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March 30, 2026

TO: [New York State Commission on Prosecutorial Conduct Members](#)
Vice Chair Michael J. Obus; Daniel R. Alonso; Mayo Bartlett; Chantell C. Botticelli
Stephen J. Dougherty; Randall T. Eng; Brian J. Griffin; Andrea Glenn Loigman;
Marne L. Lenox; Amy B. Marion

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

RE: [Questions Whose Answers Establish Your Duty](#): (1) to Remove Administrator Friedman; (2) to Replace Chair Simons; (3) to Hold a Hearing on the Commission's Operating Rules and Procedures; (4) to Reinstate for Investigation CJA's November 18, 2024 Complaint and March 21, 2025 Complaint vs New York State's D.A.s.

Each of you is responsible for the proper functioning of the Commission, whose profound dysfunction, highlighted by the March [6], 2026 article "[New York finally has a way to discipline prosecutors. So why hasn't it?](#)" (Gothamist), should have resulted in your immediate examination of how Administrator Friedman has been operating and, likewise, how Chair Simons has discharged the duties of his office.

Pursuant to [Judiciary Law §499-c\(2\)](#),¹ you elect a chair from among the 11 Commission members for a term no longer than two years. Pursuant to [Judiciary Law §499-c\(7\)](#), you appoint an administrator "to serve at your pleasure".

By now, simply by passage of time, the Commission should have a new chair, as more than two years have elapsed since you elected Chair Simons, whose corruption, in concert with Administrator Friedman, to subvert the Commission's proper functioning by statutorily-violative, intentionally obfuscating, deficient [Operating Rules and Procedures](#) would be familiar to you IF they had furnished you with [CJA's June 24, 2024 written comment to the originally proposed Operating Rules and Procedures](#) and [CJA's November 18, 2024 written comment to the revised proposed Operating Rules and Procedures](#), each questioning your knowledge of what was going on and requesting a Commission hearing for the Operating Rules and Procedures, with the latter attaching CJA's November 18, 2024 complaint against ALL NYS' 62 D.A.s.

¹ "The members of the commission shall elect one of their number to serve as chairperson during his or her term of office or for a period of two years, whichever is shorter."

Did Administrator Friedman furnish you with CJA's two sets of written comments? Is it possible that you never actually saw them, and relied on deceitful distillations and responses she prepared?

How about [CJA's November 18, 2024 complaint against the 62 D.A.s](#):

“for public corruption, born of conflicts of interest pertaining to their D.A. salaries & their relationships with state executive, legislative, and judicial officers within their geographic jurisdictions, whose flagrant violations of penal laws the D.A.s are NOT investigating and prosecuting by reason thereof”.

Assuredly, this was the MOST explosive and far-reaching of ALL complaints filed with the Commission at that time or since – to which CJA added a follow-up [March 21, 2025 complaint against the 5 new D.A.s who had taken office on January 1, 2025](#). Did Administrator Friedman furnish these two complaints to you – or did you rely on her reports about them, or maybe not even that?

On February 9, 2026 I sent Administrator Friedman and Chair Simons an [e-mail](#) inquiring as to the status of CJA's complaints. Two days later, Administrator Friedman [e-mailed](#) me a [February 11th letter](#), which, unlike prior responses to me, did not indicate a *cc* to Chair Simons. Nor did it indicate that she was responding to my February 9th e-mail, as opposed to, inferentially, complying with [Judiciary Law §499-f\(10\)](#) and Commission [Rule 10400.5\(h\)](#) “The commission shall notify the complainant of its disposition of the complaint”.² Her two-sentence letter stated:

“The Commission has dismissed your complaints. The Commission determined that the information you provided did not warrant further investigation.” (underlining added).

Such letter, failing to cite to any legal authority for the purported Commission dismissal of CJA's impliedly investigated complaints, is indefensible – and exponentially more so in the context of CJA's two sets of comments, pivotally focused on [Judiciary Law §499-f\(1\)](#), the Commission's proposed rules for investigation and dismissal of complaints, and the letters the Commission would be sending complainants.

