



New York State Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207

COMPLAINT

The Joint Commission on Public Ethics has jurisdiction to investigate potential violations of Public Officers Law § 73, § 73-a, § 74, Civil Service Law § 107 and Legislative Law article 1-A as they apply to State legislators, candidates for the Legislature and legislative employees, as well as the four statewide elected officials, candidates for those offices, executive branch employees, certain political party chairs, and lobbyists and their clients.

COMPLAINANT NAME

ADDRESS

CITY, STATE, ZIP

TELEPHONE

EMAIL

Director
Elena Sassower Center for Judicial
Accountability, Inc.
BOX 8101
White Plains, New York 10602
914-421-1200
elena@judgewatch.org

Please provide a statement or description of the alleged violation of Public Officers Law § 73, § 73-a, § 74, Civil Service Law § 107 or Legislative Law article 1-A including facts constituting a violation of the law(s) above, the identity of the individual(s) at issue and, if possible, a date, time, place of the alleged violation. Also note any documents or exhibits you are including to support the allegations.

see accompanying conflict of interest
ethics complaint against
Governor Cuomo, Lieutenant Governor Hochul,
Attorney General James, Comptroller DiNapoli
and all 213 state legislators —
starting with Temporary Senate President Stewart-Cousins
& Assembly Speaker Heastie
for their Public Officers Law 74 violations
pertaining to their pay raises & official duties
as particularized in 62 grand jury/public corruption
complaints

Has this matter been referred to any other agency?



Yes



No

If yes, which agency?

Albany D.A. Safer & Fisher
Montgomery D.A. McCoski directed/advised that
JOB P&LEC are the appropriate entities
to investigate

Is there pending legal action you are aware of?



Yes



No

If yes, where?



New York State Joint Commission on Public Ethics
540 Broadway
Albany, New York 12207

OPTIONAL

If you want to submit a sworn complaint for the purposes of Executive Law § 94, among other requirements, you must complete the following oath. The Commission also will accept and review complaints that do not include the oath.

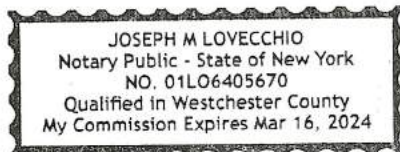
Elengath Sasser, being duly sworn, have read the foregoing complaint in its entirety, including any additional pages, and to the best of my knowledge, or based on information and belief, believe it to be true. I also understand the intentional submission of false information may constitute a crime punishable by fine or imprisonment, or both.

Sworn to before me this 5 day of

March, 20 21
MONTH

Elengath Sasser
SIGNATURE

J. M. Lovecchio
NOTARY PUBLIC



PAGE 2 OF 30*

INITIALS es

complaint - 9 pages
Ex A - 9 pages
Ex B - 8 pages
Ex C-1 1 page
Ex C-2 1 page

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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March 5, 2021

TO: Joint Commission on Public Ethics (JCOPE)
Legislative Ethics Commission (LEC)

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: (1) Conflict-of-interest/ethics complaint vs Governor Cuomo, Lieutenant Governor Hochul, Attorney General James, Comptroller DiNapoli, and all 213 state legislators, starting with Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie, for their Public Officers Law §74 violations in perpetuating statutorily-violative, fraudulent, and unconstitutional pay raises for themselves and other self-serving violations of their offices, as particularized, with EVIDENCE, by 62 grand jury/public corruption complaints filed with New York's 62 district attorneys – most importantly with Albany County District Attorney P. David Soares;
(2) NOTICE OF INTENT to bring mandamus/Article 78 proceeding

THE COMPLAINT

At the direction/advice of Albany County District Attorney P. David Soares and former Montgomery County District Attorney Kelli McCoski, I hereby file for your investigation, the annexed sworn, fully-documented grand jury/public corruption complaints that I filed with them, on June 4, 2020 and June 13, 2020, respectively (Exhibits A, B), as to which the office of D.A. Soares responded on July 27, 2020 and D.A. McCoski identically responded on August 20, 2020, stating:

“We have received the information you submitted with regard to your corruption complaint pertaining to Legislative and Executive compensation. Due to the nature of that matter, the appropriate entities to investigate the allegations you raise are the New York State Joint Commission on Public Ethics and the Legislative Ethics Commission.” (Exhibits C-1, C-2).

As relevant to JCOPE and LEC, “the nature of that matter” is conflict of interest, proscribed by Public Officers Law §74. The complained-against public officers within JCOPE's jurisdiction pursuant to Executive Law §94.1 are Governor Andrew Cuomo, Lieutenant Governor Kathy Hochul, Attorney General Letitia James, Comptroller Thomas DiNapoli, and New York's 213 state legislators, beginning with Temporary Senate President Andrea Stewart-Cousins and Assembly Speaker Carl Heastie. All are beneficiaries of statutorily-violative, fraudulent, and unconstitutional pay raises that are the product of a “false instrument” December 10, 2018 report of the Committee

on Legislative and Executive Compensation¹, violating a succession of penal laws – as proven by CJA’s July 15, 2019 analysis of the report, furnished to them on that date and thereafter, with NOTICE of their duty to void the report, return the pay raise monies they had already received, and secure prosecutions of the four members of the Committee on Legislative and Executive Compensation – Comptroller DiNapoli, among them. This is recited by the identical “SUMMARY” that appears in the June 4, 2020 and June 13, 2020 grand jury/public corruption complaints – and in the 60 other materially-identical grand jury/public corruption complaints I filed with New York’s 60 other district attorneys, who are ALL “sitting on” them.²

The complained-against public officers within LEC’s jurisdiction pursuant to Legislative Law §80.1 are the 213 members of the Legislature who are the exclusive subjects of 61 of the grand jury/public corruption complaints – and the subjects, with other constitutional and public officers and staff, of the June 4, 2020 complaint to D.A. Soares (Exhibit A).

Both JCOPE and LEC also have jurisdiction over the new members of the Legislature, elected on November 3, 2020,³ virtually all of whom were informed of, and/or furnished with, the July 15, 2019 NOTICE with analysis and the grand jury/public corruption complaints while candidates running for election. Not only are these new members now themselves beneficiaries of the “false instrument” December 10, 2019 committee report, raising their salaries, but they are continuing ALL the self-serving, corrupt conduct of their predecessors, including with respect to the Legislature’s OWN budget. Once again, the legislators have held no budget hearing with respect to the Legislature’s budget and have not publicly questioned Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie as to why the Legislature’s budget for FY2021-22:

(1) is NOT certified by them, but instead merely signed;

(2) conceals (at pp. 7, 8) that legislative salaries are not governed by Legislative Law §5, which the December 10, 2018 report superseded;

¹ As a result of the December 10, 2018 report, the salaries of the attorney general and comptroller rose from \$151,500 to \$190,000, as of January 1, 2019, and to \$210,000, as of January 1, 2020. Legislative salaries rose from \$79,500 to \$110,000, as of January 1, 2019 (and no further because of the [June 7, 2019 Albany County Supreme Court decision in *Delgado v New York State*](#)). The salary of the governor and lieutenant governor (adjusted by a legislative resolution based on the December 10, 2018 report) rose from \$179,000 and \$151,500, respectively, to \$200,000 and \$190,000, respectively, as of January 1, 2019, and to \$225,000 and \$210, 000, respectively, as of January 1, 2020.

² Former Westchester County District Attorney Anthony Scarpino was the only district attorney to dismiss the complaint filed with him – which he did by a November 6, 2020 letter purporting “Based on the information provided, we have determined that there is insufficient basis for a criminal investigation.” On January 19, 2021, I refiled that same June 10, 2020 complaint with newly-elected Westchester District Attorney Mimi Rocah, who has been “sitting on” it ever since.

