



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL
SUBPOENA AD TESTIFICANDUM
THE PEOPLE OF THE STATE OF NEW YORK
GREETINGS

TO: Melissa DeRosa
c/o Sean Hecker
Kaplan Hecker & Fink LLP
350 Fifth Avenue
Suite 7110
New York, NY 10118

YOU ARE HEREBY COMMANDED, pursuant to Executive Law § 63(8) and New York Civil Practice Law and Rules § 2302(a), to appear and attend before the Special Deputies to the First Deputy Attorney General, on July 5, 2021 at 9:00 AM, or any agreed upon adjourned date or time, at One Liberty Plaza, 38th Floor, New York, New York 10006 to testify in connection with an investigation into allegations of and circumstances surrounding sexual harassment claims made against Governor Cuomo, or any matter that the Attorney General deems pertinent thereto.

TAKE NOTICE that the Attorney General deems the testimony commanded by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest.

TAKE NOTICE that the examination may be recorded by stenographic, videographic and/or audio means.


TAKE FURTHER NOTICE that Your disobedience of this Subpoena, by failing to appear and attend and testify on the date, time and place stated above or on any agreed upon adjourned date or time, **may subject You to penalties and other lawful punishment** under Executive Law § 63(8), New York Civil Practice Law and Rules § 2308 and/or other statutes.




DeRosa

EX 1



P.B. 07.05.21

WITNESS, The Honorable Letitia James, Attorney General of the State of New York,
this 28th day of June, 2021.

By: 

Joon H. Kim
Jennifer Kennedy Park
Abena Mainoo
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
@ag.ny.gov
@ag.ny.gov

By: /s/ Anne L. Clark

Anne L. Clark
Yannick Grant
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
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STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

SUBPOENA DUCES TECUM
THE PEOPLE OF THE STATE OF NEW YORK
GREETINGS

TO: Melissa DeRosa
Secretary to the Governor
Executive Chamber
Capitol Building
Albany, NY 12224

YOU ARE HEREBY COMMANDED, under Executive Law § 63(8) and N.Y. Civil Practice Law and Rules § 2302(a), and/or other statutes, to deliver and turn over to the Special Deputies to the First Deputy Attorney General, on **the 29th day of March, 2021, at 9:30 a.m.**, or any agreed upon adjourned date or time, at One Liberty Plaza, 38th Floor, New York, New York 10006, all documents and information requested in the attached Schedule in accordance with the instructions and definitions contained therein.

TAKE NOTICE that the Attorney General deems the documents and information commanded by this Subpoena to be relevant and material to an investigation and inquiry undertaken in the public interest.

TAKE FURTHER NOTICE that Your disobedience of this Subpoena, by failing to deliver the documents and information requested in the attached Schedule on the date, time and place stated above or on any agreed upon adjourned date or time, **may subject You to penalties and other lawful punishment** under § 2308 of the New York Civil Practice Law and Rules and other statutes.


DeRosa




EX 2

P.B. 07.05.21



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WITNESS, The Honorable Letitia James, Attorney General of the State of New York, this 15th day of March, 2021.

By: 

Joon H. Kim
Jennifer Kennedy Park
Abena Mainoo
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
@ag.ny.gov
@ag.ny.gov

By: /s/ Anne L. Clark

Anne L. Clark
Yannick Grant
Special Deputies to the
First Deputy Attorney General
@ag.ny.gov
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SCHEDULE

A. General Definitions and Rules of Construction

1. “All” means each and every.
2. “Any” means any and all.
3. “And” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the Subpoena all information or Documents that might otherwise be construed to be outside of its scope.
4. “Communication” means any conversation, discussion, letter, email, text message, instant message, memorandum, meeting, note or other transmittal of information or message, whether transmitted in writing, orally, electronically or by any other means, and shall include any Document that abstracts, digests, transcribes, records or reflects any of the foregoing.
5. “Concerning” means, directly or indirectly, in whole or in part, relating to, referring to, describing, evidencing or constituting.
6. “Custodian” means any Person or Entity that, as of the date of this Subpoena, maintained, possessed, or otherwise kept or controlled such Document.
7. “Document” is used herein in the broadest sense of the term and means all records and other tangible media of expression of whatever nature however and wherever created, produced or stored (manually, mechanically, electronically or otherwise), including without limitation all versions whether draft or final, all annotated or nonconforming or other copies, electronic mail (“email”), instant messages, text messages, Blackberry or other wireless device messages, voicemail, calendars, date books, appointment books, diaries, books, papers, files, notes, confirmations, accounts statements, correspondence, memoranda, reports, records, journals, registers, analyses, code (*e.g.*, C/C++/C#, SQL, JavaScript), algorithms, code repositories (*e.g.*, GitHub), commit messages, audit logs, data or databases (*e.g.*, Oracle, postgres or other SQL or non-SQL systems), plans, manuals, policies, telegrams, faxes, telexes, wires, telephone logs, telephone messages, message slips, minutes, notes or records or transcriptions of conversations or Communications or meetings, tape recordings, videotapes, disks, and other electronic media, microfilm, microfiche, storage devices, press releases, contracts, agreements, notices and summaries. Any non-identical version of a Document constitutes a separate Document within this definition, including without limitation drafts or copies bearing any notation, edit, comment, marginalia, underscoring, highlighting, marking, commit messages, or any other alteration of any kind resulting in any difference between two or more otherwise identical Documents. In the case of Documents bearing any notation or other marking made by highlighting ink, the term Document means the original version bearing the highlighting ink, which original must be produced as opposed to any copy

thereof.

