

## Center for Judicial Accountability

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**From:** Center for Judicial Accountability <elena@judgewatch.org>  
**Sent:** Friday, April 22, 2016 2:12 PM  
**To:** 'gwendolyn.craig@lee.net'  
**Subject:** Follow-up to your excellent, informative article about the Cayuga County Ways & Means Committee meeting

Dear Gwen,

Following up our phone conversation together a short time ago, thank you for your excellent, informative article about the Cayuga County legislators' Ways & Means Committee meeting: [http://auburnpub.com/news/local/cayuga-county-legislators-voice-budget-state-mandate-concerns-to-assemblyman/article\\_3230471e-7f74-5eb1-bea4-147df1902830.html](http://auburnpub.com/news/local/cayuga-county-legislators-voice-budget-state-mandate-concerns-to-assemblyman/article_3230471e-7f74-5eb1-bea4-147df1902830.html) – to which they invited state legislators Finch, Oaks, DeFrancisco, Nozzolio, and Seward.

Below is my April 13<sup>th</sup> e-mail to which Finch, Oaks, and Nozzolio were indicated recipients – and whose receipt I confirmed with their offices. Absent their denying or disputing the accuracy of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> causes of action of the March 23, 2016 verified second supplemental complaint I filed challenging the Commission on Legislative, Judicial and Executive Compensation – and its “force of law” judicial salary recommendations: <http://www.judgewatch.org/web-pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm> – their duty was to have told the Cayuga County legislators to withhold the district attorney salary increases as they would be introducing legislation to repeal the Commission statute and void the judicial salary increases on which district attorney salary increases rest.

I will be in contact with you next week. Meantime, here is, additionally, the link to the video of my testimony before Oaks and DeFrancisco three years ago in Albany at the Legislature's February 6, 2013 budget hearing – and it is particularly relevant as I discussed the statutory link between judicial salaries and district attorney salaries: [http://nystateassembly.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=327](http://nystateassembly.granicus.com/MediaPlayer.php?view_id=2&clip_id=327). As I was relegated to the end, you can easily find it (at 7 hours, 20 minutes). Since then, the Senate and Assembly fiscal committees have not permitted me to testify at their joint budget hearings – and I was not permitted to testify this year. I did, however, remind the fiscal committees of the statutory link between judicial and district attorney salaries, as you can see from Question #23 of my February 2, 2016 transmittal of “Questions for Chief Administrative Judge Lawrence Marks”: <http://www.judgewatch.org/nys-2016-17-budget/questions/2-2-16-questions-for-chief-admin-judge-marks.pdf>, which I sent to Oaks, as he is ranking member of the Assembly Ways and Means Committee – and which Seward should have received as a member of the Senate Finance Committee.

I am available to be interviewed and answer questions, including under oath, particularly as to 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> causes of action pertaining to the Commission on Legislative, Judicial and Executive Compensation – and its recommended judicial salary increases. Will state legislators Finch, Oaks, DeFrancisco, Nozzolio, and Seward say and do likewise?

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability [mailto:elena@judgewatch.org]  
**Sent:** Wednesday, April 13, 2016 10:59 AM  
**To:** 'dursojosh@gmail.com'  
**Cc:** 'nozzolio@nysenate.gov'; 'oaksR@assembly.state.ny.us'; 'finchg@assembly.state.ny.us'

**Subject: 2016 ELECTIONS: A very "easy fill in the 54th Distirct" -- & beyond!**

Dear Mr. Durso,

I have read your important column in the Finger Lake Times: "*No easy fill in 54<sup>th</sup> District*":  
[http://www.fltimes.com/opinion/in-focus-no-easy-fill-in-th-district/article\\_9241fdd2-00b4-11e6-826c-b74fbd45c36.html](http://www.fltimes.com/opinion/in-focus-no-easy-fill-in-th-district/article_9241fdd2-00b4-11e6-826c-b74fbd45c36.html).