As highlighted by CJA's comments, Judiciary Law §499-f(1) is clear and unequivocal as to the Commission's mandatory duty to investigate complaints, stating:

“...Upon receipt of a complaint (a) the commission shall conduct an investigation of the complaint; or (b) the commission may dismiss the complaint if it determines that the complaint on its face lacks merit. ...” (underlining added).

Administrator Friedman's February 11th letter did not purport that you had dismissed CJA's complaints because you had determined that they lacked merit on their face. Rather, it was because

² Also, Judiciary Law §499-f(1): “...If the complaint is dismissed, the commission shall so notify the complainant. ...”

you had allegedly determined that they did not warrant “further investigation” – a phrase appearing in Rule 10400.3(i) entitled “Disposition”, which is preceded by Rule 10400.3(h) entitled “Report”, together reading:

“(h) Report. Upon completion of the investigation, the administrator or administrator’s designee shall prepare a report detailing its findings, conclusions, and any recommendations for further action.

(i) Disposition. Based on the report, the commission may dismiss the complaint, direct further investigation, request a written response from the prosecutor, direct the filing of a formal written complaint, or take any other action authorized by law.” (underlining added).

Administrator Friedman would have been unable to prepare a “report” upon which you could have dismissed CJA’s complaints, as the ONLY “findings” and “conclusions” she could have “detail[ed]” were that the complaints are true and correct, necessitating a “recommendation” that the Commission “request a written response from the prosecutor(s)” – if she had not already requested same.

Notably, [CJA’s June 24, 2024 comment](#) pointed out (at p. 4) that “requiring a written response to the complaint from the complained-against prosecutor” is “basic – indeed the obvious starting point of investigation”. [CJA’s November 18, 2024 comment](#) (at pp. 17-18 (#7)) reiterated this in rebuttal to the purported Commission response to CJA’s June 24, 2024 comment:

“The commission will not require a prosecutor to respond [to a complaint] at the investigation stage, but they may provide relevant information. A response is only required if a formal complaint is filed.”

Therefore, unless the D.A.s voluntarily responded to CJA’s complaints (assuming Administrator Friedman had sent the complaints to them, as Rule 10400.3(b) mandates³), her “report” would have had to recommend the “filing of a formal written complaint” against them so as to require their responses to CJA’s complaints.

Did Administrator Friedman, in fact, furnish you with a “report detailing its findings, conclusions, and any recommendations for further action”, pursuant to Rule 10400.3(h), and did you vote to dismiss CJA’s complaints based thereon, pursuant to Rule 10400.3(i), as not requiring “further investigation”? On what date was the vote, and by how many Commissioners? Did any of the Commissioners recuse themselves – or make disclosure of their conflicts of interest, which, as

³ Rule 10400.3(b) states:

“...The prosecutor shall be notified in writing of the commencement of the investigation and provided with a copy of the complaint.”

relates to Chair Simons and Commissioner Eng, involve their active complicity in the corruption at issue in CJA's complaints against the D.A.s⁴ and which, as relates to Vice Chair Obus, and Commissioners Dougherty and Eng, involve their direct financial interest, as former judges, in the fraudulent judicial salary increases to which D.A. salary increases are tied. Then, too, there is the conflict of interest all Commissioners share because the highest executive, legislative, and judicial officials who are the beneficiaries of the D.A.s' self-interested nonfeasance with respect to [CJA's July 18, 2024 NOTICE & grand jury/public corruption complaint to the D.A.s](#), underlying CJA's November 18, 2024 and March 21, 2025 complaints against them, are the ones who appointed you to the Commission – Governor Hochul, Temporary Senate President Stewart Cousins, Assembly Speaker Heastie, Senate Minority Leader Ortt, Assembly Minority Leader Barclay, and Chief Judge Wilson.⁵

As to conflicts of interest and disqualification, CJA's June 24, 2024 comment highlighted (at p. 9) the deficiency of the proposed Rules, stating:

“There are other rules that might have occurred to a reasonably engaged Commission of 11 lawyer members and a paid lawyer-administrator, already on staff, filling in a lack of specificity in the Article 15-A statute, as, for instance, pertaining to disqualification of Commission members, other than in the limited circumstances of [Judiciary Law §499-c\(4\)](#), and also staff disqualification... These, however, are not included – nor any rules of procedure for addressing conflict-of-interest of members and staff, either internally, by the Commission, or by recourse to the Commission on Ethics and Lobbying in Government – the latter involving, perhaps, clarification of [Judiciary Law §499-c\(2\)](#) with respect to all Commission members:

‘Membership on the commission by a prosecutor shall not constitute the holding of a public office and no prosecutor shall be required to take and file an oath of office before serving on the commission...’”