8. “Entity” means without limitation any corporation, company, limited liability company or corporation, partnership, limited partnership, association, or other firm or similar body, or any unit, division, agency, department, or similar subdivision thereof.
9. “Identify” or “Identity,” as applied to any Document means the provision in writing of information sufficiently particular to enable the Attorney General to request the Document’s production through subpoena or otherwise, including but not limited to: (a) Document type (letter, memo, etc.); (b) Document subject matter; (c) Document date; and (d) Document author(s), addressee(s) and recipient(s). In lieu of identifying a Document, the Attorney General will accept production of the Document, together with designation of the Document’s Custodian, and identification of each Person You believe to have received a copy of the Document.
10. “Identify” or “Identity,” as applied to any Entity, means the provision in writing of such Entity’s legal name, any d/b/a, former, or other names, any parent, subsidiary, officers, employees, or agents thereof, and any address(es) and any telephone number(s) thereof.
11. “Identify” or “Identity,” as applied to any natural person, means and includes the provision in writing of the natural person’s name, title(s), position(s), any aliases, place(s) of employment, telephone number(s), email address(es), mailing addresses and physical address(es).
12. “Person” means any natural person, or any Entity.
13. “Sent” or “received” as used herein means, in addition to their usual meanings, the transmittal or reception of a Document by physical, electronic or other delivery, whether by direct or indirect means.
14. “Subpoena” means this subpoena and any schedules or attachments thereto.
15. The use of the singular form of any word used herein shall include the plural and vice versa. The use of any tense of any verb includes all other tenses of the verb.

B. Particular Definitions

1. “Complainant” means Charlotte Bennett, Alessandra Biaggi, Lindsey Boylan, Brittany Commisso, Karen Hinton, Ana Liss, Anna Ruch, and any other individual who has made any Complaints known to You, any other member of the Executive Chamber, or the public. For the avoidance of doubt, to the extent additional allegations come to light following the issuance of this Subpoena, individuals who make such allegations should be included in the definition of “Complainant.”

2. “Complaint” means any and all complaints, allegations, comments, accusations, or other statements of workplace misconduct, sexual harassment, sex- or gender-based misconduct, or other behavior or comments of a sexual, abusive or otherwise inappropriate or uncomfortable nature, whether made formally or informally.
3. “County Executive” means any chief executive of New York, and all other officials, employees, personnel, and agents of the counties in the State.
4. “Executive Chamber” means the Executive Chamber of the State of New York, including but not limited to Governor Andrew M. Cuomo, and all other officers, directors, supervisors, personnel, employees, secretaries, interns, fellows, agents, contractors, consultants, representatives, and attorneys of the Executive Chamber, or any other Persons associated with or acting on behalf of the foregoing, or acting on behalf of any predecessors, successors, or affiliates of the foregoing at any point during the relevant time.
5. “Executive Office” means any office within the New York State government in which employees and officers work directly with, work under the control of, answer to or maintain direct contact with the Governor. This includes offices in Albany, Manhattan, and anywhere else in New York State.
6. “Governor” means the New York State Governor Andrew M. Cuomo.
7. “Governor’s Mansion” means the official residence of the Governor, also known as the New York State Executive Mansion.
8. “New York Attorney General” or “Attorney General” means the New York State Office of the Attorney General, including Letitia James.
9. “Respondent,” “You,” or “Your” means Melissa DeRosa, Secretary to the Governor, either in an official or individual capacity.
10. “State” or “New York” means the State of New York.
11. “State Legislature” means the New York State Assembly, including but not limited to its members, employees, personnel, and agents.

C. Instructions

1. Preservation of Relevant Documents and Information; Spoliation. You are reminded of Your obligations under law to preserve Documents and information relevant or potentially relevant to this Subpoena from destruction or loss, and of the consequences of, and penalties available for, spoliation of evidence. No agreement, written or otherwise, purporting to modify, limit or otherwise vary the terms of this Subpoena, shall be construed in any way to narrow, qualify, eliminate or otherwise diminish Your aforementioned preservation obligations.

Nor shall You act, in reliance upon any such agreement or otherwise, in any manner inconsistent with Your preservation obligations under law. No agreement purporting to modify, limit or otherwise vary Your preservation obligations under law shall be construed as in any way narrowing, qualifying, eliminating or otherwise diminishing such aforementioned preservation obligations, nor shall You act in reliance upon any such agreement, unless a Special Deputy to the First Deputy Attorney General confirms or acknowledges such agreement in writing, or makes such agreement a matter of record in open court.

2. Possession, Custody, and Control. The Subpoena calls for all responsive Documents or information in Your possession, custody or control. This includes, without limitation, Documents or information possessed or held by You on any devices, whether personally owned or supplied to you by your employer or held by Your employees, agents, representatives, or consultants or Persons from whom You could request Documents or information. If Documents or information responsive to a request in this Subpoena are in Your control, but not in Your possession or custody, You shall promptly Identify the Person with possession or custody of the Person's obligation to preserve such Documents and provide them to You for production.
3. Documents No Longer in Your Possession. If any Document requested herein was formerly in Your possession, custody or control but is no longer available, or no longer exists, You shall submit a statement in writing under oath that: (a) describes in detail the nature of such Document and its contents; (b) Identifies the Person(s) who prepared such Document and its contents; (c) Identifies all Persons who have seen or had possession of such Document; (d) specifies the date(s) on which such Document was prepared, transmitted or received; (e) specifies the date(s) on which such Document became unavailable; (f) specifies the reason why such Document is unavailable, including without limitation whether it was misplaced, lost, destroyed or transferred; and if such Document has been destroyed or transferred, the conditions of and reasons for such destruction or transfer and the Identity of the Person(s) requesting and performing such destruction or transfer; and (g) Identifies all Persons with knowledge of any portion of the contents of the Document.
4. No Documents Responsive to Subpoena Requests. If there are no Documents responsive to any particular Subpoena request, You shall so state in writing under oath in the Affidavit of Compliance attached hereto, identifying the paragraph number(s) of the Subpoena request concerned.
5. Format of Production. You shall produce Documents and information responsive to this Subpoena in the format requested by the Office of the New York State Attorney General, as set out in Attachments 1 and 2 or as otherwise agreed upon.
6. Databases. To the extent that any data responsive to the requests herein is maintained in an electronic repository of records, such as a detailed transcription report, such information should be produced by querying the database for

