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STATE OF NEW YORK

_____ X
NEW YORK STATE COMMISSION on Legislative, Judicial and
Executive Compensation

HEARING

_____ X

PROCEEDINGS held at the New York State Bar
Association, Albany, New York, in the above-entitled matter on
the ^{10th} 12th day of October, 2024 at 12:00 PM.

- BEFORE: EUGENE M. FAHEY, Chair
- JEREMY S. WEINSTEIN, Commissioner
- VICTOR A. KOVNER, Commissioner
- R. NADINE FONTAINE, Commissioner
- THERESA EGAN, Commissioner
- HELENE BLANK, Commissioner
- ROBERT MEGNA, Commissioner

REPORTED BY: Cynthia A. West

P R O C E E D I N G S

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COMMISSIONER FAHEY: We're going to start.
Good morning everyone. I'm retired Court of Claims Judge Eugene M. Fahey, and I am the Chairperson of the Commission on Compensation for the State of New York. Our purpose as a group is to address the salaries for policy makers in New York State. We have previously met for the last year and dealt with the question of pay raises for members of the judiciary and those pay raises were recommended and finalized in April of this year.

The question before the Commission now is whether or not there should be pay raises in any form for any of our statewide elected officials, members of the Legislature, and also members ⁱⁿ ~~and~~ policy making positions in the Executive Department, primarily Commissioners and Deputy Commissioners, which are covered under Section 169 of the New York State Budget statutory outline and addresses essentially policy makers.

First I ^{want to} ~~would~~ -- and we're meeting this morning in the New York Bar Association facility, and I want to thank the Bar Association for ^{their} ~~your~~ previous assistance on our ^{former} ~~forum~~ and public hearings ^{and} ~~and~~ for ^{their} ~~your~~ help and assistance with the public hearing today.

The Commission itself is a non-political

1 Commission and the Bar Association has been a great
 2 assistance to us in providing the facility that reflects
 3 the nonpartisan nature of the work before the Commission.

4 I also want to begin ^{by I've} ~~by~~ introducing ^{ed} myself, I
 5 ^{am going to} ~~would~~ start on my far left and introduce the other
 6 Commission members that are with us today, and who their
 7 ^{appointing} ~~employing~~ authority was. Mr. Robert Megna ^{is} to my left,
 8 ^{he was} appointed by the Governor, Nadine Fontaine, is also to my
 9 left appointed also by Governor Hochul, to my right is the
 10 former member of the judiciary, appointed by the Senate
 11 Majority Leader, Jeremy Weinstein, and to my next left is
 12 Helene Blank, ~~who is~~ a distinguished attorney who was
 13 appointed by Chief Judge Rowan Wilson, after Helene is
 14 Theresa Egan now Acting Judge, who was appointed by the
 15 Assembly Speaker, and finally the very distinguished
 16 attorney both locally and nationally, Victor Kovner, who
 17 was appointed by Governor Hochul.

18 We're going to begin today with remarks from a
 19 member of the public, Elena Sassow~~er~~. But I just want to
 20 point out that both on the website and through mailings
 21 and notifications ^{to} ~~of~~ the media, the Commission has clearly
 22 made itself available for any input that the public wants
 23 ^{take or} ~~to~~ make on this issue.

24 Other than that, I think it's time for us to go
 25 directly to Ms. Sassow~~er~~. I ^{am going} ~~will~~ ask all ~~the~~ public

1 speakers starting with Ms. Sassover to limit their remarks
 2 to approximately ten minutes. So, I want to ask, Ms.
 3 Sassover^{'s here} -- good morning, ^{Ms. Sassover} We can't hear you. We have to
 4 unmute you. Give us one second. Can you say something?

5 MS. SASSOVER: Yes. Thank you. Good morning.

6 COMMISSIONER FAHEY: Whenever you are ready.
 7 You have ^{about} ten minutes. Go ahead.

8 MS. SASSOVER: Thank you. But I am a little bit
 9 confused, I had understood that Assemblyman Brian
 10 Cunningham would be testifying.

11 COMMISSIONER FAHEY: Yes, that's right. He was
 12 scheduled to testify, ~~and we~~ haven't heard from him this
 13 morning and you were next up on the list. ~~So are you~~
 14 ready?

15 MS. SASSOVER: ^{And} So I understand that I was the
 16 only other person apart from Assemblyman Cunningham?

17 COMMISSIONER FAHEY: ^{you're right} Yes, that's correct.

18 MS. SASSOVER: So I'm it?

19 COMMISSIONER FAHEY: Yes.

20 MS. SASSOVER: ^{okay.} So, it's clear that you have no
 21 basis to proceed. You are -- last year I testified at
 22 your October 13th hearing on judicial compensation and
 23 before beginning my testimony I handed up documents in
 24 substantiation of my testimony. As I am testifying
 25 virtually I cannot hand up any documents for this hearing

1 on Legislative and Executive compensation; however,
2 everything is posted on the Center for Judicial
3 Accountability's website www.judgewatch.org, accessible by
4 ~~a~~ ^{via the} prominent center link on the home page, entitled CJA's
5 lawsuit against the latest round of false instrument
6 judicial and DA pay raises and opposition to further
7 crimes by the Third Commission on the Legislative, Judicial
8 and Executive Compensation.