This was reiterated by CJA's November 18, 2024 comment (at pp. 2-3).

⁴ Chair Simons' knowledge of, and collusion in, the corruption underlying CJA's complaints against the D.A.s arise from his participation as dean of St. John's Law School in the so-called Independent Review Committee for the Commission on Ethics and Lobbying in Government. This is established by my e-mails to him and his fellow deans, posted on CJA's website, [here](#), spanning from my [June 12, 2022 e-mail](#) to my [February 7, 2023 e-mail](#).

Commissioner Eng's knowledge of, and collusion in, the corruption underlying CJA's complaints against the D.A.s arise from his participation as a member of the (2nd) Commission on Legislative, Judicial and Executive Compensation. The record of how that Commission conducted itself and my interaction with it is posted on CJA's website, [here](#), and includes [a webpage of my testimony before Commissioner Eng at the Commission's November 4, 2019 hearing, including the VIDEO](#).

⁵ The [Commission's webpage for its members](#) reflect that Members Simons, Obus, and Eng were appointed by Chief Judge Wilson. However, a [December 13, 2021 press release of the Unified Court System](#) reflect these appointments as having been made by then Chief Judge DiFiore.

One final note – this pertaining to the [Commission's 2026 Annual Report](#), whose February 27, 2026 coverletter is signed, not by Chair Simons, but by Administrator Friedman “On Behalf of the Commission”. Not only is its section “Action Taken Upon Receipt of a Complaint” (pp. 2-3) materially fraudulent, but it puts an entirely different light on the letter Administrator Friedman sent me 16 days earlier.

The section begins with a paragraph stating:

“Upon receipt of a complaint, a member of the agency’s investigative team prepares a preliminary report. These preliminary reports may require agency staff to contact the complainant or attorney for additional information. Agency staff will also review any supplemental materials submitted by the complainant, such as police reports, court files, and correspondence with a prosecutor. Preliminary reports are then presented to the Commission for a vote on whether the complaint should be investigated further or dismissed.” (at p. 2, underlining added).

The intended inference is that the Commission, by the “agency’s investigative team”, investigates EVERY complaint, upon receipt, resulting in a “preliminary report” that is “then presented to the Commission for a vote on whether the complaint should be investigated further”.

This is flagrant fraud – so-established by the Commission’s Operating Rules and Procedures, referred-to by the Annual Report (at p. 1) as “The bylaws governing the Commission and its staff” and annexed as its “appendix B”. Although the “bylaws” do not define the so-called “preliminary report”, it is plainly the culmination of the “initial review and inquiry” by staff, the *express* purpose of which is “to aid the commission in determining whether to authorize an investigation” (Rule 10400.1(l)) because “An investigation shall only be initiated at the direction of the commission” (Rule 10400.1(m)), “An investigation shall only be authorized by the commission” (Rule 10400.3(a)).

In other words, because NOTHING prior to the Commission’s first vote on the complaint constitutes investigation, that first vote cannot be “whether the complaint should be investigated further” – the phrase from Rule 10400.3(i) pertaining to complaints already authorized for investigation and deceitfully employed by Administrator Friedman in her February 11th letter to me.

