

# CENTER for JUDICIAL ACCOUNTABILITY, INC.

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November 2, 2021

TO: New York State Inspector General Lucy Lang

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

RE: ENABLING YOU TO FAITHFULLY DISCHARGE THE DUTIES OF YOUR OFFICE: Sworn complaints against “covered agencies” within your jurisdiction: (1) the Office of the Inspector General; (2) the Joint Commission on Public Ethics; (3) the State University of New York; (4) the Division of the Budget; (5) the defunct Commission on Judicial Compensation, whose fraudulent August 29, 2011 report lives on, rewarding a corrupt judiciary with pay raises and depriving the public of functioning safeguards against judicial corruption; and (6) the defunct Commission to Investigate Public Corruption, whose fraudulent December 2, 2013 report lives on, concealing the manifestations and true causes of New York’s corruption and the ease with which it is rectified.

Welcome to your new position as New York State Inspector General, whose duties, set forth in [Executive Law, Article 4-A \(§§51-55\)](#), you swore to faithfully execute in taking your constitutionally-mandated oath of office, after being appointed by new Governor Kathy Hochul.

To enable you to do your job – including by honest testimony before the Legislature at such future oversight hearings as it will hold<sup>1</sup> – I herewith file six complaints against “covered agencies” within your jurisdiction pursuant to Executive Law §51<sup>2</sup> – starting with the Office of State Inspector

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<sup>1</sup> See the [August 25, 2021 hearing on “New York State’s System of Ethics Oversight and Enforcement”](#) of the Senate Committee on Ethics and Internal Governance, at which, in the absence of live testimony from your predecessor, Inspector General Letizia Tagliafierro, and buttressed by the powerful testimony of former JCOPE member Julia Garcia that “either the Inspector General’s Office is incompetent or corrupt” insofar as its investigation of the breach of confidentiality concerning her vote [Tr. 99], substantial discussion was had about examining the Office of the Inspector General, including at future hearings [Tr. 61, 109, 236].

<sup>2</sup> Executive Law §51 reads, in full:

“This article shall, subject to the limitations contained herein, confer upon the office of the state inspector general, jurisdiction over all covered agencies. For the purposes of this article ‘covered agency’ shall include all executive branch agencies, departments, divisions, officers, boards and commissions, public authorities (other than multi-state or multinational authorities), and public benefit corporations, the heads of which are appointed by the governor and which do not have their own inspector general by statute. Wherever a covered

General to which, [on July 11, 2013, I filed a public corruption complaint](#) sufficient, at that time, to have enabled then Inspector General Catherine Leahy Scott, appointed by Governor Andrew Cuomo, to have cleaned up the public corruption then infesting New York's state government – and which, by reason of her corruption, born of conflicts of interest, not only still infests New York's government, but has metastasized, dramatically.

This metastasized corruption, involving the “force of law” commission/committee-based pay raises, the entirety of the New York state budget, and the highest constitutional officers of New York's three state government branches, should already be familiar to you. 4-1/2 months ago, when you were running in the Democratic primary to be district attorney for New York County, I sent you a [June 14, 2021 e-mail](#) about it, linked to [a webpage whose narrative recitation was substantiated by open-and-shut, prima facie EVIDENCE there posted](#). As a candidate, you could – as you did – ignore it. As state Inspector General, such would warrant that you be removed from office and criminally prosecuted – and especially as the corruption, fraud, and conflicts of interest evidentially-established by that posted narrative embrace “covered agencies” within your Executive Law §51 jurisdiction, such as:

- the Joint Commission on Public Ethics (JCOPE), whose chair is governor-appointed;
- the Division of the Budget (DOB), whose director is governor-appointed;
- the State University of New York (SUNY), whose board of trustees is governor-appointed.

Also within your jurisdiction are two defunct commissions whose chairs Governor Cuomo appointed and whose corruption lives on by their “false instrument” reports that were and are dangerous frauds, causing ongoing and irreparable injury to the People of the State of New York by depriving them of the means to protect themselves against judicial and other governmental corruption and stealing their money, massively. These are:

- the 2011 Commission on Judicial Compensation, which went out of existence with the rendering of its August 29, 2011 report whose “force of law” recommendations raised judicial salaries – and district attorney salaries based thereon; and
- the 2013-2014 Commission to Investigate Public Corruption, which Governor Cuomo shut down as part of his three-men-in-a-room, behind-closed-doors dealmaking on the FY2014-2015 state budget with then Temporary Senate President Dean Skelos and then Assembly Speaker Sheldon Silver, and whose December 2, 2013 preliminary report is replete with deceits, as, for instance, that New York is well-served by its U.S. Attorneys and district attorneys, who are rooting out public corruption.

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agency is a board, commission, a public authority or public benefit corporation, the head of the agency is the chairperson thereof.”

Substantiating these complaints, in addition to the hyperlinks herein, is an EVIDENTIARY webpage, accessible from CJA’s website, [www.judgewatch.org](http://www.judgewatch.org), via the left side panel “Searching for Champions-NYS”, bringing up a link for a menu page for the New York State Inspector General. The direct link to the EVIDENTIARY webpage for the complaints is here: <http://www.judgewatch.org/web-pages/judicial-compensation/ny-inspector-general-11-2-21-complaint.htm>.

For your convenience, a table of contents follows:

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**Complaint against the Office of Inspector General for corruption**  
**CJA's July 11, 2013 complaint, filed with it,**  
**against the Commission on Judicial Compensation and**  
**DOB Director Robert Megna and his culpable staff**

The Office of Inspector General is an executive branch agency, whose head is appointed by the governor and which does not have its own inspector general.

On July 11, 2013, I filed a complaint electronically with it, *via* its website, by completing the indicated form. The complained-against parties were: (1) the Commission on Judicial Compensation, whose seven members I identified, starting with its chair, William Thompson, Jr., appointed by Governor Cuomo; and (2) the Division of the Budget and its culpable staff, starting with its director who was Robert Megna, appointed by Governor David Paterson in 2009 and retained by Governor Cuomo.

Because the complaint form limited the “Brief description of complaint” to “800 characters (approximately 20 rows) maximum” – and had NO attachment feature – I stated:

“The facts and evidence are particularized by the Center for Judicial Accountability’s July 11, 201[3] corruption complaint already posted on our website, [www.judgewatch.org](http://www.judgewatch.org), on a specially-created webpage. It is accessible via the top panel ‘Latest News’ by the first hyperlink ‘Holding Government Accountable for its grand larceny of the public fisc and other corruption’, which brings up a menu for CJA’s July 11, 201[3] corruption complaint to the NYS Inspector General. Here’s the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/nys-inspector-general.htm>”

[The complaint there posted](#) consisted of 12 pages, plus an [enclosure](#) identified as “CJA’s June 27, 2013 conflict of interest ethics complaint to New York State Joint Commission on Public Ethics with its accompanying April 15, 2013 corruption complaint to U.S. Attorney Bharara”.

The basis of the complaint against the Commission on Judicial Compensation was its fraudulent, statutorily-violative, and unconstitutional [August 29, 2011 report](#) – so-proven by [CJA’s October 27, 2011 opposition report](#), addressed to the Commission’s appointing authorities: Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, and Chief Judge Jonathan Lippman and further particularized by the [March 30, 2012 verified complaint in CJA’s declaratory judgment action \*CJA v. Cuomo, et al.\*](#)—the *et al.* being, in addition to the Commission’s four appointing authorities, the Senate, Assembly, Unified Court System, and State of New York, plus Attorney General Schneiderman and Comptroller DiNapoli, to whom I had filed complaints based on CJA’s October 27, 2011 opposition report.

