature pertaining to DA salary & state reimbursement

TO: Ryan Aguam, Director of Research for Senator Joseph Griffo

Following up our lengthy phone conversation this morning, for which I thank you, here's my yesterday's e-mail to Assemblyman Blankenbush's chief of staff, Brian Peck, which I discussed with you. As requested of Mr. Peck, I would appreciate if you would furnish me, at your earliest convenience, with the chapter amendment referred to by Resolutions #382 and #381 of the Lewis County Legislature. Like Mr. Peck, you indicated, as we spoke, that such resolutions had been received.

Meanwhile, I have yet to hear back from Lewis County Attorney McNichol or from NYSAC Executive Director Acquario, each indicated recipients of my yesterday's below e-mail. What is their explanation for Resolutions #382 and #381 in face of the notice I furnished them – most recently by the attached and below notice to the counties of their right to seek intervention in CJA's citizen-taxpayer action, commenced September 2, 2016, pertaining to unlawfulness of the district attorney salary increases and state aid?

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This newly-commenced citizen-taxpayer action, whose posture is one of SUMMARY JUDGMENT for plaintiffs, WILL advance all the rule and budgetary reforms whose importance was recognized by both the majority and minority reports of the 2009 Temporary Senate Committee on Rules and Administration Reform, of which Senator Griffo was a member. As the Senate's website was revamped last year, changing links and making it virtually impossible – and intentionally so -- to find anything, including through a search, the 2009 majority and minority reports cannot be found – or at least I could not find them. Indeed, as a result of the changed Senate links, I could no longer access the reports from CJA's own "Senate rules reform resource page": <http://www.judgewatch.org/web-pages/judicial-compensation/rules-reform-resource-page-senate.htm>.

As I have now scanned my hard copies of the reports – and posted them on CJA's "Senate rules reform resource page", replacing the links to the Senate website, both reports are now accessible there, together with the VIDEOS and

transcripts of the hearings and meetings of the Temporary Senate Committee on Rules and Administration Reform. Nonetheless, for your convenience, a pdf of the 2009 Republican minority report is attached.

I am available to speak with Chief of Staff Dwight Evans, for whom I left a message yesterday morning before calling Assemblyman Blankenbush's office. Likewise, with anyone else on the Senator's staff – and, of course, with Senator Griffo himself.

Thank you.

Elena Sassower, Director
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914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Thursday, October 6, 2016 1:03 PM
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Subject: Protecting the Taxpayers: The materially false, misleading & fraudulent October 4th resolutions of the Lewis Co. Legislature pertaining to DA salary & state reimbursement

TO: Brian Peck, Chief of Staff to Assemblyman Ken Blankenbush

Thank you for the generous amount of time you gave to our phone conversation this morning. I am awaiting call backs from Lewis County Attorney McNicol and from NYSAC's Executive Director Acquario, both recipients of my below September 7, 2016 e-mail, apprising them of the counties' right to seek intervention in CJA's newly-commenced citizen-taxpayer action, whose tenth cause of action is to void disbursement of taxpayer monies to the counties for district attorney salary reimbursement. What were their findings of fact and conclusions of law with respect to that cause of action – and with respect to the sixth, seventh, and eighth causes of action as to the unconstitutionality, *as written and as applied*, of the budget statute establishing the Commission on Legislative, Judicial & Executive Compensation? As discussed, the posture of the case is SUMMARY JUDGMENT for the plaintiffs, as examination of the record establishes: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/menu-2nd-citizen-taxpayer-action.htm>.

As discussed, Resolution #382 of the Lewis County Legislature, unanimously adopted at its October 4, 2016 meeting -- and identifying Assemblyman Blankenbush and Senator Griffo as recipients -- contains a succession of materially false statements, as comparison with the tenth cause of action of our September 2, 2016 verified complaint plain reveals. And, shockingly, the Resolution's section 2 reads: "The Lewis County Board of Legislators calls upon the Governor to act on the chapter amendment before him..." Surely, Lewis County legislators do not mean to suggest that a chapter amendment is before the Governor for signature, having been already passed by the Assembly and Senate. Certainly the title of the resolution seems to clarify that such has yet to be passed by the state Legislature. At your earliest convenience, I would appreciate if you would provide me with a copy of such chapter amendment.

