

# CENTER *for* JUDICIAL ACCOUNTABILITY, INC.\*

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July 8, 2022

TO: Commission on Ethics and Lobbying in Government (CELG)

FROM: Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)

RE: TESTING the “ethics commission reform act” Commission on its DAY 1:  
Re-filing the seven complaints previously filed with JCOPE,  
plus a new eighth complaint against Attorney General Letitia James  
for litigation fraud in *CJA, et al. v. JCOPE, et al.* (Albany Co. #904235-22) –  
arising from the same conflict of interest Public Officers Law §74 violations  
as were the subject of CJA’s March 5, 2021 complaint, unaddressed by JCOPE

Pursuant to the “ethics commission reform act of 2022” which establishes the Commission on Ethics and Lobbying in Government *via* a new Executive Law §94, I hereby file with you, based on that new Executive Law §94, my seven sworn complaints of Public Officers Law §74 conflict of interest violations, previously filed with JCOPE. These are the same seven complaints that are Exhibits A through G to the [June 6, 2022 verified petition/complaint](#) in the Center for Judicial Accountability’s lawsuit against JCOPE, *et al.* (Albany Co. #904235-22). The seven complaints, with the latest first – and linked to the [NYSCEF docket](#) – are:

[Exhibit A-1](#): my April 13, 2022 complaint;  
[Exhibit B](#): my December 17, 2021 complaint;  
[Exhibit C](#): my November 24, 2021 complaint;  
[Exhibit D-1](#): my March 5, 2021 complaint;  
[Exhibit E](#): my August 31, 2020 complaint;  
[Exhibit F](#): my December 11, 2014 complaint;  
[Exhibit G](#): my June 27, 2013 complaint.

Additionally, in light of what has thus far occurred in *CJA v. JCOPE*, where Attorney General James, a respondent, representing herself and all nine of her co-respondents, is engaging in litigation fraud in the absence of ANY legitimate defense, I herewith file a further complaint against her beyond the March 5, 2021 complaint I filed with JCOPE, whose evidentiary proof as to Attorney

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\* **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens’ organization working to ensure that mechanisms are in place to prevent judges from “throwing” cases by decisions that are judicial perjuries, obliterating and falsifying fact and law – and that processes of judicial selection and discipline are effective and meaningful.

General James' litigation fraud in related lawsuits, in collusion with state judges, was furnished by my incorporated February 11, 2021 attorney misconduct complaint against her to the Appellate Division attorney grievance committees, itself incorporating my February 7, 2021 judicial misconduct complaint to the Commission on Judicial Conduct. These are, respectively, [Exhibit D-2](#) and [Exhibit D-3](#) to the petition.

As recited by ¶37 of the petition:

“JCOPE acknowledged [the March 5, 2021 complaint] by a [March 16, 2021 e-mail](#) as #21-033 – but never thereafter advised, in writing or otherwise, that its members had voted and determined that there was ‘no violation’ or that it had been ‘rectified’, or that JCOPE’s investigation had been ‘closed for any other reason’.”

JCOPE’s corrupt nonfeasance with respect to my March 5, 2021 complaint has led to Attorney General James’ repeat of Public Officers Law §74 conflict of interest violations in *CJA v. JCOPE, et al.* and her litigation fraud arising therefrom that is this eighth complaint. Thus far, her litigation fraud in *CJA v. JCOPE, et al.*, has been, as follows:

**I.**  
**June 27, 2022**

On June 27, 2022, in the complete absence of ANY defense to the June 6, 2022 petition (##1-30) and the [June 23, 2022 notice of petition](#) (#46) with which it was served, Assistant Attorney General Gregory Rodriguez, appearing “of Counsel” to Attorney General James, filed a frivolous and fraudulent motion to dismiss (##50-59). I demonstrated this, resoundingly, by a [June 28, 2022 affidavit in opposition and in further support of the notice of petition](#) (#61), stating:

“...Mr. Rodriguez’s motion is not merely insufficient, but a fraud upon the Court. Its sole value is to demonstrate that Attorney General James must be disqualified for interest from representing her co-respondents – and from even determining the ‘interest of the state’ pursuant to [Executive Law §63.1](#), which Mr. Rodriguez’s motion does not purport as having been done and which, were it done, would mandate the Attorney General’s representation of petitioners, not respondents, *via* independent, outside counsel, retained for such purpose.” (at ¶4).