The basis for the July 11, 2013 complaint against Budget Director Megna – and most of the complaint pertained to him (pp. 3-12) – was his complicity in the August 29, 2011 report and culpability, with his upper level professional staff, in Governor Cuomo’s fraudulent and

unconstitutional Judiciary/Legislative budget bill for FY2013-2014, embodying the Commission's "force of law" judicial salary raises, as well as other deceits and larcenies. And reflecting this two-fold basis are the subpoenas which the complaint suggested (at pp. 11-12) that Inspector General Scott issue to start her investigation:

- "a subpoena to Budget Director Megna, Governor Cuomo, Attorney General Schneiderman, and Comptroller DiNapoli for production of such findings of fact and conclusions of law as they made – or as were made for them by counsel – with respect to our October 27, 2011 Opposition Report and, if they furnish none, and no memoranda, notes, or other records pertaining thereto, that you subpoena them to testify under oath as to what they did upon receiving the October 27, 2011 Opposition Report, the March 30, 2012 verified complaint in *CJA, et al. v. Cuomo, et al.*, based thereon, and our correspondence with respect thereto;
- a subpoena to Budget Director Megna and Comptroller DiNapoli, if not, additionally, to Governor Cuomo, for records and/or their testimony as to the cumulative dollar amount appropriated/reappropriated for the Judiciary in S.2601-A/A.3001-A (Chapter 51 of the Laws of 2013) and as to the whereabouts and dollar amount of the Legislature's 'General State Charges' for fiscal year 2013-2014." (underlining in the original).

Prior to filing the July 11, 2013 complaint, I had ascertained from JCOPE that because the Commission on Judicial Compensation had gone out of existence more than a year before with the rendering of its August 29, 2011 report, JCOPE would have no jurisdiction over it<sup>3</sup>, but that the Inspector General would. For this reason, its enclosed [June 27, 2013 complaint to JCOPE](#), also based on the August 29, 2011 report and the Judiciary/Legislative budget bill, was not against the Commission on Judicial Compensation, but was against Budget Director Megna and his staff, over whom JCOPE told me its jurisdiction was concurrent with the Inspector General's. It is my recollection that I confirmed this with the Office of the Inspector General when I was drafting the June 27, 2013 complaint, whose complained-against public officers, were stated as:

"three of the four statewide elected officials within your jurisdiction: Governor Andrew Cuomo, Attorney General Eric Schneiderman, and Comptroller Thomas DiNapoli, as well as all New York State legislators within your jurisdiction, beginning with Temporary Senate President Dean Skelos and Assembly Speaker Sheldon Silver and those occupying positions of Senate and Assembly leadership. Additionally...against their complicit counsel and professional staffs, who are executive and legislative employees over whom you also have jurisdiction. The most important of these, in the executive branch, is Budget Director Robert Megna". (at p. 1).

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<sup>3</sup> Pursuant to Executive Law §94.13(c), JCOPE is limited to "within one year" from the date a public officer within its jurisdiction is "separate[ed] from state service. The Inspector General is not so-limited.

Eleven days later, by a [July 22, 2013 letter](#) entitled “Securing Investigation & Prosecution of Public Corruption”, I sent Inspector General Scott my [July 19, 2013 complaint to Albany County D.A. Soares](#), reciting the succession of complaints I had filed with investigative authorities – all resting on my April 15, 2013 complaint to U.S. Attorney Bharara – and further stating what would have been obvious to all:

“...it presents an open-and-shut, *prima facie* case of plunder of public monies, verification of which can be accomplished in minutes from comparison of the Commission on Judicial Compensation’s August 29, 2011 ‘Final’ Report and our October 27, 2011 Opposition Report – as to which the Executive Summary to our Opposition Report provides a handy guide.<sup>[fn]</sup> Indeed, because verification of the fraud, statutory violations, and unconstitutionality of what the Commission on Judicial Compensation did is so simple, you can readily see that something is amiss in the office of U.S. Attorney Bharara, which, having had the April 15, 2013 corruption complaint for over three months, should have, by now, called me in to give testimony under oath, including before a grand jury, and brought indictments against Governor Cuomo, *et al.*, based on the dispositive proof already furnished and such subpoenaed evidence as it obtained. As stated by our April 15, 2013 complaint:

‘Here presented is an open-and-shut case. A simple subpoena to our highest constitutional officers for their records with respect to [our October 27, 2011 Opposition Report, the March 30, 2012 verified complaint in *Center for Judicial Accountability, Inc., et al., v. Cuomo, et al.* (NY Co. #401988/2012), and our] communications and correspondence with them thereafter will suffice to indict and convict them for grand larceny of the public fisc and other crimes against the People.’ (at p. 8, underlining in the original).” (at p. 4, italics and underlining in the original)

What became of [my July 11, 2013 complaint to Inspector General Scott](#) – no less “open-and-shut, *prima facie*” for her than my April 15, 2013 complaint to U.S. Attorney Bharara, and, based thereon:

- [my May 13, 2013 complaint to U.S. Attorney Lynch \(EDNY\)](#) ;
- [my June 13, 2013 complaint to U.S. Attorney Hartunian \(NDNY\)](#);
- [my June 4, 2013 complaint to the Senate Committee on Investigations and Government Operations and Assembly Committee on Oversight, Analysis and Investigation](#);
- [my June 27, 2013 complaint to JCOPE](#); and
- [my July 19, 2013 complaint to D.A. Soares](#)

as well as my two prior complaints:

- [my November 29, 2011 complaint to Attorney General Schneiderman](#); and
- [my March 1, 2012 complaint to Comptroller DiNapoli](#).

I received no response from her – not even an acknowledgment – and telephoned, in early September 2013, for information as to its status so that I could inform the Commission to Investigate Public Corruption, at whose September 17, 2013 public hearing I would be testifying. My recollection was that I was told that my July 11, 2013 complaint had been “dismissed”. However, I never received any written confirmation to that effect, which is understandable as there would be NO basis for dismissing it.

What was the procedure for complaints received by the Office of Inspector General, in 2013? Was it not similar to what your immediate Inspector General predecessor, Letizia Tagliafierro, purported to be the procedure in the [written testimony](#) she submitted for the August 25, 2021 hearing of the Senate Committee on Ethics and Internal Governance, in lieu of live testimony? She there stated:

“The Inspector General’s Case Management Unit (CMU) is responsible for receiving and processing complaints and allegations made to the Offices of the Inspector General. The CMU fields all complaints and then reviews and processes each to determine jurisdiction. Each complaint is logged in to a centralized database and then addressed and/or investigated by investigative and legal staff. The CMU may also refer matters to other agencies as appropriate and supports the investigative work of the entire office. All case-related information is treated as confidential information.

If a specific matter falls outside of the office’s jurisdiction (i.e., a federal or local government agency), the CMU will advise the complainant of such and will make a referral to the proper entity to review their matter. Some complaints are ultimately determined to be best handled by the executive agency or authority complained of and are therefore referred to those entities to address via existing internal processes. However, even in these cases the Office of the Inspector General tracks and monitors each referral to ensure that the agency/authority responds in an appropriate manner.

...

The Office has long-standing partnerships with numerous law enforcement agencies across the state, including district attorneys...the Federal Bureau of Investigation and more.

... The CMU classifies each complaint into one of 22 categories...”<sup>4</sup>

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<sup>4</sup> The foregoing is reflected in, and mostly *verbatim* identical to, what Inspector General Tagliafierro’s written testimony referred to as “the Office for the Inspector General’s [inaugural annual report](#)” (hyperlinking in original) – this being for 2020. In other words, the Inspector General’s office issued no annual reports previously.



Inspector General Tagliaferro's written testimony then went on "to highlight several points" – and it is here that she identified JCOPE, stating:

- "The Office of the Inspector General is not a prosecutorial body. We cannot file criminal charges, hand up indictments, or make arrests. This is an investigative body that refers findings to local, state, and/or federal law enforcement agencies for prosecution as deemed appropriate.
- Our jurisdiction is limited to the executive agencies and authorities outlined in Executive Law Article 4-A. By statute, the Inspector General is appointed by the Governor and reports to the Secretary to the Governor.
- With respect to certain provisions of the Public Officers Law..., the Office of the Inspector General has complementary and parallel investigative jurisdiction with JCOPE. However, as mentioned above, the OIG does not have the authority to enforce violations that fall under the jurisdiction of JCOPE. As such, complaints and investigations regarding violations of New York's Public Officers Law... are routinely referred to JCOPE. Similarly, JCOPE routinely refers matters to our office that deal with potential state employee misconduct, fraud and/or abuse. Additionally, matters that come before our office and are fully investigated may have findings that warrant referral to JCOPE for further redress (as findings relate to violations of the Public Officer's Law...).
- The office does have the authority to issue subpoenas, a tool it uses in the regular course of business to gather evidence as part of an investigation."

