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# **Governor Cuomo Appoints Moreland "Commission to Investigate Public Corruption," with Attorney General Schneiderman Designating Commission Members as Deputy Attorneys General**

Bipartisan Commission to Include Top Law Enforcement, Comprising Former US Attorneys, District Attorneys from Across the State & Policy Experts in Elections

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Albany, NY (July 2, 2013)

Governor Andrew M. Cuomo today announced the formation of the "Commission to Investigate Public Corruption" under the Moreland Act and Executive Law Section 63(8) to probe systemic public corruption and the appearance of such corruption in state government, political campaigns and elections in New York State. Attorney General Eric Schneiderman announced he will appoint the members of the Commission as Deputy Attorneys General, giving the Commission broad-based authority to investigate all matters that "involve public peace, public safety, and public justice." Under the Executive Order, the Commission will also have the power to subpoena and examine witnesses under oath as well as subpoena any necessary records. The Governor's action follows several recent proven and alleged incidents of corruption and misconduct by public officials that have shown that current laws are inadequate and reforms are necessary to guard against abuses, ensure accountability in government, address the need for reform in our campaign finance laws, and restore the public's confidence and trust in state government and state elections.

"We must root out corruption in politics and government," Governor Cuomo said. "This session, I put forward the most comprehensive and aggressive legislative package Albany has seen in decades to address the corrosive influence of money in elections, strengthen prosecutors' ability to fight corruption, increase penalties against those who violate the public trust, and give voters more access to the ballot box. From the beginning, I said I would not accept a watered-down approach to cleaning up Albany and that the Legislature must either pass this legislative package or I would empanel an investigative commission tasked with accomplishing these same goals to achieve reform. Since the Legislature has failed to act, today I am formally empanelling a Commission to Investigate Public Corruption pursuant to the Moreland Act and Section 63(8) of the Executive Law that will convene the best minds in law enforcement and public policy from across New York to address weaknesses in the State's public corruption, election and campaign finance laws, generate transparency and accountability, and restore the public trust."

"New Yorkers want real reform, and expect and deserve the officials they put in office to be working to serve the public interest, not their own," said Attorney General Schneiderman. "This commission will be able to conduct a top to bottom investigation of New York State's government, and move us forward to repair our broken political process, strengthen our representative democracy and give New Yorkers the quality of leadership they deserve."

"By convening this Moreland Commission on Public Corruption, Governor Cuomo is taking an aggressive and necessary step to strengthen our laws so that we can more effectively combat corruption in New York State government," said Co-Chair William J. Fitzpatrick. "The Commission will be a powerful body to root out those who take advantage and defraud the public. I am pleased to be a part of the Governor's efforts to return the public's trust in government and enhance our democracy. He has put together a team of leading prosecutors and policy experts that I am proud to be a part of, and together we will work to clean up Albany once and for all."

"Governor Cuomo has made it clear that corruption in New York's government will not be tolerated," said Co-Chair Kathleen Rice. "Over the past two and a half years, he has taken bold steps to restore integrity in state government and this past legislative session, he proposed major reforms to fight public corruption and ensure fairer and honest elections. The Moreland Commission on Public Corruption will carry out those important goals by undertaking a thorough investigation and review of existing laws so that we can find ways to improve them and protect the rights of New Yorkers. I thank the Governor for his leadership on this important issue and look forward to working with some of the best law enforcement and public policy professionals in this state."

"The culture of corruption in Albany has undermined New Yorkers' faith in their government, and something must be done to create fundamental change," said Co-Chair Milton L. Williams, Jr. "I am honored to be working with the Governor, the Attorney General and my fellow Commissioners to investigate and expose the problems and lead the charge for reform. The work of this historic commission will not be done until we have restored the public trust. Those who abuse that trust are on notice."

