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BY FAX: 212-556-3717

12:05 p.m. 8 pages

To: The New York Times, Metro Desk  
ATT: Joyce Purnick, Jerry Gray, etc.

From: Elena Ruth Sassower, Coordinator

Date: February 9, 1998

RE: Andrew O'Rourke waiver

Following my two previous faxes on the O'Rourke waiver, today's Gannett has a huge front-page story, "O'Rourke, 245 Others Double Dip into N.Y.'s Government Coffers". A copy is enclosed. In describing the O'Rourke approval, the article states: "O'Rourke, the former Westchester county executive, was given automatic approval last month because of a quirk in state law."

There is NO QUIRK IN STATE LAW. The law was broken by OCA head, Chief Administrative Judge Jonathan Lippman.

To demonstrate this, enclosed is a copy of CJA's February 6th memorandum to Senators Dollinger and Leichter. It analyzes Judge Lippman's dishonest January 29th response to the Senators' January 27th letter about Section 211 of the Retirement and Social Security Law. The Senators' letter was featured by the *Times* in its Metro News Brief: "Ex-County Chief's Deal On Pension is Questioned". Since then, there has been no follow-up by the *Times* -- as pointed out in our two prior faxes and still true.

Our citizens organization has called upon Chief Judge Lippman to rescind the waiver -- based on the *express* requirements of Section 211 -- and for an investigation of OCA counsel for misrepresenting that statute. Such investigation should be expanded to include Chief Judge Lippman himself, based on his January 29th letter.

*Elena Ruth  
Sassower*