What does the Inspector General's "centralized database" – or such other system as then in place – show? How was the July 11, 2013 complaint "addressed and/or investigated by investigative and legal counsel"? Surely contact was made with JCOPE as to how it was handling the interconnected June 27, 2013 complaint resting on the IDENTICAL facts. Likewise, wasn't contact made with U.S. Attorney Bharara as to my underlying April 15, 2013 complaint to him. Obviously, it would have made no sense for the Inspector General to investigate – and verify – what JCOPE and U.S. Attorney Bharara had already investigated and verified – and coordination was key. And what about referrals, especially to or from JCOPE, to D.A. Soares, to U.S. Attorney Bharara – or to the geographically appropriate U.S. Attorney Hartunian. Were referrals, if made, "track[ed] and monitor[ed]...to ensure that the agency/authority responds in an appropriate manner." And did the Inspector General not "issue subpoenas", such as suggested by my July 11, 2013 complaint for Budget Director Megna or verify that other authorities had.

Is my call, in September 2013, inquiring as to the status of my July 11, 2013 complaint, prefatory to my testifying before the Commission to Investigate Public Corruption, reflected in the Inspector General's "centralized database" or other system? What about communications either to the Commission to Investigate Public Corruption or from it?



Bottom line is that Ms. Scott served as Governor Cuomo's Inspector General until [February 2019](#). In [June 2019](#), he further rewarded her by appointing her to the Court of Claims, to which she was confirmed by the Senate. She thereupon reaped the financial benefit of her corruption, as Inspector General, with respect to my open-and-shut, *prima facie* July 11, 2013 complaint, as her judicial salary was approximately \$80,000 higher as a result of the fraudulent, statutorily-violative, unconstitutional Commission on Judicial Compensation's August 29, 2011 report – and its progeny: the comparably fraudulent, statutorily-violative, and unconstitutional [December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation](#), which rested upon it.

**Complaint against JCOPE for corruption**

**CJA's four complaints filed with it, dated June 27, 2013, December 11, 2014, August 31, 2020, and March 5, 2021, CJA's July 20, 2021 letter and August 13, 2021 e-mail – & the knowingly false and deceitful testimony of JCOPE's executive director at the Senate's August 25, 2021 oversight hearing**

At the time I filed my June 27, 2013 sworn complaint with JCOPE, its [director of investigations and enforcement who "oversaw all investigative and enforcement matters"](#) was Ms. Tagliafierro who, on October 29, 2013, JCOPE appointed to be its executive director. This was pointed out (at fn. 5) by a second sworn complaint I filed with JCOPE, on [December 11, 2014](#) – to which Inspector General Scott was an indicated recipient. This complaint was against JCOPE itself, as well as against Governor Cuomo, Temporary Senate President Skelos, Assembly Speaker Silver, Senate Minority Leader Stewart-Cousins, and Assembly Minority Leader Brian Kolb who were the five appointing authorities of the review commission for JCOPE and for the Legislative Ethics Commission (LEC) that was statutorily-required to have been established by June 1, 2014, but which they had not established. The complaint identified their shared conflicts of interest, stating that any legitimate JCOPE review commission would have to:

“‘blow the whistle’ on its corrupt protectionism of its appointing authorities – as proven, resoundingly, by CJA's June 27, 2013 ethics complaint against them and other constitutional and public officers and employees that JCOPE has been sitting on, now going on 18 months” (at p. 2, underlining in the original)

and identified that JCOPE's annual reports for 2012 and 2013 each violated the accountability provision of Executive Law §94.9(l), requiring it to list each complaint it received by assigned numbers and to identify the status of each.

Six and a half months later, I would send Inspector General Scott a [June 22, 2015 letter](#) that JCOPE's violations of Executive Law §94.9(l) by its 2012 and 2013 annual reports had continued with its 2014 annual report, released April 29, 2015. The letter also enclosed my [June 18, 2015 letter to the belatedly-appointed JCOPE/LEC Review Commission](#) – sufficient, *in and of itself*, to reveal the fraudulence of the report the JCOPE/LEC Review Commission would render on

[November 1, 2015](#)<sup>5</sup> and JCOPE's complicity therein.

A month after my June 22, 2015 letter, JCOPE issued [a press statement](#) that Executive Director Tagliafierro would be stepping down at the end of the month. Three and a half years later – and after serving in other positions in the Cuomo administration – Governor Cuomo appointed Ms. Tagliafierro as Inspector General, replacing Ms. Scott.

On September 1, 2021, a week after Governor Cuomo's resignation – and 16 days before she herself would resign as Inspector General – I sent the following *via* the Inspector General's website:

“Your complaint webpage, containing this messaging feature, states ‘You may also file a complaint by calling our toll free hot line at 1 (800) 367-4448. This will connect you with trained staff who can discuss with you the specifics of your complaint.’ Half an hour ago, at 3:10 pm today, September 1st, I left a voice mail message at that number – much as I had at 1:22 pm on Friday, August 27th, to which I received no call back from ‘trained staff’. Please have ‘trained staff’ call me, as soon as possible – someone able to confirm that my complaint, which is against JCOPE, is within the Inspector General's jurisdiction, pursuant to Executive Law §51, because it is a ‘covered agency’ whose head is appointed by the Governor & has no inspector general of its own. Thank you.”

I received no call from “trained staff” or anyone else at the Office of the Inspector General. I also sent a September 1, 2021 FOIL request seeking “The Inspector General's list of ‘covered agencies’ within its jurisdiction pursuant to Executive Law §51 – & records reflecting why JCOPE is not on that list, if in fact, it is not”. The [October 5, 2021 response](#) I received stated: “The Offices of the Inspector General does not maintain a singular, physical list of ‘covered agencies’ in the manner you describe”.

These two September 1, 2021 inquiries were prompted by the [August 25, 2021 hearing of the Senate Committee on Ethics and Internal Governance](#) – and, especially, by Chair Alessandra Biaggi's “final question” to JCOPE Executive Director Sanford Berland, in which she asked:

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<sup>5</sup> The JCOPE/LEC Review Commission's 21-page [November 1, 2015 report](#) annexes an Appendix F, which it characterizes as “Testimonies, Reports, and Other Written Materials Submitted”, containing my June 18, 2015 letter to the JCOPE/LEC Review Commission, but NOT its sole enclosure: “CJA's October 17, 2013 e-mail and letter to members & special advisors of the Commission to Investigate Public Corruption”. Such June 18, 2015 letter, however, was NOT my “testimony” at its one and only hearing, on October 14, 2015, nor the extent of the “written materials” I submitted then – or thereafter. Indeed, it may reasonably be surmised that the reason why no transcript of the hearing was annexed to the report was because my October 14, 2015 testimony was so devastating and that this is also why the report itself vanished, as likewise the video of the hearing and the JCOPE/LEC Review Commission website, [www.nyethicsreview.org](#). Fortunately, before the VIDEO disappeared, [I had transcribed my testimony](#). It is posted on a webpage furnishing links to the written materials I had handed up at the hearing – as well as subsequently supplied. The webpage is entitled: “[2015 -- The delayed & sham JCOPE/LEC REVIEW COMMISSION, whose website, nyethics review.org, is GONE, along with the VIDEO of its one & only hearing & its cover-up November 1, 2015 report](#)”.

“who, in your opinion, or statutorily, or constitutionally, holds JCOPE accountable?”  
(VIDEO, at 1:35 hours; Tr. 86).

After hesitation, Executive Director Berland identified the Legislature and, in incomplete fashion, the Judiciary. He did not identify the Governor. Nor did he identify the Inspector General, notwithstanding he had already discussed that Executive Law §94.9-a(c) mandates that breaches of confidentiality at JCOPE be reported to the Inspector General.