- responsive information and generating a report or a reasonably usable and exportable electronic file (for example, *.csv and/or *.xls formats) for review. If it is not possible to export data in this format, You must make the database available to the undersigned for meaningful inspection and review of the information.
7. Existing Organization of Documents to be Preserved. Regardless of whether a production is in electronic or paper format, each Document shall be produced in the same form, sequence, organization or other order or layout in which it was maintained before production, including but not limited to production of any Document or other material indicating filing or other organization. Such production shall include without limitation any file folder, file jacket, cover or similar organizational material, as well as any folder bearing any title or legend that contains no Document. Likewise, all Documents that are physically attached to each other in Your files shall remain so attached in any production; or if such production is electronic, shall be accompanied by notation or information sufficient to indicate clearly such physical attachment.
 8. Manner of Compliance – Custodians/Search Terms/Technology-Assisted Review. Prior consultation with the Special Deputies to the First Deputy Attorney General is required concerning selection of custodians for document searches (whether electronic or otherwise) or for use of search term filters, predictive coding or other forms of technology-assisted review. The Office of the Attorney General reserves the right to approve, disapprove, modify or supplement any proposed list of custodians, search terms, and/or review methodology. The selection or use of custodians, search term filters, and/or technology-assisted review in no way relieves You of Your obligation to fully respond to these requests for Documents or information.
 9. Document Numbering. All Documents responsive to this Subpoena, regardless of whether produced or withheld on ground of privilege or other legal doctrine, and regardless of whether production is in electronic or paper format, shall be numbered in the lower right corner of each page of such Document, without disrupting or altering the form, sequence, organization or other order or layout in which such Documents were maintained before production. Such number shall comprise a prefix containing the producing Person's name or an abbreviation thereof, followed by a unique, sequential, identifying document control number.
 10. Privilege Placeholders. For each Document withheld from production on ground of privilege or other legal doctrine, regardless of whether a production is electronic or in hard copy, You shall insert one or more placeholder page(s) in the production bearing the same document control number(s) borne by the Document withheld, in the sequential place(s) originally occupied by the Document before it was removed from the production.
 11. Privilege. If You withhold or redact any Document responsive to this Subpoena on ground of any privilege or other legal doctrine, You shall submit with the

- Documents produced a statement in writing under oath, stating: (a) the document control number(s) of the Document withheld or redacted; (b) the type of Document; (c) the date of the Document; (d) the author(s) and recipient(s) of the Document; (e) the general subject matter of the Document; and (f) the legal ground for withholding or redacting the Document. If the legal ground for withholding or redacting the Document is attorney-client privilege, You shall indicate the name of the attorney(s) whose legal advice is sought or provided in the Document.
12. Your Production Instructions to Be Produced. You shall produce a copy of all written or otherwise recorded instructions prepared by You concerning the steps taken to respond to this Subpoena. For any unrecorded instructions given, You shall provide a written statement under oath from the Person(s) who gave such instructions that details the specific content of the instructions and any Person(s) to whom the instructions were given.
 13. Cover Letter, Index, and Identifying Information. Accompanying any production(s) made pursuant to this Subpoena, You shall include a cover letter that shall at a minimum provide an index containing the following: (a) a description of the type and content of each Document produced therewith; (b) the paragraph number(s) of the Subpoena request(s) to which each such Document is responsive; (c) the Identity of the Custodian(s) of each such Document; and (d) the document control number(s) of each such Document. As further set forth in Attachment 2, information must also be included in the metadata and load files of each production concerning the identity of each Document's custodian, as well as information identifying the particular Document requests and/or information to which each document is responsive.
 14. Affidavit of Compliance. A copy of the Affidavit of Compliance provided herewith shall be completed and executed by all natural persons supervising or participating in compliance with this Subpoena, and You shall submit such executed Affidavit(s) of Compliance with Your response to this Subpoena.
 15. Identification of Persons Preparing Production. In a schedule attached to the Affidavit of Compliance provided herewith, You shall Identify the natural person(s) who prepared or assembled any productions or responses to this Subpoena. You shall further Identify the natural person(s) under whose personal supervision the preparation and assembly of productions and responses to this Subpoena occurred. You shall further Identify all other natural person(s) able competently to testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be.
 16. Continuing Obligation to Produce. This Subpoena imposes a continuing obligation to produce the Documents and information requested. Documents located or created, and information learned, acquired or created, at any time after

Your response is due shall be promptly produced at the place specified in this Subpoena.

17. No Oral Modifications. No agreement purporting to modify, limit or otherwise vary this Subpoena shall be valid or binding, and You shall not act in reliance upon any such agreement, unless a Special Deputy to the First Deputy Attorney General confirms or acknowledges such agreement in writing, or makes such agreement a matter of record in open court.
18. Time Period. Unless otherwise specified, the time period covered by this Subpoena shall be from January 1, 2013 forward.

D. Documents to be Produced

1. Any and all Documents concerning any Complaints concerning the Governor, including investigations thereof.
2. Any and all Communications with or about a Complainant.
3. Any and all Documents reflecting Communications between the Governor and any of the Complainants.
4. Any and all Documents concerning a Complainant's attendance at an event, appointment, or meeting at which the Governor was or would be present, including any at the Executive Offices or the Governor's Mansion.
5. Any and all Documents concerning any change in the position, title, employment, or office of any Complainant.
6. Any and all Documents concerning Communications with the media and public statements about the Complainants or Complaints concerning the Governor.
7. Any and all Documents relating to how to respond to Complaints concerning the Governor, including the nature of any investigations to be conducted about such Complaints.
8. Any and all Documents concerning Communications with members of the State Legislature or County Executives about Complaints concerning the Governor.
9. Any and all Documents concerning retention or deletion of records within the Executive Chamber, including but not limited to Communications between

members, use of Blackberry instant messaging, and other means of communication.

10. Documents sufficient to identify Your employment history at the Executive Chamber, including but not limited to the time period of your employment, Your title(s), Your position(s), Your responsibilities, and Your direct supervisor(s).

