

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, October 18, 2017 1:40 PM
To: 'cseiler@timesunion.com'
Cc: 'jjochnowitz@timesunion.com'; 'mhamilton@timesunion.com';
'rkarlin@timesunion.com'; 'mryan@wmht.org'; 'dinowij@nyassembly.gov';
'fitzpatrickb@nyassembly.gov'; 'BuchwaldD@nyassembly.gov';
'orlandoj@nyassembly.gov'; 'roithmayra@nyassembly.gov'; 'LavineC@nyassembly.gov';
'wolffs@nyassembly.gov'
Subject: Yesterday's UNCONSTITUTIONAL Closed-Door Democratic Assembly Conference Meeting -- PAID FOR BY THE TAXPAYERS, NO LESS!
Attachments: 8-10-17-open-ltr.pdf; 9-5-17-suffolk-da-candidates.pdf

Casey –

CJA's unfolding citizen-taxpayer action – *CJA v. Cuomo, et al.* -- to which ALL Assembly and Senate members are defendants, sued for corruption, <http://www.judgewatch.org/web-pages/searching-nys/budget/citizen-taxpayer-action/2nd/menu-2nd-citizen-taxpayer-action.htm>, challenges the constitutionality of the Legislature's behind-closed-doors party conferences. As set forth by the pleadings, Article III, Sec. 10 of the New York Constitution states: "Each house of the legislature shall keep a journal of its proceedings, and publish the same... The doors of each house shall be kept open...". The Open Meetings Law (Public Officers Law, Article VII, Sec. 108.2) is a statute and CANNOT override Article III, Sec 10 and the Legislature's own rules pursuant to that constitutional provision: Senate Rule XI, Sec. 1: "The doors of the Senate shall be kept open"; and Assembly Rule II, Sec. 1: "A daily stenographic record of the proceedings of the House shall be made and copies thereof shall be available to the public".

At the Legislature's January 30, 2017 and January 31, 2017 budget hearings, I testified about the citizen taxpayer action. I stated, at the January 30th hearing, that the record establishes SUMMARY JUDGMENT for the plaintiffs on its ten causes of action – and that the Legislature has "lawyers galore, including on the committees" and that they know how to read pleadings and the record – so as to verify same. Here's the link to CJA's webpage with my testimony, on both days: <http://www.judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>. If you haven't yet viewed it, it is time for you to do so – as it is germane to what should have been on the agenda of yesterday's Assembly majority's closed-door party conference, namely, CJA's citizen-taxpayer action.

Was it? Why not ask the new chair of the Assembly Judiciary Committee, lawyer-Assemblyman Jeffrey Dinowitz, and the two other lawyer-members of the Assembly Judiciary Committee: lawyer-Assemblyman David Buchwald and lawyer-Assemblyman Charles Lavine – all recipients of pertinent e-mail, as reflected by the below e-mail chain.

Inasmuch as the Legislature's budget for fiscal year 2018-2019 is due December 1st – pursuant to Article VII, Sec. 1 of the New York Constitution – be sure to ask Assemblyman Buchwald, who is ALSO a member of the Assembly Committee on Governmental Operations, for his findings of fact and conclusions of law with respect to the unconstitutionality, *as written and as applied*, of the Legislature's past budgets – the subject of the FIRST cause of action of ALL the pleadings, hard copies of which I furnished him and discussed with him, in detail, when I met with him at his district office on August 31, 2017, PRECISELY so that he could take steps to

ensure that the legislative budget for fiscal year 2018-2019 would be the work-product of the "appropriate" committees of the Legislature – presumably the Assembly Committee on Governmental Operations and the Senate Committee on Investigations and Government Operations – and NOT repeat the constitutional violations of past years.

I am available to assist you, to the max. By your reporting – and investigation – you can easily achieve, for the People of New York -- a properly-functioning Legislature, with properly-functioning committees. The citizen-taxpayer action is your blue-print for making that happen, with the attached August 10, 2017 and September 5, 2017 letters further particularizing its electoral significance for this year's elections and next. Needless to say, all substantiating proof is posted on CJA's website, www.judgewatch.org – accessible from the prominent center links.

Thank you.