Chair Biaggi did not supplement his answer – and conducted the hearing as if ignorant that JCOPE is a “covered agency” within the Inspector General’s jurisdiction, pursuant to Executive Law §51, in that JCOPE has no inspector general of its own and its chair is appointed by the governor. Likewise, none of the other senators – or other witnesses – evinced any recognition that the reason Executive Law §94.9-a(c) mandates that breaches of JCOPE’s confidentiality be referred to the Inspector General is because JCOPE is a “covered agency” within the Inspector General’s jurisdiction pursuant to Executive Law §51.<sup>6</sup> That it is was identified in February 2012, at the outset of JCOPE’s existence, by JCOPE’s first executive director.<sup>7</sup>

The complaint herein initiated against JCOPE is NOT based on any deficiencies of JCOPE’s governing statute, Executive Law §94, which, in fact, contains safeguarding provisions that are exemplary and unrivalled in statutes pertaining to other ethics and criminal entities, including that of the State Inspector General. Rather, the “corruption, fraud, criminal activity, conflicts of interest [and] abuse” giving rise to this complaint result DIRECTLY from JCOPE’s wilful and deliberate violations of mandatory provisions of Executive §94 – and its wilful and deliberate failure to take steps to compel compliance by JCOPE’s appointing authorities with mandatory provisions of Executive Law §94 for actions required of them. The violated statutory provisions most immediately at issue with respect to this complaint are the SAME as I alerted Inspector General Scott to by my December 11, 2014 complaint to JCOPE and by my June 22, 2015 letter:

- Executive Law §94.9(1) pertaining to JCOPE’s “annual reports to the governor and legislature”, whose mandatory provisions are designed to enable their proper oversight by requiring that in addition to “recommending any changes in the laws governing the conduct of persons subject to the jurisdiction of the commission, or the rules, regulations and procedures governing the commission’s conduct” they contain

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<sup>6</sup> See, *inter alia*, transcript at pages 34-38; 40; 48-49; 59-61; 83, 111-115, 235, 262-263, 294-297.

<sup>7</sup> [JCOPE’s first executive director, Ellen Biben, when appointed by JCOPE, was Governor Cuomo’s then Inspector General, having been, before that, his Special Deputy Attorney General for Public Integrity when he was Attorney General.](#) At her first JCOPE meeting on February 28, 2012, she publicly identified JCOPE to be “a covered agency for the purposes of the IG’s jurisdiction”, further pointing out, in substantiation, that “Executive Law 94 makes specific reference that breaches of confidentiality... get referred directly to the IG pursuant to that jurisdiction” (at 30 mins, 10 seconds). Ms. Biben resigned as JCOPE’s executive director a month before I filed my June 27, 2013 complaint, succeeded by Ms. Tagliafierro, who JCOPE appointed to the position on October 29, 2013. On April 30, 2015, Governor Cuomo appointed Ms. Biben to the Court of Claims.

“(i) 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”;

- Executive Law §94.13(a), entitled “Investigations”, mandating that if JCOPE receives “a sworn complaint alleging” violations within JCOPE’s jurisdiction, or “determines on its own initiative to investigate a possible violation”, that it:

“shall notify the individual in writing, describe the possible or alleged violation of such laws, provide a description of the allegations against him or her and the evidence, if any, supporting such allegations...shall set forth the sections of law alleged to have been violated and provide the person with a fifteen day period in which to submit a written response, including any evidence, statements, and proposed witnesses, setting forth information relating to the activities cited as a possible or alleged violation of law”; and

“shall, within sixty calendar days after a complaint or a referral is received or an investigation is initiated on the commission’s own initiative, vote on whether to commence a full investigation of the matter under consideration to determine whether a substantial basis exists to conclude that a violation has occurred”.

- Executive Law §94.13(b), entitled “Substantial basis investigation”, mandating that:

“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 reasons, it shall so advise the individual and the complainant, if any in writing within fifteen days of such decision”.

- Executive Law §94.14 which mandates that where, by a vote, the JCOPE commissioners find “sufficient cause” to believe violations outside of JCOPE’s jurisdiction have occurred, “it shall refer such matter to the appropriate prosecutor for further investigation”.
- Public Officers Law §74 – the statute pertaining to conflicts of interest whose enforcement is JCOPE’s duty – and whose mandatory proscriptions apply to its commissioners and staff;
- Part A, Sec 21, Chapter 399 of the Laws of 2011, enacted simultaneous with Executive Law §94, which mandated that “No later than June 1, 2014, the governor and the legislative leaders shall jointly appoint a review commission to review and evaluate the activities and performance of the joint commission on public ethics and the legislative ethics commission in implementing the provisions of this act. On or before March 1, 2015, the review commission shall report to the governor and the

legislature on its review and evaluation which report shall include any administrative and legislative recommendations on strengthening the administration and enforcement of the ethics law in New York state.”

Suffice to further note that because JCOPE is a “covered agency” under the Inspector General’s jurisdiction, Executive Law §55(1) required its commissioners and staff “to report promptly” to the Inspector General “any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse” within JCOPE.<sup>8</sup>

The facts and law substantiating this complaint against JCOPE – and summarizing the history of JCOPE’s corruption born of the above-listed statutory violations, spanning from the first year of its operation, in 2012, and encompassing the belatedly-appointed, sham 2015 JCOPE/LEC review commission – are set forth by my [July 20, 2021 letter to Executive Director Berland](#) entitled:

“JCOPE’s violations of Executive Law §94.9(1)(i) by its July 8, 2021 annual report for 2020 – and by ALL its prior annual reports – and DEMAND that it rectify same”.

In addition to identifying that “the reason [Executive Law §94.9(1)] requires that JCOPE’s annual report be furnished to the Governor and Legislature – and that it contain specific information – is to enable them to discharge appropriate oversight over JCOPE’s functioning”, and that the requirement of “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” is “to enable tracking of a given complaint and of referrals so that [the] ultimate disposition of each can be established for accountability purposes”, the letter supplied substantiating hyperlinks and an [EVIDENTIARY webpage](#) establishing that JCOPE’s 2020 annual report to the Governor and Legislature, transmitted by a July 8, 2021 coverletter that Executive Director Berland had signed, failed to include the required “listing” – and that such violation in the 2020 annual report repeated the identical violation in ALL JCOPE’s prior annual reports, since the first, in 2012 – as to which I had given notice to JCOPE, repeatedly, since July 2014 and, most recently, by my [March 5, 2021 sworn complaint](#). The July 20, 2021 letter also specified my three prior sworn complaints filed with JCOPE, which, pursuant to Executive Law §94.9(1)(i), the “listing” for the 2020 annual report should have included,

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<sup>8</sup> Executive Law §55 entitled “Responsibilities of covered agencies, state officers and employees” and its subsection 1 reads:

“Every state officer or employee in a covered agency shall report promptly to the state inspector general any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee relating to his or her office or employment, or by a person having business dealings with a covered agency relating to those dealings. The knowing failure of any officer or employee to so report shall be cause for removal from office or employment or other appropriate penalty. Any officer or employee who acts pursuant to this subdivision by reporting to the state inspector general improper governmental action as defined in section seventy-five-b of the civil service law shall not be subject to dismissal, discipline or other adverse personnel action.”

as they were each still pending before JCOPE, these being my sworn complaints dated [June 27, 2013](#), [December 11, 2014](#), and [August 31, 2020](#), each accompanied by hyperlinks and substantiating EVIDENTIARY webpages to facilitate JCOPE's verification of their complete accuracy, with the failure to dispose of such complaints with ethics enforcements and referrals for criminal investigation and prosecution being inexplicable except as a manifestation of conflicts of interest of the commissioners and staff.<sup>9</sup>

In pertinent part, the July 20, 2021 letter stated:

“As there is nothing discretionary about Executive Law §94.9(1)(i), CJA again DEMANDS, as previously, that JCOPE rectify its violations of that mandatory statutory provision in each of its annual reports since 2012. And it should start with its 2020 annual report, for which you, as JCOPE's executive director, are immediately responsible.

...

Please advise, without delay, whether you will be rectifying JCOPE's Executive Law §94.9(1)(i) violations, starting with the 2020 annual report – and additionally as to how you will be addressing your direct financial interest and other conflicts arising from the fact that all four of CJA's still- pending complaints involve the statutorily-violative, fraudulent, and unconstitutional commission reports by which New York's judges, since 2012, have gotten pay raises – and you were one of those judges during the nearly four years until your appointment as JCOPE's executive director.<sup>fn3</sup> (at pp. 5-6, capitalization, underlining, and hyperlinking in the original).