9 Before beginning last year I asked you, Chair
10 Fahey, whether you wished to swear me in so that I ~~can~~ ^{could} give
11 testimony under oath, you declined. But I am ready to be
12 sworn at this hearing.

13 COMMISSIONER FAHEY: ^{Umm -} Ms. Sassover, I'm not going
14 to swear you in. This isn't a judicial proceeding and
15 it's simply to gather information and to allow you to
16 express your opinion on this issue, so I'm not going to
17 swear you in.

18 You can proceed.

19 MS. SASSOVER: ^{Last} Well, last year I said ~~at~~ the
20 hearing on judicial compensation was permeated by fraud by
21 the witnesses, the judges and the judicial pay raise
22 advocates. At this hearing, apparently no one but myself
23 is testifying. So, obviously they do not believe that
24 they have any evidence to proffer of any nature in support
25 of any increases in their salaries. Now, that is the only

1 inference that can be drawn. I would further point out
 2 that at your June 27th meeting that you held, you
 3 identified ~~the~~ ^{the} Jim Dewan^e, "De^e-wine", from the Division of
 4 the Budget, would be furnishing some information germane
 5 to numbers, to where we're at insofar as salaries,
 6 compensation, who are the numbers of officers that are
 7 before you for salary increases. I understood that you
 8 would be ~~posting~~ ^{posting} that on your website, ~~and~~ ^{and} you would be
 9 receiving it by early September and posting it on the
 10 website.

11 So is Mr. Dewan here today?

12 COMMISSIONER FAHEY: No.

13 MS. SASSOWER: ^{Can we know what he has furnished}
 14 you? You tasked him to provide?

15 COMMISSIONER FAHEY: Yes, you can. ^{yes}

16 MS. SASSOWER: ^{tasked him to} You ^{can} provide documentation?

17 COMMISSIONER FAHEY: Slow down, yes, you can.

18 The Compensation Commission information I have a series of
 19 slides that I'll make part of the record that he gave us
 20 in response to questions from the Commission, and all of
 21 that will be put on the website after the hearing. ^{And} You'll
 22 have it, and you can review it, ⁱⁿ any way you would like.

23 So go ahead.

24 MS. SASSOWER: Well, okay. I emphasize ^{that}
 25 the statute requires you to examine adequate levels of

1 compensation and non-salary benefits in order to determine
 2 whether increases were warranted. I refer ^{red} you to Section
 3 (2) paragraph (1) Section (2) (A) (2) (B), I further
 4 identify^{ed} that in addition to these to -- I additionally
 5 identified that you ^{are} ~~were~~ required to take into account all
 6 ~~of the~~ appropriate factors and that the most important
 7 threshold factor is corruption in office, whether or not
 8 the public officers, at that time judges, but it's equally
 9 applicable here, Whether the officers whose salaries you
 10 are examining are doing their job. Because we don't pay
 11 people, we ~~we~~ don't increase salaries for public officers who
 12 are not doing their job, who are corrupt. In fact, that
 13 is unconstitutional.

14 Well, as you know, the public officers, the
 15 Legislators whose salaries are before you, the statewide
 16 electeds whose salaries are before you, are corrupt, and
 17 their corruption has been the subject, since 2012, of six
 18 separate lawsuits, five of which were commenced by the
 19 Center For Judicial Accountability, one, involving the
 20 Legislature suing with respect to the sham Commission to
 21 Investigate Public Corruption, which covered up everything
 22 in which the Center For Judicial Accountability sought
 23 intervention. Your duty is to make, as I said a year ago,
 24 your duty is to make Findings of Fact and Conclusions of
 25 Law with respect to the evidence in these lawsuits of the

1 corruption of the Legislature, the statewide electeds, none
2 of ~~overwhelm~~ ^{whom} are operating at a Constitutional level,
3 demonstrated by those lawsuits, and, of course, the
4 judiciary, as well, who are respondent-defendants in some of
5 those lawsuits, and which ~~grew~~ ^{grew} all those cases by
6 fraudulent judicial decisions.

