

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, January 28, 2020 4:43 PM
To: 'jdevendo@nysenate.gov'
Cc: 'jacobs@nysenate.gov'; 'jshapiro@nysenate.gov'
Subject: 2nd of 4 e-mails for belated response by Senator Jacobs: January 24, 2019
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

See below & above attached.

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, January 24, 2019 9:55 AM
To: 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'mike_2233@yahoo.com' <mike_2233@yahoo.com>; 'carlosv845@gmail.com' <carlosv845@gmail.com>; 'goddard@nysenate.gov' <goddard@nysenate.gov>; 'jacobs@nysenate.gov' <jacobs@nysenate.gov>; 'jshapiro@nysenate.gov' <jshapiro@nysenate.gov>; 'biaggi@nysenate.gov' <biaggi@nysenate.gov>; 'jonesjj@nysenate.gov' <jonesjj@nysenate.gov>; 'sepulveda@nysenate.gov' <sepulveda@nysenate.gov>; 'shantaleemz@gmail.com' <shantaleemz@gmail.com>; 'kaminsky@nysenate.gov' <kaminsky@nysenate.gov>; 'bchristi@nysenate.gov' <bchristi@nysenate.gov>; 'lanza@nysenate.gov' <lanza@nysenate.gov>; 'bmorin@nysenate.gov' <bmorin@nysenate.gov>; 'carlucci@nysenate.gov' <carlucci@nysenate.gov>; 'coffin@nysenate.gov' <coffin@nysenate.gov>
Subject: **OVERSIGHT OF SENATE & ASSEMBLY LEADERSHIP -- Willful Violations of Legislative Law Article 5-A & Article 5-B Rendering the 14 Joint Legislative Commissions Sham**

TO: Senate Committee on Investigations & Government Operations

Following up my January 22nd e-mail to you, whose concluding words were "More to follow", the below, just-sent, e-mail to Senate and Assembly leadership is the first installment: Oversight of Senate & Assembly Leadership for their Willful Violations of Legislative Law Article 5-A and Article 5-B Rendering the 14 Joint Legislative Commissions Sham.

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>

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