

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, September 2, 2020 5:19 PM
To: 'bradley.hershenson@sunysa.org'; 'Damilola.Adesanya@sunysa.org';
'Bryce.Mack@sunysa.org'; 'callie.humphrey@sunysa.org'; 'John.Donnelly@sunysa.org';
'jennifer.mauk@sunysa.org'; 'Cooke, Kelvin'; 'zion.sherin@sunysa.org';
'amy.zhang@sunysa.org'; 'elisabeth.rebmann@sunysa.org'; 'ari.morales@sunysa.org';
'pablo.hernandez@sunysa.org'; 'reese.harrison@sunysa.org';
'savanah.shulkin@sunysa.org'; 'nicholas.chin@sunysa.org';
'gaelle.jeanbaptiste@sunysa.org'; 'jordan.roiland@sunysa.org';
'ryan.hughes@sunysa.org'; 'tanvir.alam@sunysa.org'; 'samira.chowdhury@sunysa.org';
'djamilie.jules@sunysa.org'; 'shaheer.khan@sunysa.org'; 'mashaal.bhatti@sunysa.org';
'donnella.smith@sunysa.org'; 'maddie.pelkey@sunysa.org'; 'john.klecker@sunysa.org';
'olivia.autenrieth@sunysa.org'; 'noah.cowen@sunysa.org'; 'mashaal.bhatti@sunysa.org';
'james.kinney@sunysa.org'; 'nicole.ortiz@sunysa.org'; 'katie.steele@sunysa.org';
'justin.techmanski@sunysa.org'; 'jahad.hoyte@sunysa.org'
Cc: 'Kate.Wood@sunysa.org'; 'corianna.lipira@sunysa.org'; 'Taryn.Rackmyer@sunysa.org';
'Chester.Bennett@sunysa.org'; 'kevin.rogers@sunysa.org';
'takeena.strachan@sunysa.org'; 'gavin.grey@sunysa.org'; 'james.kinney@sunysa.org';
'justas.klimavicius@sunysa.org'; 'tyriq.johnson@sunysa.org'; 'eric.weinman@sunysa.org';
'cheyanne.matulewich@sunysa.org'; 'akilah.wilson@sunysa.org';
'daniel.cubas@sunysa.org'
Subject: Conflict of Interest Ethics Complaint vs SUNY's Board of Trustees & its Other Officers & Staff for Violating Public Officers Law §74 -- & the Student Assembly's Ethical & Legal Duty...
Attachments: 8-31-20-notarized-jcope-complaint-form.pdf; 8-31-20-complaint-to-jcope-corrected.pdf

TO: Student Assembly Executive Committee

Above-attached is the conflict of interest ethics complaint against your President Hoyte and, inferentially, against you, filed with the [Joint Commission on Public Ethics \(JCOPE\)](#) – to which you are cc'd. Will you disseminate it to your student constituency, so that they can make their own evaluation of what has gone on and how you have represented their interests? If not, is it because you dispute its accuracy? What, specifically?

As for the below, it is my August 19th e-mail to you – to which I received no response from anyone except Representative Kelvin Cooke, to whom I re-sent it on August 20th, with a personal note, after the original e-mailing came back due to an error I had made in the address. Later that day, Representative Cooke and I spoke by phone – and I understood from him that something of an emergency meeting had been called with respect to my August 19th e-mail – and that, apparently, President Hoyte had had no prior knowledge of my August 14th e-mail. I did not hear back from Representative Cooke, thereafter – and was shocked by President Hoyte's vote, the next day, at the August 21st SUNY Board of Trustees meeting – the sole vote in abstention, which he preceded by comment indistinguishable from a vote in support, only passingly referring to 'our process of appointing a new chancellor is a little flawed'.

Yesterday, as a courtesy to Representative Cooke, I left a voice message for him and sent him an e-mail, but have received no response.

