

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, October 28, 2016 2:59 PM
To: 'news@wdoe1410.com'
Subject: Follow-up Questions for the Chautauqua County District Attorney Candidates!!
Attachments: 7-12-16-email-to-chautauqua.pdf

TO: Dave Rowley, News Director/Chautauqua Today – 1410AM/94.9FM -- WDOE

A pleasure to have spoken with you earlier this afternoon. How ironic that just this morning you hosted a debate between the candidates running for Chautauqua County district attorney – Acting District Attorney Swanson, who has the Democratic, Working Families, Independence, and Women’s Equality lines – and Jason Schmidt, running on the Republican, Conservative, and Reform lines.

Assuredly, Acting District Attorney Swanson did not reveal that four months ago, our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), put him on notice of the EVIDENCE establishing that the D.A. salary increases which, since 2012, have jacked up D.A. salaries throughout the state by approximately \$50,000 a year, are fraudulent, statutorily-violative, and unconstitutional – and that his duty to the People of Chautauqua was to make findings of fact and conclusions of law with respect to that EVIDENCE and, based thereon, to repudiate the increases and advise the Chautauqua County government to take appropriate steps to void them.

Chautauqua County voters need to know what Acting Chautauqua County D.A. Swanson did upon receipt of that notice, furnished him by correspondence dated July 1, 2016 and July 8, 2016. What were his findings of fact and conclusions of law with respect to the EVIDENCE particularized therein and readily-verifiable from CJA’s website, www.judgewatch.org? (see July 12, 2016 e-mail attached). And what is his response to the October 14, 2016 conflict-of-interest/misconduct complaint that CJA has filed against him and his fellow district attorneys, with New York State’s attorney disciplinary committees, for their larcenous pocketing of these salary increases?

CJA’s October 14, 2016 conflict-of-interest/misconduct complaint furnishes all the particulars and, with the underlying correspondence and EVIDENCE on which it is based, is easily accessed *via* our 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 “Making the 2016 District Attorney Elections Competitive”, with a link to the complaint. For your convenience, the direct link to the complaint is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/10-14-16-complaint-vs-soares-etc.htm>;

As for would-be Chautauqua District Attorney Schmidt, what salary does he expect to be paid should Chautauqua voters elect him as district attorney? Is he going to disavow the fraudulent, statutorily-violative, and unconstitutional \$50,000 salary increases of which he would otherwise be the beneficiary and will he be advising Chautauqua County government to take appropriate steps to void them? As a lawyer, he can easily make findings of fact and conclusions of law with respect to the SAME evidence as was before Acting District Attorney Swanson.

Indeed, let both Acting D.A. Swanson and would-be D.A. Schmidt come forward with findings of fact and conclusions with respect to the 6th, 7th, 8th, and 10th causes of action of CJA’s pending citizen-taxpayer action, *CJA v. Cuomo, et al.* (Albany Co. #5122-16): <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2016/menu-2nd-citizen-taxpayer-action.htm> -- 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.

Then, too, let each of them state his answer to the question: “If elected, what would your procedures be for handling public corruption complaints, filed with your Chautauqua County district attorney office, where you have financial and other conflicts of interest?”

Any district attorney candidate who will not respond to such straight-forward question pertaining to conflicts-of-interest – and to the evidence presented by the 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 Chautauqua Today can take the lead on this game-changing, corruption-busting story, with ramifications on all 13 of New York State’s other district attorney races and all 213 of its state senate and assembly seats.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Thursday, October 27, 2016 4:59 PM

To: 'sdonnelly@dailygazette.net' <sdonnelly@dailygazette.net>

Subject: Why has the mighty Albany Times-Union not reported on the uncontested 2016 Albany & Fulton County D.A. races -- and beyond?

TO: Scott Donnelly/DAILY GAZETTE

Following up our conversation a short time ago – for which I thank you – below is the TIME-SENSITIVE, POLITICALLY-EXPLOSIVE election story that your mighty competitor, the Albany Times-Union – has been sitting on for nearly 10 days now. Indeed, I have received NO response to my below October 24th e-mail inquiring as to its status, sent to its ENTIRE “Capitol Confidential” reporting team.

In one fell swoop, this story enables the Daily Gazette to examine the uncontested district attorney race not only in Albany County, but in Fulton County – and, additionally, to raise questions as to what each of their highly-paid district attorneys did – and what the highly-paid district attorneys in Montgomery, Saratoga, Schenectady, and Schoharie counties did – upon receipt of my correspondence to them of their duty to repudiate district attorney salary increases that rest on commission reports that are violative of the penal law – being not just statutorily-violative, but fraudulent.