Elena
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Monday, October 16, 2017 5:08 PM
To: 'fitzpatrickb@nyassembly.gov' <fitzpatrickb@nyassembly.gov>; 'dinowij@nyassembly.gov' <dinowij@nyassembly.gov>

Subject: Tomorrow's Closed-Door Democratic Assembly Conference Meeting -- & Assemblyman Buchwald's duty to furnish a long-overdue legal opinion on CJA's citizen-taxpayer action

TO: Brendan Fitzpatrick/Communications Director to Assembly Judiciary Committee Chair Jeffrey Dinowitz

As discussed, so very briefly. Is newly-appointed Assembly Judiciary Committee Chair Dinowitz aware of CJA's unfolding citizen-taxpayer action – and what's been going on with the judicial and district attorney pay raises? Here's the link: <http://www.judgewatch.org/web-pages/searching-nys/budget/menu-budget-reform.htm>.

I am available to assist Chairman Dinowitz do his duty to set things right.

Thank you.

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From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Monday, October 16, 2017 4:51 PM
To: 'orlandoj@nyassembly.gov' <orlandoj@nyassembly.gov>
Cc: 'roithmayra@nyassembly.gov' <roithmayra@nyassembly.gov>; 'BuchwaldD@nyassembly.gov' <BuchwaldD@nyassembly.gov>; 'wolffs@nyassembly.gov' <wolffs@nyassembly.gov>; 'LavineC@nyassembly.gov' <LavineC@nyassembly.gov>; 'pellegrinoc@nyassembly.gov' <pellegrinoc@nyassembly.gov>; 'clemency@nysenate.gov' <clemency@nysenate.gov>; 'lemon@nysenate.gov' <lemon@nysenate.gov>; 'brooks@nysenate.gov' <brooks@nysenate.gov>; 'herm57@aol.com' <herm57@aol.com>

Subject: Tomorrow's Closed-Door Democratic Assembly Conference Meeting -- & Assemblyman Buchwald's duty to furnish a long-overdue legal opinion on CJA's citizen-taxpayer action

TO: Joseph Orlando, Community Liaison/Assemblyman David Buchwald

cc: Alex Roithmayr, Chief of Staff

Following our brief phone conversation a short time ago, below is my e-mail chain regarding the Oyster Bay Town Supervisor race – whose first e-mail to Democratic Candidate Marc Herman, on October 12, 2017, identifies my August 31, 2017 meeting with Assemblyman Buchwald, and states, as follows, with respect to the citizen-taxpayer action:

“As for non-lawyer and newbie Assemblywoman Christine Pellegrino, who has also endorsed you, she is a member of the Assembly Committee on Governmental Operations – on which my own Assemblyman David Buchwald sits. Why not ask Assemblywoman Pellegrino to request Assemblyman Buchwald’s legal opinion. Not only is he a Harvard Law School graduate, with a further degree from Harvard’s Kennedy School of Government, but his long-standing knowledge of the situation is identical to that of Senator Latimer, chronicled by my August 10, 2017 OPEN LETTER. In fact, I gave Assemblyman Buchwald a copy of the August 10, 2017 OPEN LETTER, *in hand*, when I met with him, in his district office, on August 31, 2017, further providing him with ‘hard copies’ of the key litigation records in the citizen-taxpayer action, so that he could belatedly ‘blow the whistle’ on what’s been going on.”

As I assume Assemblywoman Pellegrino will be at tomorrow’s meeting in Albany of the Assembly’s Democratic Conference, planning, behind-closed-doors, the legislative agenda for 2018 – doubtless, with an eye to the 2018 elections when ALL Assembly members are up for re-election – Assemblyman Buchwald should use the opportunity to furnish her with his legal opinion. Likewise, to furnish it to Assemblyman Charles Lavine, who sits with him on the Assembly Judiciary Committee – and to whose Director of Operations, Scott Wolff, I spoke with at length on Friday, October 13th, detailing my below October 12th e-mail to Candidate Herman, which he told me he would print out for Assemblyman Lavine from CJA’s webpage pertaining to the Oyster Bay Town Supervisor race: <http://www.judgewatch.org/web-pages/elections/2017/long-island/ending-the-road-saladino.htm>.

More to follow – including as to Assembly Speaker Heastie’s indefensible appointment of Assembly Judiciary Committee Chair Helene Weinstein as chair of the Assembly Ways and Means Committee. Has he not read the pleadings in CJA’s citizen-taxpayer action, particularizing her flagrant corruption? Senator Buchwald needs to speak up on the subject – and loudly.

