

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Wednesday, July 27, 2022 5:51 PM
To: 'scousins@nysenate.gov'

Subject: **Comment on Senate Majority Leader Stewart-Cousins' proposed nomination of Seymour James, Esq. to the Commission on Ethics & Lobbying in Government, sent via website portal at 5:41 pm today**

TO: Senate Majority Leader Stewart-Cousins

BELOW is the message already sent to you, *via* your website portal, <https://www.nysenate.gov/questionnaires/andrea-stewart-cousins/senate-majority-leaders-nominees-commission-ethics-lobbying>, at 5:41 pm today.

* * *

Your [July 21, 2022 announcement](#) of your proposed nomination of Seymour W. James, Jr., Esq. omits entirely what should have been his most important credentials qualifying him for service on the Commission on Ethics and Lobbying in Government – were he not disqualified, as he is, for corruption: In 2013-2014, he was a member of the Commission to Investigate Public Corruption and in 2015, he was a member of the belatedly-appointed JCOPE/LEC Review Commission.

These two Commissions had the power, nine years ago and seven years ago, to EASILY rid New York of its corruption and non-enforcement of conflict of interest rules. Instead, the members of both Commissions, after willfully violating their threshold duty to confront their own conflicts of interest which I raised to them, at the outset, went on to cover up and conceal the *prima facie*, open-and-shut EVIDENCE I simultaneously presented that New York's criminal and ethics authorities, JCOPE amongst them, were corrupt, politicized, and "sitting on" FULLY-DOCUMENTED complaints against public officers at the highest reaches of our state government, yourself amongst them, with whom they had relationships and in which they were financially interested. Tellingly, the websites and records of both Commissions have vanished.

Fortunately, CJA's website, www.judgewidth.org, posts the contemporaneous records of CJA's interactions with each Commission, from which Mr. James' knowledge of, and complicity in, their corruption can be readily verified. These contemporaneous, primary-source records should already be familiar to you – including from the following which aggregate them and furnish analysis:

- [CJA's April 23, 2014 order to show cause to intervene in the Legislature's declaratory judgment action against the Commission to Investigate Public Corruption](#). Its particulars as to the willful and deliberate disregard of conflicts of interest by members and staff, so as to benefit themselves and those with whom they had relationships, is recited in the April 23, 2014 proposed verified complaint at ¶¶22, 24-40, 52-58, 61, 65-73, 84-90, 98, 100, and substantiated by exhibits, culminating in a Third Cause of Action, at ¶¶ 118-126, entitled:

"For a Declaration that the Commission's Refusal to Disclose its 'Procedures and Rules' for Conflicts of Interest and to Respond to Complaints Raising Disqualification on Grounds of Interest, Vitiates, if not Voids, the Recommendations of its December 2, 2013 Preliminary Report, *as a Matter of Law*, with a Further Declaration that the Commission's Preliminary Report Manifests Actual Bias and Interest, Endangering the Public in Material Respects".

- [CJA's June 6, 2022 verified petition/complaint in its Article78 proceeding/declaratory judgment action/citizen-taxpayer action against JCOPE, LEC, the State Inspector General – and yourself, among other respondents/defendants.](#) In addition to its [Exhibit I \(eye\), which is CJA's November 2, 2021 complaint to the Inspector General against the Commission to Investigate Public Corruption \(at pp. 20-24\)](#), is its [Exhibit B, CJA's December 17, 2021 complaint to JCOPE against legislators, yourself first among them, and LEC](#) for, *inter alia*, corrupting the all-encompassing safeguard of the Public Integrity Reform Act of 2011 (PIRA) that established JCOPE and partnered it with LEC, *to wit*, the JCOPE/LEC Review Commission. The December 17, 2021 complaint presents the specifics, under two separate title headings (at pp. 14-20):

V. LEC Allowed the Four Legislative Leaders to Flagrantly Violate PIRA's Part A, §21 by Failing to Appoint the JCOPE/LEC Review Commission Mandated by June 1, 2014 – Even in Face of CJA's December 11, 2014 Complaint" (at pp. 14-16);

VI. LEC's 2015 Annual Report Affirmatively Concealed the Flagrant Violation of PIRA's Part A, §21 by the Legislature's Four Leaders -- & Covered-Up the Fraud of the JCOPE/LEC Review Commission, which JCOPE & LEC had Enabled" (at pp. 16-20).

Suffice to highlight that [I testified at the Commission to Investigate Public Corruption's September 17, 2013 public hearing](#), before Mr. James. [I also testified at the JCOPE/LEC Review Commission's one and only hearing, on October 14, 2015](#), noting Mr. James' absence and, in his place, a Christopher Pisciotta, seated, as if a Commission member.

I believe that Mr. James' departure from the JCOPE/LEC Review Commission – as to which there was no public announcement or explanation prior to the October 14, 2015 hearing, at the October 14, 2015 hearing, or thereafter – including in its [November 1, 2015 report](#) (which conceals who the members are and who the chair is, including, on its last two appendix pages) – was the result of my [June 18, 2015 letter](#) to the JCOPE/LEC Review Commission members. The letter identified CJA's then two complaints to JCOPE, dated [June 27, 2013](#) and [December 11, 2014](#) and stated:

"Plainly, you have relationships and associations with the Governor, Temporary Senate President, and Assembly Speaker who appointed you to the review commission and with other persons who are the subject of CJA's two conflict-of-interest JCOPE complaints. Likewise you have relationships and associations with the multitude of persons complicit in JCOPE's corruption, as for instance, U.S. Attorney for the Southern District of New York Preet Bharara, a recipient of CJA's December 11, 2014 complaint, just as he was of CJA's underlying July 11, 2014 and July 18, 2014 letters. What is your protocol for dealing with conflicts of interest?