The annotating footnote 3 was as follows:

“Three JCOPE commissioners also have direct financial interests, as they, too, were formerly judges whose salaries were boosted by the fraudulent pay raises. These are Commissioners Richard Braun, James McCarthy, and Juanita Bing Newton. Their financial interests are in addition to other conflicts of interest which, as to ALL the commissioners, are substantial. This includes JCOPE Chair Camille Varlack, a member of SUNY's Board of Trustees, who should have been sent, by JCOPE, a 15-day letter in response to CJA's August 31, 2020 complaint against the then 17 members of SUNY's Board of Trustees ([see fn. 1 therein](#)). Her February 2021 appointment to JCOPE by Governor Cuomo – and as its chair, no less – would not have been possible but for JCOPE's wilful nonfeasance with respect to that still-pending complaint, which, pursuant to Executive Law §94.9(1)(i), JCOPE's 2020 annual report was required to have listed as ‘complaint #20-143’, with its status.” (at p. 6, underlining, capitalization, and hyperlinking in the original).

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<sup>9</sup> The EVIDENTIARY webpage for the June 27, 2013 complaint is [here](#); the EVIDENTIARY webpage for the December 11, 2014 complaint is [here](#); the EVIDENTIARY webpage for the August 31, 2020 complaint is [here](#); and the EVIDENTIARY webpage for the March 5, 2021 complaint is [here](#).



I sent this July 20, 2021 letter to Executive Director Berland by a July 20, 2021 e-mail whose message ended by stating: “By the way, I am NOT among those looking to ‘scrap’ JCOPE – not the least reason because of the exemplary safeguarding provisions of Executive Law §94.13 and Executive Law §94.9(1)(i).” [The next day, I sent him this e-mail, yet again](#), when I cc’d him on my forwarding of it to the appropriate oversight committees of the Legislature – starting with the Senate Committee on Ethics and Internal Governance.

I received no response from Executive Director Berland – and so-stated in an [August 13, 2021 e-mail](#), attaching the July 20, 2021 letter now a third time and asking:

“Do you deny or dispute that [each of JCOPE’s annual reports to the Governor and Legislature, since 2012](#), has violated the mandatory provision of Executive Law §94.9(1)(i) requiring – for accountability purposes – ‘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’. If not, when will you be rectifying same – starting with [JCOPE’s 2020 annual report, dated July 8, 2021](#), for which you, as JCOPE’s executive director, are immediately responsible.”

I then stated:

“As incoming Governor Hochul will be sworn in on August 24, 2021, please furnish me with your answers no later than August 19, 2021, so that I may incorporate them into the letter I will be sending our new Governor, for immediate and priority attention, copying, of course, the Legislature.

In that connection, inasmuch as Lieutenant Governor Hochul is the second named subject of [CJA’s March 5, 2021 conflict-of-interest/ethics complaint](#) pertaining to her pay raise arising from the December 10, 2018 report of the Committee on Legislative and Executive Compensation, whose fraudulence [CJA’s July 15, 2019 NOTICE and analysis](#) alerted her to, do I assume correctly – based on Executive Law §94.13(a) – that she is familiar with the complaint because JCOPE sent her the required 15-day letter concerning it? Likewise, that 15-day letters were sent, at very least, to all the other specifically named subjects: Governor Cuomo, Attorney General James, Comptroller DiNapoli, Temporary Senate President Stewart-Cousins, and Assembly Speaker Heastie?

Finally, and also pertaining to the March 5, 2021 conflict-of-interest/ethics complaint (at p. 9), hasn’t JCOPE, by now, determined that the penal law violations identified by CJA’s underlying [June 4, 2020 grand jury/public corruption complaint](#) and [June 13, 2020 grand jury/public corruption complaint](#) require it ‘to make expeditious referrals back to Albany County D.A. Soares, to...Montgomery County D.A. Lorraine Diamond... – and to New York’s four U.S. Attorneys – pursuant to Executive Law §94.14 and Legislative Law §80.9(a)’ and fundamental rules of professional responsibility? Please advise – and, of course, how you have resolved your conflicts-of-interest, starting with your direct financial interest and, additionally,



how the Commissioners have resolved such conflicts as to themselves, identified by the July 20, 2021 letter (at p. 6).” (hyperlinking and underlining in the original).

I received no response from Executive Director Berland, who, on August 25, 2021, gave materially false and deceitful testimony at the Senate Committee on Ethics and Internal Governance’s hearing, which, were it honest, would have had to disclose and confront the facts and law which my July 20, 2021 letter presented him.<sup>10</sup> Doubtless, he was emboldened by his knowledge that all senators there present had an interest in concealing what the letter particularized: JCOPE’s violations of Executive Law §94.9(1)(i) by its annual reports – because revealing that violation and compelling the required “listings” would expose sworn complaints, pending before JCOPE – such as my four complaints – involving them and New York’s other highest constitutional officers who they were purporting were, like themselves, ethical and corruption-free.<sup>11</sup>

As of this date, I have still received no response to my July 20, 2021 letter and August 13, 2021 e-mail and, therefore, initiate this sworn complaint based thereon – and on Executive Director Berland’s knowingly false and deceitful testimony at the August 25, 2021 Senate hearing, both written and oral.

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<sup>10</sup> At no point did Executive Director Berland acknowledge ANY violations of statutory requirements by JCOPE either in his written or oral testimony: “Our staff have shown themselves to be wholly committed to executing the role assigned to the Commission as part of the Public Integrity Reform Act that the Legislature enacted in 2011.” (at pp. 1-2); “Our critics...assume, without basis, that important cases are being ignored”(at p. 4); “...we’re operating within a statutory framework” [Tr. 28]. “We are required to march along in a very specific way, procedurally, from the moment we get a complaint.” [Tr. 64] – as if JCOPE does what the law requires it to do. “We have to enforce the law as it stands. And we do that, and I think we do that very effectively...” [Tr. 67]; “Investigations are a small part of our mandate statutorily, and therefore, operationally, that’s how they play out...Our enforcement staff is comparatively small, and it’s titrated to match the enforcement mandate that we have in the statute.” [Tr. 74-75]. See, also, Executive Director Berland’s disingenuous description, in response to Senate Ethics Chair Biaggi’s questioning – “So in a typical instance: A complaint will come in. If appropriate, a so-called ‘15-day letter’ will issue, calling upon the respondent to respond; to answer the allegations. The next step, if appropriate, within 60 days, would be a vote by the commission on whether to commence a Substantial Basis Investigation; and, if appropriate, that will proceed to hearing and determination.” [Tr. 23-24, underlining added]. Similarly, his response to Ranking Member Palumbo’s question as to “the internal process of handling a complaint”, stating, *inter alia*, “And, if appropriate, a so-called ‘15-day letter’ will go out...” [Tr. 29-30, underlining added].

<sup>11</sup> This began with the very first words of Senate Chair Biaggi, lauding Temporary Senate President Andrea Stewart-Cousins for her “continued commitment to bringing good governance and transparency to Albany” [Tr. 4] and was further exemplified by Ranking Member Palumbo’s opening comment: “...it taints all of us here, those of us who practice proper ethics...a very select few people act in that fashion. The rest of us act with dignity...” [Tr. 11]. Nothing could be further from the truth.

**Complaint against SUNY for corruption –**  
**the same as CJA’s August 31, 2020 complaint filed with JCOPE**

Of the four sworn complaints that JCOPE is “sitting on”, the third is against SUNY. Filed on August 31, 2020, it was entitled:

“Conflict of Interest Ethics Complaint vs SUNY’s Board of Trustees & its Other Officers & Staff for Violating Public Officers Law §74 in the Appointment of James Malatras as SUNY Chancellor – & in Perpetuating SUNY’s False, Deficient, & Non-Existent Scholarship on the New York State Constitution and New York State Governance”.