I look forward to assisting Assemblyman Blankenbush to the max in showing the kind of leadership and obedience to duty, rather than self-interest, that is the hallmark of someone, such as he, who has served in the military. That he put forward an August 26, 2016 legislative column that critically comments on the Commission on Legislative, Judicial and Executive Compensation as lacking "transparency", stifling "debate in the open", and reflective of "shady backroom deals": <http://nyassembly.gov/mem/Ken-Blankenbush/story/71566/> should make him extremely interested not only in the sixth, seventh, and eighth causes of action of the September 2, 2016 verified complaint in the citizen-taxpayer

action, but in the fifth and ninth causes of action, challenging three-men-in-a-room budget dealmaking. As stated at p. 5 of my July 8th letter to the counties, all that is needed is ONE whistleblower. May Assemblyman Blankenbush be that one – and be this state's champion of a far-reaching, non-partisan, good-government clean-up.

Meantime, here's the link to CJA's resource webpage pertaining to Senate rules reform, with links for the 2009 Temporary Senate Committee on Rules and Administration Reform, of which Senator Griffo was a member:
<http://www.judgewatch.org/web-pages/judicial-compensation/rules-reform-resource-page-senate.htm>.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Wednesday, September 7, 2016 9:25 AM
To: 'zcarter@law.nyc.gov' <zcarter@law.nyc.gov>; 'dennis.brown@suffolkcountyny.gov' <dennis.brown@suffolkcountyny.gov>; 'Foskey, Carnell' <CFoskey@nassaucountyny.gov>; 'rmeehan@westchestergov.com' <rmeehan@westchestergov.com>; 'michael.siragusa@erie.gov' <michael.siragusa@erie.gov>; 'law@monroecounty.gov' <law@monroecounty.gov>; 'robertdurr@ongov.net' <robertdurr@ongov.net>; 'lchapman@orangecountygov.com' <lchapman@orangecountygov.com>; 'humbacht@co.rockland.ny.us' <humbacht@co.rockland.ny.us>; 'daniel.lynch@albanycountyny.gov' <daniel.lynch@albanycountyny.gov>; 'Fedorchak, James' <jfedorchak@dutchessny.gov>; 'prayhill@ocgov.net' <prayhill@ocgov.net>; 'sdorsey@saratogacountyny.gov' <sdorsey@saratogacountyny.gov>; 'claudio.joerg@niagaracounty.com' <claudio.joerg@niagaracounty.com>; 'rbehnke@co.broome.ny.us' <rbehnke@co.broome.ny.us>; 'bhav@co.ulster.ny.us' <bhav@co.ulster.ny.us>; 'spechenik@renesco.com' <spechenik@renesco.com>; 'chris.gardner@schenectadycounty.com' <chris.gardner@schenectadycounty.com>; 'abdellas@co.chautauqua.ny.us' <abdellas@co.chautauqua.ny.us>; 'rich@oswegocounty.com' <rich@oswegocounty.com>; 'kimberlys@co.jefferson.ny.us' <kimberlys@co.jefferson.ny.us>; 'sbutton@stlawco.org' <sbutton@stlawco.org>; 'gary.curtiss@co.ontario.ny.us' <gary.curtiss@co.ontario.ny.us>; 'jwood@tompkins-co.org' <jwood@tompkins-co.org>; 'jennifer.bumgarner@putnamcountyny.gov' <jennifer.bumgarner@putnamcountyny.gov>; 'alanr@co.steuben.ny.us' <alanr@co.steuben.ny.us>; 'dconnors@co.wayne.ny.us' <dconnors@co.wayne.ny.us>; 'bmaggs@co.chemung.ny.us' <bmaggs@co.chemung.ny.us>; 'jcoffey12901@gmail.com' <jcoffey12901@gmail.com>; 'fwestphal@cayugacounty.us' <fwestphal@cayugacounty.us>; 'mmhowden@cattco.org' <mmhowden@cattco.org>; 'cheryl.mccausland@co.sullivan.ny.us' <cheryl.mccausland@co.sullivan.ny.us>; 'john.campanie@madisoncounty.ny.gov' <john.campanie@madisoncounty.ny.gov>; 'Reichenbach, Brian' <ReichenbachB@warrencountyny.gov>; 'dmorris@co.livingston.ny.us' <dmorris@co.livingston.ny.us>; 'jmsergeant@herkimercounty.org' <jmsergeant@herkimercounty.org>; 'countyattorney@co.washington.ny.us' <countyattorney@co.washington.ny.us>; 'rob.fitzsimmons@columbiacountyny.com' <rob.fitzsimmons@columbiacountyny.com>; 'hogand@otsegocounty.com' <hogand@otsegocounty.com>; 'Charles.zambito@co.genesee.ny.us' <Charles.zambito@co.genesee.ny.us>; 'kyaddaw@brottlaw.com' <kyaddaw@brottlaw.com>; 'jmillerlaw@verizon.net' <jmillerlaw@verizon.net>; 'quigleyj@co.tioga.ny.us' <quigleyj@co.tioga.ny.us>; 'mmanion@co.montgomery.ny.us' <mmanion@co.montgomery.ny.us>; 'ccatty@frontiernet.net' <ccatty@frontiernet.net>; 'klhowe@cortland-co.org' <klhowe@cortland-co.org>; 'County Attorney' <countyattorney@discovergreene.com>; 'minerta@alleganyco.com' <minerta@alleganyco.com>; 'porter.kirkwood@dfa.state.ny.us' <porter.kirkwood@dfa.state.ny.us>; 'David.Schubel@orleansny.com' <David.Schubel@orleansny.com>; 'lzymowski@daddandnelson.com' <lzymowski@daddandnelson.com>; 'dmanning@co.essex.ny.us' <dmanning@co.essex.ny.us>; 'ffisher@co.seneca.ny.us' <ffisher@co.seneca.ny.us>; 'sal@midtel.net' <sal@midtel.net>; 'joanmcnichol@lewiscounty.ny.gov' <joanmcnichol@lewiscounty.ny.gov>; 'Scott Falvey' <sfalvey@yatescounty.org>;