11. A list of all Your electronic devices used for any Communication related to the Executive Chamber or the Governor, whether personally owned or supplied to you by the Executive Chamber or the State.

12. A list of all Your email addresses or phone numbers used for any Communication related to the Executive Chamber or the Governor.

ATTACHMENT 1

Electronic Document Production Specifications

Unless otherwise specified and agreed to by the Office of Attorney General, all responsive documents must be produced in LexisNexis® Concordance® format in accordance with the following instructions. Any questions regarding electronic document production should be directed to the Special Deputy to the First Deputy Attorney General whose email address appears on the subpoena.

1. Concordance Production Components. A Concordance production consists of the following component files, which must be produced in accordance with the specifications set forth below in Section 7.
 - a. ***Metadata Load File.*** A delimited text file that lists in columnar format the required metadata for each produced document.
 - b. ***Extracted or OCR Text Files.*** Document-level extracted text for each produced document or document-level optical character recognition (“OCR”) text where extracted text is not available.
 - c. ***Single-Page Image Files.*** Individual petrified page images of the produced documents in tagged image format (“TIF”), with page-level Bates number endorsements.
 - d. ***Opticon Load File.*** A delimited text file that lists the single-page TIF files for each produced document and defines (i) the relative location of the TIF files on the production media and (ii) each document break.
 - e. ***Native Files.*** Native format versions of non-printable or non-print friendly produced documents.
2. Production Folder Structure. The production must be organized according to the following standard folder structure:
 - data\ (contains production load files)
 - images\ (contains single-page TIF files, with subfolder organization)
 \0001, \0002, \0003...
 - native_files\ (contains native files, with subfolder organization)
 \0001, \0002, \0003...
 - text\ (contains text files, with subfolder organization)
 \0001, \0002, \0003...
3. De-Duplication. You must perform global de-duplication of stand-alone documents and email families against any prior productions pursuant to this or previously related subpoenas.

4. Paper or Scanned Documents. Documents that exist only in paper format must be scanned to single-page TIF files and OCR'd. The resulting electronic files should be pursued in Concordance format pursuant to these instructions. You must contact the Special Deputy to the First Deputy Attorney General whose email address appears on the subpoena to discuss (i) any documents that cannot be scanned, and (ii) how information for scanned documents should be represented in the metadata load file.
5. Structured Data. Before producing structured data, including but not limited to relational databases, transactional data, and xml pages, you must first speak to the Special Deputy to the First Deputy Attorney General whose email address appears on the subpoena. Structured data is data that has a defined length and format and includes, but is not limited to, relational databases, graphical databases, JSON files, or xml/html pages.
 - a. Relational Databases
 1. Database tables should be provided in CSV or other delimited machine-readable, non-proprietary format, with each table in a separate data file. The preferred delimiter is a vertical bar "|". If after speaking with the Special Deputy to the First Deputy Attorney General and it is determined that the data cannot be exported from a proprietary database, then the data can be produced in the proprietary format so long as the Office of the Attorney General is given sufficient access to that data.
 2. Each database must have an accompanying Data Dictionary.
 3. Dates and numbers must be clearly and consistently formatted and, where relevant, units of measure should be explained in the Data Dictionary.
 4. Records must contain clear, unique identifiers, and the Data Dictionary must include explanations of how the files and records relate to one another.
 5. Each data file must also have an accompanying summary file that provides total row counts for the entire dataset and total row counts.
 - b. Compression
 1. If Documents are provided in a compressed archive, only standard lossless compression methods (e.g., gzip, bzip2, and ZIP) shall be used. Media files should be provided in their original file format, with metadata preserved and no additional lossy encoding applied.

6. Media and Encryption. All documents must be produced on CD, DVD, or hard-drive media. After consultation with the Special Deputy to the First Deputy Attorney General, Documents may also be produced over a secure file transfer protocol (FTP) or a pre-approved cloud-based platform (e.g., Amazon Web Services S3 bucket). All production media must be protected with a strong, randomly generated password containing at least 16 alphanumeric characters and encrypted using Advanced Encryption Standard with 256-bit key length (AES-256). Passwords for electronic documents, files, compressed archives and encrypted media must be provided separately from the media.

7. Production File Requirements.

a. ***Metadata Load File***

- Required file format:
 - ASCII or UTF-8
 - Windows formatted CR + LF end of line characters, including full CR + LF on last record in file.
 - .dat file extension
 - Field delimiter: (ASCII decimal character 20)
 - Text Qualifier: þ (ASCII decimal character 254). Date and pure numeric value fields do not require qualifiers.
 - Multiple value field delimiter: ; (ASCII decimal character 59)
- The first line of the metadata load file must list all included fields. All required fields are listed in Attachment 2.
- Fields with no values must be represented by empty columns maintaining delimiters and qualifiers.
- **Note:** All documents must have page-level Bates numbering (except documents produced only in native format, which must be assigned a document-level Bates number). The metadata load file must list the beginning and ending Bates numbers (BEGDOC and ENDDOC) for each document. For document families, including but not limited to emails and attachments, compound documents, and uncompressed file containers, the metadata load file must also list the Bates range of the entire document family (ATTACHRANGE), beginning with the first Bates number (BEGDOC) of the “parent” document and ending with the last Bates number (ENDDOC) assigned to the last “child” in the document family.
- Date and Time metadata must be provided in separate columns.
- Accepted date formats:
 - mm/dd/yyyy
 - yyyy/mm/dd
 - yyyymmdd

