

Center for Judicial Accountability

From: Center for Judicial Accountability <elena@judgewatch.org>
Sent: Friday, April 08, 2016 2:40 PM
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Subject: Safeguarding the taxpayers of Genesee County from unlawful, fraudulent, and unconstitutional district attorney salary increases

Dear Legislators Cianfrini and Bausch,

Thank you for serving the Genesee County taxpayers by your opposition to this year's \$27,705 district attorney salary increase -- reported by The Batavian in its yesterday's article "*State commission mandates 20-percent pay hike for all NY district attorneys, local legislators 'appalled'*": <http://www.thebatavian.com/billie-owens/state-commission-mandates-20-percent-pay-hike-for-all-ny-district-attorneys-local>.

As discussed in my phone conversations with each of you this morning, Genesee County and the other counties throughout New York must NOT be liable for district attorney pay hikes resulting from the judicial salary increases recommended by the Commission on Legislative, Judicial and Executive Compensation – as those recommended judicial salary increases are statutory-violative, fraudulent, and unconstitutional.

Indeed, Genesee County taxpayers should be demanding to know, from their Albany legislators – Senator Michael Ranzenhofer, who is a member of both the Senate Judiciary Committee and the Senate Finance Committee, and from Assemblyman Stephen Hawley, who is a member of the Assembly Ways and Means Committee and serves as the minority whip of the minority conference – whether they did not know that the Commission's judicial salary increase recommendations are statutorily-violative, fraudulent, and unconstitutional and of the vigorous efforts of our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), to secure legislative oversight and override. Let them answer to the voters in this election year.

You can examine for yourself CJA's extensive correspondence to the Legislature – including to the chairs and ranking members of the Senate and Assembly judiciary and fiscal committees, for distribution to all their members – as it is posted on CJA's website, www.judgewatch.org, accessible *via* the prominent center hyperlink "NO PAY RAISES FOR NEW YORK'S CORRUPT PUBLIC OFFICERS. The Money Belongs to their Victims!". Start with our January 15, 2016 letter to Temporary Senate President Flanagan and Assembly Speaker Heastie – whose enclosures include our December 31, 2015 letter to Westchester County District Attorney/Chief Judge Nominee Janet DiFiore and a 12-page statement of particulars as the statutory violations, fraud, and unconstitutionality of the Commission's judicial salary increase recommendations. The direct link to the webpage for the January 15, 2016 letter is here: <http://www.judgewatch.org/web-pages/judicial-compensation/2015/jan-15-2016-ltr-to-leg-leaders.htm>.

There was NO RESPONSE from ANY legislators – or from Chief Judge Nominee DiFiore. Nor did they respond to any of our succession of further correspondence: <http://www.judgewatch.org/web-pages/judicial-compensation/2015-no-pay-raises-menu.htm>. Consequently, on March 23, 2016, we were put to the burden of going to Court to void the Commission's judicial salary increases. Here's the link to our March 23, 2016 verified second supplemental complaint – part of our two-year-old citizen-taxpayer action to vindicate the public's rights with respect to the prior \$40,000 judicial salary increases, likewise statutorily-violative, fraudulent, and unconstitutional: <http://www.judgewatch.org/web->

pages/searching-nys/budget/3-23-16-osc-2nd-supp-complaint.htm. I direct your attention, in particular, to ¶¶238, 241, 273-300, and the thirteenth, fourteenth, fifteenth causes of action (¶¶385-457) pertaining to the Commission on Legislative, Judicial and Executive Compensation and its statutorily-violative, fraudulent, and unconstitutional judicial salary increase recommendations – as these furnish all the evidence you need to uphold the rights of Genesee County taxpayers and taxpayers throughout the state against this year’s district attorney salary increase – and against the next three years of district attorney salary increases, resulting from the Commission’s December 24, 2015 report.

By copy of this e-mail to Senator Ranzenhofer, to Assemblyman Hawley, and to Genesee County District Attorney Friedman, let them respond to the showing made by our December 31, 2015 letter to D.A./Chief Judge Nominee DiFiore, by our January 15, 2016 letter to Temporary Senate President Flanagan and Assembly Speaker Heastie, and by the thirteenth, fourteenth, and fifteenth causes of action of our March 23, 2016 verified second supplemental complaint that the judicial salary increases – on which the district attorney salary increases are based – are statutorily-violative, fraudulent, and unconstitutional.

Based on the penal provisions cited by our December 31, 2015 and January 15, 2016 letters, their duty is to take steps to secure criminal prosecution of the seven members of the Commission on Legislative, Judicial and Executive Compensation and we specifically request that all three public officers do so.

Finally, here’s the link to the video of my testimony before the Legislature three years ago, at its February 6, 2013 budget hearing, at which I testified as to the statutory tie between judicial salaries and district attorney salaries: http://nystateassembly.granicus.com/MediaPlayer.php?view_id=2&clip_id=327 . I was relegated to the end – and you can 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>.

I am available to be answer questions, including under oath.

Thank you.

Elena Sassower, Director
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