Suffice to note that when I testified at the Legislature’s February 6, 2013 “public protection” budget hearing, handing up open-and-shut, *prima facie* proof, to substantiate its duty to VOID the judicial salary increases, Assembly Judiciary Committee Chair Weinstein was sitting just seats away from former Assemblyman, now interim Oyster Bay Town Supervisor, Joseph Saladino: <http://www.judgewatch.org/web-pages/elections/2017/feb-6-2013-testimony-evidence.htm>.

Thank you.

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

Sent: Monday, October 16, 2017 3:05 PM

To: 'clemency@nysenate.gov' <clemency@nysenate.gov>

Cc: 'lemon@nysenate.gov' <lemon@nysenate.gov>; 'brooks@nysenate.gov' <brooks@nysenate.gov>; 'herm57@aol.com' herm57@aol.com

Subject: Above Partisanship: Championing Honest, Fiscally-Responsible, Accountable Government, such as we do NOT remotely have on the state level -- & so-chronicled by CJA's March 29, 2017 supplemental complaint in its citizen-taxpayer action

TO: Kevin Clemency, Chief of Staff/Senator John Brooks

cc: Chelsea Lemon/Legislative Director

Thank you for your call back this morning, to the message I left for you on Friday, October 13th, and the extensive amount of time you generously gave to our conversation. Below is my October 12th e-mail to Democratic Oyster Bay Town Supervisor Candidate Marc Herman. Its two attachments are above. Senator Brooks' endorsement of Dr. Herman and his running mates, posted on their campaign websites, reads:

"The past few years have seen the Town of Oyster Bay's finances crumble, taxes rise and leaders arrested. We need a new day in Oyster Bay; one where taxpayers can have faith in the integrity and ability of those elected to represent them. I am proud to support Marc Herman for Supervisor; Eva Pearson, Bob Freier and James Versocki for Council; and Dean Hart for Town Clerk. It is time to put the past behind us and deliver a new future based on real leadership, open and transparent government, and putting the people -- not special interests -- first.", <http://hermanforsupervisor.com/>.

So that Senator Brook's will have an opportunity to demonstrate, by his actions, his commitment to his words, please bring this e-mail to his prompt attention so that he can assist Dr. Herman and his running mates, in a fashion that will show voters why he, himself, is worthy of their vote, next year when, presumably, he will be running for re-election.

Since you stated that Senator Brooks does not have counsel, but relies on Senate Democratic Conference counsel, I respectfully request that he obtain its legal opinion as to the significance of the unfolding citizen-taxpayer action about which I testified before Senator Brooks at the Legislature's January 30, 2017 budget hearing on "local government officials/general government". Indeed, inasmuch as the Senate Democratic Conference's Deputy Leader is Senator Michael Gianaris, a Harvard law school graduate, who also chairs the State Democratic Senate Campaign Committee: <http://newyorksenatedems.com/leadership/>, I respectfully request that Senator Brooks obtain a legal opinion from Senator Gianaris, beginning with his assessment of plaintiffs' entitlement to summary judgment on the March 29, 2017 supplemental complaint, <http://www.judgewatch.org/lawsuit-2016-budget/3-29-17-osc/3-29-17-supplemental-complaint-corrected.pdf> -- a "hard copy" of which I gave Senator Gianaris, *in hand*, and discussed with him at the conclusion of the Citizens Union "civic conversation" on May 3, 2017 in Manhattan entitled "A Day in the Life of NY Legislators", also furnishing and discussing with him CJA's February 6, 2017 and February 23, 2017 letters, the latter being an ethics complaint to the Senate Ethics and Internal Governance Committee, of which

Senator Gianaris is ranking member – to which I received no response from him, just as I received no response from him to a March 4, 2017 e-mail. Such is recited in the March 29, 2017 supplemental complaint (at ¶¶217-228), as is my testimony before the Legislature at its January 30 and 31, 2017 budget hearings (at ¶¶193-201; 207-215). Likewise recited are Senator Gianaris' March 15, 2017 remarks on the Senate floor, presumably in Senator Brook's presence, in connection with the Senate's "one house" budget resolution (¶¶245-247). I discussed all of this with Senator Gianaris on May 3, 2017 – and have not heard from him since. This, despite repeated phone calls to Senator Gianaris, requesting to speak with him about the March 29, 2017 supplemental complaint, including at a meeting. These phone calls have also alerted him to the fact that I have been unable to secure meetings:

(1) with Senate Democratic Conference Leader Andrea Stewart-Cousins, a non-lawyer who is MY senator – and whose need for "adult supervision" by him, as her "second-in-command", I first alerted him to in or about March 2016;

(2) with Senator Brad Hoylman, the Democratic ranking member of BOTH the Senate Committee on Investigations and Government Operations AND the Senate Judiciary Committee; and

(3) with Senator Liz Krueger, the Democrat's ranking member on the Senate Finance Committee, who – like Senator Brooks – is a non-lawyer and was present for my testimony on January 30, 2017. Indeed, Senators Brooks and Krueger were the ONLY Democratic Senator present for my January 30, 2017 testimony.

As I understand that Senator Brooks is a "full time" legislator, earning no outside income – as, I believe, Senators Gianaris, Hoylman, and Krueger – I would hope he would give this e-mail his priority attention, including with respect to arranging for appropriate "oversight" hearings by the Senate Committee on Local Government, of which he is ranking member – and whose chair, Republican Senator Kathleen Marchione, a non-lawyer, was sitting beside him during my January 30, 2017 testimony.

More to follow.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]
Sent: Thursday, October 12, 2017 5:09 PM
To: 'herm57@aol.com' <herm57@aol.com>

Subject: Thank you for your kind acknowledgment -- WINNING in Oyster Bay & Beyond: Honest, Fiscally-Responsible, Accountable Government

Below is my e-mail, correcting the few typos I subsequently noticed.

Kindly forward to your Oyster Bay running-mates – and to everyone you see fit, including Supervisor Saladino – and the press.

Again, my thanks.

Elena

From: Marc Herman [<mailto:Herm57@aol.com>]

Sent: Thursday, October 12, 2017 4:40 PM

To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: Re: WINNING in Oyster Bay & Beyond: Honest, Fiscally-Responsible, Accountable Government

Thank you

On Oct 12, 2017, at 4:31 PM, Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org> wrote:

Dear Dr. Herman,

Thank you for your call this morning – and for your patriotic run for Oyster Bay Town Supervisor, putting aside your respected professional career, in the private sector, out of concern for the corruption in local government. Thank you, too, for your nearly two decades of volunteer service on the Syosset School District Board, as Trustee, Vice President and then President. According to your campaign website, <http://hermanforsupervisor.com/about/>, it was there that you “honed [your] administrative and governmental skills while overseeing a budget very similar in size to the Town of Oyster Bay’s...[dealing] with some of the same issues that face [Oyster Bay]: union contract negotiations and pay scales,...budgeting/debt management”.

As discussed, corruption, pay scales, and state and county budget issues were of NO concern, whatever, to your opponent -- interim Oyster Bay Town Supervisor Joseph Saladino – when he was an assemblyman – and this is evidenced by the webpage about his candidacy for Oyster Bay Town Supervisor that I created on CJA’s website, www.judgewatch.org, accessible via the prominent homepage link “OUTING CORRUPT AND COLLUSIVE INCUMBENTS & Ending their Road to Re-Election and Higher Office in 2017, 2018, and Beyond – WITH EVIDENCE”. The direct link to the webpage is here: <http://www.judgewatch.org/web-pages/elections/2017/long-island/ending-the-road-saladino.htm>.

As discussed, Assemblyman Saladino was a member of the Assembly Ways and Means Committee and the Assembly Committee on Governmental Employees and, in both capacities, I interacted with him – most directly when I testified before him at the Legislature’s February 6, 2013 budget hearing. I was so gratified that you had already viewed the VIDEO of that testimony, prominently posted on the webpage. As you identified that you have a running-mate who is an attorney – presumably James Versocki, a former assistant attorney general – please delegate to him the responsibility of examining CJA’s October 27, 2011 opposition report – and the verified complaint in the declaratory judgment action based thereon – about which I testified – and which I handed up at February 6, 2013 budget hearing. The webpage provides a link to them. It is additionally here: <http://www.judgewatch.org/web-pages/elections/2017/feb-6-2013-testimony-evidence.htm>.

