

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Friday, October 28, 2016 7:43 PM  
**To:** 'BDSHARP@DemocratandChronicle.com'  
**Subject:** The 2 D.A. races within the Rochester Democrat & Chronicle's ambit -- & the 12 other D.A. races in NYS

**TO: Brian Sharp, Civic Engagement/Watchdog – Rochester Democrat & Chronicle**

Following up on our phone conversation this afternoon, for which I thank you, there are 14 New York State counties that this year are holding elections for county district attorney, with two of them, Orleans and Livingston Counties within the nine-county coverage region of the Democrat & Chronicle.

In Orleans County, District Attorney Joseph Cardone is running, unopposed, for re-election. In Livingston County, District Attorney Gregory McCaffrey is running for re-election, opposed by Raymond Sciarrino.

As discussed, D.A. Cardone and D.A. McCaffrey are each the subject of an October 14, 2016 conflict-of-interest/misconduct complaint for colluding in high-level government corruption involving district attorney salary increases they know to be fraudulent, statutorily-violative, and unconstitutional. Likewise, the D.A.s of New York's other 60 counties – including the 10 district attorney members of the D.A.-stacked Commission to Investigate Public Corruption – are the subject of the same complaint.

Filed with New York State's eight attorney disciplinary committees by our non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), the complaint is – as I showed you – posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org), accessible *via* the prominent homepage link: "NO PAY RAISES FOR NEW YORK'S CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!". This brings up a menu of entries, including #12 entitled: "Making the 2016 District Attorney Elections Competitive", with a link to the complaint. For your convenience, the direct link is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/10-14-16-complaint-vs-soares-etc.htm>.

The complaint sets forth the pertinent facts. In brief, with the exception of the five counties of New York City and the population-tiny Hamilton County, with a part-time D.A., the salaries of the full-time D.A.s in each of New York State's 56 other counties, since 2012, have been jacked up by approximately \$50,000 a year. This, based on the August 29, 2011 report of the Commission on Judicial Compensation and the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation – each "false instruments", violative of multiple provisions of the penal law that the D.A.s are charged with enforcing, including the vaunted "Public Trust Act". Not only were D.A.s Cardone and McCaffrey long ago put on notice of this, they were each furnished with the substantiating EVIDENCE and called upon to do their duty to the hard-working taxpayers of their counties by repudiating the salary increases and advising their county governments to take appropriate steps to void the commission reports. Based thereon, the Democrat & Chronicle should call upon these two incumbent D.A.s to come forward with their findings of fact and conclusions of law with respect to the EVIDENCE furnished by such notice – and to otherwise respond to the particulars set forth by CJA's October 14, 2016 conflict-of-interest/misconduct complaint against them.

As for would-be Livingston County D.A. Sciarrino, the Democrat & Chronicle should ask what salary he expects to be paid should Livingston County voters elect him as district attorney. As a lawyer, he is perfectly capable of making findings of fact and conclusions of law with respect to the SAME EVIDENCE as was before Livingston County D.A. McCaffrey. Based thereon, will he disavow the fraudulent, statutorily-violative, and unconstitutional \$50,000 salary increases of which he would otherwise benefit and advise Livingston County government to take appropriate steps to void them?



As I mentioned to you, CJA has a pending citizen-taxpayer action, *CJA v. Cuomo, et al.* (Albany Co. #5122-16), whose 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, and 10<sup>th</sup> causes of action seek declarations voiding the Commission reports on which the district attorney salary increases are based and voiding state aid to the counties for district attorney salaries for this fiscal year: <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/menu-2nd-citizen-taxpayer-action.htm>. It is referred to at page 7 of the October 14, 2016 conflict-of-interest/misconduct complaint as in a posture of SUMMARY JUDGMENT for the plaintiffs. Do incumbent D.A. Cardone, incumbent D.A. McCaffrey, and would-be D.A. Sciarrino deny or dispute that plaintiffs are entitled to SUMMARY JUDGMENT, *as a matter of law*. If so, they must furnish their findings of fact and conclusions of law with respect to the posted record. And they must answer the question: “If elected, what would your procedures be for handling public corruption complaints, filed with your district attorney office, where you have financial and other conflicts of interest?” – with incumbent D.A.s Cardone and McCaffrey identifying what their conflict-of-interest procedures have been during their tenure as district attorneys.

