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DIVISION OF LEGAL SERVICES

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DIVISION OF STATE COUNSEL

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



February 6, 2020

LETTIA JAMES
ATTORNEY GENERAL

Caitlin Heim, Esq.
Associate Attorney
Office of State Comptroller
110 State Street
Albany, New York 12236

Re: Public Officers Law §17 in connection with
SAM Party v. Cuomo et al, USDC/SDNY, 20 CV 323

Dear Ms. Heim:

Pursuant to Public Officers Law Section 17(2)(b), this office has reviewed the presently available facts and circumstances relating to the above matter. Based on this review, we have determined for the purposes of representation only, and without any determination as to the ultimate merits, that representation by the Attorney General of defendants NYS Board of Elections Co Chair Peter S. Kosiniski, NYS Board of Elections Co Chair Douglas Kellner, NYS Board of Elections Commissioner Andrew Spano, NYS Board of Elections Co-Executive Director Todd Valentine, NYS Board of Elections Co-Executive Director Robert Brehm, Speaker of the Assembly Carl E. Heastie, Senate Minority Leader John J. Flanagan, Assembly Minority Leader William A. Barclay, Senate President and Majority Leader Andrea Stewart-Cousin, and Governor Andrew M. Cuomo would be inappropriate.

I, therefore, certify that NYS Board of Elections Co Chair Peter S. Kosiniski, NYS Board of Elections Co Chair Douglas Kellner, NYS Board of Elections Commissioner Andrew Spano, NYS Board of Elections Co-Executive Director Todd Valentine, NYS Board of Elections Co-Executive Director Robert Brehm, Speaker of the Assembly Carl E. Heastie, Senate Minority Leader John J. Flanagan, Assembly Minority Leader William A. Barclay, Senate President and Majority Leader Andrea Stewart-Cousin, and Governor Andrew M. Cuomo are entitled to be represented by private counsel in accordance with the provisions of Section 17 of the Public Officers Law.

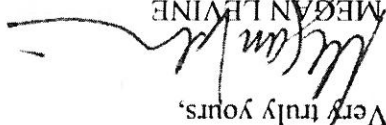
The same private counsel is authorized to be retained for the following defendants:

NYS Board of Elections Co Chair Peter S. Kosiniski, NYS Board of Elections Co Chair Douglas Kellner, NYS Board of Elections Commissioner Andrew Spano, NYS Board of Elections Co-Executive Director Robert Brehm.

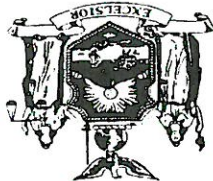
Separate private counsel is authorized to be retained for the following defendants:

Speaker of the Assembly Carl E. Heastie, Senate Minority Leader John J. Flanagan,
Assembly Minority Leader William A. Barclay, Senate President and Majority Leader
Andrea Stewart-Cousin, and Governor Andrew M. Cuomo.

Very truly yours,


MEGAN LEVINE
Deputy Attorney General

cc: Christine Ryan



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETTIA JAMES
ATTORNEY GENERAL

February 6, 2020

Via First Class Mail
Senator John J. Flanagan
Minority Leader
New York State Senate
State Capitol, Room 315
Albany, New York 12247

Re: *SAM Party of New York v. Cuomo, et al.*, No. 20-CV-00323 (S.D.N.Y.)

Dear Minority Leader Flanagan:

This Office has received your request for private counsel representation pursuant to Public Officers Law § 17 in the above-referenced matter in which you have been named as a Defendant in your official capacity. Based on the facts and circumstances currently available to us, this Office has concluded that it would be inappropriate for the Attorney General to represent you in this matter.

We are, however, certifying to the State Comptroller that you are entitled to be represented by private counsel under Public Officers Law § 17. Upon this certification, the State will pay for reasonable attorneys' fees and litigation expenses, subject to (1) certification by the Senate that you are entitled to representation under Public Officers Law § 17, and (2) the audit and warrant of the State Comptroller. We suggest that you share this letter with the attorney you retain and notify him or her that the person to contact in the Comptroller's Office is Caitlin Heim, Senior Attorney, at (518) 408-3139.

Your attention is called to subdivision (3)(a) of the statute, which provides that the State may indemnify you in the amount of any judgment obtained against you in any Court, or in the amount of any settlement of any claim, if the act or omission from which the judgment or settlement arose occurred while you were acting within the scope of your public employment or duties and did not result from intentional wrongdoing on your part. Please note that any decision regarding indemnification is made only after a judgment is rendered against you or at the time that a settlement is proposed.

Your attention is also called to subdivision (3)(b), which requires a defendant represented by private counsel to submit any proposed settlement to the Attorney General's Office for review

Senator John J. Flanagan
February 6, 2020
Page 3

cc Carl Mills
(via email)

Jeffrey T. Buley
Attorney At Law
50 State Street, 4th Floor
Albany, NY 12207
jeffbuley@hotmail.com
(518) 956-1920

February 11, 2020

Hon. John Flanagan
Minority Leader
New York State Senate
Capitol Room 315
Albany, NY 12247

Re: Retainer Agreement
SAM Party of New York v Cuomo, et al.
No. 20-CV-0023 (S.D.N.Y.)

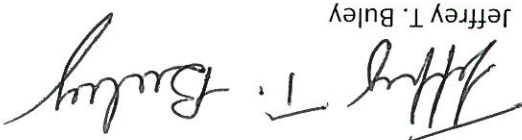
Dear Senator Flanagan:

This will confirm that effective as of February 6, 2020, you have engaged my services to represent you in your capacity as Minority Leader of the New York State Senate with respect to the above-captioned action presently pending in U.S. District Court for the Southern District of New York. My fees for representing you in this matter will be in accordance with the provisions of Section 17 of the Public Officers Law and the fee schedule established by the Office of the New York State Comptroller pursuant to 2 N.Y.C.R.R. Part 20.3.

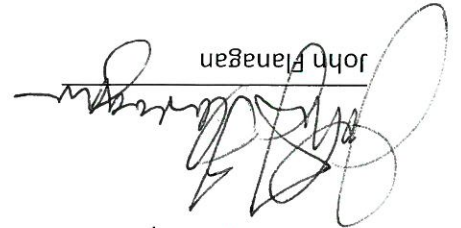
To confirm your understanding and agreement to the foregoing terms, please sign this letter and return it to me.

I look forward to representing you in this matter.

Very truly yours,


Jeffrey T. Buley

The above is acceptable.


John Flanagan