I would be happy to speak with any of you directly, to explain anything unclear, and to answer questions. And I request your assistance – as I had Representative Cooke -- in contacting SUNY's student newspapers and SUNY journalism programs, so that SUNY students who aspire to careers as reporters can develop their skills by investigating and

reporting on what has happened and is now unfolding – a story of MAJOR significance not only to the governance of SUNY, but to the governance of New York State.

In that regard, I take this opportunity to quote from the paragraph of the complaint (at p. 14) pertaining to President Hoyte and, inferentially, the Student Assembly, which reads:

“Neither Trustees Kay or Fogal or Hoyte – the SUNY Board’s not ‘politically-appointed members’ – ‘played by the rules’. There are no ‘rules’ permitting what they did, which was to betray their fiduciary responsibilities not only as members of the SUNY Board of Trustees, but to their constituencies of university faculty, community colleges, and students whose interests they purported to represent as presidents. They knowingly and deliberately concealed the truth of what was going on from each of their constituencies – and that truth is that they could have EASILY secured what they publicly proclaimed to have wanted: an appropriate search for a new SUNY chancellor. To achieve that goal, all it required was ‘whistleblowing’ about my August 14th and August 19th e-mails, which was their ethical and legal duty to do. Only conflict-of-interest, violative of Public Officers Law §74, can account for their failure to have identified those dispositive e-mails at the August 21st meeting and by their subsequent resolution and public statements.” (capitalization in the original).

I request that you take this up at emergency meetings and invite SUNY professors of ethics and law to guide you so that you may issue an appropriate public statement as to the Student Assembly’s ethical, if not legal, duty going forward and with respect to the August 31st ethics complaint. As I pointed out to Mr. Cooke, in our August 20th phone conversation, SUNY has a law school – its SUNY Buffalo School of Law – and it even has an undergraduate program, offering a bachelor’s degree in law. Presumably, this includes courses in professional responsibility and ethics.

Finally, it appears, from your website, that since my August 19th e-mail there has been a HUGE change in the membership of the Student Assembly’s Executive Committee, with a great many members gone. The prior vice president and acting vice president/chief of staff are among those gone, replaced by a different vice president, Bradley Hershenson. There is no president – only Jahad Hoyte “Acting President”. Mr. Cooke remains a Representative – indeed, is now “Chair, Community Colleges”. As bios and e-mails of all the new members are not yet posted, I have tried to figure out what the e-mail addresses of all the many new members might be, using what appears to be the formula of first name dot last name and then @sunysa.org.

As Vice President Hershenson is now the newly-listed contact for “questions, comments, and concerns”, I ask that he: (1) explain when, how, and why this Executive Committee membership shift has occurred; (2) confirm that it has been consistent with “Article XVII of the SUNY Board of Trustee policies and Section 6 of the Student Assembly Bylaws”, specified by your website as “our governing documents”, both linked and separately posted; and (3) ensure that all concerned Executive Committee members, present and past, are furnished with this e-mail. The apparently no-longer serving members, to whom just two weeks ago I successfully sent my below August 19th e-mail, I am cc’ing, in the event they remain reachable.

Thank you.

