

# CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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October 6, 2022

TO: Commission on Ethics and Lobbying in Government (CELG)

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

RE: (1) SUPPLEMENT to CJA's July 8, 2022 complaint against Attorney General Letitia James for litigation fraud in *CJA, et al. v. JCOPE, et al.* (Albany Co. #904235-22) – arising from the same conflict of interest Public Officers Law §74 violations as were the subject of CJA's March 5, 2021 complaint, unaddressed by JCOPE;  
(2) INCLUSION OF THIS LETTER IN DISCUSSIONS AT TODAY'S MEETING OF THE COMMISSIONERS AS DIRECTLY RELEVANT TO AGENDA ITEMS.

[By a July 8, 2022 letter](#), I initiated a complaint against Attorney General Letitia James for her Public Officers Law §74 conflict-of-interest violations in *CJA v. JCOPE, et al.*, evidenced by her litigation fraud therein, in the absence of ANY legitimate defense.

The complaint recited the then-two instances of AG James' litigation fraud, furnishing links to the [NYSCEF docket](#):

- (1) [her June 27, 2022 motion to dismiss the verified petition \(##50-59\)](#), made by her "of Counsel" Assistant Attorney General Gregory Rodriguez, for which I provided, in substantiation, my July 28, 2022 opposing affidavit (##61-64); and
- (2) [her July 7, 2022 oral opposition to petitioners' July 6, 2022 order to show cause for a TRO/preliminary injunction to enjoin the "ethics commission reform act of 2022" from taking effect on July 8, 2022](#), made by Assistant Attorney General Stacey Hamilton, for which I provided, in substantiation, my memorializing [July 8, 2022 e-mail to the Court and AAG Rodriguez](#) and stating that the transcript of the July 7, 2022 oral argument would be forthcoming.

[By a July 26, 2022 e-mail to CELG](#), I stated that I had received no acknowledgment of the complaint and inquired as to the complaint numbers assigned to it. Within a minute, I received [an automated e-mail acknowledgment of the complaint](#). However, it contained not even a single complaint number for the eight complaints indicated by the letter – and I have received no written or oral communication from CELG since.

As for the FOIL request that was part of that July 26, 2022 e-mail for “CELG’s written procedures for receipt, docketing, acknowledgment, preliminary review, and investigation of complaints” and which I additionally sent by a [July 26, 2022 e-mail to CELG’s records access officer](#), I received, by e-mail, an [August 2, 2022 letter](#) stating:

“it is anticipated that the Commission will be able to respond to your request, providing or denying access, in whole or in part, within forty-five (45) business days, or by Wednesday, September 28, 2022. We will notify you in writing if the Commission requires additional time to be responsive to your request.” (underlining added).

September 28, 2022 came and went and I received nothing.

Although the [new Executive Law §§94.10\(d\) and \(f\)](#) authorized CELG staff to send out a “15-day letter” to AG James with respect to my newly-initiated July 8, 2022 complaint against her, no “15-day letter” was sent, as evidenced by the staff’s “[Operations Report](#)” that is Attachment B to the [agenda for today’s meeting of the CELG commissioners](#). As a consequence, AG James continued her Public Officers Law §74-violating litigation fraud in the *CJA v. JCOPE* case by:

(3) [AAG Rodriguez’ August 18, 2022 cross-motion to dismiss the verified petition \(##79-83\)](#) which, *inter alia*, relied on a perjurious August 18, 2022 affidavit of Emily Logue, JCOPE’s director of investigations and enforcement, who now holds that position at CELG, at least on an interim basis ([#81](#));

(4) [AAG Rodriguez’ September 29, 2022 reply to petitioners’ September 15, 2022 opposition to his August 18, 2022 cross-motion \(##101-103\)](#); and

(5) [AAG Rodriguez’ September 29, 2022 opposition to petitioners’ September 15, 2022 motion for sanctions, to disqualify AG James, summary judgment, and other relief \(##98-100\)](#).

The fraudulence of these further submissions is meticulously detailed by:

- petitioners’ September 3, 2022 CPLR §2214(c) notice of papers to be furnished to the Court ([#85](#)), requesting documentary substantiation for Ms. Logue’s perjurious affidavit and for the comparably perjurious August 18, 2022 affirmation of Leslie Arp, Chief of the State Inspector General’s Case Management Unit ([#82](#)), also relied upon by AAG Rodriguez for his August 18, 2022 cross-motion;
- petitioners’ September 15, 2022 opposition to AAG Rodriguez’ August 18, 2022 cross-motion, which petitioners filed in tandem with a September 15, 2022 motion for sanctions, to disqualify AG James, summary judgment, & other relief (##87-94); and

- petitioners' October 4, 2022 reply to AAG Rodriguez' September 29, 2022 opposition to petitioners' September 15, 2022 motion (##104-110).

Inasmuch as Ms. Logue has actively participated in AG James' litigation fraud – doubtless with the approval of (interim) Executive Director Sanford Berland – both of whose corruption is exposed by the [CJA v. JCOPE verified petition](#) (##1-30) – the determination to send out “15 day letters” for my July 8, 2022 complaint and this supplement cannot be made by staff. It must be made by the CELG commissioners themselves – and I request confirmation that this will be done.<sup>1</sup>

Because this letter is, in so many respects, relevant to today's meeting of the CELG commissioners, whose [agenda](#) includes:

“**III. REPORT FROM STAFF**

- Operations Update [Attachment B](#)
- Job Postings [Attachment C](#)”;

“**IV. PROPOSED POLICY FOR HANDLING INQUIRIES AND MATTERS PURSUANT TO EXECUTIVE LAW §94(1)(C) – GENERAL DISCUSSION**”;

“**V. PROPOSED REGULATION AUTHORIZING ISSUANCE OF SUBPOENAS AND OTHER PROCESS BY THE EXECUTIVE DIRECTOR AS DELEGATED BY THE COMMISSION** [Attachment E](#)

- Proposed Regulation amending Adjudicatory Proceedings and Appeals Process Regulations (19 NYCRR Part 941) and the Emergency Adoption thereof [\*ACTION ITEM]”

“**VI. FORMATION OF PROPOSED COMMITTEES**

- ...
- Staffing and recruitment
- Regulations and procedures
- ...
- Litigation”

“**IX. MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO PUBLIC OFFICERS LAW §105 AND EXECUTIVE LAW §94(11) TO ADDRESS MATTERS CONCERNING EMPLOYMENT OF PERSONNEL, PENDING LITIGATION, AND INVESTIGATIVE AND ENFORCEMENT MATTER THAT IS CONFIDENTIAL PURSUANT**

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<sup>1</sup> The [new Executive Law §94.10\(b\)](#) contains no provision regarding conflicts of interest/recusal by staff, as opposed to commissioners – and [CELG's website](#) has no link for its “Code of Conduct and Recusal Policy”.

**TO SECTION 94 OF THE EXECUTIVE LAW**,

I am e-mailing the letter directly to the six of the seven commissioners whose e-mail addresses I have, with a request that (interim) Chair Frederick Davie furnish same to (interim) Vice-Chair/former Judge Leonard Austin, whose e-mail address I do not have – both elected to those positions at [CELG's first meeting on September 12, 2022](#).

As with the July 8, 2022 complaint, I herewith conclude with the same attestation of truthfulness as Albany County District Attorney P. David Soares uses for public corruption complaints filed with his 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.”

Later today, after I have appeared before a notary to execute the optional attestation included on the [CELG complaint form posted on your website](#), I will send you the notarized complaint form for both this supplement and the July 8, 2022 complaint.

Thank you.

s/ ELENA RUTH SASSOWER