You asked me what Assemblyman Saladino’s response was to my testimony. That is a question you should publicly ask him. I received no response from him, including to subsequent correspondence addressed to him or sent to him.

Assemblyman Saladino’s NONFEASANCE replicated what is recounted by my August 10, 2017 OPEN LETTER pertaining to Senator George Latimer, who is running for Westchester County Executive, which I strongly urge you to read, as likewise my September 5, 2017 letter pertaining to the Suffolk County

District Attorney race, sent to Senator Phil Boyle, formerly running for Suffolk County sheriff and now for a Supreme Court judgeship. They are attached and also posted on the webpage, with links to their substantiating proof. I also strongly urge you to view the VIDEOS of my testimony at the Legislature's January 30, 2017 and January 31, 2017 budget hearings, which I have also posted on the webpage and which are additionally here: <http://judgewatch.org/web-pages/searching-nys/2017-legislature/budget-hearings.htm>. Both the letters and VIDEOS summarize the significance of the unfolding citizen-taxpayer action involving the state budget to which now former Assemblyman Saladino is a defendant, as are ALL other Assembly and Senate members and Governor Cuomo, Attorney General Schneiderman, and Comptroller DiNapoli. Mr. Versocki can certainly verify the truth of my statement that the litigation record establishes plaintiffs' entitlement to summary judgment, *as a matter of law*, as to all 10 causes of action – and warrants that a substantial swath of the defendants, if not all, be indicted for “grand larceny of the public fisc” and other corruption, disabling our state government.

I would hope that Mr. Versocki will perform such valuable function for you and for your fellow reform-minded, corruption-fighting Oyster Bay running-mates. However, you can also ask 7-term Assemblyman Charles Lavine, a lawyer, who has endorsed you – and who sits on such pertinent Assembly committees as Judiciary, Codes, and Ethics and Guidance – to give you and them a legal opinion about the ten causes of action and the lawsuit record. And why not ask 1st term Senator John Brooks, a non-lawyer, who has also endorsed you, what he did, upon hearing me testify, on January 30, 2017, as a member of the Senate Committee on Local Government, sitting next to its chair – especially as he was subsequently made its ranking member. Did he think – as Assemblyman Saladino apparently had, four years earlier – that my testimony should simply fall into a “black hole” and required no responsive action? As for non-lawyer and newbie Assemblywoman Christine Pellegrino, who has also endorsed you, she is a member of the Assembly Committee on Governmental Operations – on which my own Assemblyman David Buchwald sits. Why not ask Assemblywoman Pellegrino to request Assemblyman Buchwald's legal opinion. Not only is he a Harvard Law School graduate, with a further degree from Harvard's Kennedy School of Government, but his long-standing knowledge of the situation is identical to that of Senator Latimer, chronicled by my August 10, 2017 OPEN LETTER. In fact, I gave Assemblyman Buchwald a copy of the August 10, 2017 OPEN LETTER, *in hand*, when I met with him, in his district office, on August 31, 2017, further providing him with “hard copies” of the key litigation records in the citizen-taxpayer action, so that he could belatedly “blow the whistle” on what's been going on.

Suffice to say, and as the unfolding citizen-taxpayer action and VIDEOS chronicle, the corruption you and your Oyster Bay running-mates decry is NOT confined to Republicans. Democrats are just as collusive in thwarting the NON-PARTISAN, GOOD-GOVERNMENT values that propel your candidacy – and which, by your “whistle-blowing”, you can realize, for the benefit of ALL the People, in your race for Oyster Bay Town Supervisor – and in other electoral races in Oyster Bay, in Nassau County, on Long Island – and throughout New York State:

“Transparency: I would fight for complete transparency of all financial matters”;

“Fixing the Finances: For decades the Town has used our tax dollars as their personal piggy bank”;

“Ethical & Honest Government: I promise to treat all residents, and their tax dollars, with respect and honesty”;

“High Taxes: On Long Island this is always a chief concern. I will fight to make sure your tax dollars are wisely spent.”

I am available to assist you and your running-mates, to the max – and ask that you forward this e-mail to them, as soon as possible. I invite you and them to call me, anytime, including at night and on weekends.

Yours, for honest, fiscally-responsible, accountable government.

Elena Sassower, Director
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