The Commission to Investigate Public Corruption will have broad investigative authority under the Moreland Act and Executive Law Section 63(8). Previous commissions established by former governors, including Governors Mario Cuomo, Thomas Dewey, and Nelson Rockefeller, conducted investigations to uncover the facts involving corruption and misconduct in many different areas, including, for example, certain private industries, local governments, state agencies, political campaigns for all State offices and political parties. These past commissions provide strong precedents for the Commission to Investigate Public Corruption's broad jurisdiction. Challenges to these Commissions' subpoenas were filed by local officials, private individuals, and political parties, and were rejected by the courts in every instance.

The Commission to Investigate Public Corruption will be tasked with thoroughly reviewing the adequacy of existing state laws, regulations and procedures involving unethical and unlawful misconduct by public officials, and the electoral process and campaign finance laws. The Commission will also examine whether existing laws have been fairly and vigorously enforced, and what changes must be made to such enforcement. During the Commission's investigation, it will also review recent instances of reported misconduct by officials to determine causes and adequacy of laws and enforcement tools to more effectively prevent and punish this kind of misconduct in the future. The Commission is directed to make recommendations to toughen and improve existing laws and procedures.

Areas where the Commission will focus its investigation include but are not limited to:

- Criminal statutes for corruption and misconduct by public officials, such as bribery laws .
- Campaign financing including but not limited to contribution limits and other restrictions; disclosure of third-party contributions and expenditures; and the effectiveness of existing campaign finance laws.
- Compliance of outside organizations and persons with existing lobbying laws, including but not limited to organizations engaged in lobbying and other efforts to influence public policies and elections, and the effectiveness of such laws.
- Adequacy and enforcement of the State's election laws and electoral process including: the structure and composition of the State and County Boards of Elections, the Board of Elections' enforcement, and the effectiveness of and compliance with existing election laws.

During its investigation, the Commission is mandated to promptly communicate any evidence of violations of existing law to the appropriate law enforcement agencies, including the Attorney General. In such cases, the State Police will make jurisdictional referrals to the Attorney General where appropriate.

The Commission will issue a preliminary report on its initial findings and recommendations by December 1, 2013.

### **The Commission to Investigate Public Corruption (Moreland Commission) Includes:**

#### **Co-Chairs:**

*Kathleen Rice* became the Nassau County District Attorney in 2006. Prior to becoming the first woman in Long Island's history to be elected district attorney, Rice served as an Assistant United States Attorney in Philadelphia. Rice began her career as a prosecutor in the Brooklyn District Attorney's Office, where she prosecuted cases of domestic violence, sexual assault and armed robbery, and later, murder cases. D.A. Rice is a graduate of the Catholic University of America and Touro Law School.

*William J. Fitzpatrick* has served as Onondaga County's District Attorney for the past 28 years. Prior to serving as D.A., he was a defense attorney. In 2007 D.A. Fitzpatrick was appointed as the New York State representative to the National District Attorney's Association, and he was elected Secretary in 2011. In 2010, New York State Chief Judge Jonathan Lippman appointed D.A. Fitzpatrick to the New York State Permanent Sentencing Commission. He is a graduate of Syracuse University and Syracuse University Law School.

*Milton L. Williams, Jr.* joined the firm of Vladeck, Waldman, Elias & Engelhard as a partner in January 2009. Prior to joining the firm, Mr. Williams was a Deputy General Counsel and the Chief Compliance Officer at Time Inc. Before working at Time, Mr. Williams was in private practice, and served as an Assistant United States Attorney in the Southern District of New York. His last assigned unit in the United States Attorney's Office was the Securities and Commodities Fraud Task Force. Prior to becoming a federal prosecutor, Mr. Williams was an Assistant District Attorney in the New York County District Attorney's Office. Milt has tried over fifty cases (both civil and criminal) to verdict. He is a graduate of Amherst College and the University of Michigan Law School in Ann Arbor.