For example, undisclosed by the May 1, 2015 press release, with its brief bios of each of you, is that Seymour James was a member of the Commission to Investigate Public Corruption. I testified before the Commission on September 17, 2013, furnishing the June 27, 2013 ethics complaint in support of my testimony. How will Mr. James be able to discharge his duties as a member of this review commission when doing so will expose his past dereliction and that of the Commission to Investigate Public Corruption with respect to the June 27, 2013 ethics complaint – and with respect to CJA's underlying April

15, 2013 criminal complaint to U.S. Attorney Bharara on which it rests, that U.S. Attorney Bharara has been sitting on.^{fn4} Will he – and you – have the independence to follow the evidence of JCOPE’s corruption that directly leads to U.S. Attorney Bharara and brings within its wake a ‘who’s who’ of powerful, influential persons? These include the other indicated recipients of CJA’s December 11, 2014 ethics complaint, especially those addressed by our December 12, 2014 coverletter: Attorney General Eric Schneiderman, Albany County District Attorney P. David Soares, U.S. Attorney for the Northern District of New York Richard Hartunian, and the former U.S. Attorney for the Eastern District of New York, the now United States Attorney General, Loretta Lynch.”

The annotating footnote 4 read:

“On October 17, 2013, I sent an e-mail directly to the members and special advisors of the Commission to Investigate Public Corruption, attaching a letter pertaining to my September 17, 2013 testimony. Identifying that I had no e-mail address for Commissioner James, among others, the transmitting e-mail requested that they forward it to him ‘so that all may be held accountable to the People whose trust in New York’s government and its public officials the Commission is supposed to restore.’ The e-mail and its transmitted letter are enclosed herewith, as well as posted, with this letter, on CJA’s website, *infra*, together with my September 17, 2013 written statement and the video of my September 17, 2013 oral testimony.”

Neither Mr. James, nor the other seven members of the JCOPE/LEC Review Commission – New York Law School Dean Anthony Crowell, among them – responded.

Following the October 14, 2015 hearing, I *cc’d* Mr. James, [whose e-mail address I now had](#), on an [October 19, 2015 FOIL request](#) to the Governor and Legislature entitled "Is the JCOPE/LEC Review Commission Lawfully Constituted?", requesting records, *inter alia*, pertaining to its chair, Mr. James’ withdrawal, Mr. Pisciotta’s appointment, and the circumstances of Mr. James’ leaving:

“specifically, its relation to CJA’s June 18, 2015 letter particularizing (at p. 4)^[fn] Mr. James’ conflict of interest, resulting from his nonfeasance as a member of the Commission to Investigate Public Corruption with respect to the June 27, 2013 conflict of interest ethics complaint that CJA filed with JCOPE against the Governor and all Legislators, including the current Temporary Senate President and Assembly Speaker, which JCOPE has been ‘sitting on’ for now nearly 28 months, in violation of Executive Law §§94.13(a) and (b).”

The [Senate’s October 26, 2015 response](#) was that it had “no records responsive”. The [Assembly’s October 26, 2015 response](#) was that it did “not maintain any publicly-available records responsive”. The Governor’s office responded, by a [December 23, 2015 letter](#), that records pertaining to designation of the Commission’s chair were confidential, that it did not have records of the circumstances of Mr. James’ withdrawal, and had one disclosable record pertaining to Mr. Pisciotta. This was an [August 3, 2015 e-mail](#) from then Governor Cuomo’s Executive Ethics Officer to Dean Crowell, stating “I’ve just learned that Christopher Pisciotta, Attorney in Charge of the Staten Island Office of Legal Aid, will be substituting in for Seymour James because Mr. James is unable to attend due to time constraints.” In other words, Mr. James’ departure from JCOPE/LEC Review Commission was not framed as arising from his disqualifying himself – and, indeed, it appears that the disqualified Mr. James, who may be presumed to know that his replacement on the JCOPE/LEC Review Commission would have to be made by the Governor, the Temporary Senate President, and Assembly Speaker, manipulated the situation such that he designated his own replacement, Mr. Pisciotta – who, as Attorney-in-Chief of the Legal Aid Society of Staten Island,

was subordinate to him, the Attorney-in-Chief of the Legal Aid Society of New York City – and would do what Mr. James expected him to do in covering up the corruption, born of conflicts of interest, of the other JCOPE/LEC Review Commission members, in concealing and perpetuating the readily-remediable corruption of JCOPE and LEC. This was necessary as otherwise Mr. James' corruption as a member of the Commission to Investigate Public Corruption would be exposed.

For your convenience, I am additionally sending this comment to you, *via* your Senate e-mail address, so that you will then have the benefit of hyperlinks to the substantiating EVIDENCE – all also accessible from [CJA's webpage for Mr. James' proposed nomination to the Commission on Ethics and Lobbying in Government](#).

Mr. James is unfit, utterly, for any office of public trust. With all those with whom he collaborated and/or protected, on both the Commission to Investigate Public Corruption and the JCOPE/LEC Review Commission, enabling the corruption of public officers, such as yourself, he must be indicted and will be convicted, based on the EVIDENCE that he has known of and had, for years.

Thank you.

Elena Sassower, Director
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