³ Pursuant to Executive Law §94.13(c), JCOPE has jurisdiction over former legislators, provided that within one year of their separation from public service it has furnished them with a 15 day notice of their alleged violation of the Public Officers Law. So, too, LEC, pursuant to Legislative Law §80.8.

(3) conceals (at pp. 7, 8) that the report eliminated all legislative stipends enumerated in Legislative Law §5-a other than for the 15 legislative leaders; and

(4) seeks \$6,496,500 (at pp. 7, 8) more in legislative salaries as a result of the report than legislators are entitled under Legislative Law §5, while also seeking (at pp. 7, 8) \$2,457,500 in Legislative Law §5-a stipends that the report eliminated.

Likewise, Governor Cuomo, once again, did not make any recommendation that the Legislature correct its salary and stipend figures and, in placing the Legislature's budget on the same budget bill as the Judiciary's budget, added, in an out-of-sequence, mistitled section at the back of the bill (#S.2501/A.2001, at pp. 30-62) 33 pages of supposed "reappropriations" for the Legislature – untallied, but seemingly many, many tens of millions of dollars. Among these, "reappropriations" of legislative salaries and stipends from past years.

As for Governor Cuomo's own salary and the salaries of Attorney General James and Comptroller DiNapoli, all in the State Operations Budget Bill (#S.2500/A.2000), where their amounts are concealed, and the salary of Lieutenant Governor Hochul, embodied in the Legislature's budget, they all continue, for 2021, the larcenous 2020 salary increase levels of the "false instrument" December 10, 2019 report.⁴

THE EVIDENCE

The EVIDENCE substantiating this complaint is posted on CJA's webpage for the complaint, here: <http://www.judgewatch.org/web-pages/searching-nys/jcope/3-5-21-complaint-to-jcope-lec.htm>. It consists of – and is here hyperlinked:

- (1) [ALL the EVIDENCE substantiating the June 4, 2020 and June 13, 2020 grand jury/public corruption complaints](#) – beginning with CJA's July 15, 2019 NOTICE and analysis of the "false instrument" December 10, 2018 report of the Committee on Legislative and Executive Compensation, raising legislative and executive salaries and eliminating all but 15 legislative stipends;
- (2) [CJA's 2020 correspondence with the legislators and legislative candidates](#), furnishing them with NOTICE of the grand jury/public corruption complaints;
- (3) [CJA's FOIL requests to the Governor and Legislature](#) pertaining to the FY2021-22 budget, the pay raises, and the operations of the Legislature;

⁴ These salaries did not increase further, pursuant to the December 10, 2018 report, because, in response to media criticism, arising from the fiscal crisis caused by the coronavirus pandemic, Governor Cuomo issued a December 28, 2020 executive order preventing the increases due to take effect on January 1, 2021 that would have raised his salary to \$250,000, and the salaries of the lieutenant governor, attorney general, and comptroller to \$220,000.

- (4) [the Legislature's uncertified budget for FY2021-22, the Judiciary's budget for FY2021-22, the Governor's budget bills for FY2021-22 – and the proceedings in the Legislature and by the Governor with respect to the budget bills;](#)
- (5) [CJA's public testimony at the Legislature's February 10, 2021 budget hearing on "public protection" and at the February 16, 2021 local forum on the state budget sponsored by Westchester County's Senate delegation](#) pertaining to the fraudulent legislative pay raises and the grand jury/public corruption complaints;
- (6) [CJA's February 11, 2021 conflict-of-interest/misconduct complaint filed with New York's court-controlled attorney grievance committees](#), particularizing the EVIDENCE of Attorney General James' litigation fraud in the citizen-taxpayer action *CJA v. Cuomo...Schneiderman...DiFiore* to prevent summary judgment to the plaintiffs on their ten causes of action for declarations of unconstitutionality and unlawfulness with respect to the budget, the "force of law" commission/committee pay raise scheme, and the pay raise reports – and further substantiated by [CJA's February 7, 2021 conflict-of-interest/misconduct complaint to the Commission on Judicial Conduct](#), accompanying it.

No one has denied or disputed the accuracy of this EVIDENCE – and it is indisputable, *prima facie*, and open-and-shut.

**CJA's PRIOR – & STILL-PENDING –
CONFLICT-OF-INTEREST/ETHICS COMPLAINTS,
FILED WITH JCOPE & LEC**

JCOPE is already familiar with most of the *prima facie*, open-and-shut EVIDENCE substantiating this conflict-of-interest/ethics complaint, as I filed three prior conflict-of-interest/ethics complaints resting on that same EVIDENCE:

- (1) [a sworn June 27, 2013 conflict-of-interest/ethics complaint](#) against Governor Cuomo, then Attorney General Schneiderman, Comptroller DiNapoli, all the Legislature's 213 members, and other complicit public officers and staff for "grand larceny of the public fisc" and other corrupt acts pertaining to the fraudulent, statutorily-violative, unconstitutional "force of law" August 29, 2011 report of the Commission on Judicial Compensation, giving pay raises to judges – and based thereon, to district attorneys – with the appropriations for the judges concealed in a slush-fund Judiciary budget, loaded, by the Governor, onto the same budget bill as the Legislature's budget – the particulars of which were furnished by an accompanying [April 15, 2013 public corruption complaint to the then U.S. Attorney for the Southern District of New York, Preet Bharara](#) – each resting, in the first instance, on CJA's October 27, 2011 opposition report to the Commission on Judicial Compensation's August 29, 2011 report;

- (2) [a sworn December 11, 2014 conflict-of-interest/ethics complaint](#) against JCOPE's five appointing authorities – Governor Cuomo and the Legislature's four majority/minority leaders – and against JCOPE for violation of the Public Integrity Reform Act of 2011 pertaining to the JCOPE/LEC review commission statutorily-required to be appointed “no later than June 1, 2014”, pointing out that any legitimate review commission would have to “blow the whistle” on JCOPE's nonfeasance with respect to CJA's June 27, 2013 complaint – and detailing, by an appended [July 18, 2014 letter to JCOPE](#), that its nonfeasance with respect to the June 27, 2013 complaint and other complaints was concealed by its 2013 annual report, which, in violation of Executive Law §94.9(1)(i), omitted the required “listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint”;
- (3) [a sworn August 31, 2020 conflict-of-interest/ethics complaint](#) against SUNY's Board of Trustees and its other officers and staff, including SUNY Senior Vice Chancellor/Chief Operating Officer Robert Megna and Board of Trustees Chair Emeritus H. Carl McCall pertaining to the rigged appointment of Governor Cuomo's protégé James Malatras to be SUNY chancellor, covering up the involvement of all three in the statutorily-violative, fraudulent, unconstitutional “false instrument” reports that had raised judicial, executive, and legislative salaries: the August 29, 2011 report of the Commission on Judicial Compensation, the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation, and the December 10, 2018 report of the Committee on Legislative and Executive Compensation– and SUNY's false, deficient, and non-existent scholarship on the New York State Constitution, the state budget, and New York state governance.⁵

ALL three complaints remain pending before JCOPE, there having been NO notification, as required by Executive Law §94.13(b), which states:

“If the commission determines at any stage that there is no violation, that any potential violation has been rectified, or if the investigation is closed for any other reason, it shall so advise the individual and the complainant, if any in writing within fifteen days of such decision.”

As to each of these three complaints, JCOPE wholly repudiated the mandatory time frames and statutory duties of Executive Law §94.13 and §94.14, which required it:

⁵ Footnote 3 of the August 31, 2020 conflict of interest/ethics complaint furnished links to CJA's July 15, 2019 NOTICE and analysis of the December 10, 2018 report of the Committee on Legislative and Executive Compensation – and to CJA's June 4, 2020 grand jury/public corruption complaint filed with D.A. Soares (Exhibit A). Erroneously, it stated that D.A. Soares was “sitting on” the June 4, 2020 complaint. In fact, the chief of his Public Integrity Unit had sent me the July 27, 2020 letter (Exhibit C-1).