### **Commission Members:**

**J. Patrick Barrett** has been Chief Executive Officer of CARPAT Investments since 1987. He has previously served as President of Telergy, Inc. and Chief Executive Officer of Avis, Inc. Earlier in his business career, he served as an Executive Vice President and Chief Financial Officer of Norton Simon, Inc. Mr. Barrett assumed the Norton Simon post after a long career at Carrier Corporation, where he served in various positions, starting as Assistant Treasurer in 1964 and rising to President of Carrier International Corporation in 1977. In 1989, he was elected Chairman of the New York Republican State Committee, a post he held until 1991. He currently serves as the Chairman of the Board at the Olympic Regional Development Authority. Mr. Barrett is a graduate of Siena College.

**Richard Briffault** is the Joseph P. Chamberlain Professor of Legislation at Columbia Law School. His primary areas of teaching, research and writing are state and local government law and the law of the political process. Prior to joining the Columbia faculty in 1983, he was an Assistant Counsel to the Governor of the State of New York. He has served as the executive director of the Special Commission on Campaign Finance Reform of the Association of the Bar of the City of New York, as well as a consultant to the New York City Charter Revision Commission and the New York State Commission on Constitutional Revisions. Professor Briffault attended Columbia University and Harvard Law School.

**Daniel J. Castleman** is a senior managing director in the Forensic and Litigation Consulting practice at FTI Consulting and is based in New York. Prior to joining FTI Consulting, Mr. Castleman spent nearly 30 years at the New York County District Attorney's Office. Mr. Castleman started his career there in 1979 as an appellate and street crime prosecutor. He then became a Senior Investigative Counsel in the Rackets Bureau handling political corruption and organized crime cases. After three years, Mr. Castleman became the Chief of the Rackets Bureau in 1990. In 1993, Mr. Castleman was promoted to

Chief of the Investigation Division. Mr. Castleman then became Chief Assistant District Attorney in 2008. Mr. Castleman is a graduate of the University of Wisconsin-Madison and Columbia Law School.

**Derek P. Champagne** became District Attorney of Franklin County in 2002. Prior to serving as District Attorney, D.A. Champagne was a United States Customs Officer, served as the Village Attorney in Malone, New York, and was an Assistant District Attorney and later the Chief A.D.A. for Franklin County. He currently serves as the Chairman of the Board of the New York State District Attorney's Association, as Vice-Chair of New York State Sentencing Commission, as a member of the New York State Justice Taskforce and also as a member of the Chief Judge's Advisory Committee on Criminal Procedure and Criminal Law. He previously served as the President of the New York State District Attorney's Association. D.A. Champagne is a graduate of St. Bonaventure University and Franklin Pierce Law School at the University of New Hampshire.

**Eric Corngold** leads the white-collar criminal defense and investigations practice of the law firm Friedman Kaplan Seiler & Adelman, LLP. As New York State's Executive Deputy Attorney General for Economic Justice from 2007 to 2009, Mr. Corngold was the principal advisor to the New York Attorney General on litigation and policy concerning financial markets, antitrust matters, corporate and consumer fraud and housing. Prior to his time in the AG's office, Mr. Corngold was an Assistant United States Attorney in the Eastern District of New York for more than a decade, ultimately serving as Chief of the Criminal Division. Mr. Corngold is currently an adjunct Professor of Law at St. John's University School of Law, where he teaches a course on white collar crime. Mr. Corngold is a graduate of Swarthmore College and Yale Law School.

**Kathleen B. Hogan** has served as the Warren County District Attorney since 2002 and is the first woman to hold the position. Earlier in her career, D.A. Hogan worked as an Assistant District Attorney in Brooklyn, and in private practice at Fitzgerald, Morris, Baker, and Firth, P.C. D.A. Hogan has served on Chief Judge Jonathan Lippman's Justice Task Force, the Sentencing Commission and the Children's Justice Task Force. She served as president of the New York State District Attorneys Association from 2009 to 2010. D.A. Hogan attended St. Lawrence University and the Washington and Lee University School of Law.