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

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

Sent: Wednesday, August 19, 2020 5:00 PM

To: 'Kate.Wood@sunysa.org' <Kate.Wood@sunysa.org>; 'corianna.lipira@sunysa.org' <corianna.lipira@sunysa.org>; 'Bryce.Mack@sunysa.org' <Bryce.Mack@sunysa.org>; 'Damilola.Adesanya@sunysa.org' <Damilola.Adesanya@sunysa.org>; 'Taryn.Rackmyer@sunysa.org' <Taryn.Rackmyer@sunysa.org>; 'Chester.Bennett@sunysa.org' <Chester.Bennett@sunysa.org>; 'bradley.hershenson@sunysa.org' <bradley.hershenson@sunysa.org>; 'kevin.rogers@sunysa.org' <kevin.rogers@sunysa.org>; 'takeena.strachan@sunysa.org' <takeena.strachan@sunysa.org>; 'gavin.grey@sunysa.org' <gavin.grey@sunysa.org>; 'james.kinney@sunysa.org' <james.kinney@sunysa.org>; 'nicole.ortiz@sunysa.org' <nicole.ortiz@sunysa.org>; 'noah.cowen@sunysa.org' <noah.cowen@sunysa.org>; 'mashaal.bhatti@sunysa.org' <mashaal.bhatti@sunysa.org>; 'justas.klimavicius@sunysa.org' <justas.klimavicius@sunysa.org>; 'jennifer.mauk@sunysa.org' <jennifer.mauk@sunysa.org>; 'tyriq.johnson@sunysa.org' <tyriq.johnson@sunysa.org>; 'eric.weinman@sunysa.org' <eric.weinman@sunysa.org>; 'cheyanne.matulewich@sunysa.org' <cheyanne.matulewich@sunysa.org>; 'akilah.wilson@sunysa.org' <akilah.wilson@sunysa.org>; 'amanda.vanhorn@sunysa.org' <amanda.vanhorn@sunysa.org>; 'amy.zhang@sunysa.org' <amy.zhang@sunysa.org>; 'callie.humphrey@sunysa.org' <callie.humphrey@sunysa.org>; 'cristian.rodriguez@sunysa.org' <cristian.rodriguez@sunysa.org>; 'daniel.cubas@sunysa.org' <daniel.cubas@sunysa.org>; 'dylan.guilfoyle@sunysa.org' <dylan.guilfoyle@sunysa.org>; 'dylan.rice@sunysa.org' <dylan.rice@sunysa.org>; 'elisabeth.rebmann@sunysa.org' <elisabeth.rebmann@sunysa.org>; 'esther.joseph@sunysa.org' <esther.joseph@sunysa.org>; 'james.vassallo@sunysa.org' <james.vassallo@sunysa.org>; 'kevin.cooke@sunysa.org' <kevin.cooke@sunysa.org>; 'mitchel.smigel@sunysa.org' <mitchel.smigel@sunysa.org>; 'yamilex.taveras@sunysa.org' <yamilex.taveras@sunysa.org>; 'zion.sherin@sunysa.org' <zion.sherin@sunysa.org>
Cc: 'jahad.hoyte@sunysa.org' <jahad.hoyte@sunysa.org>; 'Austin.Ostro@sunysa.org' <Austin.Ostro@sunysa.org>

Subject: The Important Role of the Student Assembly -- Backstory to the SUNY Board of Trustees' closed-door meetings, since Monday, to appoint James Malatras as SUNY's new chancellor

TO: Student Assembly Executive Committee

On Friday, August 14th, I learned from the Board Coordinator of the SUNY Board of Trustees that your president Austin Ostro – whose name still appears on your website as your president – had “left early” on July 11, 2020 – and that your new president is Jahad Hoyte, who your website lists as “Agriculture, Technology and Statutory Campuses Representative”.

With all respect to Mr. Hoyte, I do not understand how he became president. Shouldn't your listed vice-president, Kate Wood, have become president -- or your “acting vice president”, listed as Corianna Lipira, who is also listed as chief of staff?

In any event, earlier today, I sent two e-mails to Mr. Hoyte because, as your president, he is a member of the SUNY Board of Trustees. Indeed, he is the ONLY member of the SUNY Board of Trustees, not appointed by the Governor, who votes. The two other members of the Board of Trustees not appointed by the Governor are the president of the University Faculty Senate and the president of the Faculty Council of Community College, but they are each non-voting members of the SUNY Board of Trustees.

The e-mails I sent to Mr. Hoyte are below and furnish the backstory to the SUNY Board of Trustees' closed-door meetings, since Monday, to appoint James Malatras as SUNY's new chancellor – meetings assumedly including Mr. Hoyte. Because of their seriousness – and because the Student Assembly has a vital role to play in ensuring a proper search for, and vetting of, SUNY's new chancellor, I request that each member of the Student Assembly Executive Committee review the e-mails so as to be apprised of what has been going on – and so that you can discuss and vote on proper action and advocacy based thereon.

Certainly, this is an ideal story for “watchdog” investigative reporting by SUNY student newspapers and by SUNY students interested in journalism.