- to give notice to the complained-against constitutional and public officers and employees of their violations of Public Officers Law §74, as alleged in the ethics complaint, and afford them 15 days within which to furnish their written responses [Executive Law §94.13(a)];
- to vote, within 45/60 calendar days⁶ after a complaint or a referral is received or an investigation initiated on its own initiative, to commence a “substantial basis investigation” as to the Public Officers Law §74 violations, with written notice to the complained-against constitutional and public officers and employees of their right to be heard within 30 days [Executive Law §94.13(a), §94.13(b)];
- to issue a “substantial basis investigation report” that violations of Public Officers Law §74 by the non-legislative constitutional and public officers and employees had been substantiated and send it to them – with public release of the report within 45 days thereafter [Executive Law §94.14-b];
- to assess civil penalties against the non-legislative constitutional and public officers and employees for their violations of Public Officers Law §74 and to refer their larcenous, corrupt conduct, violative of other law, “to the appropriate prosecutor for further investigation” [Executive Law §94.14];
- to deliver to LEC a “substantial basis investigation report” of the violations of Public Officers Law §74 by the legislators and legislative employees and to refer their larcenous, corrupt conduct, violative of other law, “to the appropriate prosecutor” – with LEC thereafter publicly releasing the report and, if not, JCOPE releasing it, with LEC also, within 90 days, assessing civil penalties against the legislators and legislative employees [Legislative Law §80.9-b, §80.10].

JCOPE’s repudiation of these non-discretionary statutory time frames and duties is all the more remarkable as it was brought to JCOPE’s attention in correspondence from me, beginning with my [July 11, 2014](#) and [July 18, 2014 letters](#), by the December 11, 2014 complaint, by [my written and oral advocacy to the belatedly-appointed JCOPE/LEC review commission](#), and by the August 31, 2020 complaint. Likewise brought to JCOPE’s attention was that the ONLY explanation for such conduct was conflicts of interest of its executive directors, staff, and/or members – as to which, additionally JCOPE was repudiating the very law and standards proscribing conflicts of interest that are its duty to enforce and which apply to it: Public Officer Law §74.2 and §§74.3(d), (f), and (h), as well as its own “[Code of Conduct for Members](#)” and its addendum “[Recusal Policy and Procedure](#)”, both posted on its website.

⁶ The 45-day window was expanded to 60 days in 2016, consistent with a recommendation made in the superficial, cover-up [November 1, 2015 report of the JCOPE/LEC review commission](#) (at pp. 11-21).

As for LEC, it is also familiar with a substantial portion of the EVIDENCE underlying this complaint, as [on December 12, 2014, I filed with it the same December 11, 2014 conflict-of-interest/ethics complaint](#) as I had filed with JCOPE against the Legislature's four majority/minority leaders for violation of the statutory requirement that the JCOPE/LEC review commission be appointed "no later than June 1, 2014". I received no acknowledgment or response from LEC – nor to [my June 22, 2015 letter](#) reiterating the significance of JCOPE's violation of Executive Law §94.9(l)(i) requiring that its annual report contain:

“a listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint”,

namely, “to enable tracking of a given complaint and of referrals so that [the] ultimate disposition of each can be established for accountability purposes”.

Four months later, [by an October 22, 2015 FOIL request](#), I sought LEC's compliance with Legislative Law §80.7(l) pertaining to its own annual reports and its own Article VI of its By-Laws, requiring that they contain:

“a listing of each complaint and referral received by the Commission, the current status of each complaint, and the nature and date of any disposition and any sanction imposed.”

The October 22, 2015 FOIL request sought LEC's annual reports for 2013 and 2014, not posted on its website. The [only response I received, on October 26, 2015](#), stated a response would be forthcoming by the end of the next day. I received nothing – and LEC's website: <https://legethics.ny.gov/> posts no annual reports for 2013 and 2014 – or for any year prior or since.

Here, too, the ONLY explanation for LEC's repudiation of its duties, including the mandatory time-frames of Legislative Law §80.9(b) and §80.10, are the conflicts of interest of its executive director, staff, and/or members – as to which LEC has also repudiated the very law and standards proscribing conflicts of interest that are its duty to enforce and which apply to it: Public Officer Law §74.2, and §§74.3(d), (f), and (h).

As for JCOPE's annual reports, posted on its website at <https://jcope.ny.gov/reports-and-publications> and spanning to 2019, each and every one violates Executive Law §94.9(l)(i) in omitting the required:

“listing by assigned number of each complaint and referral received which alleged a possible violation within its jurisdiction, including the current status of each complaint”.

JCOPE and LEC's nonfeasance and misfeasance with respect to my prior complaints, their annual reports, and my series of FIVE October 2015 FOIL requests, whose express purpose was “assisting the JCOPE/LEC review commission with a methodologically-sound review”, have led directly to

this complaint. Indeed, JCOPE and LEC cannot confront this complaint without exposing their misconduct, born of conflicts of interest, as to the prior complaints, their annual reports, the FOIL requests – and the sham of the 2015 JCOPE/LEC review commission, whose superficial, cover-up November 1, 2015 report conceals, *in toto*, the dispositive EVIDENCE and “roadmap” I had furnished.

I incorporate by reference the records of those prior complaints, [my FOIL requests, and my advocacy before the JCOPE/LEC review commission](#). All are accessible from CJA’s webpage for this complaint: <http://www.judgewatch.org/web-pages/searching-nys/jcope/3-5-21-complaint-to-jcope-lec.htm>.

NOTICE OF INTENT TO BRING MANDAMUS/ ARTICLE 78 PROCEEDING

Please confirm, without delay, that JCOPE will be taking a vote on this complaint within 60 days, as required by Executive Law §94.13(a), and, belatedly, on CJA’s still-pending three prior complaints, so that I will know whether I must bring a mandamus proceeding to compel JCOPE’s compliance with its unequivocal, mandatory 60-day time frame – as Donald Trump successfully did, when the time-frame was 45 days,⁷ and as the New York Republican Party thereafter successfully did⁸.

⁷ Among my FOIL requests to JCOPE was that of October 21, 2015 enclosing a copy of the [February 11, 2015 Albany Supreme Court decision in *Trump v. JCOPE*](#) (Henry Zwack), 47 Misc. 3d 993, and highlighting that not only had it stated:

“The requirement that a vote be held within 45 days from receipt of a complaint is a purely ministerial act – which must be carried out in accordance with the clear statutory language.^{fn4}” (at p. 7),

but that its annotating footnote 4 had added that JCOPE had “outright[ly] ignore[d] the Legislature’s clear directive”, embodied in “statutory timelines”.

⁸ See, [December 18, 2018 Albany Supreme Court decision in *Cox v. JCOPE*](#) (Patrick McGrath), stating:

“This Court agrees with the decision in *Trump* in that the Commission’s duty to hold a vote on whether to commence a substantial basis investigation within 60 days of receiving a complaint is ministerial because holding a vote involves ‘direct adherence to a governing rule or standard with a compulsory result’... The act sought to be compelled ‘is premised upon specific statutory authority mandating performance in a specified manner.’ *Peirez v. Caso*, 72 AD2d 797 (3d Dept. 1979). The time frame in which to hold a vote is not left to the Commission’s expertise, judgment or discretion.