**Nancy Hoppock** is the Executive Director of the NYU Center on the Administration of Criminal Law. Before joining NYU, Ms. Hoppock served as the Executive Deputy Attorney General for Criminal Justice at the New York Attorney General's Office supervising the Public Integrity Bureau, the Criminal Prosecutions Bureau, the Organized Crime Task Force, the Medicaid Fraud Control Unit, the Taxpayer Protection Unit, and the Investigations Division. Prior to joining the Attorney General's Office, Ms. Hoppock served as an Assistant United States Attorney at the U.S. Attorney's Office in the District of New Jersey from 2001 to 2010. During her tenure at the U.S. Attorney's Office, Ms. Hoppock was promoted to supervise the Government Fraud Unit, then became a Deputy Chief of the Criminal Division, and later the Chief of the Criminal Division. Ms. Hoppock started her career at the New York County District Attorney's Office, where she spent seven years as an Assistant District Attorney in the trial division. She received her B.A. from the University of Delaware and her law degree from Seton Hall Law School.

**Seymour W. James, Jr.**, is the Attorney-in-Charge of the criminal practice of The Legal Aid Society in New York City. Mr. James recently completed his term as President of the New York State Bar Association. Active in the State Bar since 1978, Mr. James served as treasurer from 2008 to 2011. He is also a fellow of the New York Bar Foundation and a member of the board of directors of the New York State Defenders Association. Mr. James is a past president of the Queens County Bar Association. In addition to his bar association activities, Mr. James is a member of Chief Judge Jonathan Lippman's Justice Task Force, the New York State Permanent Sentencing Commission, the Departmental Disciplinary Committee for the First Judicial Department, the Committee on Character and Fitness for the Second Judicial Department and the Independent Judicial Election Qualification Commission for the Second Judicial Department. He also serves as the secretary of the Correctional Association. Mr. James is a graduate of Brown University and Boston University School of Law.

**David Javdan** is a Managing Director with Alvarez & Marsal. Prior to joining Alvarez & Marsal, Mr. Javdan was General Counsel of the U.S. Small Business Administration. Mr. Javdan has served as a member of the Acquisition Advisory Panel, which reviews and proposes changes to federal procurement laws. He was also a member of the board of directors of the New York State Banking Department, and previously he served as Special Counsel to the New York State Senate on Holocaust and Health Care issues. Before joining the U.S. Small Business Administration, Mr. Javdan was an attorney with the law firm Stroock & Stroock & Lavan. Mr. Javdan is a graduate of Columbia University and Fordham Law School.

**Robert Johnson** has been the District Attorney of Bronx County since 1989. He is the first African-American District Attorney in the history of New York State, and, in 2005, became the longest-serving District Attorney in Bronx history. He began his career as a criminal defense attorney for the Legal Aid Society, and later became a Bronx Assistant District Attorney. He has also served as a Judge of the New York City Criminal Court, and as an Acting Justice of the New York State Supreme Court. D.A. Johnson, a United States Navy Veteran, is past President of the New York State District Attorneys Association and a present member of the Board of Directors of that organization. He graduated from the City College of New York and New York University School of Law.

**David R. Jones** is President and Chief Executive Officer of the Community Service Society of New York (CSS), a nonpartisan, not-for-profit organization that promotes economic advancement and full civic participation for low-income New Yorkers. From 1983 to 1986, he served as Executive Director of the New York City Youth Bureau, and from 1979 to 1983, was Special Advisor to Mayor Koch with responsibilities in race relations, urban development, immigration reform, and education. He has served on several boards, including serving as Chairman of the Board of the Nation Institute, Chairman of the Board of Carver Federal Savings Bank and a former Chair of the Advisory Board of New York City's Independent Budget Office. He served for 12 years on the board of trustees of Wesleyan University and is now a Trustee Emeritus. Prior to his nonprofit and public service careers, Mr. Jones was an attorney at Cravath, Swaine & Moore. He is a graduate of Wesleyan University and Yale Law School.