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Subject: Notice of Right to Seek Intervention -- Citizen-Taxpayer Action to Void D.A. Salary Increases & State Reimbursement to the Counties

**TO: The 62 Counties of New York State – c/o The County Attorneys
New York State Association of Counties
County Attorneys' Association of the State of New York**

This follows up the Center for Judicial Accountability's July 8, 2016 letter to the counties entitled:

"GIVING NOTICE: Your duty to repudiate & challenge the state-imposed district attorney salary increases based on your own district attorney's findings of fact and conclusions of law with respect to rock-solid, *prima facie* evidence establishing them to be based on judicial salary increases that are statutorily-violative, fraudulent – & unconstitutional".

CJA's website, www.judgewatch.org, posts that July 8, 2016 letter – and our July 14, 2016 and August 8, 2016 FOIL requests to the counties, designed to further assist you in evaluating the situation, including with respect to state reimbursement for district attorney salaries. These are accessible from a menu webpage entitled "HOW MANY D.A.s DOES IT TAKE TO CONFRONT EVIDENCE & ABIDE BY ETHICAL RULES?". The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/how-many-das-menu.htm>.

Where are your district attorneys' findings of fact and conclusions of law with respect to the evidence furnished? How about the findings of fact and conclusions of law of each county attorney? Have these been furnished to each county's legislative board? To the county executive officers? To the county treasurer/controller? Has the July 8, 2016 letter been placed on the agenda of your county's legislative board meetings for discussion and vote? And what about your organizational and lobbying entities – the New York State Association of Counties and the County Attorneys' Association of the State of New York? What kind of leadership have they been providing?

Please be advised that in the absence of any substantive response from you to the July 8, 2016 letter, CJA has had no choice but to continue to proceed alone on behalf of the People of the State of New York and the public interest. On Friday, September 2, 2016, we commenced a new citizen-taxpayer action in Supreme Court/Albany County (#5122-16) pertaining to the state budget for fiscal year 2016-2017. In addition to embodying ALL the evidence that CJA's July 8, 2016 letter furnished you to establish the counties' duty to take steps to void the district attorney salary increases arising from the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation and the August 29, 2011 report of the Commission on Judicial Compensation, it presents a tenth cause of action (§§85-110) to void the "grants to counties for district attorney salaries" in this year's Aid to Localities Budget Bill #S.6403-d/A.9003-d.

As the counties are directly affected by the tenth cause of action, this is to give you notice of your right to seek intervention as to that cause, in particular – and, additionally, as to the sixth, seventh, and eighth causes of

action to void the December 24, 2015 and August 29, 2011 reports (¶¶59-80). Attached is plaintiffs' formal notice of today's date of your right to seek intervention. Plaintiffs' order to show cause for a preliminary injunction to enjoin the state from disbursing monies to the counties for district attorney salaries, signed on September 2, 2016, is returnable in Supreme Court/Albany County on Friday, September 16, 2016. It, too, is attached. These documents – as, likewise, the September 2, 2016 verified complaint and the transcript of the September 2, 2016 oral argument – are all accessible from CJA's menu page for this second citizen-taxpayer action: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/menu-2nd-citizen-taxpayer-action.htm>.

Feel free to call with any questions. I am available to assist you, to the max, in discharging your duty to your counties' taxpayers.

Thank you.

Elena Sassower, Director
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