...this Court cannot turn a blind eye to the clear legislative mandate that requires a substantial investigation vote within 60 days receipt of a complaint. The language is clear, and has been specifically addressed as recently as 2016. As noted by the Court in *Trump*, ‘[p]rior to the enactment of the State Public Integrity Reform Act of 2011, Executive Law 94 contained no time limitation for the Commission to determine whether to investigate an

Should that be necessary, I will simultaneously do what should have been a first-order of business for the JCOPE/LEC review commission: compel compliance by JCOPE and LEC with the mandatory provisions of Executive Law §94.9(l)(i), Legislative Law §80.7(l), and Article VI of LEC's By-Laws for a listing, by assigned number, of each complaint/referral received alleging a possible violation within their jurisdiction and the current status of each. From this it will be readily apparent what has been going on, starting with the 15-day letters⁹ – and what must be done about it, including pursuant to the safeguarding removal provisions of Executive Law §94.9(a) and §94.7 and Legislative Law §80.7(a).

Needless to say, with respect to the penal law violations identified by CJA's June 4, 2020 and June 13, 2020 grand jury/public corruption complaints (Exhibits A, B) – and by CJA's July 15, 2019 NOTICE and analysis – I would expect JCOPE/LEC to make expeditious referrals back to Albany County D.A. Soares, to newly-elected Montgomery County D.A. Lorraine Diamond¹⁰ – and to New York's four U.S. Attorneys – pursuant to Executive Law §94.14 and Legislative Law §80.9(a).

* * *

In addition to JCOPE's "SWORN COMPLAINT" form, wherein I have sworn to the complaint's truth, I herewith additionally repeat the attestation that Albany D.A. Soares requires for complaints filed with his Public Integrity Unit, quoted on the last page of my June 4, 2020 grand jury/public corruption complaint to him (Exhibit A, at p. 9):

"I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law."

Thank you.

ethics complaint. A major change to the statute...was the legislative addition of a time line by which the Commission must make the determination whether to investigate a complaint or not.' The statute was amended in 2016, (ch 286, §§1, 2 (Part J), in 13(a)), extending the time from 45 days to 60. ..." (at pp. 5-6).

⁹ See my [October 27, 2015 FOIL request](#), seeking:

"all publicly-available written delegations of 'specific powers' that JCOPE has conferred on its executive director – particularly the power to determine whether a sworn complaint, received by JCOPE, alleges violations within its purview, for which **issuance of a 15-day letter is mandatory**." (bold in the original).

¹⁰ On January 19, 2021, having overlooked former Montgomery D.A. McCoski's August 20, 2020 letter that JCOPE and LEC were the "appropriate entities" to investigate the allegations of the June 13, 2020 grand jury/public corruption complaint "pertaining to Legislative and Executive compensation" (Exhibit C-2), I refiled the complaint with newly-elected Montgomery D.A. Diamond, who has been "sitting on" it.

EXHIBIT A

**CJA's June 4, 2020 grand jury/public corruption complaint
to Albany County District Attorney P. David Soares**

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

June 4, 2020

TO: Albany County District Attorney P. David Soares

FROM: Elena Sassower, Director

RE: CORRUPTION COMPLAINT in support of an Albany County grand jury inquiry of “wilful misconduct in office of public officers”, pursuant to Article I, §6 of the New York State Constitution – and indictments based on CJA’s July 15, 2019 NOTICE and analysis of the December 10, 2018 Report of the Committee on Legislative & Executive Compensation and CJA’s subsequent written and oral testimony, submissions, and correspondence pertaining to the FY2020-21 executive budget

Pursuant to Article I, §6 of the New York State Constitution, I hereby present, for inquiry by an Albany County grand jury, the within summary of “wilful misconduct in office of public officers”, for which indictments are mandated under penal law provisions including:

Penal Law §175.35: “Offering a false instrument for filing in the first degree”;
Penal Law §195.20: “Defrauding the government”;
Penal §190.65: “Scheme to defraud in the first degree”;
Penal Law §496.05 (“Public Trust Act): “Corrupting the government in the first degree”;
Penal Law §496.06 (“Public Trust Act): “Public corruption”;
Penal Law §155.42: “Grand larceny in the first degree”;
Penal Law §460.20: “Enterprise corruption”;
Penal Law §110.00: “Attempt to commit a crime”;
Penal Law §195: “Official misconduct”;
Penal Law §105.15: “Conspiracy in the second degree”;
Penal Law §20.00: “Criminal liability for conduct of another”.

SUMMARY

On July 15-16, 2019, I furnished Governor Cuomo, Lieutenant Governor Hochul, Attorney General James, and ALL 213 state legislators, *via* their 15 stipend-receiving legislative leaders, with a July 15, 2019 written NOTICE and substantiating analysis that the December 10, 2018 Report of the Committee on Legislative and Executive Compensation – on which their pay raises are based – was “a fraud on the People of the State of New York – and a larceny of their tax dollars”, violating a succession of penal laws, and that their duty was to void it, to return the pay raise monies they had already received, and to initiate criminal prosecutions of the Committee’s four members and abetting attorneys. Among these members, Comptroller DiNapoli, himself a beneficiary of the Report’s “force of law” salary increase recommendations.

None of the recipients denied or disputed the accuracy of CJA's July 15, 2019 NOTICE and analysis, including the specified penal laws violated. Instead, on December 1, 2019, the highest of the 15 legislative leaders – Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie – delivered to the Governor an uncertified FY2020-21 legislative budget which, concealing that legislative salaries had been raised by the December 10, 2018 Report from \$79,500 to \$110,000 and that it had eliminated all legislative stipends other than for the 15 legislative leaders, sought \$2,713,038 more for legislative salaries and stipends than the Report entitled them.

Eight weeks after that, on January 21, 2020, Governor Cuomo publicly presented his FY2020-21 executive budget. Introduced by Lieutenant Governor Hochul, he spoke before an audience that included Temporary Senate President Stewart-Cousins, Assembly Speaker Heastie, Attorney General James, and Comptroller DiNapoli, all of whom the Governor introduced as “great”. He lauded himself and them for performing their “duty”, specifying having “constitutionally passed the budget on time”. He concealed that the Committee on Legislative and Executive Compensation had been rigged, referring to it as an “independent commission” – and stated that he supported pay raises for the Legislature, as if legislators were not already beneficiaries of pay raises. Simultaneously, he released his appropriation bill for the legislative budget, without any accompanying recommendation that the Legislature correct the \$2,713,038 overage for legislative salaries and stipends.¹ Instead, in an out-of-sequence, mistitled section at the back of the bill, the Governor added 32 pages of supposed “reappropriations” for the Legislature – untallied, but seemingly totaling over \$100,000,000. Among them, “reappropriations” of legislative salaries and stipends from past years.²

On February 18, 2020, I testified about what was going on at a local budget hearing, presided over by Temporary Senate President Stewart-Cousins, who is my own state senator. My closing words were “These are penal law violations” – and the documents I handed up, in substantiation of my testimony, were:

- (1) provisions of the New York State Constitution pertaining to the fashioning and enactment of the state budget and the openness mandated for legislative proceedings – Article VII, §§1-7; Article IV, §7; and Article III, §10;
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Suffice to say that just in terms of pay raises, the cost to taxpayers, since 2012, when the first commission-based “force of law” salary increases began, which were for judges – and for district attorneys because their salaries, *though paid by the counties*, are statutorily-linked to judicial salaries – is about **HALF A BILLION DOLLARS**. Most of this amount is attributable to the August 29, 2011 Report of the Commission on Judicial Compensation and the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation. These are as fraudulent, statutorily-violative, and unconstitutional as the December 10, 2018 Report of the Committee on Legislative and Executive Compensation. All three are “false instruments”, as defined by Penal Law §175.35, and in virtually identical respects – and CJA's March 3, 2020 letter highlights this (at p. 6), with the substantiating proof as to the August 29, 2011 and December 24, 2015 commission reports embodied in CJA's declaratory judgment action and two citizen-taxpayer actions, each “thrown” by fraudulent decisions of New York judges financially interested in preserving their judicial pay raises and the larcenous, slush-fund Judiciary budget embedding them. The record of these three lawsuits, a perfect “paper trail” from which to indict and convict the constitutional officers of New York's

three government branches for “colluding to secure for themselves undeserved, unconstitutional pay raises by an unconstitutional commission scheme” – about which I gave DISPOSITIVE oral and written testimony before the Committee on Legislative and Executive Compensation at its November 30, 2018 hearing – is accessible from CJA’s webpage for that testimony. CJA’s July 15, 2019 analysis of the Committee’s December 10, 2018 Report furnishes the direct link at page 5, footnote 4.