It concluded, as follows:

“As I stated to Mr. Rodriguez in our extensive phone conversation, his motion must be withdrawn – and his obligation is to refer this case ‘upstairs’, to his superiors, for review and determination of the ‘interest of the state’ pursuant to Executive Law §63.1 and the Attorney General James’ duty to secure independent, outside counsel, as she is a respondent, directly interested, financially and otherwise. No one examining my March 5, 2021 complaint to JCOPE ([Exhibit D-1](#)), resting on – with

respect to Attorney General James – the February 11, 2021 attorney misconduct complaint I filed against her with the Appellate Division attorney grievance committees ([Exhibit D-2](#)) and its included February 7, 2021 judicial misconduct complaint to the Commission on Judicial Conduct ([Exhibit D-3](#)) – could come to any other conclusion – and a sworn statement from Attorney General James, personally, is here mandated.” (§26).

I received no subsequent communication from Mr. Rodriguez or anyone else at the Attorney General’s office – and the motion was not withdrawn.

## II. July 7, 2022

Yesterday, July 7<sup>th</sup>, newly-assigned Ulster County Supreme Court Justice David Gandin held oral argument at the courthouse in Kingston on [my July 6<sup>th</sup> order to show cause](#) (##66-72) for determination of petitioners’ *matter of law* entitlement to the granting of a TRO/preliminary injunction to stay the “ethics commission reform act of 2022” from taking effect today.

Mr. Rodriguez did not appear for the argument, but, rather, another assistant attorney general, Stacey Hamilton, whose virtually every word was a flagrant lie. Any fair and impartial judge, as Judge Gandin is not, who is not afflicted by a \$80,000 yearly salary interest, as Judge Gandin is, would have swiftly rebuked Ms. Hamilton and, if not granting the TRO/preliminary injunction IMMEDIATELY, gotten on the phone, from the bench, to supervisory attorneys in the Attorney General’s office, if not to Attorney General James herself, to give them a final, undeserved opportunity to address what was before him, *as a matter of law* – the law being the evidentiary burden of the parties on a preliminary injunction and his duty with respect thereto, set forth by [CPLR §§6312\(a\) & \(c\)](#) – and, additionally, to inquire as to who, if anyone, had determined the “interest of the state”, as [Executive Law §63.1](#) requires, and Attorney General James’ glaring conflict of interest disqualification.

I objected, heartily, to Ms. Hamilton’s fraudulent, fairy-land argument – and, to no avail, reiterated petitioners’ entitlement to determination of the “interest of the state” and to Attorney General James’ disqualification, threshold.

Upon receipt of the transcript of the July 7<sup>th</sup> argument, which I am having transcribed, I will supply it in substantiation of this complaint. Meantime, attached is my [memorializing e-mail](#) to Judge Gandin’s law clerk, sent earlier today – to which I cc’d both Ms. Hamilton and Mr. Rodriguez.

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This morning, July 8<sup>th</sup>, at promptly 9:00 a.m., I called CELG for information about filing this complaint. The call was answered electronically and after a wait of about six minutes, I was told to record a message. About an hour and a half later Investigator Peter Smith returned the call – and I discussed this complaint with him, extensively, and the fact that CELG’s website, supplanting JCOPE’s, seems to have no link for materials that had been posted on JCOPE’s website, as for instance, its annual reports – including the annual report for 2021, posted, I believe, only yesterday and now gone.

Fortunately, before JCOPE’s website evaporated, at about 9:00 a.m. today, I downloaded the [2021 annual report](#), it being extremely valuable and illuminating – and the only one of its ten annual reports to be compliant with Executive Law §94.9(1)(i) in “listing by assigned number...each complaint and referral received which alleged a possible violation within [JCOPE’s] jurisdiction, including the current status of each complaint.” – the subject of the petition’s second cause of action (¶¶42-47).