- Accepted time formats:
 - hh:mm:ss (if not in 24-hour format, you must indicate am/pm)
 - hh:mm:ss:mmm
- b. ***Extracted or OCR Text Files***
- You must produce individual document-level text files containing the full extracted text for each produced document.
 - When extracted text is not available (for instance, for image-only documents) you must provide individual document-level text files containing the document’s full OCR text.
 - The filename for each text file must match the document’s beginning Bates number (BEGDOC) listed in the metadata load file.
 - Text files must be divided into subfolders containing no more than 500 to 1000 files.
- c. ***Single-Page Image Files (Petrieved Page Images)***
- Where possible, all produced documents must be converted into single-page tagged image format (“TIF”) files. See Section 7.E below for instructions on producing native versions of documents you are unable to convert.
 - Image documents that exist only in non-TIF formats must be converted into TIF files. The original image format must be produced as a native file as described in Section 7.E below.
 - For documents produced only in native format, you must provide a TIF placeholder that states “Document produced only in native format.”
 - Each single-page TIF file must be endorsed with a unique Bates number.
 - The filename for each single-page TIF file must match the unique page-level Bates number (or document-level Bates number for documents produced only in native format).
 - Required image file format:
 - CCITT Group 4 compression
 - 2-Bit black and white
 - 300 dpi
 - Either .tif or .tiff file extension.
 - TIF files must be divided into subfolders containing no more than 500 to 1000 files. Where possible documents should not span multiple subfolders.
- d. ***Opticon Load File***
- Required file format:
 - ASCII
 - Windows formatted CR + LF end of line characters
 - Field delimiter: , (ASCII decimal character 44)
 - No Text Qualifier

- .opt file extension
- The comma-delimited Opticon load file must contain the following seven fields (as indicated below, values for certain fields may be left blank):
 - ALIAS or IMAGEKEY – the unique Bates number assigned to each page of the production.
 - VOLUME – this value is optional and may be left blank.
 - RELATIVE PATH – the filepath to each single-page image file on the production media.
 - DOCUMENT BREAK – defines the first page of a document. The only possible values for this field are “Y” or blank.
 - FOLDER BREAK – defines the first page of a folder. The only possible values for this field are “Y” or blank.
 - BOX BREAK – defines the first page of a box. The only possible values for this field are “Y” or blank.
 - PAGE COUNT – this value is optional and may be left blank.
- **Example:**
 ABC00001,,IMAGES\0001\ABC00001.tif,Y,,2
 ABC00002,,IMAGES\0001\ABC00002.tif,,,
 ABC00003,,IMAGES\0002\ABC00003.tif,Y,,1
 ABC00004,,IMAGES\0002\ABC00004.tif,Y,,1

e. ***Native Files***

- Non-printable or non-print friendly documents (including but not limited to spreadsheets, audio files, video files and documents for which color has significance to document fidelity) must be produced in their native format.
- The filename of each native file must match the document’s beginning Bates number (BEGDOC) in the metadata load file and retain the original file extension.
- For documents produced only in native format, you must assign a single document-level Bates number and provide an image file placeholder that states “Document produced only in native format.”
- The relative paths to all native files on the production media must be listed in the NATIVEFILE field of the metadata load file.
- Native files that are password-protected must be decrypted prior to conversion and produced in decrypted form. In cases where this cannot be achieved the document’s password must be listed in the metadata load file. The password should be placed in the COMMENTS field with the format Password: <PASSWORD>.
- You may be required to supply a software license for proprietary documents produced only in native format.

ATTACHMENT 2
Required Fields for Metadata Load File

FIELD NAME	FIELD DESCRIPTION	FIELD VALUE EXAMPLE¹
DOCID	Unique document reference (can be used for de-duplication).	ABC0001 or ###.#####.###
BEGDOC	Bates number assigned to the first page of the document.	ABC0001
ENDDOC	Bates number assigned to the last page of the document.	ABC0002
BEGATTACH	Bates number assigned to the first page of the parent document in a document family (<i>i.e.</i> , should be the same as BEGDOC of the parent document, or PARENTDOC).	ABC0001
ENDATTACH	Bates number assigned to the last page of the last child document in a family (<i>i.e.</i> , should be the same as ENDDOC of the last child document).	ABC0008
ATTACHRANGE	Bates range of entire document family.	ABC0001 - ABC0008
PARENTDOC	BEGDOC of parent document.	ABC0001
CHILDDOCS	List of BEGDOCs of all child documents, delimited by ";" when field has multiple values.	ABC0002; ABC0003; ABC0004...
DOCREQ	List of particular Requests for Documents to be Produced in the subpoena	1; 2; 3 . . .
INTERROG	List of particular Requests for Information or interrogatories in the subpoena	1; 2; 3 . . .
COMMENTS	Additional document comments, such as passwords for encrypted files.	

¹ Examples represent possible values and not required format unless the field format is specified in Attachment 1.

NATIVEFILE	Relative file path of the native file on the production media.	.\Native_File\Folder\...\BE GDOC.ext
SOURCE	For scanned paper records this should be a description of the physical location of the original paper record. For loose electronic files this should be the name of the file server or workstation where the files were gathered.	Company Name, Department Name, Location, Box Number...
CUSTODIAN	Owner of the document or file.	Firstname Lastname, Lastname, Firstname, User Name; Company Name, Department Name...
FROM	Sender of the email.	Firstname Lastname < FLastname @domain >
TO	All to: members or recipients, delimited by ";" when field has multiple values.	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
CC	All cc: members, delimited by ";" when field has multiple values.	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
BCC	All bcc: members, delimited by ";" when field has multiple values	Firstname Lastname < FLastname @domain >; Firstname Lastname < FLastname @domain >; ...
SUBJECT	Subject line of the email.	
DATERCVD	Date that an email was received.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMERCVD	Time that an email was received.	hh:mm:ss AM/PM or hh:mm:ss
DATESENT	Date that an email was sent.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd

TIMESENT	Time that an email was sent.	hh:mm:ss AM/PM or hh:mm:ss
CALBEGDATE	Date that a meeting begins.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
CALBEGTIME	Time that a meeting begins.	hh:mm:ss AM/PM or hh:mm:ss
CALENDDATE	Date that a meeting ends.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
CALENDTIME	Time that a meeting ends.	hh:mm:ss AM/PM or hh:mm:ss
CALENDAR DUR	Duration of a meeting in hours.	0.75, 1.5...
ATTACHMENTS	List of filenames of all attachments, delimited by ";" when field has multiple values.	AttachmentFileName.; AttachmentFileName.doc x; AttachmentFileName.pdf; ...
NUMATTACH	Number of attachments.	1, 2, 3, 4...
RECORDTYPE	General type of record.	IMAGE; LOOSE E- MAIL; E-MAIL; E-DOC; IMAGE ATTACHMENT; LOOSE E-MAIL ATTACHMENT; E- MAIL ATTACHMENT; E-DOC ATTACHMENT
FOLDERLOC	Original folder path of the produced document.	Drive:\Folder\...\...\
FILENAME	Original filename of the produced document.	Filename.ext
DOCEXT	Original file extension.	html, xls, pdf
DOCTYPE	Name of the program that created the produced document.	Adobe Acrobat, Microsoft Word, Microsoft Excel, Corel WordPerfect...
TITLE	Document title (if entered).	
AUTHOR	Name of the document author.	Firstname Lastname; Lastname, First Name; FLastname
REVISION	Number of revisions to a document.	18

DATECREATED	Date that a document was created.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMECREATED	Time that a document was created.	hh:mm:ss AM/PM or hh:mm:ss
DATEMOD	Date that a document was last modified.	mm/dd/yyyy, yyyy/mm/dd, or yyyymmdd
TIMEMOD	Time that a document was last modified.	hh:mm:ss AM/PM or hh:mm:ss
FILESIZE	Original file size in bytes.	128, 512, 1024...
PGCOUNT	Number of pages per document.	1, 2, 10, 100...
IMPORTANCE	Email priority level if set.	Low, Normal, High
TIFFSTATUS	Generated by the Law Pre-discovery production tool (leave blank if inapplicable).	Y, C, E, W, N, P
DUPSTATUS	Generated by the Law Pre-discovery production tool (leave blank if inapplicable).	P
MD5HASH	MD5 hash value computed from native file (a/k/a file fingerprint).	BC1C5CA6C1945179FE E144F25F51087B
SHA1HASH	SHA1 hash value	B68F4F57223CA7DA358 4BAD7ECF111B8044F86 31
MSGINDEX	Email message ID	

AFFIDAVIT OF COMPLIANCE WITH SUBPOENA

State of _____ }
County of _____ }

I, _____, being duly sworn, state as follows:

1. I am employed by Respondent in the position of _____
_____;
2. Respondent's productions and responses to the Subpoena of the Attorney General of the State of New York, dated _____, 20_____ (the "Subpoena") were prepared and assembled under my personal supervision;
3. I made or caused to be made a diligent, complete and comprehensive search for all Documents and information requested by the Subpoena, in full accordance with the instructions and definitions set forth in the Subpoena;
4. Respondent's productions and responses to the Subpoena are complete and correct to the best of my knowledge and belief;
5. No Documents or information responsive to the Subpoena have been withheld from Respondent's production and response, other than responsive Documents or information withheld on the basis of a legal privilege or doctrine;
6. All responsive Documents or information withheld on the basis of a legal privilege or doctrine have been identified on a privilege log composed and produced in accordance with the instructions in the Subpoena;
7. The Documents contained in Respondent's productions and responses to the Subpoena are authentic, genuine and what they purport to be;
8. Attached is a true and accurate record of all persons who prepared and assembled any productions and responses to the Subpoena, all persons under whose personal supervision the preparation and assembly of productions and responses to the Subpoena occurred, and all persons able competently to testify: (a) that such productions and responses are complete and correct to the best of such person's knowledge and belief; and (b) that any Documents produced are authentic, genuine and what they purport to be; and

9. Attached is a true and accurate statement of those requests under the Subpoena as to which no responsive Documents were located in the course of the aforementioned search.

Signature of Affiant

Date

Printed Name of Affiant

* * *

Subscribed and sworn to before me this _____ day of _____, 20__.

_____, Notary Public

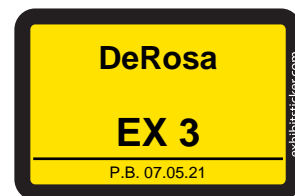
My commission expires: _____

Who Can Say ‘No’ to Cuomo? His Top Aide, Melissa DeRosa

Many unfamiliar with state politics have wondered about the steady, steely presence six feet from the governor’s elbow during his popular daily briefings. Here’s an introduction.

By Ruth La Ferla

May 14, 2020



Competence is captivating. No need to tell viewers tuning in to Gov. Andrew M. Cuomo’s daily media briefings. Many have been riveted by his plain talk in the face of a global pandemic.

Others are increasingly focused on the woman usually seated at his left: the one who on a recent Thursday countered a reporter’s suggestion that New York had dragged its heels in response to the spread of the coronavirus by assuring him in a tone like flint that once it was clear that New York, and not just the West Coast, was an entry point for the virus, “we shut down fully, with literally zero guidance from the federal government.”

She is Melissa DeRosa, the trusted aide and strategist to whom Mr. Cuomo routinely turns for a reliable litany of figures and facts: often seen taking notes, checking her cellphone and sliding relevant documents under the nose of her boss. A steady presence on the dais, Ms. DeRosa, 37, is having an extended breakout moment.

As secretary to the governor, she is the most powerful appointed official in the state, the first woman to hold that position, and one of the youngest, her robust command of facts and arcana only hinting at her sway.

“If you’re an Albany lawmaker and you get a call from Melissa DeRosa, you’re essentially getting a call from the governor,” said Lis Smith, the former spokeswoman for Mr. Cuomo’s re-election campaign and the senior communications adviser to Pete Buttigieg during his presidential run.

“In the midst of this crisis, she’s managed to carve out her own role,” Ms. Smith said. A tactician to the bone, “she brings to these briefings her own authoritative voice.”

Ms. DeRosa was certainly tactical in a telephone interview in late April, rarely veering off topic as she cataloged the details of her job. She prepares each day to address a welter of issues.