Any district attorney candidate who will not respond to such straight-forward questions pertaining to conflicts-of-interest – and who will not furnish findings of fact and conclusions of law with respect to the EVIDENCE presented by CJA’s pending citizen-taxpayer action and October 14, 2016 conflict-of-interest/misconduct complaint-- must be deemed UNFIT for so important a public office – or any other.

I am available to assist you and your ace reporters to the max, including over the weekend and at night, and will happily answer all questions so that the Democrat & Chronicle can lead on this game-changing, corruption-busting story, with ramifications on all 12 of New York State’s other district attorney races, on local county government races, on all 213 of its state senate and assembly seats – and on the charade that has been playing out with respect to the Commission on Legislative, Judicial and Executive Compensation and its upcoming report on legislative and executive compensation, due to be rendered AFTER the November 8, 2016 elections.

I sincerely appreciate your offer to forward this e-mail to your Gannett affiliates throughout New York State so that the SAME requirements and questions hereinabove set forth with respect to the district attorney races in Orleans and Livingston Counties can be presented to the D.A. incumbents and challengers in the state’s 12 other district attorney races. Fortunately, there are still ten days remaining until the elections.

Thank you.

Elena Sassower, Director  
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[www.judgewatch.org](http://www.judgewatch.org)

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## THE 14 NEW YORK STATE COUNTIES ELECTING DISTRICT ATTORNEYS IN 2016

### Counties whose District Attorneys are running for “re-election” UNOPPOSED

ALBANY COUNTY (population: 306,000)

District Attorney P. David Soares running **UNOPPOSED** for re-election on the Democratic, Working Families, & Independence lines

**MADISON COUNTY** (population: 72,000)

District Attorney William G. Gabor running **UNOPPOSED** for re-election on Republican & Conservative lines

**ORLEANS COUNTY** (population: 42,000)

District Attorney Joseph V. Cardone running **UNOPPOSED** for re-election on Republican line

### **Counties whose Acting District Attorneys are running for “re-election” UNOPPOSED**

**DELAWARE COUNTY** (population: 48,000)

Acting District Attorney John Hubbard running **UNOPPOSED** for election on Republican, Conservative, Independence, & Reform lines

**FULTON COUNTY** (population: 55,000)

Acting District Attorney Chad Brown running **UNOPPOSED** for election on Republican line

### **A County with an Uncontested, Multi-Party Endorsed District Attorney “Election”**

**NIAGARA COUNTY** (population: 215,000)

Caroline A. Wojtaszek running **UNOPPOSED** on Democratic, Republican, Working Families, & Independence lines

### **Counties with Contested District Attorney Elections**

**CORTLAND COUNTY** (population: 49,000)

District Attorney Mark D. Suben running for re-election on the Democratic & Working Families lines



Patrick Perfetti running on Republican, Conservative, Independence, & Reform lines

**CHAUTAUQUA COUNTY** (population 133,000)

Acting District Attorney Patrick Swanson running for election on Democratic, Working Families, Independence, & Women's Equality lines

Jason L. Schmidt running on Republican, Conservative, & Reform lines

**HERKIMER COUNTY** (population: 65,000)

District Attorney Jeffrey S. Carpenter running for re-election on Republican, Conservative, & Reform lines

Mike Daley running on Democratic & Independence lines

**LIVINGSTON COUNTY** (population: 65,000)

District Attorney Gregory J. McCaffrey running for re-election on Democratic, Conservative, Working Families, & Independence lines

Raymond Sciarrino running on the Republican & Reform lines

**ERIE COUNTY** (population: 919,000)

Joseph Treanor running on the Republican, Conservative, Independence, & Reform lines

John Flynn running on Democratic & Working Families lines

**MONTGOMERY COUNTY** (population: 50,000)

Howard Aison running on the Democratic line

Kelli McCoski running on the Conservative, Democratic, Independence, Reform, Republican, & Woman's Equality lines

**TOMPKINS COUNTY** (population: 103,000)

Matthew Van Houten running on the Democratic line

Edward Kopko running on the Independence line

**WESTCHESTER COUNTY** (population: 961,000)

Anthony Scarpino running Democratic, Conservative, & Women's Equality lines

Bruce Bendish running on Republican & Reform lines