However, you seem to be under a serious misimpression about how state legislators from the Finger Lakes have been performing: Senator Nozzolio and Assemblyman Bob Oaks, among them. You appear to be unaware of their key roles in the utter corruption and dysfunction of the Legislature – and in the collapse of any legitimate legislative process, particularly with respect to the budget, whose principal feature is three-men-in-a-room, behind-closed-doors budget deal-making. Assuredly, you know that Senator Nozzolio is a member of the Senate Judiciary Committee and has, for years, co-chaired the Legislature's joint budget conference committee on "public protection" – and that Assemblyman Oaks is among the most powerful Assembly members, being Ranking Member of the Assembly Ways and Means Committee.

Since March 2014, there has been a MAJOR citizen-taxpayer action against the Senate and Assembly unfolding in Albany Supreme Court that is the direct result of the nonfeasance and misfeasance of Senator Nozzolio and Assemblyman Oaks, involving the slush-fund Judiciary and Legislative budgets – and the statutorily-violative, fraudulent, and unconstitutional judicial salary increases recommended by the Commission on Judicial Compensation, whose cost to New York taxpayers, to date, exceeds \$150 million dollars. The citizen-taxpayer action has been brought by our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), on behalf of the People of the State of New York and Public Interest.

On March 23, 2016, I had a face-to-face conversation with Assemblyman Oaks at the Capitol. I had just filed an order to show cause to supplement the citizen taxpayer action to encompass the budget for fiscal year 2016-2017 and the statutorily-violative, fraudulent, and unconstitutional judicial salary increases recommended by the Commission on Legislative, Judicial and Executive Compensation. I discussed the order to show cause with Assemblyman Oaks – and the fact that the lawsuit was now directly challenging the constitutionality and lawfulness of the whole of the state budget – and behind-closed-door, three-men-in-a-room budget-dealmaking. Two days later, on March 25<sup>th</sup>, I sent Assemblyman Oaks a follow-up e-mail, which closed with the words: "I am furnishing this e-mail to your legislative colleagues – who, with you, can and must prevent funding of the unconstitutional, statutorily-violative, and fraudulent judicial pay raises – and enact legislation to override them. THERE IS STILL TIME!". The e-mail I thereupon sent was to Senator Nozzolio and all members of the Legislature's "public protection" budget conference subcommittee he co-chairs, among others.

The March 25<sup>th</sup> e-mails are posted on our website, [www.judgewatch.org](http://www.judgewatch.org), accessible *via* the prominent homepage link: "NO PAY RAISES FOR NEW YORK'S CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!". You can find them under the #7 heading "Simultaneously in the Legislature". From #6, entitled "And Now to Court!", you can access the court papers I filed on March 23<sup>rd</sup>. Here is the webpage directly: <http://www.judgewatch.org/web-pages/judicial-compensation/2015-no-pay-raises-menu.htm>.

**By the way, what are the counties of the Finger Lakes doing about the district attorney salary increases, resulting from the judicial salary increases recommended by the Commission on Legislative, Judicial and Executive Compensation?** On that subject, you might want to examine #8 entitled "HORRAY FOR THE COUNTIES! Push-Back to Footing the Bill for the D.A. Pay Raises" – where, additionally, I have posted a link to the video of my testimony before Assemblyman Oaks on February 6, 2013 at the Legislature's "public protection" budget hearing – the last time I was permitted to testify. As to what took place at this year's "public protection" budget hearing – and the indefensible

performance therein of Senator Nozzolio and Assemblyman Oaks with respect to the Judiciary budget and the judicial salary increases, my February 18, 2016 letter sets it all forth – under #5, with the video of the February 4, 2016 hearing at #4 entitled “Caught on Video!”.

I look forward to assisting you in your reporting and commentary – and would welcome your call. Meantime, I am sending this e-mail to Senator Nozzolio and Assemblyman Oaks so that they can respond to the particularized facts and law presented by the March 23, 2016 verified second supplemental complaint in the citizen-taxpayer action. For the same reason, I am sending it to Assemblyman Finch, who you also mentioned in your column – and whose leadership position in the Assembly is as Assistant Minority Leader to the Minority Conference.

**Let this year’s legislative races in the Finger Lakes – and beyond – be competitive, as they surely will be if scrutiny is given to the records of the incumbents. Your journalism can LEAD THE WAY.**

Thank you.

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