**Lance Liebman** is the William S. Beinecke Professor of Law at Columbia Law School and the current Director of the American Law Institute. After serving as a Law Clerk to Justice Byron White of the United States Supreme Court, he spent two years working on transportation and community issues as an assistant to then-New York City Mayor John V. Lindsay. He joined the faculty of Harvard Law School in

1970 and remained there for 21 years, becoming a full professor in 1976 and serving as Associate Dean from 1981 to 1984. In 1991 he moved to Columbia as the dean of the law school and as the Lucy G. Moses Professor of Law. Professor Liebman graduated from Yale University and Harvard Law School.

**Joanne M. Mahoney** was elected in November 2007 as the first woman County Executive for Onondaga County. After spending time in private law practice early in her career, County Executive Mahoney accepted a position with the Onondaga County District Attorney's Office and spent five years there as a criminal prosecutor. In 1999, she was elected Councilor-at-Large in the City of Syracuse where she served a four year term. County Executive Mahoney lives in Dewitt. She graduated from Syracuse University's School of Management and SU's College of Law.

**Gerald F. Mollen** has served as the Broome County District Attorney since 1987, after having served as an Assistant District Attorney in Broome County since 1980. Prior to 1980, D.A. Mollen worked as an Assistant County Attorney and an Assistant Attorney General. As District Attorney, D.A. Mollen helped to establish a Multidisciplinary Child Abuse Review Team, the Broome County Gang Task Force and, in 2001, the Broome County Gang Prevention Program, and instituted protocols for start-to-finish recording of suspect interviews by police in major felony cases. D.A. Mollen attended Binghamton University and George Washington University Law School.

**Makau W. Mutua** is the Dean of SUNY Buffalo Law School, as well as a SUNY Distinguished Professor and the Floyd H. and Hilda L. Hurst Faculty Scholar at SUNY Buffalo Law School. He teaches international human rights, international business transactions and international law. Dean Mutua is a Vice President of the American Society of International Law and a member of the Council on Foreign Relations. From 2002 to 2003, Dean Mutua chaired the Task Force on the Establishment of a Truth, Justice, and Reconciliation Commission, which recommended a truth commission for Kenya. He is the author of several books, and he has conducted numerous human rights, diplomatic and rule of law missions to countries in Africa, Latin America and Europe. Prior to joining the faculty at SUNY Buffalo Law School, Dean Mutua worked at Human Rights First, the Harvard Law School Human Rights Program, and in private practice. Born in Kenya, Mutua attended the University of Nairobi, the University of Dar es Salaam, and Harvard Law School.

**Benito Romano** is currently a partner at Freshfields Bruckhaus Deringer. For twenty years, he was a partner and the leader of the white collar defense practice group at Willkie Farr & Gallagher. Mr. Romano previously served as United States Attorney for the Southern District of New York. Prior to being named U.S. Attorney in 1989, Mr. Romano was an Assistant U.S. Attorney, and served as Chief of Public Corruption and Chief Appellate Attorney. Mr. Romano has also served on the New York City Conflicts of Interest Board, including as Acting Chair, on the 1998 Charter Revision Commission, and as a member and former chair of the Puerto Rican Legal Defense and Education Fund. He is currently chair of the New York State Interest on Lawyer Account Fund. He attended New York University and Columbia University Law School.

**Frank A. Sedita III** became District Attorney of Erie County in November 2008. Prior to becoming D.A. he served as an Assistant District Attorney and as a Deputy District Attorney in Erie County. D.A. Sedita is a member of the adjunct faculty at SUNY Buffalo Law School and also teaches at the National College of District Attorneys, the New York Prosecutors Training Institute and the Erie County District Attorney's Office Continuing Legal Education Program. He is a lecturer and instructor for prosecution agencies throughout the United States. D.A. Sedita graduated from Canisius College and SUNY Buffalo Law School.

**P. David Soares** has served as the Albany County District Attorney since 2005. Prior to serving as District Attorney, he was an Assistant District Attorney in Albany County, and Albany County's first Community Prosecutor. During his tenure, D.A. Soares has created Public Integrity and Financial Crime Units within the office. D.A. Soares is a graduate of Cornell University and Albany Law School.