The “most important and powerful” of the complained-against “SUNY officers”, beside the Board of Trustees, were identified, with substantiating EVIDENTIARY hyperlinking and footnotes, as follows:

“(1) SUNY’s Senior Vice Chancellor and Chief Operating Officer Robert Megna, who served as interim chancellor from June 3<sup>rd</sup> to the August 21<sup>st</sup> date of Mr. Malatras’ appointment, was present at all the Board of Trustees’ meetings, and who, with Mr. Malatras, directly participated in the three-branch governmental corruption at issue – most visibly, in 2019, when both were appointed by Governor Cuomo to the seven-member ‘force of law’ [Commission on Legislative, Judicial and Executive Compensation](#);<sup>fn2</sup> and

(2) SUNY’s Chair Emeritus of its Board of Trustees, H. Carl McCall, so-recognized at its August 21<sup>st</sup> meeting appointing Mr. Malatras, at which he participated – and whose corruption and fraud as chair of the four-member 2018 ‘force of law’ [Committee on Legislative and Executive Compensation](#)<sup>fn3</sup> was covered up by the

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<sup>fn2</sup> Prior thereto, as Governor Cuomo’s budget director, Mr. Megna directly participated in the corruption involving the 2011 ‘force of law’ Commission on Judicial Compensation AND the state budget – and then in the corruption of the 2015-2016 ‘force of law’ Commission on Legislative, Judicial and Executive Compensation, to which Governor Cuomo appointed him in its waning days, following the unexplained departure of one of the Governor’s appointees to that Commission. Such past history disqualified him from serving on the 2019-2020 Commission on Legislative, Judicial and Executive Compensation – and in 2019, in substantiation of my November 4, 2019 testimony before that Commission on which he, Mr. Malatras, and four other disqualified commissioners sat, I created an evidentiary webpage about this entitled ‘[Appointment of Commissioners disqualified as participants and conspirators in fraud, & based on interests and relationships they have not disclosed](#)’. The webpage, whose link I furnished the Commission, posed the QUESTION: “*Did the Appointing Authorities Apprise the Commissioners of [CJA’s 2nd CITIZEN-TAXPAYER ACTION -- commenced September 2, 2016 & at the NY Court of Appeals](#) – or didn’t the Commissioners know about it, independently?*”

<sup>fn3</sup> The corruption and fraud of the 2018 ‘force of law’ Committee on Legislative and

2019 Commission on Legislative, Judicial and Executive Compensation on which Messrs. Malatras and Megna served.” (at pp. 2-3, hyperlinking in the original).

JCOPE acknowledged receipt of the complaint by a [September 2, 2020 e-mail](#) of its “Investigation Division” that indicated its assigned number as “#20-143”. I have received nothing since – and such was identified by both my March 5, 2021 complaint and my July 20, 2021 letter, the latter pointing out that JCOPE was required to have listed the August 31, 2020 complaint and its status, by number assigned, in its 2020 annual report, which it had not.

As the Inspector General has jurisdiction over SUNY, including as to the conflict of interest issues, JCOPE could have reasonably referred the August 31, 2020 complaint to the Inspector General for investigation. If that were done, JCOPE’s annual report for 2020, if compliant with Executive Law §94.9(1)(i), would have reflected same. However, it is not compliant, as my July 20, 2021 letter to JCOPE Executive Director Berland details – and, to date, and notwithstanding my follow-up August 13, 2021 e-mail, JCOPE has not rectified its violation with respect to its 2020 annual report or any other.

In the complete absence of any indication from JCOPE that it was referring the August 31, 2020 complaint to the Inspector General – or from the Inspector General acknowledging same – I am myself filing my August 31, 2020 complaint with the Inspector General. Its EVIDENTIARY starting point, identified therein, is [my August 14, 2020 e-mail to SUNY, for distribution to its Board of Trustees](#), which, additionally, to aid the Trustees, was accompanied by an [EVIDENTIARY webpage](#). Verification of the facts presented by that e-mail not only materially establishes the August 31, 2021 complaint, but the March 5, 2021 complaint – and, as to both, the unconstitutionality and unlawfulness of the state budget and the commission/committee-based pay raises, embedded therein, so-proven by [the record of CJA’s second citizen-taxpayer action](#).

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Executive Compensation is comprehensively detailed by [CJA’s July 15, 2019 analysis](#) of its [December 10, 2018 report recommending legislative and executive pay raises](#), furnished to Governor Cuomo, the attorney general, and legislative leaders, with an accompanying [NOTICE](#). As immediately obvious from the cover of the analysis, it parallels [CJA’s October 27, 2011 opposition report](#) to [the Commission on Judicial Compensation’s August 29, 2011 report recommending judicial pay raises](#) – an opposition report sent to Mr. Megna with a [November 1, 2011 letter](#), five days after I had hand-delivered four originals, each with all substantiating exhibits, to the New York City offices of Governor Cuomo, the Chief Judge, Assembly Speaker, and Temporary Senate President.

In the absence of any response from any governmental officer to CJA’s July 15, 2019 analysis, none denying its obvious accuracy, I filed a [June 4, 2020 public corruption complaint](#) against them with Albany County District Attorney P. David Soares – just as, seven years earlier, I filed a [July 19, 2013 public corruption complaint](#) with him pertaining to CJA’s October 27, 2011 opposition report, whose obvious accuracy was also not contested by any governmental officer. [District Attorney Soares has been ‘sitting on’ these and all the other related complaints I filed with him](#) – all chronicling the corruption that has now metastasized to SUNY’s Board of Trustees.”

**Complaint against DOB & Budget Director Robert Mujica for corruption –  
the same as CJA’s March 5, 2021 complaint, filed with JCOPE**

The corruption of the FY2013-2014 state budget, involving larceny, fraud, and unconstitutionality, particularized by my April 15, 2013 sworn complaint to U.S. Attorney Bharara – on which my sworn June 27, 2013 complaint to JCOPE and then my July 11, 2013 complaint to Inspector General Scott rested in seeking criminal and ethics enforcement against then Budget Director Megna and his culpable professional staff – has continued identically and unabated every fiscal year since – and all three of my subsequent sworn complaints to JCOPE furnished the substantiating EVIDENCE, as embodied by CJA’s two citizen-taxpayer actions, whose odyssey through the New York courts spanned from March 28, 2014 to February 18, 2020 and chronicled state budgets to FY2019-2020.<sup>12</sup>

These two citizen-taxpayer actions, each bearing shorthand captions *CJA v. Cuomo, et al.* are – like CJA’s comparably titled declaratory judgment action – highlighted in my [June 4, 2020 grand jury/public corruption complaint to D.A. Soares](#) pertaining to the FY2020-2021 budget, on which my [March 5, 2021 complaint to JCOPE](#) rests, with particulars as to the FY2021-2022 budget recited at pp. 2-3 of the March 5, 2021 complaint.

The present budget director is Robert Mujica, appointed by Governor Cuomo in January 2016. When appointed, he was fully familiar with, indeed a lead participant in, the unconstitutionality, fraud, and larceny of the budget and the commission-based pay raises, as he was, at that time, chief of staff to then Senate Majority Leader John Flanagan and, concurrently, secretary to the Senate Finance Committee, positions he had also held under Senate Majority Leader Skelos in 2013, which is when I first reached out to him.<sup>13</sup> Three months after his January 2016 appointment, I would particularize what was going on pertaining to the FY2016-2017 budget by a [March 23, 2016 verified second supplemental complaint in the first citizen-taxpayer action](#). This would form the basis, less than six months later, of the [September 2, 2016 verified complaint in the second citizen-taxpayer action](#).

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<sup>12</sup> The FY 2014-2015 state budget was the subject of the [first citizen-taxpayer action](#), commenced March 28, 2014 – and such lawsuit was identified by my December 11, 2014 complaint to JCOPE (at fn. 7). It spanned to August 2016 and encompassed FY2015-2016, which was the subject of a [March 31, 2015 verified supplemental complaint](#), and FY2016-2017, which was the subject of a [March 23, 2016 verified second supplemental complaint](#). The saga was then continued by the [second citizen-taxpayer action](#), commenced on September 2, 2016, also pertaining to FY2016-2017 and then a [March 29, 2017 supplemental complaint](#), pertaining to FY2017-2018. By the time the [second citizen-taxpayer ended, at the Court of Appeals](#), on February 18, 2020, its record embraced FY2018-2019 and FY2019-2020.

<sup>13</sup> See, for example, (1) [my February 27, 2013 e-mail to him](#), entitled “Verifying the Dispositive Nature of the February 6, 2013 Opposition Testimony to the Judiciary Budget & Judicial Pay Raises”; (2) [my March 5, 2013 e-mail to him](#) bearing the same title; (3) [my March 13, 2013 e-mail to him](#) entitled “The Uselessness of the Legislature’s ‘White’, ‘Blue’, ‘Yellow’ & ‘Green’ Books as Aids to Legislators in Understanding the Judiciary Budget & District Attorney Salary Reimbursement”.