The ramifications of this story go way beyond the district attorneys in the six counties the Daily Gazette covers – and as to those counties extends to their county attorneys, county legislative boards, county executive officers, and county treasurers/comptrollers. What did they do upon receipt of my July 8, 2016 letter-notice to them? – Exhibit F to the October 14, 2016 conflict-of-interest/misconduct complaint: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/10-14-16-complaint-vs-soares-etc.htm>. Was it the subject of ANY legislative board meeting, discussion, vote? Where are their findings of fact and conclusions of law with respect to the EVIDENCE, laid out for them by the July 8, 2016 letter-notice. How have they protected the counties’ taxpayers from outright larceny of the public fisc?

This story can powerfully put the Daily Gazette “on the map” – and showcase how betrayed are Albany, Fulton, Montgomery, Saratoga, Schenectady, and Schoharie counties – and the state’s other 56 counties – by the cover-up journalism practiced by the Times-Union.

Your reporting can make the difference to our ailing democracy, enabling the People to defend itself from the corruption and betrayal of the public trust by its public officers. I am available to assist you, to the max.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Monday, October 24, 2016 10:19 AM
To: 'cbragg@timesunion.com' <cbragg@timesunion.com>
Cc: 'rkarlin@timesunion.com' <rkarlin@timesunion.com>; 'cseiler@timesunion.com' <cseiler@timesunion.com>; 'mhamilton@timesunion.com' <mhamilton@timesunion.com>; 'anorder@timesunion.com' <anorder@timesunion.com>
Subject: **WHAT IS THE STATUS? Times-Union Coverage of the 2016 D.A. RACES: CJA's October 14, 2016 conflict-of-interest/misconduct complaint vs D.A. Soares & NY's other district attorneys...**

Dear Chris,

Following up my voice mail message an hour ago, what is the status of the below TIME-SENSITIVE, POLITICALLY-EXPLOSIVE news story that I discussed with you, at fair length, nearly a week ago?

Albany County District Attorney Soares is New York's MOST IMPORTANT district attorney because he has criminal jurisdiction over the Governor, Legislature, Chief Judge, Comptroller, Attorney General – all based in Albany. Where is the Times-Union examination of his record in office, particularly as an enforcer of public integrity and the vaunted "Public Trust Act"?

And where is the Times-Union examination – relevant to the work of the Commission on Legislative, Judicial, and Executive Compensation – as to why, notwithstanding the TOP salary and substantial benefits package of the Albany County district attorney position – the Albany County D.A. race is uncontested, as, likewise, this year's district attorney races in Madison, Orleans, Delaware, Fulton, and Niagara counties.

Please advise.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Tuesday, October 18, 2016 11:20 AM
To: 'cbragg@timesunion.com' <cbragg@timesunion.com>
Subject: **2016 D.A. RACES: CJA's October 14, 2016 conflict-of-interest/misconduct complaint vs D.A. Soares & NY's other district attorneys...**

Dear Chris,

Thanks for your call back – and the time you gave to our conversation. This is an explosive story, encompassing many other explosive stories – each with HUGE political and other ramifications.

Everything is laid out in CJA's October 14, 2016 conflict-of-interest/misconduct complaint vs D.A. Soares and his collusive fellow district attorneys – with its accompanying exhibits, filed with the eight attorney disciplinary committees of New York's four judicial departments. For your convenience, the direct link to the webpage for the letter is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/10-14-16-complaint-vs-soares-etc.htm>.

The direct link to CJA's webpage for "Making the 2016 District Attorney Elections Competitive" is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/2016-da-elections.htm>.

I am available to help you, to the max, so that, by your journalism, we can do what is EASY to do: CLEAN-UP the public corruption infesting our state government. This is the province of the district attorneys: our "first-line-of defense" – and no district attorney is more important than the district attorney of Albany County because his jurisdiction is the Capitol.

Elena
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Tuesday, October 18, 2016 10:36 AM

To: 'cbragg@timesunion.com' <cbragg@timesunion.com>

Subject: organized da list 2016 elections

District Attorneys 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

Acting District Attorneys 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

Unopposed/multi-party endorsed District Attorney “Election”

NIAGARA COUNTY (population: 215,000)

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

Contested District Attorney Elections

CORTLAND COUNTY (population: 49,000)

District Attorney Mark D. Suben running for re-election on the Democratic and 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 and Reform lines

ERIE COUNTY (population: 919,000)

Joseph Treanor running on the Republican, Conservative, Independence, and Reform lines
John Flynn running on Democratic and 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, and 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, and Women's Equality lines
Bruce Bendish running on Republican and Reform lines