“Some days it’s, ‘Are we closing schools?’” she said. “Some days it’s, ‘Do we do an executive order to allow people to get married online?’ Some days it’s working with the Bloomberg team to come up with a contact tracing program.”

Armed with charts and documents, she has managed state decisions about voting by mail and restaurant closures, and each day sets the agenda behind Mr. Cuomo’s public messaging.

“It’s not easy to match his confidence, his sense of control during those briefings, but she does,” Ms. Smith said. “She is by no means a ‘yes’ woman. And, as you may imagine, he does not relish hearing no. But he trusts her and values the fact that she’s a straight shooter.”

Mr. Cuomo was quick to echo that appraisal. “This crisis bore down on New York with a force unlike anything we’ve ever seen,” he wrote in an email. “Our response requires an equal and opposite force and that is exactly what Melissa delivers.”



Ms. DeRosa at a news conference on April 10 in Albany. Mike Groll/Office of Governor Andrew M. Cuomo

Early Riser

Disciplined as a drill sergeant, Ms. DeRosa is generally up between 3:45 and 4:30 a.m., often in the office by 6, her days sometimes running until midnight. “The governor, when he walks through the door, expects us to be ready with ideas for what we need to be saying to the public for a day, a full briefing,” she said.

“He interrogates us,” she said. “When we tell him something, he doesn’t take it at face value. He’ll ask us a question seven different ways and you’d better be prepared to answer it.”

Afterward, “you spend the rest of the day on the unknown. You can wake up and think that your day is going to go one way, and that plan is out the window by 7:30 a.m. depending on whatever unforeseen crisis happens, whatever the president says, whatever hospital shortage is happening.”

She leaves few details unattended and almost nothing to chance, blitzing her team of 79 state commissioners and all senior staff members each morning with questions. “I ask, ‘Where in the law does it say that you can’t just do voting by mail and you have to do absentee? I want you to recite to me the section of the state constitution. I want to see where it’s written.’”

“I want to make sure that what we’re saying is correct and holds up to public scrutiny,” Ms. DeRosa said.

The task requires agility, and an adamant core. Ms. DeRosa is known to be unyielding in her support of the governor. “She and I had one disagreement, as much my fault as hers,” recalled Karen Hinton, a communications consultant, who, as press secretary to New York Mayor Bill de Blasio in 2015 and 2016, dealt with Ms. DeRosa.

“Melissa is incredibly smart, very knowledgeable and articulate, and sometimes people can be intimidated by that,” Ms. Hinton said.

“Politics can be tough,” she added. “You have to lay out your views and your positions. Melissa is good at doing that.”

Some qualities, friends suggest, are in her DNA.

“Melissa was always pretty competitive, she always commanded the room,” said Rachel Berman, a dietitian and close friend of Ms. DeRosa’s since the two attended Camp Wah-Nee in Connecticut when they were 12. “From a young age she knew what she wanted to do with her life. She wanted to be in public service. She was very driven, in a professional way.”

Her agenda has been advanced, and impeded, at times, by her family connections. Her father, Giorgio DeRosa, is a partner at Bolton-St. Johns, a highly influential lobbying firm. Her sister Jessica and brother Joseph also work at the firm.

Her husband, Matt Wing, was a Cuomo press secretary in 2013 and 2014, and went on to become the communications director for the governor’s re-election campaign. The couple met in 2013 when Ms. DeRosa was Governor Cuomo’s communications director. In 2015, Mr. Wing became a senior communications officer at Uber as the company sought expansion in New York.

Ms. DeRosa’s appointment in 2017 to the top post in Mr. Cuomo’s office has raised questions about potential conflicts arising from her father’s lobbying. Common Cause, an advocacy group for good government, released a statement at the time, advising that Ms. DeRosa recuse herself from any issue involving her father or family.

No conflicts have been made public since her appointment. But Susan Lerner, the executive director of Common Cause/NY, wrote in an email: “As the governor further consolidates power in this crisis, Common Cause/NY’s concerns about staff conflicts of interest have only intensified. Who is meeting with whom? Who’s getting contracts and who’s not?”

Ms. DeRosa dismissed such unease.

“I don’t get to decide for family what their jobs are, and they don’t get to decide for me what my job is,” she said, adding tersely, “I do my best to live up to the highest ethical standards and be transparent as possible, and I think that is all you can ask.”



A seat at the table: Ms. DeRosa under one of Mr. Cuomo's now-famous PowerPoint presentations, sliding over a document. Mike Groll/Office of Governor Andrew M. Cuomo

'He Looks to Her'

At 16, Ms. DeRosa began working as an intern for the political director of the New York State A.F.L.-C.I.O., which was preparing to endorse Hillary Clinton ahead of her bid for the Senate.

"I remember thinking while I was doing the envelope stuffing and answering the phone," she told The Poughkeepsie Journal, "that someday I want to be the person who's sitting in that room and driving those conversations and mapping out strategies, and being a part of it in a meaningful way."

There were a few detours. After graduating from the School of Industrial and Labor Relations at Cornell University, Ms. DeRosa became a publicist for Theory, a fashion house in New York, for a year, a stint she now characterizes as a brief rebellious phase.

"I think every 22-year-old tries to keep their father on their toes," she said with a laugh. "That's what I was doing at the time."

She joined Bolton-St. Johns as a lobbyist, pursued a master's degree from Cornell in public administration and went on to lead former President Barack Obama's national political action organization for New York. She spent another two years as the deputy chief of staff to the state attorney general Eric Schneiderman, but knew nothing at the time, she said, of the allegations of sexual misconduct that would force him out of office.

Ms. DeRosa is herself no stranger to sexism. She told The Poughkeepsie Journal that as far back as a decade ago, when she was working as a lobbyist, she overheard her boss tell a client, whom she described as a national figure in progressive politics, that she would take the lead on a project. "Why doesn't she take the lead right up to my hotel room," came his reply.

The memory still rankles. "All that I have ever wanted is to be seen for and judged on my own accomplishments and competence and merits," she said.