I reviewed with Mr. Smith the listings, by assigned number, for my three complaints filed in 2021 – the first being for the [March 5, 2021 complaint: #21-033](#).<sup>1</sup> The listing, at [page 63 of the annual report](#), correctly identifies the complaint as against “Executive Chamber, Assembly, Senate, Office of the Attorney General, Office of the State Comptroller”, but does NOT cite the violated “Law” to be “Public Officers Law”, but, rather, “Other”, does NOT identify the “Nature of Allegation” to be “Conflict of Interest”, but, rather, “General” – and, surprisingly, gives, as its “Status”, “Closed (Insufficient Allegation)”, with a “Closed Date” of “04/27/2021”.

I told Mr. Smith that I had repeatedly complained in communications to JCOPE throughout 2021 and 2022 that it was “sitting on” the March 5, 2021 complaint – and had never been contradicted by any e-mail or letter stating that the complaint had been “Closed”, let alone for “Insufficient Allegation” – and that this was so-reflected by the petition (at ¶17, quoting from my [April 13, 2022 complaint to JCOPE \(at p. 2\)](#), and at ¶37). Mr. Smith was going to check on that.

Mr. Smith was, additionally, going to check on the listing pertaining to the third of my 2021 complaints, the [December 17, 2021 complaint, #21-244](#), which is at [page 79 of the annual report](#). Although the complaint is against the Senate, Assembly, and the Legislative Ethics Commission, it is identified as being only against “Assembly” and though correctly identifying the “Law” violated as “Public Officers Law” and that the “Nature of Allegation” is “Conflict of Interest”, it surprisingly gives, as the “Status” of the complaint, “Pending”. This directly contradicts JCOPE Investigations and Enforcement Director Emily Logue’s [February 28, 2022 e-mail](#) to me, with its [attached letter](#) purporting “the Commission considered the allegations raised in the complaint and voted to close the matter on January 25, 2022” – a disposition whose legitimacy and lawfulness I had challenged by

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<sup>1</sup> Here linked to the record, as posted on CJA’s website. Likewise, my two subsequent 2021 complaints are hereinafter linked to the records, as posted on CJA’s website. These links are the same as appear at ¶4(b) of the [petition](#).

my [March 4, 2022 e-mail](#), without response from JCOPE. This is recited by the petition, at ¶17, quoting from my [April 13, 2022 complaint to JCOPE \(at p. 2\)](#), and at ¶39.

The second of my three 2021 complaints, the [November 24, 2021 complaint, #21-226](#), is, as I told Mr. Smith, the complaint arising from the Commission on Judicial Conduct's purported dismissal of my February 7, 2022 complaint against judges participating, with Attorney General James, in corrupting the judicial process – part of my March 5, 2021 complaint, which is complaint #21-033. This second complaint to JCOPE from 2021 appears at [page 78 of the annual report](#). It correctly identifies the complaint to be against “Commission on Judicial Conduct”, the “Law” violated as “Public Officers Law”, the “Nature of Allegation” to be “Conflict of Interest” – and that its “Status” is “Closed by Commission Vote” with a “Closed Date” of “12/20/2021”. No mention of my rebuttal to the legitimacy and lawfulness of such purported Commission vote by my [December 21, 2021 letter](#), to which JCOPE did not respond, or to my subsequent e-mails pertaining thereto. This is recited by the petition, at ¶17, quoting from my [April 13, 2022 complaint to JCOPE \(at p. 2\)](#), and at ¶38.

Although it is now nearly midnight, your website has not yet replaced JCOPE's complaint form with your own. As I discussed with Mr. Smith, a new form will, presumably, no longer indicate a notary for a sworn complaint – and, indeed, there is no longer the need for a complainant to even swear to a complaint, as the new Executive Law §94 no longer confers any added value or mandatory responsive action for sworn complaints.

I nonetheless willingly, proudly, and with full respect for its meaning and significance, swear to the truth of this complaint – using the attestation that Albany District Attorney Soares requires for complaints filed with his Public Integrity Unit, quoted on the last page of my June 4, 2020 grand jury/public corruption complaint to him (at p. 9), physically appended to my [March 5, 2021 complaint to JCOPE](#):

“I understand that any false statements made in this complaint are punishable as a Class A misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.”

Thank you.

s/ ELENA RUTH SASSOWER