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The foregoing summary, hyperlinked to the evidence to which it refers, and this complaint, with links to the further evidence below cited, are posted on a webpage entitled “Invoking ‘The power of grand juries to inquire into the wilful misconduct in office of public officers, and to find indictments...’ pursuant to Article I, §6 of the New York State Constitution”. It is part of a series of webpages for the “2020 LEGISLATIVE SESSION”, accessible from CJA’s homepage, www.judgewatch.org, via its prominent center link “LEGISLATIVE SESSIONS – Comparing NY’s Legislature BEFORE & AFTER its Fraudulent Pay Raise”.³

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Based on the above summary, corruption complaints are also being filed with New York’s 61 other district attorneys, for presentment to grand juries, so that grand juries in each of New York’s 61 other counties can take responsibility for their OWN state legislators. Not only are they pocketing larcenous pay raises for themselves based on the December 10, 2018 “force of law” committee report, but their identical wilful nonfeasance with respect to the “force of law” August 29, 2011 and December 24, 2015 commission reports and with respect to the out-of-date statutory link between judicial salaries and district attorney salaries has resulted, for 56 counties, in HUGE, completely unwarranted salary increases for district attorneys, *payable from county budgets*, whose consequence is that district attorneys have become the highest-paid county officers in most of the counties, by grossly disproportionate sums.⁵

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⁵ I testified, extensively, about the situation at the Legislature’s January 30, 2017 budget hearing on “local government officials/general government” — and the situation has only grown worse because of the Legislature’s complete inaction. The direct link to the VIDEO of my MUST-SEE testimony is here:

The seven state legislators whose Senate and Assembly districts include parts of Albany County are:

Senator Neil Breslin, ESQ. – 44th Senate District
Senator George Amedore – 46th Senate District
Assemblyman Chris Tague – 102nd Assembly District
Assemblyman John McDonald – 108th Assembly District
Assemblywoman Patricia Fahy – 109th Assembly District
Assemblyman Phil Steck, ESQ. – 110th Assembly District
Assemblyman Angelo Santabarbara – 111th Assembly District.

Although your geographic jurisdiction includes the state capital, giving you criminal jurisdiction over ALL 213 state legislators, my complaints to your fellow district attorneys explain the situation, as follows:

“The reason I am not filing a complaint with District Attorney Soares exclusively is because, for the past seven years, to advance his OWN interests, including his OWN district attorney pay raises resulting from the August 29, 2011 and December 24, 2015 commission reports, he has been ‘sitting on’ FOUR corruption complaints I filed with him, dated July 19, 2013, January 7, 2014, June 21, 2016, and March 6, 2018,^{fn4} each furnishing him with a mountain of *prima facie*, open-and-shut evidence upon which to indict and convict New York’s highest constitutional officers

<http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/1-30-17-budget-hearing.htm>. By the way, the [wikipedia entry for Albany County](#) gives the following income figures:

“The median income for a household in the county was \$42,935, and the median income for a family was \$56,724. Males had a median income of \$39,838 versus \$30,127 for females. The [per capita income](#) for the county was \$23,345. About 7.2% of families and 13.1% of the population were below the [poverty line](#), including 14.9% of those under age 18 and 6.3% of those age 65 or over.”

^{fn4} The appended footnote 4 reads:

“As District Attorney Soares is running for re-election this year, I have aggregated the four corruption complaints he has been ‘sitting on’ on a webpage entitled ‘Elections 2020: Holding Albany County District Attorney P. David Soares Accountable’. It is part of a series of webpages, accessible from CJA’s homepage link: ‘ELECTIONS 2020 – Taking Out Corrupt & Collusive Legislative Incumbents & Conspiring D.A.s – *All Beneficiaries of Statutory-Violative, Fraudulent, Unconstitutional Pay Raises & Other Larcenies of Taxpayer Monies*’. The direct link is here: <http://www.judgewatch.org/web-pages/elections/2020/da-elections/soares.htm>.

A postscript is in order. When the four complaints were filed, the chief of District Attorney Soares’ so-called ‘Public Integrity Bureau’ was Assistant District Attorney Eric Galarneau. In November 2019, he was appointed to a Cohoes City Court judgeship, effective January 1, 2020. He thereby became a direct beneficiary of the fraudulent judicial pay raises resulting from the August 29, 2011 and December 24, 2015 commission reports that were the subject of the complaints he ‘sat on’ – an approximately \$70,000 a year salary boost.”

in all three government branches, along with scores of other constitutional and public officers and their staff, for public corruption involving the ‘force of law’ commission pay raise scheme, the budget – and the obliteration of any cognizable judicial process in CJA’s two citizen-taxpayer actions and, prior thereto, in CJA’s declaratory judgment action and in its motion to intervene in the Legislature’s declaratory judgment action against the Commission to Investigate Public Corruption, depriving the People of the State of New York of their entitlement to summary judgment, on all causes of action, *as a matter of law, proven by the record of each lawsuit.*” (underlining, capitalization, italics in the original).

You, of course, have geographic and, therefore, criminal jurisdiction over the Governor, Lieutenant Governor, Attorney General, and Comptroller. So, too, over the judges of the Albany-based New York Court of Appeals, the Albany-based Appellate Division, Third Department, and the Albany Supreme Court. Their corrupting of the judicial process in CJA’s two citizen-taxpayer actions, in collusion with the Attorney General, were “green lights” for the continued corruption of the state budget and for its unconstitutional offspring, the Committee on Legislative and Executive Compensation, whose December 10, 2018 Report is the subject of this complaint.

With respect to the judicial corruption presented by this complaint, an Albany County grand jury will have no difficulty verifying it. As I stated in testifying before you at the September 17, 2013 hearing of the Commission to Investigate Public Corruption : “Cases are perfect paper trails. There’s a record, so it’s easy to document judicial corruption.”: <https://www.youtube.com/watch?v=-1hXstP0Uhw>.

The record of CJA’s citizen-taxpayer actions is fully posted on CJA’s website, accessible from the homepage link: “CJA’s Citizen-Taxpayer Actions to End NYS’ Corrupt Budget ‘Process’ and Unconstitutional ‘Three-Men-in-a-Room’ Governance’: *A Paper Trail of Litigation Fraud by NY’s Attorney General, Covered Up & Rewarded by Fraudulent Judicial Decisions*”. The grand jury should start with the record at the Court of Appeals in the second citizen-taxpayer action, spanning from January 2019 to February 2020. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/record-ct-of-appeals.htm>. Most efficient would be to start at the end, with CJA’s final November 25, 2019 motion, as it succinctly chronicles the Court of Appeals’ self-dealing, jurisdiction-less, lawless, unconstitutional conduct in four separate orders, mandating removal from office and criminal prosecution of its judges⁶ – which the

⁶ As stated at ¶4 of my November 25, 2019 moving affidavit:

“The Court’s three October 24, 2019 Orders are constitutionally and jurisdictionally indefensible – and, if rendered by the six associate judges, warrant proceedings to remove them from office, pursuant to Article VI, §§22-24 of the New York State Constitution, and to criminally prosecute them for corruption and larceny of public monies,^{fn3} upon grand jury inquiry and indictment, pursuant to Article I, §6 of the New York State Constitution. Indeed, these three Orders are even more egregious than the May 2, 2019 Order [], which, *without* identifying or addressing the threshold issues in the record before the Court, purported to dismiss appellants’ appeal of right on *sua sponte* grounds that are not only a LIE, but contravene Article VI, §3(b)(1) of the New York State Constitution and CPLR §5601(b)(1).” (underlining in the original).

