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Subject: **Setting the record straight on Executive Law §94 -- as to JCOPE & CELG -- & taking the emergency correction action with respect thereto warranted by CJA's April 13, 2022 complaint (#22-052)**

Attachments: 4-13-22-complaint-form.pdf; 4-13-22-complaint-to-jcope-fy2022-23-budget.pdf

TO: JOINT COMMISSION ON PUBLIC ETHICS (JCOPE)

Yesterday, by the below e-mail to the Albany Times Union, I pointed out errors requiring correction in Chris Bragg's April 29, 2022 article "["JCOPE issues a curious letter on Cuomo -- 4 years after complaint"](#)", as well as in Casey Seiler's April 15, 2022 column "["A non-fond farewell to JCOPE"](#)", furnishing cc's to the "good government groups" so that they might assist the Times Union in accurate reporting.

I see no reason why JCOPE, which has a "Public Information Office" and paid spokesman, should not also assist the Albany Times Union and the "good government groups" in setting the record straight as to **the meaning of the plain language of Executive Law §94, both as to JCOPE and CELG** – and so I am now forwarding to you the e-mail I sent them yesterday. They are now cc's on this e-mail, as is the State Inspector General, whose jurisdiction over JCOPE, as a "covered agency" pursuant to [Executive law §51](#), will **NOT** extend to CELG – a fact the Times Union and "good government groups" might also confirm, while simultaneously examining my elucidation about JCOPE as a "covered agency" in my [November 2, 2021 complaint to Inspector General Lucy Lang](#), presented as part of my complaint to her against JCOPE and against Executive Director Berland, whose testimony at the August 25, 2021 hearing on "New York State's System of Ethics Oversight and Enforcement", held by the Senate Committee on Ethics and Internal Governance, was materially false and deceitful (see pp. 9-16).

Please note that after sending my below May 5th e-mail, I discovered that its attachment of my April 13, 2022 complaint to JCOPE relating to Executive Law §94 contained three obvious typos on page 4, which I have now corrected. Kindly supersede my April 13, 2022 complaint, with the above-attached making the corrections.

Finally, to enable the 14 JCOPE commissioners to take the emergency corrective action that the April 13, 2022 complaint plainly warrants – including ensuring the earliest possible vote, upon receipt of responses from the complained-against public officers to the mandated 15-day letters, now due or coming due, for which [Executive Law §94.13\(a\)](#) required NO vote – I request that this e-mail be **immediately** forwarded to the 9 members whose e-mail addresses I do not have.

Thank you.

Elena Sassower, Director
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Subject: Corrections & Reporting Required: "JCOPE issues a curious letter on Cuomo -- 4 years after complaint" (4/29/22) AND "A non-fond farewell to JCOPE (4/15/22)"

TO: Albany Times Union

Chris Bragg's April 29, 2022 article "["JCOPE issues a curious letter on Cuomo -- 4 years after complaint"](#)" requires correction, stating as follows:

"In 2019, Molinaro did not receive a letter from JCOPE stating the commission had declined to investigate the former governor. But at that time the commission also was not required to notify a complainant of the outcome. That changed earlier this year when commissioners [adopted new rules](#) seeking to make commission more transparent. Among them: That within 60 days of a "substantial basis" vote, the commission must 'provide written notification of its decision' to a complainant." (hyperlink in your website article).

Two of these four sentences are FALSE.

- It is FALSE that in 2019 JCOPE was “not required to notify a complainant of the outcome”. [Executive Law §94](#), enacted in 2011, establishing and governing JCOPE, 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.” (Executive Law §94.13(b), underlining added)
- It is FALSE that the “[adopted new rules](#)” of “earlier this year” changed that. Firstly, JCOPE’s rules cannot supersede the statute, which provided for notification of disposition “within fifteen days”. Secondly, the new rule did not make JCOPE “more transparent”, but, rather, delayed notification to “Within 60 days” (19 NYCRR §941.3(b)(2)).

Please advise whether you will be correcting your article – and, additionally, when you will be reporting on [CJA’s complaints to JCOPE – of which I had previously furnished you with six](#) and now furnish you with [a seventh, my above-attached April 13, 2022 complaint](#) against Governor Hochul, Temporary Senate President Stewart-Cousins, Assembly Speaker Heastie, the 211 other state legislators – and their culpable staff, including Division of the Budget Director Mujica – for their Public Officers Law §74 violations pertaining to the FY2022-23 state budget, and, in particular, pertaining to their repeal and elimination of JCOPE by Part UU of Education, Labor, Housing, and Family Assistance Budget Bill S.8006-C/A.9006-C and their larceny of taxpayer monies by Legislative/Judiciary Budget Bill S.8001-A/A.9001-A.

In light of Casey Seiler’s April 15, 2022 column "[A non-fond farewell to JCOPE](#)" stating about the Commission on Ethics and Lobbying in Government (CELG) that will be replacing JCOPE:

“CELG will operate under more open rules — both in terms of public transparency and its ability to approve investigations — than JCOPE did, but the bar for improvement here is lower than a snake's bellybutton”,

[he and Mr. Bragg and the many other Times Union editors and reporters to whom I have so repeatedly, over so many, many years, given notice of the stellar safeguarding provisions in Executive Law §94 pertaining to JCOPE](#) must now confront my analysis of the new Executive Law §94 that replaces JCOPE with CELG, as to which my April 13, 2022 complaint states (at p. 10):

“No competent person, unafflicted by conflict of interest, could regard the new Executive Law §94 governing what the Commission on Ethics and Lobbying in Government is to do upon receipt of complaints or what it must include in its annual reports as anything but inferior to the corresponding Executive Law governing JCOPE. Certainly, Governor Hochul, as an attorney, and the many legislators who are attorneys may be presumed to know that removing from Executive Law §94 non-discretionary, mandatory provisions – as they did – would prevent the public from being able to secure its rights by mandamus/Article 78 proceedings, as was done in *Trump v. JCOPE* and *Cox v. JCOPE*, cited and quoted by my March 5, 2021 complaint (at fn. 8, pp. 8-9) in the context of giving NOTICE of my intent to do likewise.”

To that end, I am cc’ing the so-called “good government groups”, on which, over all these years, the [Times Union](#) has uncritically relied, to the public’s detriment – with a request that they assist you by

their responses to the complaint – and, in particular, to the analysis appearing at pages 10-14. What, if anything, do they deny or dispute?

My April 13, 2022 e-mail, transmitting the complaint to JCOPE and *cc-ing* the State Inspector General, is below.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
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Subject: Conflict-of-interest/ethics complaint pertaining to the FY2022-23 state budget, &, in particular, the repeal & elimination of JCOPE & the larceny of taxpayer \$ in the legislative/judiciary budget bill -- plus supplement to Dec. 17, 2021 complaint vs LEC

TO: JOINT COMMISSION ON PUBLIC ETHICS (JCOPE)

Attached is my April 13, 2022 complaint form and sworn conflict-of-interest ethics complaint.

The EVIDENTIARY webpage on which they are posted is here: <https://www.judgewatch.org/web-pages/searching-nys/jcope/april-13-2022-complaint-fy22-23-budget.htm>.

I am available to assist you, to the max – including by interviews, under oath.

Thank you.

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