



STATE OF NEW YORK
GRIEVANCE COMMITTEE FOR THE
TENTH JUDICIAL DISTRICT

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November 28, 2016

Elena Ruth Sassower
c/o Center for Judicial Accountability, Inc.
P. O. Box 8101
White Plains, NY 10602

Re: Our File Nos.: N-2292-16, N-2293-16 & S-2294-16

Dear Ms. Sassower:

This will acknowledge receipt of your complaint dated October 14, 2016, filed against three attorneys within the jurisdiction of this Committee.

Please be advised that the function of this Committee is to investigate and prosecute acts of professional misconduct committed by attorneys. When a complaint is received, we review it to determine if there is a sufficient basis to conduct an investigation. Pursuant to the Rules for Attorney Disciplinary Matters (22 NYCRR part 1240), the Committee is vested with discretion to decline to undertake an investigation of any complaint for appropriate reasons. Such reasons include but are not limited to the following: the allegations, if true, would not constitute professional misconduct; the complaint seeks a legal remedy more appropriately obtained in another forum; or the allegations are intertwined with another pending legal proceeding.

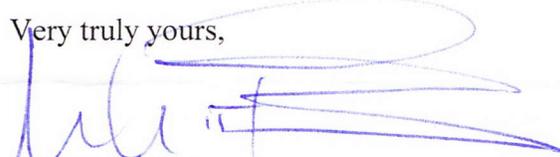
After careful review, it has been determined that your complaint does not provide a sufficient basis to conduct an investigation. The substance of your complaint alleges that the subject attorneys, acting in their respective capacities as a District Attorney, either elected, appointed, or acting, each engaged in a "conflict of interest/misconduct" by not undertaking an investigation or prosecution of alleged criminal corruption, and further engaged in a "larcenous pocketing" of salary increases they knew to be unlawful. It is not the function of the Committee to serve as a review mechanism over the actions and decisions within the discretion of a duly constituted District Attorney and made in the ordinary course of the performance of duties vested in that office by law. Clearly, among such duties is the determination of whether or not to conduct a criminal investigation or prosecution. Further, it is beyond the power of the Committee to determine the propriety of a District Attorney's acceptance of a salary increase paid to him in his official capacity. Whether or not such increase was "unlawful" is an issue that must be addressed and resolved in another more appropriate forum. Moreover, it appears from your complaint that this issue is the subject of a pending legal proceeding.

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Accordingly, for the reasons stated above, the Committee is unable to assist you. This determination does not preclude you from pursuing any other legal remedies that may be available.

Very truly yours,



MITCHELL T. BORKOWSKY
Chief Counsel

MTB:pc