Budget Director Mujica and DOB counsel and staff may be presumed fully knowledgeable of this culminating second citizen-taxpayer action<sup>14</sup> – including by virtue of my live testimony about it and the budgets at the Legislature’s budget hearings on [January 30, 2017](#), [January 31, 2017](#), [January 30, 2018](#), [February 5, 2018](#), and [February 10, 2021](#), as well as by my [March 18, 2020 letter to Governor Cuomo](#), to which Budget Director Mujica was the first indicated recipient – and which was e-mailed for him, c/o a DOB staffer with whom I spoke by phone. The letter, entitled:

“Your January 21, 2020 address on the Executive Budget – Part III: GOOD NEWS DURING THE CORONAVIRUS EMERGENCY: You Can Chuck Six of Your Seven ‘Article VII Bills’ Because They are Unconstitutional. Here’s why based on the Court of Appeals’ 2004 plurality, concurring, and dissenting opinions in *Pataki v. Assembly/Silver v. Pataki*, 4 N.Y.3d 75.” (underlining in the original).

and my two referred-to and linked predecessor letters to Governor Cuomo, dated [February 18, 2020](#) and [March 3, 2020](#), are featured by the June 4, 2020 grand jury/public corruption complaint, as likewise the fact that the accuracy of all three letters is undenied and undisputed. These must be the starting point of this corruption complaint against DOB and Budget Director Mujica, whose tenure is continuing under Governor Hochul, notwithstanding her knowledge of the flagrant unconstitutionality, fraud, and larceny of the state budget and the commission/committee-based salary raises it embeds, of which I first notified her in [May 2018](#).

**Complaint against the Commission to Investigate Public Corruption for corruption – particularized by CJA’s April 23, 2014 OSC to intervene in the Senate/Assembly declaratory judgment action vs the Commission**

On July 2, 2013 – nine days before my July 11, 2013 complaint to Inspector General Scott – Governor Cuomo held a press conference announcing his [Executive Order #106](#), establishing a Commission to Investigate Public Corruption. Surrounded by its three co-chairs and most of its 22 other members, all of whom he appointed and ten of whom were D.A.s – including D.A. Soares and two of its co-chairs – he emphasized to them the priority of enforcement mechanisms:

“...Your mission is to put a system in place that says, A. we’re going to punish the wrongdoers and to the extent that people have violated the public trust they will be punished. Two, there is a system in place so that the public should feel confident that if there is wrongdoing going on, there’s a system in place that will catch those people and make sure it doesn’t happen again.

[The People] want to know that a system is in place that somebody is watching. And

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<sup>14</sup> In both these citizen-taxpayer actions, Andrew Cuomo was the first named defendant, followed by Dean Skelos and the Senate in the first citizen-taxpayer action, and followed by John Flanagan and the Senate in the second citizen-taxpayer action. As for the 2012 declaratory judgment action, the first named defendant was Cuomo and, thereafter, Skelos and the Senate.

that is what they are really questioning about state government now. Is there a system in place that is effective at preventing this? And if people do wind up breaking the law, is there a system in place that's going to catch them?

...

And there is no substitute for enforcement. As a former attorney general and as a former assistant district attorney in the great office of Bob Morgenthau, I know, first-hand, there is no substitute for effective enforcement. And any system, and any set of laws are only as good as the enforcement mechanism behind them.

...

...you have a dual mission. One, investigative enforcement.... So, first, investigative enforcement. That is what district attorneys do. It's what US Attorneys do. That's what Attorneys Generals do. That's the first order of business.

Second, to make suggestions for legislative reforms going forward. How do we fix the system. But it's a dual mission. This is not an academic exercise. Yes, we want a report on changes to the system, if they believe changes to the system need to be made. But the first order of business is the enforcement function and that's the predominance of expertise on this Commission."

This plainly required that the Commission examine the functioning of existing criminal and ethics entities, especially their handling of complaints of public corruption and ethics violations. Obviously, if D.A.s, U.S. Attorneys, and entities such as JCOPE, the Inspector General, and legislative committees – rather than investigating public corruption/ethics complaints, simply “sat on them” – and did so when they were fully-documented or readily-verifiable and involved New York's highest public officers – that would explain New York's corruption problem.

Presumably, Inspector General Scott and then JCOPE Investigations/Enforcement Director Tagliaferro watched Governor Cuomo's July 2, 2013 press conference, either live or the video thereafter posted – and, likewise, watched the Commission's September 17, 2013 hearing<sup>15</sup>, at which the first two witnesses invited to testify and heralded as champions against public corruption<sup>16</sup>

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<sup>15</sup> The VIDEO of the September 17, 2013 hearing, the only hearing at which members of the public were able to testify about the gamut of public corruption – and the VIDEO of the Commission's September 27, 2013 hearing at which a former ADA testified about the non-prosecution of public corruption/election crimes by a Commission D.A. member, both of which had been posted on the Commission's website, <https://publiccorruption.moreland.ny.gov/>, are now “unavailable”, unlike the still available October 29, 2013 hearing that was topic-limited to the Board of Elections.

<sup>16</sup> Commission Co-Chair/D.A. Fitzpatrick, referring to U.S. Attorney Bharara:

“Now, let me have the pleasure of introducing a great American who has done as much to restore that integrity as any other New Yorker. I suspect that sometimes our first speaker must feel like Diogenes walking through the halls of Albany looking for an honest man.”; “It's very comforting to know that the right man is in charge in the Southern District”;

Commission Co-Chair/D.A. Fitzpatrick, referring to U.S. Attorney Lynch:

“We are very fortunate tonight to have, as our second speaker, another legendary name in law enforcement in the State of New York.”; “...most of all, thank you for answering our President's call and



and so-portraying themselves were U.S. Attorney Bharara and U.S. Attorney Lynch.<sup>17</sup> They would have known this to be fraud – as U.S. Attorneys Bharara and Lynch were both “sitting on” the same open-and-shut, *prima facie* EVIDENCE of corruption that they were “sitting on” and as D.A. Commissioner Soares was “sitting on”. Presumably, too, they heard [my testimony](#) identifying how the Commission had rigged the hearing, had not responded to my important [August 5, 2013 letter](#) and subsequent e-mails, inquiring as to its rules and procedures, and saw, for themselves, at the hearing that not a single commissioner, nor its executive director, would answer my question as to how they were going to be addressing conflicts of interest, such as presented by my succession of complaints filed with criminal and ethics authorities – culminating in my July 19, 2013 complaint to D.A. Soares, which I had sent to the Commission on that date – all resting on the verified complaint in the *CJA v. Cuomo, et al.* declaratory judgment action:

“suing Governor Cuomo and Attorney General Schneiderman, as the first named defendants, for corruption, for fraud, for grand larceny of the public fisc, involving tens and hundreds of millions of dollars and ultimately billions with respect to the judicial pay raises.”

I asked:

“How are you going to deal with conflicts of interest? And how are you dealing with conflicts of interest involving the judicial pay raises when district attorney salaries are tied to the judicial pay raises? How are you dealing with conflicts of interest?”

In the absence of response and the threat by D.A. Co-Chair William Fitzpatrick that I would be physically removed by security, my parting words to the Commission were: “Shame. Shame. This is corruption, this is public corruption” and then, referring to the huge volume of EVIDENCE consisting of the March 30, 2012 verified complaint in the *CJA v. Cuomo, et al.* declaratory judgment action and my succession of corruption and conflict-of-interest complaints based thereon, hard copies of which I would be leaving for the commissioners, I stated “This is for them. Investigate it. It’s open-and-shut. It can be done in a matter of minutes”.<sup>18</sup>

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coming back to public service. The citizens of New York are very lucky you said yes.”

<sup>17</sup> U.S. Attorney Bharara: “Fighting public corruption has been a top priority for my office for a long while, as it has been for my friends Loretta Lynch and Cy Vance.”

U.S. Attorney Lynch: “Now, as the United States Attorney for the Eastern District of New York, I am honored to lead an office with a long tradition of fighting public corruption... Our current cases continue this rich tradition of protecting the public fisc and attempting to safeguard the public’s faith in the political system.”