Court then continued by a fifth order, dated February 18, 2020, denying the motion, *without reasons*, and with *no disclosure* that each of its judges had a \$80,000-plus salary interest in the lawsuit and “claw-back” liability for the pay raise monies already received – the highest being, for the senior associate judge, approaching \$400,000.

Kindly confirm that you will be forwarding this corruption complaint to an Albany County grand jury for its inquiry of “wilful misconduct in office of public officers, and to find indictments”, pursuant to Article I, §6 of the New York State Constitution, including my request to testify before it and to be questioned, under oath. Of course, preliminarily, I am available to be interviewed by you and/or your deputy and assistant district attorneys, under oath, as to my specific interactions and communications with the complained-against public officers and their staff – and to supply originals/copies of relevant documents bearing on their crimes.

As six of the seven Albany County state legislators re-elected on November 6, 2018 to serve in the 2019-2020 legislative session are running for re-election this year, expedition is essential. Albany County voters are entitled to know how flagrantly their state legislators betrayed them and colluded in the theft of taxpayer monies, including for their OWN salaries and by the Legislature’s OWN budget. The evidence with respect to this complaint is *prima facie* and open-and-shut – requiring that ALL seven Albany County state legislators be indicted. Indeed, ALL will be convicted, because, at very least, when they swore to uphold the New York State Constitution, as they each did on January 9, 2019 in taking their oaths of office, they are presumed to have read its provisions. Illustrative is Article VII, §4 of the New York State Constitution – quoted at page 2 of CJA’s March 18, 2020 letter – from which any competent legislator would know that New York has a rolling budget, with appropriation bills – other than for the Legislature and Judiciary – becoming “law immediately” upon the Senate and Assembly reconciling their separate amendments to the bills, limited to strike-outs and reductions of items. Nothing remotely resembling this took place in the 2019 legislative session or in the 2020 legislative session – repeating what is chronicled by CJA’s two citizen-taxpayer actions with respect to the 2013 legislative session, the 2014 legislative session, the 2015 legislative session, the 2016 legislative session, the 2017 legislative session, and the 2018 legislative session.

The annotating ^{fn3} read:

“Among the penal laws: Penal Law §175.35 ‘offering a false instrument for filing in the first degree’; Penal Law §195 ‘official misconduct’; Penal Law §496 ‘corrupting the government in the first degree’/‘public corruption’ [PUBLIC TRUST ACT]; Penal Law §195.20 ‘defrauding the government’; Penal Law §190.65 ‘scheme to defraud in the first degree’; Penal Law §155.42 ‘grand larceny in the first degree’; Penal Law §105.15 ‘conspiracy in the second degree’; Penal Law §20 ‘criminal liability for conduct of another’. All are cited by appellants’ August 8, 2019 motion as applicable to the associate judges’ acts herein (Exhibit B, at p. 37).” (underlining in the original).

Like all the public officers here complained against, you took the same oath of office prescribed by Article XIII, §1 of the New York State Constitution, to “support the constitution of the United States, and the constitution of the State of New York, and ...[to] faithfully discharge the duties of the office of...”. Indeed, Article XIII, §13(b) puts you in charge of its adherence, on pain of your own removal, stating:

“Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the governor, after due notice and an opportunity of being heard in his defense...”

Needless to say – and this is threshold – if you are unable to impartially discharge your duties to enforce the penal law and Article XIII, §1 and Article I, §6 of the New York State Constitution with respect to this complaint, you must recuse yourself and take steps to secure appointment of a special prosecutor.⁷ As I previously and repeatedly requested – without response from you – please advise as to your conflict-of-interest protocol.⁸

I await your expeditious response. Meantime, this complaint and the complaints I will be filing with your fellow 61 district attorneys will be disseminated to the complained-against state legislators, the candidates running to replace them, and the press. The soundbite, in three sentences, is, as follows:

- (1) the legislators are NOT doing their jobs of oversight and law-making, resulting in a Legislature that is sham and NOT operating at a constitutional

⁷ See, National Prosecution Standards of the National District Attorneys Association, Section 1-3.3 “Specific Conflicts”, subdivision (d):

“The prosecutor should excuse himself or herself from any investigation, prosecution, or other matter where personal interests of the prosecutor would cause a fair-minded, objective observer to conclude that the prosecutor’s neutrality, judgment, or ability to administer the law in an objective manner may be compromised.”

Section 1-3.5 “Special Prosecutors”:

“Where an actual or potential conflict of interest exists that would prevent the prosecutor’s office from investigating or prosecuting a criminal matter, the prosecutor’s office should appoint, or seek the appointment of a ‘special prosecutor,’ or refer the matter to the appropriate governmental authority as required by law....”

⁸ Section 1-3.4 “Conflict Handling”:

“Each prosecutor’s office should establish procedures for handling actual or potential conflicts of interest. These procedures should include, but are not limited to:

- ...
- b. Methods to accurately document the manner in which conflicts were handled to ensure public trust and confidence in the prosecutor’s office.”

level;

- (2) the legislators are stealing our money by slush-fund budgets that are “OFF THE CONSTITUTIONAL RAILS”, rife with constitutional, statutory, and legislative rule violations;
- (3) the legislators have rewarded themselves with PAY RAISES FOR THEIR CRIMES, procured by a December 10, 2018 report they know to be a “false instrument” (Penal Law §175.35).

Grand juries – and voters – will have no difficulty in understanding this – and I have created a “Background Primer” to further assist. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/district-attorneys/primer-for-grand-juries.htm>.

As required by the complaint form coversheet of your Public Integrity Unit:

“I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.”

Thank you.

EXHIBIT B

**CJA's June 13, 2020 grand jury/public corruption complaint
to Montgomery County District Attorney Kelli P. McCoski**

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

June 13, 2020

TO: Montgomery County District Attorney Kelli P. McCoski

FROM: Elena Sassower, Director

RE: CORRUPTION COMPLAINT in support of grand jury inquiry, pursuant to Article I, §6 of the New York State Constitution, of Montgomery County state legislators for “wilful misconduct in office”, including fraud and larceny with respect to their OWN legislative salaries & the Legislature’s OWN budget

MONTGOMERY COUNTY STATE LEGISLATORS

Senator George Amedore – 46th Senate District
Assemblyman Angelo Santabarbara – 111th Assembly District

Pursuant to Article I, §6 of the New York State Constitution, I hereby present, for inquiry by a Montgomery County grand jury, the within summary of “wilful misconduct in office” by the above-named two Montgomery County state legislators, each re-elected on November 6, 2018 for the 2019-2020 legislative session, for which indictments are mandated under penal law provisions including:

Penal Law §175.35: “Offering a false instrument for filing in the first degree”;
Penal Law §195.20: “Defrauding the government”;
Penal §190.65: “Scheme to defraud in the first degree”;
Penal Law §496.05 (“Public Trust Act): “Corrupting the government in the first degree”;
Penal Law §496.06 (“Public Trust Act): “Public corruption”;
Penal Law §155.42: “Grand larceny in the first degree”;
Penal Law §460.20: “Enterprise corruption”;
Penal Law §110.00: “Attempt to commit a crime”;
Penal Law §195: “Official misconduct”;
Penal Law §105.15: “Conspiracy in the second degree”;
Penal Law §20.00: “Criminal liability for conduct of another”.