7 By way of update, and to ~~and~~ ^{and} bearing in mind the
8 limitations that you are imposing for presentations, I
9 wish to identify ~~what is taking~~ ^{what has taken} place since I testified a
10 year ago. I identified that the -- I highlighted the case
11 of Center for Judicial Ability against JCOPE, et al, and
12 the et al is the Governor, the Attorney General, the
13 Comptroller, ~~and~~ all the Legislators. I identified that
14 that case, involving the integrity of the public protection
15 entities charged with protecting the public against the
16 corruption of the Legislators, against the corruption of
17 the Executive Officers, ~~having~~ ^{had} been thrown by fraudulent
18 judicial decisions and was at the Appellate Division, Third
19 Department. So now I can alert you, and you will find all
20 these substantiation posted on the website, ~~and~~ that that
21 case at the Appellate Division Third Department was thrown
22 by the Appellate Division, Third Department. In that case
23 as in all the prior cases, the Attorney General corrupted
24 the judicial process with litigation fraud, and was
25 rewarded by fraudulent judicial decisions completely,

1 entirely.

2 The second update I wish to provide, of course,
 3 is that a further lawsuit was commenced since I presented
 4 last year and that lawsuit you are very familiar with,
 5 because you are the first respondent/defendants, ~~and~~ along
 6 with, the Legislative, Executive Public Officers whose pay
 7 you are considering. They covered up for you, for what
 8 you did, in the first phase of your work, regarding
 9 judicial compensation where you ~~~~~ violated totally the
 10 statute in disregard of everything I said at the hearing,
 11 that was demonstrated in an opposition report which went
 12 through what you did -- your fraudulent, statutorily-
 13 violative, unconstitutional report recommending judicial
 14 pay raises that had the force of law. That was ~~~~~
 15 detailed, line-by-line in an opposition report, furnished
 16 by way of a complaint against you, to all those Public
 17 Officers, the Legislators, the Governor, the Lieutenant
 18 Governor, the Attorney General, the Comptroller so that
 19 they ^{could} ~~can~~ take appropriate steps, necessary steps, essential
 20 steps *consistent with their duties*

21 COMMISSIONER FAHEY: Ms. Sassow~~er~~ --

22 MS. SASSOW~~ER~~: They ignored it as you know, and
 23 as a result of what they did, you have been sued and they
 24 have been sued together, ~~and~~ that case was filed in ~~in~~
 25 ~~large~~ -- *March*

1 COMMISSIONER FAHEY: Ms. ~~Sassower~~, Ms. ~~Ma'am?~~ *Ma'am?*

2 ~~Ma'am? Ma'am? Ms. Sassower~~ --

3 MS. SASSOWER: 18th, and it has been thrown, by
4 fraudulent judicial decisions.

5 COMMISSIONER FAHEY: Ms. ~~Sassower~~, hold on, hold
6 on, one second, one second.

7 MS. SASSOWER: So you have no, you cannot --
8 not only do you not have any evidence of any deficiency,
9 ~~that any~~ -- *Not* their pay, -- *their salary*

10 COMMISSIONER FAHEY: Ms. ~~Sassower~~?

11 MS. SASSOWER: *They are not earning*
12 The salaries they are already
13 given --

13 COMMISSIONER FAHEY: Ms. ~~Sassower~~, you are out of
14 time, ~~but~~ I'm going to give you four more minutes, all
15 right? So you can finish up your remarks.

16 Go ahead.

17 MS. SASSOWER: *Umm -*
18 *so -- go ahead ma'am -*

18 COMMISSIONER FAHEY: *1* You have four more minutes.

19 MS. SASSOWER: So, not only are the public
20 officers whose salaries you are evaluating corrupt and
21 must be indicted for their corruption, okay, there is
22 nothing that warrants pay increases for them. But they
23 have insulated themselves from accountability by
24 corrupting, enabling the corruption of the public
25 entities, public protection *formerly* of entities, *formerly* JCOPE

^{COELIG,}
 1 now, the Commission on Ethics and Lobbying Government, the
 2 Inspector General, the Legislative Ethics Commission,
 3 which ^{were} the body ^{is} sued in the lawsuit that I just reported
 4 now to you, was thrown by the Appellate Division, Third
 5 Department. You have been ^{the} subject of complaints to those
 6 entities and the attorney grievance committees, the
 7 District Attorneys, the US Attorneys, based upon what has
 8 been going on.

9 Everything is posted on the website.

10 COMMISSIONER FAHEY: All right. Ms. Sassover,
 11 I am going to stop you now. Thank you for your comments.

12 We have ^{been} told we have another speaker, is that
 13 correct? So, we're going to put our next speaker on. Ms.
 14 Sassover thank you. If you want to file anything else you
 15 are welcome to do that. *Mindy, where's our next speaker?*

16 ~~MS. FAUSS: Hi, good afternoon, my name is
 17 Rachel Fauss and I am the Senior Policy Advisor for
 18 Reinvent Albany. Apologies, I wasn't certain that you
 19 would be accepting remote testimony. I will do my best to
 20 summarize my remarks so I don't take too much of your
 21 time. You do have my full written remarks.~~

22 COMMISSIONER FAHEY: Ms. Fauss, I will give you
 23 ten minutes. All right?

24 MS. FAUSS: Okay. Thank you. Appreciate it.
 25 Thank you for the opportunity to speak before you today.