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BY E-MAIL

October 19, 2015

TO: FOIL/Records Access Officers of the Governor, Temporary Senate President & Assembly Speaker:
Mongthu Zago, FOIL Counsel/Records Access Officer/Executive Chamber
Secretary of the Senate Francis Patience
Assembly Records Access Officer Robin Marilla

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

RE: FOIL/Records Request: Is the JCOPE/LEC Review Commission Lawfully Constituted?

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], Senate Rule XV ["Freedom of Information"], and Assembly Rule VIII, ["Public Access to Records"], this is to request all publicly-available records establishing that the JCOPE/LEC Review Commission is lawfully constituted, to wit, that it is constituted in conformity with Part DD of Budget Bill S.2006-B/A-3006-B¹, namely:

¹ Part DD of Budget Bill S.2006-B/A-3006-B states:

"Section 1. Section 21 of part A of chapter 399 of the laws of 2011, relating to establishing the public integrity reform act of 2011, is amended to read as follows:

S 21. No later than [June 1, 2014] MAY 1, 2015, the governor [and], the [legislative leaders] TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY shall jointly appoint a review commission to review and evaluate the activities and performance of the joint commission on public ethics and the legislative ethics commission in implementing the provisions of this act. On or before [March] NOVEMBER 1, 2015, the review commission shall report to the governor and the legislature on its review and evaluation which report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of the ethics law in New York state. The review commission shall be comprised of eight members and the governor [and], the [legislative leaders] TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY shall jointly designate a chair from among the members.

S 2. This act shall take effect immediately."

- (1) that Dale Volker was jointly designated by the Governor, Temporary Senate President, and Assembly Speaker to be Chair of the JCOPE/LEC Review Commission, including the date of such joint designation and the date and manner it was communicated to Mr. Volker, to the other members of the JCOPE/LEC Review Commission – and to the public;
- (2) that Christopher Pisciotta was jointly appointed to be one of the eight members of the JCOPE/LEC Review Commission and the date it was communicated to him, to the other members of the JCOPE/LEC Review Commission – and to the public;
- (3) that Seymour James, announced by the Governor's May 1, 2015 press release as jointly appointed to the JCOPE/LEC Review Commission, withdrew from the Commission – and the date thereof.

Additionally, this is to request all publicly-available records reflecting the circumstances of Seymour James' withdrawal from the JCOPE/LEC Review Commission, and, specifically, its relation to CJA's June 18, 2015 letter particularizing (at p. 4)² Mr. James' conflict of interest, resulting from his nonfeasance as a member of the Commission to Investigate Public Corruption with respect to the June 27, 2013 conflict of interest ethics complaint that CJA filed with JCOPE against the Governor and all Legislators, including the current Temporary Senate President and Assembly Speaker, which JCOPE has been "sitting on" for now nearly 28 months, in violation of Executive Law §§94.13(a) and (b).

Pursuant to Public Officers Law §89.3, your response is required "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.



cc: JCOPE/LEC Review Commission
Seymour James, Esq.
Committee on Open Government

² CJA's June 18, 2015 letter, addressed to the eight announced members of the JCOPE/LEC Review Commission, and CJA's June 22, 2015 letter transmitting it to the Governor, Temporary Senate President, and Assembly Speaker, among others, are posted on CJA's website, www.judgewatch.org, accessible from the prominent homepage link: "Exposing the Fraud of the Commission to Investigate Public Corruption".