SUMMARY

On July 15-16, 2019, I furnished Governor Cuomo, Lieutenant Governor Hochul, Attorney General James, and ALL 213 state legislators, *via* their 15 stipend-receiving legislative leaders, with a July 15, 2019 written NOTICE and substantiating analysis that the December 10, 2018 Report of the Committee on Legislative and Executive Compensation – on which their pay raises are based – was “a fraud on the People of the State of New York – and a larceny of their tax dollars”, violating a

succession of penal laws, and that their duty was to void it, to return the pay raise monies they had already received, and to initiate criminal prosecutions of the Committee's four members and abetting attorneys. Among these members, Comptroller DiNapoli, himself a beneficiary of the Report's "force of law" salary increase recommendations.

None of the recipients denied or disputed the accuracy of CJA's July 15, 2019 NOTICE and analysis, including the specified penal laws violated. Instead, on December 1, 2019, the highest of the 15 legislative leaders – Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie – delivered to the Governor an uncertified FY2020-21 legislative budget which, concealing that legislative salaries had been raised by the December 10, 2018 Report from \$79,500 to \$110,000 and that it had eliminated all legislative stipends other than for the 15 legislative leaders, sought \$2,713,038 more for legislative salaries and stipends than the Report entitled them.

Eight weeks after that, on January 21, 2020, Governor Cuomo publicly presented his FY2020-21 executive budget. Introduced by Lieutenant Governor Hochul, he spoke before an audience that included Temporary Senate President Stewart-Cousins, Assembly Speaker Heastie, Attorney General James, and Comptroller DiNapoli, all of whom the Governor introduced as "great". He lauded himself and them for performing their "duty", specifying having "constitutionally passed the budget on time". He concealed that the Committee on Legislative and Executive Compensation had been rigged, referring to it as an "independent commission" – and stated that he supported pay raises for the Legislature, as if legislators were not already beneficiaries of pay raises. Simultaneously, he released his appropriation bill for the legislative budget, without any accompanying recommendation that the Legislature correct the \$2,713,038 overage for legislative salaries and stipends.¹ Instead, in an out-of-sequence, mistitled section at the back of the bill, the Governor added 32 pages of supposed "reappropriations" for the Legislature – untallied, but seemingly totaling over \$100,000,000. Among them, "reappropriations" of legislative salaries and stipends from past years.²

On February 18, 2020, I testified about what was going on at a local budget hearing, presided over by Temporary Senate President Stewart-Cousins, who is my own state senator. My closing words were "These are penal law violations" – and the documents I handed up, in substantiation of my testimony, were:

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For a more detailed overview of the pay raise issue, the best place to start is CJA’s March 3, 2020 letter, especially as it highlights why, based on CJA’s July 15, 2019 NOTICE and analysis and the Governor’s January 21, 2020 executive budget address, a grand jury would have ample evidence to find “wilful misconduct” pursuant to Article I, §6 of the New York State Constitution.⁴

Similar corruption complaints, based on the identical summary, are being filed with all 62 of New York’s district attorneys so that grand juries in each of New York’s 62 counties can take responsibility for their OWN state legislators. Not only are they pocketing larcenous pay raises for themselves based on the December 10, 2018 “force of law” committee report, but their identical wilful nonfeasance with respect to the “force of law” August 29, 2011 and December 24, 2015

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⁴ The direct link to the webpage for the March 3, 2020 letter, from which all its referred-to evidence is accessible, is here: <http://www.judgewatch.org/web-pages/searching-nys/2020-legislative/3-3-20-ltr-to-gov.htm>.

commission reports and with respect to the out-of-date statutory link between judicial salaries and district attorney salaries has resulted, for 56 counties, in HUGE, completely unwarranted salary increases for district attorneys, *payable from county budgets*, whose consequence is that district attorneys have become the highest-paid county officers in most of the counties, by grossly disproportionate sums.⁵

The only materially different complaint is to Albany County District Attorney P. David Soares – and this is because his geographic and, therefore, criminal jurisdiction encompasses the state capital and thus extends to ALL 213 state legislators, as well as to Governor Cuomo, Lieutenant Governor Hochul, Attorney General James, Comptroller DiNapoli – and to the judges of the Albany-based New York Court of Appeals, Albany-based Appellate Division, Third Department, and Albany Supreme Court, who, in tandem with the Attorney General, corrupted the judicial process in CJA’s two citizen-taxpayer actions challenging the constitutionality and lawfulness of the budget, of the August 29, 2011 and December 24, 2015 commission reports, and of the “force of law” commission scheme.

The reason I am not filing a complaint with District Attorney Soares exclusively is because, for the past seven years, to advance his OWN interests, including his OWN district attorney pay raises resulting from the August 29, 2011 and December 24, 2015 commission reports, he has been “sitting on” FOUR corruption complaints I filed with him, dated July 19, 2013, January 7, 2014, June 21, 2016, and March 6, 2018,⁶ each furnishing him with a mountain of *prima facie*, open-and-shut

⁵ I testified, extensively, about the situation at the Legislature’s January 30, 2017 budget hearing on “local government officials/general government” — and the situation has only grown worse because of the Legislature’s complete inaction. The direct link to the VIDEO of my MUST-SEE testimony is here: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/1-30-17-budget-hearing.htm>. By the way, the [wikipedia entry for Montgomery County](#) gives the following income figures:

“The median income for a household in the county was \$33,128, and the median income for a family was \$40,688. Males had a median income of \$31,818 versus \$23,359 for females. The per capita income for the county was \$17,005. About 9.00% of families and 13.7% of the population were below the poverty line, including 17.80% of those under age 18 and 9.89% of those age 65 or over.”

⁶ As District Attorney Soares is running for re-election this year, I have aggregated the four corruption complaints he has been “sitting on” on a webpage entitled “Elections 2020: Holding Albany County District Attorney P. David Soares Accountable”. It is part of a series of webpages, accessible from CJA’s homepage link: “ELECTIONS 2020 – Taking Out Corrupt & Collusive Legislative Incumbents & Conspiring D.A.s – All Beneficiaries of Statutory-Violative, Fraudulent, Unconstitutional Pay Raises & Other Larcenies of Taxpayer Monies”. The direct link is here: <http://www.judgewatch.org/web-pages/elections/2020/da-elections/soares.htm>.

A postscript is in order. When the four complaints were filed, the chief of District Attorney Soares’ so-called “Public Integrity Bureau” was Assistant District Attorney Eric Galarneau. In November 2019, he was appointed to a Cohoes City Court judgeship, effective January 1, 2020. He thereby became a direct beneficiary of the fraudulent judicial pay raises resulting from the August 29, 2011 and December 24, 2015 commission reports that were the subject of the complaints he “sat on” – an approximately \$70,000 a year salary boost.

evidence upon which to indict and convict New York's highest constitutional officers in all three government branches, along with scores of other constitutional and public officers and their staff, for public corruption involving the "force of law" commission pay raise scheme, the budget – and the obliteration of any cognizable judicial process in CJA's two citizen-taxpayer actions and, prior thereto, in CJA's declaratory judgment action and in its motion to intervene in the Legislature's declaratory judgment action against the Commission to Investigate Public Corruption, depriving the People of the State of New York of their entitlement to summary judgment, on all causes of action, *as a matter of law, proven by the record of each lawsuit.*

Kindly confirm that you will be forwarding this corruption complaint against Montgomery County's two state legislators to a Montgomery County grand jury for its inquiry pursuant to Article I, §6 of the New York State Constitution, with my request to testify before it and to be questioned, under oath. Of course, preliminarily, I am available to be interviewed by you and/or your deputy and assistant district attorneys, under oath – and to supply originals/copies of relevant documents bearing on their crimes.