New York County D.A. Cyrus Vance: “As you just heard from my colleagues, the U.S. Attorneys for the Southern and Eastern Districts of New York, and as everyone in New York government knows well, the FBI and federal prosecutors have been remarkably successful in policing and prosecuting our public officials...”

<sup>18</sup> [CJA’s webpage for my testimony at the Commission’s September 17, 2013 hearing](#) posts, in addition to the VIDEO clip of my oral testimony and my written testimony, ALL the EVIDENCE I supplied to the



Two and a half months later, the Commission's public corruption, born of conflicts arising from its relationships and financial interests was in full view by its [December 2, 2013 preliminary report](#). Without identifying any conflicts of interest as to itself, the Commission purported to have "follow[ed] the money", that it would "continue" to do so in order to "bring greater transparency, accountability, and integrity to our governing bodies" (at p. 1); that it had "used every tool at our disposal to conduct a broad investigation of systemic weaknesses and public corruption in New York" (at p. 6); that "Federal prosecutors like United States Attorneys Preet Bharara and Loretta Lynch... should be applauded for their efforts to root out and punish illegal conduct by our public officials"(at p. 87) and that "New York state prosecutors" – *to wit*, New York's district attorneys and the State Attorney General – were "up to the job", though hampered by the lack of "necessary tools available to their federal counterparts" (at p. 86). Indeed, the ONLY entity the report scrutinized was the New York State Board of Elections (at pp. 59-86), comprehensively examining and criticizing its handling of complaints with detailing<sup>19</sup> that plainly was applicable to inquiries it should have been making, *inter alia*, of the D.A.s, U.S. Attorneys, the State Attorney General, the Commission on Judicial Conduct, the Appellate Divisions' attorney disciplinary committees – and, of course, JCOPE and the Office of Inspector General, among others. As I had identified by a [November 8, 2013 FOIL request to the Board of Elections](#) – to which the Commission co-chairs and D.A. Soares were cc'd – the Board was "low-hanging fruit" – and proving this, further, was my subsequent [November 13, 2013 FOIL request to D.A. Soares](#) entitled "What are Your Procedures for Handling Public Corruption Complaints? – & Other Questions that an Unconflicted Commission to Investigate Public Corruption Would Ask" – to which the Board of Elections was cc'd and the Commission co-chairs.

The Commission's fraud, from its inception, to its hearings, to its December 2, 2013 preliminary report, to its [February 7, 2014 letter](#) disposing of my "complaint" because "Your matter falls outside our mandate", to its disbanding seven weeks later as part of Governor Cuomo's behind-closed-doors, three-men-in-a-room dealmaking with Temporary Senate President Skelos and Assembly Speaker Silver over the FY2014-2015 budget, is chronicled by my [April 23, 2014 order to show cause to intervene in the Skelos-Silver/Senate-Assembly declaratory judgment action against the Commission](#) – to which Inspector General Scott was alerted by my December 11, 2014 complaint to JCOPE to which she was a recipient, as likewise U.S. Attorneys Bharara, Lynch, Hartunian, D.A. Soares, and Attorney General Schneiderman.<sup>20</sup>

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Commission in substantiation.

<sup>19</sup> See, for example, the report's section on the Board of Elections entitled "**Mismanagement of Complaints and Refusal to Open Investigations**" (at pp. 63-73), with bold-faced subsections "**A Haphazard Complaint Intake Process**" (at pp. 63-67); "**Inexplicably Delayed Determinations**" (pp. 67-69); "**Refusal to Open Investigations**" (at pp. 70-71); and "**Specific Policies of Inaction**" (at pp. 71-73).

<sup>20</sup> See footnote 7 thereof, as well as the complaint's Exhibit A: [my July 11, 2014 letter to Governor Cuomo, Senate Majority Leader Skelos and Assembly Speaker Silver](#) (at p. 3).

I herein rest my complaint against the Commission to Investigate Public Corruption on that fact-specific, fully-documented April 23, 2014 motion, both its proposed verified complaint and my sworn moving affidavit – and [the litigation record thereon](#) – establishing that the Attorney General, in tandem with a financially-interested New York judge, obliterated adjudicative, ethical, and evidentiary standards to deprive the People of the State of New York of the relief to which they were entitled. This *modus operandi* of how the Attorney General and New York’s judiciary operate was featured by both my August 5, 2013 letter to the Commission pertaining to the *CJA v. Cuomo, et al.* declaratory judgment action and [my September 17, 2013 written testimony](#). It would, thereafter, be manifested by the litigation records of the two citizen-taxpayer actions, each thrown by the double-whammy of Attorney General litigation fraud and fraudulent judicial decisions – and so-featured, with my intervention motion, in my [June 4, 2020 grand jury/public corruption complaint](#) (at pp. 3, 5-6) underlying my March 5, 2021 complaint to JCOPE.

Suffice to say, notwithstanding my assertion at the outset of my September 17, 2013 oral testimony before the Commission to Investigate Public Corruption that: “Cases are perfect paper trails. There’s a record, so it’s easy to document judicial corruption”, its December 2, 2013 preliminary report does not identify judicial corruption as existing – nor the corruption of the monitor of New York’s state judiciary – the New York State Commission on Judicial Conduct, about which, in addition to my oral testimony, my written testimony gave particulars, substantiated by casefile proof: the final two motions, at the New York Court of Appeals, in my declaratory judgment action against the Commission on Judicial Conduct – these being the same October 15, 2002 and October 24, 2002 motions as I had handed up to the Commission on Judicial Compensation in testifying before it on [July 20, 2011](#), which, by reason thereof, were thereafter free-standing exhibits to [CJA’s October 27, 2011 opposition report](#) – the entirety of which was a free-standing accompaniment to the [March 30, 2012 verified complaint in the CJA v. Cuomo, et al. declaratory judgment action](#) – a full copy of which I would hand up to the Legislature at the [February 6, 2013 budget hearing](#) that is pivotally featured by my [April 15, 2013 complaint to U.S. Attorney Bharara](#) on which all the subsequent criminal and ethics complaints I furnished to the Commission to Investigate Public Corruption rested.

### **Conclusion**

The above inter-related complaints are readily-verifiable – and their originating material facts, all contained by my July 11, 2013 complaint to Inspector General Scott and reinforced and amplified by my subsequent correspondence to her in 2013, 2014, and 2015, should long ago and easily have been determined to be true.

That Inspector General Scott failed to take action, consistent with Executive Law Article 4-A, is a reflection of her conflicts of interest, born of relationships and financial interest, which were her duty to disclose and address, *threshold*.

You, likewise, have conflicts of interest that are your duty to disclose and address, *threshold*. For example, Governor Hochul, who appointed you as Inspector General, is a beneficiary of, and co-conspirator in, the aggregation and metastasis of the corruption before you. This is immediately

evident from the June 4, 2020 grand jury/public corruption complaint to D.A. Soares upon which my March 5, 2021 complaint to JCOPE rests – both complaints specifically naming her. Moreover, the salary you are drawing as Inspector General, pursuant to Executive Law §52.5,<sup>21</sup> is boosted from \$136,000 to \$220,000 as a result of the “false instrument” [December 10, 2018 report of the Committee on Legislative and Executive Compensation](#) featured by those two complaints, as it has raised salaries of [Executive Law §169 state officers](#), such as you. Your verification of the accuracy of [CJA’s July 15, 2019 analysis of the December 10, 2018 report](#) – easily-accomplished and which, presumably, D.A. Soares and JCOPE long ago did – will decrease your salary by \$84,000.

I am available to discuss these and other conflicts with you, to discuss referral of the complaints to the [U.S. Justice Department’s Public Integrity Section of its Criminal Division](#), and answer any questions you have about the complaints, including under oath.

Although not required by instructions on your Inspector General website – or by Executive Law Article 4-A – I readily swear to the truth of the content of each of my above six complaints under penalties of perjury – and, in the words required by D.A. Soares’ complaint form, which I reprinted at the close of my June 4, 2020 grand jury/public corruption complaint to him:

“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.

s/Elena Sassower

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<sup>21</sup> Executive Law §52.5 reads:

“The salary of the inspector general shall be established by the governor within the limit of funds available therefore; provided, however, such salary shall be no less than the salaries of certain state officers holding the positions indicated in paragraph (a) of subdivision one of section one hundred sixty-nine of the executive law.”