The section then continues (at pp. 2-3) with a bar graph and narrative summary of “Complaints, Reviews, and Dispositions”, showing that “in response to preliminary reports”, the Commission dismissed 75 complaints that had been submitted in 2024 and 76 complaints that had been submitted in 2025. Presumably, 62 of the 75 dismissed complaints submitted in 2024 are CJA’s November 18, 2024 complaint, assigned 62 numbers (2024-34-2024-95), one for each of the 62 complained-against D.A.s, and 5 of the 76 dismissed complaints submitted in 2025 are CJA’s March 21, 2025 complaint, assigned 5 numbers (2025-61, 2025-72-2025-75), one for each of the 5 complained-against D.A.s.

As Judiciary Law §499-f(1) gives the Commission only one ground for dismissing a complaint without investigation, *to wit*, its determination that the complaint lacks merit on its face, did the Commission so-determine each of these 151 complaints – and did the “preliminary reports” assert that these 151 complaints each lacked facial merit?

Tellingly, the Annual Report does not identify Judiciary Law §499-f(1) and does not include Judiciary Law §499 *et seq.* ([Judiciary Law Article 15-A](#)) in an appendix, as it does with its Operating Rules and Procedures. Is there any reason for including the Operating Rules and Procedures, but not Judiciary Law Article 15-A, other than to conceal that the former subverts the latter with respect to the Commission’s mandatory duty, pursuant to Judiciary Law §499-f(1), to investigate all complaints not determined by the Commission to be facially lacking in merit.

To assist you in assessing the situation – and your duty – here’s [CJA’s menu webpage pertaining to the Commission](#). It includes links for a [webpage of the Commission’s statutorily-violative, intentionally obfuscating, deficient Operating Rules and Procedures](#), posting, in addition to CJA’s dispositive two sets of comments, CJA’s prior and subsequent e-mails pertaining thereto, and a [webpage for CJA’s November 18, 2024 and March 21, 2025 complaints against the D.A.s](#), posting CJA’s subsequent e-mails pertaining thereto.

Because I have no trust that Administrator Friedman or Chair Simons will distribute this letter to you, I am e-mailing it to the Commission members whose e-mail addresses I was able to find on the internet or obtain by phone, with a request that they forward same to the other Commission members. Chair Simons and Administrator Friedman are *cc*’s.

Finally, I am *cc*’ing the publicly-supported nonprofit newsroom Gothamist so that it can follow-up on its March [6th] article “[New York finally has a way to discipline prosecutors. So why hasn’t it?](#)”, and provide “understand[ing]” to the “frustrate[d] advocates”, who it features and about whom it states:

“[The opacity [of the Commission’s operations] frustrates advocates who want to understand whether the bottleneck is staffing and resources, problems that can be fixed, or something more fundamental.”

That the problems are NOT “staffing and resources”, but “more fundamental”, have been known by the advocates for years, including by the advocates the article quotes.

As illustrative, my [November 29, 2024 e-mail](#) to them endeavoring to “build a consensus for a public hearing” on the Commission’s proposed revised Rules and Procedures, the subject of my prior [November 19, 2024 e-mail](#) to them, and [Bill Bastuk’s shocking December 26, 2024 e-mail](#) to me, to which he was not ashamed to *cc* the other advocates and Chair Simons and Administrator Friedman:

“Please remove my name and all others affiliated with It Could Happen To You whom you have *cc* on this e-mail from any and all future correspondence from you or The Center for Judicial Accountability”.

This was his response to my [December 26th e-mail to Chair Simons and Administrator Friedman](#) for confirmation – consistent with the advocates’ comments to the Rules – of the Commission’s jurisdiction over former prosecutors.

Mr. Bastuk and his fellow advocates are herein *cc*’d so that they may have the opportunity to explain this to Gothamist, including their concealment, for years, of the corruption of the Commission on Judicial Conduct, on which the Commission on Prosecutorial Conduct is modeled, as detailed by CJA’s June 24, 2024 comment.

I am available to answer questions, including under oath. Please let me hear from you soon, including whether, based on the foregoing, the Commission will be holding a hearing on revising its statutorily-violative, intentionally obfuscating, deficient Operating Rules and Procedures and will be reinstating, for investigation, CJA’s facially-meritorious, fully-documented November 18, 2024 and March 21, 2025 complaints against NYS’ D.A.s.

Thank you.

s/ Elena Sassower

cc: Gothamist
Advocates