As Assemblyman Santabarbara is running for re-election, time is of the essence. Montgomery County voters are entitled to know how flagrantly he and Senator Amedore betrayed them and colluded in the theft of taxpayer monies, including for their OWN salaries and by the Legislature's OWN budget. The evidence substantiating this complaint is *prima facie* and open-and-shut – requiring that each be indicted. Indeed, each will be convicted, not the least reason being because when they swore to uphold the New York State Constitution, as they each did on January 9, 2019 in taking their oaths of office for the 2019-2020 legislative session, they are presumed to have read its provisions. Illustrative is Article VII, §4 of the New York State Constitution – quoted at page 2 of CJA's March 18, 2020 letter – from which any competent legislator would know that New York has a rolling budget, with appropriation bills – other than for the Legislature and Judiciary – becoming "law immediately" upon the Senate and Assembly reconciling their separate amendments to the bills, limited to strike-outs and reductions of items. Nothing remotely resembling this took place in the 2019 legislative session or in the 2020 legislative session – repeating what is chronicled by the record of CJA's two citizen-taxpayer actions with respect to the 2013 legislative session, the 2014 legislative session, the 2015 legislative session, the 2016 legislative session, the 2017 legislative session, and the 2018 legislative session. Assemblyman Santabarbara has been in the Assembly since 2013, Senator Amedore since 2015.

Like the complained-against state legislators, you took the same oath of office prescribed by Article XIII, §1 of the New York State Constitution, to "support the constitution of the United States, and the constitution of the State of New York, and ...[to] faithfully discharge the duties of the office of...". Indeed, Article XIII, §13(b) puts you in charge of its adherence, on pain of your own removal, stating:

"Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the governor, after due notice and an opportunity of being heard in his defense..."

Needless to say – and this is threshold – if you are unable to impartially discharge your duties to enforce the penal law and Article XIII, §1 and Article I, §6 of the New York State Constitution with respect to this complaint because of relationships with the complained-against legislators or other interests, you must recuse yourself and take steps to secure appointment of a special prosecutor.⁷ In that regard, nearly four years ago, I e-mailed your predecessor, Montgomery County District Attorney James Conboy, letters dated July 1, 2016 and July 8, 2016, furnishing NOTICE that the August 29, 2011 and December 24, 2015 commission reports were “false instruments” – financially benefitting him and 55 other full-time district attorneys, *at the expense of 56 counties*, and calling upon him to repudiate his district attorney pay raises by reason thereof and to take other corrective steps. In the absence of response, I thereafter filed an October 14, 2016 conflict-of-interest/misconduct complaint against him and his fellow district attorneys with New York’s attorney disciplinary committees, reciting, at the outset, the testimony that district attorneys had given before the Legislature, on June 8, 2016, as to the supposed adequacy of the attorney disciplinary committees in policing unethical district attorney conduct. This I also e-mailed him.⁸

⁷ See, National Prosecution Standards of the National District Attorneys Association, Section 1-3.3 “Specific Conflicts”, subdivision (d):

“The prosecutor should excuse himself or herself from any investigation, prosecution, or other matter where personal interests of the prosecutor would cause a fair-minded, objective observer to conclude that the prosecutor’s neutrality, judgment, or ability to administer the law in an objective manner may be compromised.”

Section 1-3.5 “Special Prosecutors”:

“Where an actual or potential conflict of interest exists that would prevent the prosecutor’s office from investigating or prosecuting a criminal matter, the prosecutor’s office should appoint, or seek the appointment of a ‘special prosecutor,’ or refer the matter to the appropriate governmental authority as required by law....”

Section 1-3.4 “Conflict Handling”:

“Each prosecutor’s office should establish procedures for handling actual or potential conflicts of interest. These procedures should include, but are not limited to:

...

b. Methods to accurately document the manner in which conflicts were handled to ensure public trust and confidence in the prosecutor’s office.”

⁸ The July 1, 2016 and July 8, 2016 letter-NOTICES and October 14, 2016 conflict-of-interest/misconduct complaint are aggregated on a webpage entitled “How Many D.A.s Does It Take to Confront Evidence & Abide by Ethical Rules?”. It is accessible from the link “Showcase of *ALREADY-DEMONSTRATED* District Attorney Conflicts of Interest”, posted on the webpage for this grand jury/corruption complaint. The direct link to the “How Many D.A.s...” webpage is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/how-many-das-menu.htm>.

I await your expeditious response. Meantime, this complaint and the complaints to your fellow 61 district attorneys will be disseminated to the complained-against state legislators, the candidates running to replace them, and the press. The soundbite, in three sentences, is, as follows:

- (1) the legislators are NOT doing their jobs of oversight and law-making, resulting in a Legislature that is sham and NOT operating at a constitutional level;
- (2) the legislators are stealing our money by slush-fund budgets that are “OFF THE CONSTITUTIONAL RAILS”, rife with constitutional, statutory, and legislative rule violations;
- (3) the legislators have rewarded themselves with PAY RAISES FOR THEIR CRIMES, procured by a December 10, 2018 report they know to be a “false instrument” (Penal Law §175.35).

Grand juries – and voters – will have no difficulty in understanding this – and I have created a “Background Primer” to further assist. The direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/district-attorneys/primer-for-grand-juries.htm>.

Finally, as required by the complaint form of District Attorney Soares’ Public Integrity Unit –

“I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.”

Thank you.

EXHIBIT C-1

**July 27, 2020 response from
Albany County District Attorney P. David Soares**



P. DAVID SOARES
DISTRICT ATTORNEY

CHRISTOPHER D. HORN
SPECIAL COUNSEL

COUNTY OF ALBANY
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DAVID M. ROSSI
CHIEF ASSISTANT DISTRICT ATTORNEY

CHERYL K. FOWLER
DEPUTY CHIEF ASSISTANT
DISTRICT ATTORNEY

July 27, 2020

Elena Sassower
Center for Judicial Accountability, Inc.
PO Box 8101
White Plains, NY 10602

Subject: Complaint

Dear Ms. Sassower:

We have received the information you submitted with regard to your corruption complaint pertaining to Legislative and Executive compensation. Due to the nature of that matter, the appropriate entities to investigate the allegations you raise are the New York State Joint Commission on Public Ethics and the Legislative Ethics Commission.

Very truly yours,

P. DAVID SOARES
DISTRICT ATTORNEY



Linda M. Griggs

Assistant District Attorney

EXHIBIT C-2

**August 20, 2020 response from
Montgomery County District Attorney Kelli P. McCoski**



KELLI P. McCOSKI
District Attorney
Montgomery County
Courthouse
P.O. Box 1500
Fonda, NY 12068
Phone: (518) 853-8250
Fax: (518) 853-8212

PETER M. CALIFANO
Asst. District Attorney

JAMES P. MELITA
Asst. District Attorney

CHRISTINA PEARSON
Asst. District Attorney
DWI Prosecutor

SERVICE BY FACSIMILE AND E-MAIL NOT ACCEPTED

August 20, 2020

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

Subject: Complaint

Dear Ms. Sassower:

We have received the information you submitted with regard to your corruption complaint pertaining to Legislative and Executive compensation. Due to the nature of that matter, the appropriate entities to investigate the allegations you raise are the New York State Joint Commission on Public Ethics and the Legislative Ethics Commission.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Kelli P. McCoski", written over a horizontal line.

KELLI P. MCCOSKI
DISTRICT ATTORNEY

KPM/kas