**Kristy Sprague** has served as the Essex County District Attorney since 2009. Prior to serving as the D.A., she was an Assistant District Attorney in Clinton County. D.A. Sprague is a graduate of SUNY Albany, Plattsburgh State, and Albany Law School.

**Betty Weinberg Ellerin** is currently a senior counsel at the law firm Alston & Bird, LLP. Prior to joining Alston, Justice Weinberg Ellerin served for more than twenty years as a judge. During that time, she served as Deputy Chief Administrative Judge for the New York City Courts and as Associate Justice and Presiding Justice of the Appellate Division, First Department. Justice Weinberg Ellerin attended Washington Square College and New York University School of Law.

**Peter L. Zimroth** is a partner at Arnold & Porter LLP, where he focuses on products liability, commercial, securities, and white collar crime matters. Prior to joining the firm, Mr. Zimroth was Corporation Counsel of the City of New York. He was the architect of the City's law providing for the public financing of elections, a law which has become the model for local legislation around the country. Earlier in his career, Mr. Zimroth served as an Assistant U.S. Attorney for the Southern District of New York, Securities Fraud Unit, and as the Chief Assistant District Attorney in Manhattan. Mr. Zimroth was a tenured professor at the New York University School of Law and a law clerk to U.S. Supreme Court Justice Abe Fortas. He is a graduate of Columbia University and Yale Law School.

**Thomas P. Zugibe** was elected Rockland County District Attorney in 2007, and re-elected to a four year term in 2011. Earlier in his career, D.A. Zugibe worked as a Special Assistant Attorney General in the Office of the New York State Deputy Attorney General for Medicaid Fraud Control and as an Assistant District Attorney and Executive Assistant District Attorney in the Rockland County D.A.'s office. He also worked for two decades in private practice, concentrating on personal injury and commercial litigation. D.A. Zugibe attended Manhattan College and St. John's University School of Law.

**Special Advisors:**



**Joseph A. D'Amico** is the Superintendent of the New York State Police. Prior to his confirmation as Superintendent, Superintendent D'Amico served as Chief Investigator for the Office of the New York State Attorney General, where he oversaw and coordinated the efforts of 300 criminal and civil investigators statewide. Prior to that, Superintendent D'Amico had a twenty-seven year career with the New York City Police Department, where he served in many patrol and investigative assignments in the Bronx, Manhattan and Queens, ultimately rising to the rank of Deputy Chief. He is a graduate of the State University of New York.

**Raymond W. Kelly** has served as Police Commissioner of the City of New York since 2002. Commissioner Kelly was formerly Senior Managing Director of Global Corporate Security at Bear, Stearns & Co. Inc. Before that, he served as Commissioner of the U.S. Customs Service. From 1996 to 1998, Commissioner Kelly was Under Secretary for Enforcement at the U.S. Treasury Department. In addition, Mr. Kelly served on the executive committee and was elected Vice President for the Americas of Interpol, the international police organization, from 1996 to 2000. In 1994, he was appointed to serve as Director of the International Police Monitors in Haiti. He is a forty-three year veteran of the NYPD. Commissioner Kelly graduated from Manhattan College, St. John's University School of Law and the Kennedy School of Government at Harvard University.

**Robert M. Morgenthau** will serve as Special Counsel to the Commission. Mr. Morgenthau was the District Attorney for New York County from 1975 to 2009. In his nine terms in office, his staff conducted approximately 3.5 million criminal prosecutions, and reduced homicides in Manhattan by over 90%. In addition, Mr. Morgenthau was known as a national leader in the prosecution of white collar crime. Prior to serving as D.A., Mr. Morgenthau, a United States Navy veteran, was the United States Attorney for the Southern District of New York and worked in private practice. He attended Amherst College and Yale Law School.

**Barbara Bartoletti** has been the Legislative Director for the League of Women Voters of New York since 1988, and a member of the League of Women Voters since 1978.

Regina Calcaterra will serve as Executive Director; Danya Perry will serve as Chief of Investigations; Kelly Donovan will serve as Chief Counsel; and John Amodeo will serve as Legislative Director.

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