She joined the New York state administration in 2013 as communications director, and was promoted two years later to chief of staff. She has long had the governor's ear, Ms. Smith said: "When they're in a room together, he looks to her to see how she reacts."

Ms. DeRosa has, with Governor Cuomo's blessing, helped steer statewide policies including the \$15 minimum wage, paid family leave and expanded insurance coverage for in vitro fertilization and egg freezing.



In the before times: Melissa DeRosa at the New York Athletic Club in 2019. Kholood Eid for The New York Times

As chair of the New York State Council on Women and newly appointed head of the Covid-19 maternity task force, she was instrumental in pushing through a bill to admit support people to the delivery room, expand birthing options and extend the period of time a healthy partner could remain with a mother after delivery.

Women's reproductive issues are close to her heart. After six months in her current job, one she knew would consume her waking hours, Ms. DeRosa talked with her doctor about freezing her eggs. "Being a woman in her mid-30s who's dealing with decisions around having children, when to have children and the limitations in the insurance law and health care, that was something I was very, very involved in," she said.

Intent on taking charge of her own reproductive future, she underwent the procedure, "through many cycles," she said. "I've done lots of months of hormone shots."

She is more lax about routine self-care, her days fueled by an old-fashioned elixir. "It's incredible," she said, "what the combination of adrenaline and caffeine can do to push you through anything."

A wearying schedule hasn't dampened her longstanding interest in the realm of style. She was a determinedly girly girl, her friend Ms. Berman recalled. "Growing up, everything in the closet was a shade of pink, with pearls," she said.

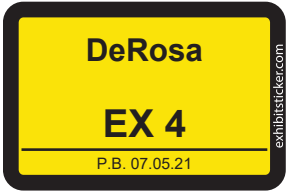
Two years ago, Ms. DeRosa appeared on a billboard in Times Square wearing a \$228 Rebecca Minkoff dress, part of Ms. Minkoff's advertising campaign. Jezebel, the feminist website, was swift to weigh in with an article carrying the headline "When Public Official Sells Feminism, Who Is Being Empowered?" The article chided Ms. DeRosa for her

role in commercializing women's activism and questioned the ethics of that choice.

Ms. DeRosa has since grown more worldly, if not necessarily more circumspect. She drew feminist ire when, during Cynthia Nixon's run for New York governor in 2018, she called Ms. Nixon "unhinged," on her Twitter account.

Viewers often remark on her trademark sleeveless dresses. Is she aiming to bring a dose of glamour to the job? Not a chance, Ms. DeRosa said: "I am in Albany with the clothes that I showed up with. I didn't set out in this thinking that we were going to be on nationally televised press conferences every single day."

She has put personal vanity on hold, she said. "I would love to tell you that I do get to go for long runs and have me time and have some semblance of work-life balance, but, I don't," she said. "And I think right now that's the way it's supposed to be."



Governor's Office of Employee Relations

Sexual Harassment in the Workplace

I hereby attest that I have completed the *Sexual Harassment in the Workplace* course by:

- Reading the course material
- Completing all learning activities, such as surveys, questions, and other exercises and using the feedback provided to increase my understanding of the subject matter

I have read and understand its content. I understand that I am responsible for complying with the laws, policies, and regulations described in the *Sexual Harassment in the Workplace* course.

Name (Print): Neilson DeRosa Date: 1-04-16

Signature:

Agency Name: Executive Chamber

Work Address/ Location: 633 3rd Avenue, NYC

Work Telephone Number:

WODU-22
4/2015





**Governor's Office of
Employee Relations**

**2016 Mandated Training
Sexual Harassment in the Workplace
(V2016)**

I hereby attest that I have completed the *Sexual Harassment in the Workplace* course by:

- Reading the course material
- Completing all learning activities, such as surveys, questions, and other exercises and using the feedback provided to increase my understanding of the subject matter

I have read and understand its content. I understand that I am responsible for complying with the laws, policies, and regulations described in the *Sexual Harassment in the Workplace* course.

Name (Print): Melissa DeRosa Date: 12-14-16

Signature: [Handwritten Signature]

Agency Name: Executive Chamber

Work Address/ Location: 633 3rd Ave

Work Telephone Number: [Redacted]

WODU-22
10/2016



**Governor's Office of
Employee Relations**

**Equal Employment Opportunity:
Rights and Responsibilities
(V2016)**

I hereby attest that I have completed the *Equal Employment Opportunity: Rights and Responsibilities* course by:

- Reading the course material
- Completing all learning activities, such as surveys, questions, and other exercises and using the feedback provided to increase my understanding of the subject matter

I have read and understand its content. I understand that I am responsible for complying with the laws, policies, and regulations described in the *Equal Employment Opportunity: Rights and Responsibilities* course.

Name (Print): Melissa DeRosa Date: 12-14-16

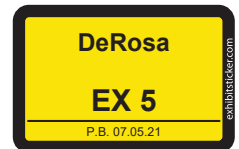
Signature: [Handwritten Signature]

Agency Name: Executive Chamber

Work Address/ Location: 633 3rd Ave

Work Telephone Number: [Redacted]

WODU-14
10/2016





Governor's Office of Employee Relations

2021 Mandated Training Program *Sexual Harassment in the Workplace* (V2021)

I hereby attest that I have completed the *Sexual Harassment in the Workplace* course by:

- Reading the course material
- Completing all learning activities, such as surveys, questions, and other exercises and using the feedback provided to increase my understanding of the subject matter

I have read and understand its content. I understand that I am responsible for complying with the laws, policies, and regulations described in the *Sexual Harassment in the Workplace* course.

Name (Print): Wendy Weiss Date: 5.5.21

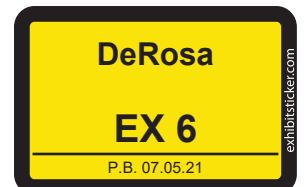
Signature: [Handwritten Signature]

Agency Name: Exec Claude

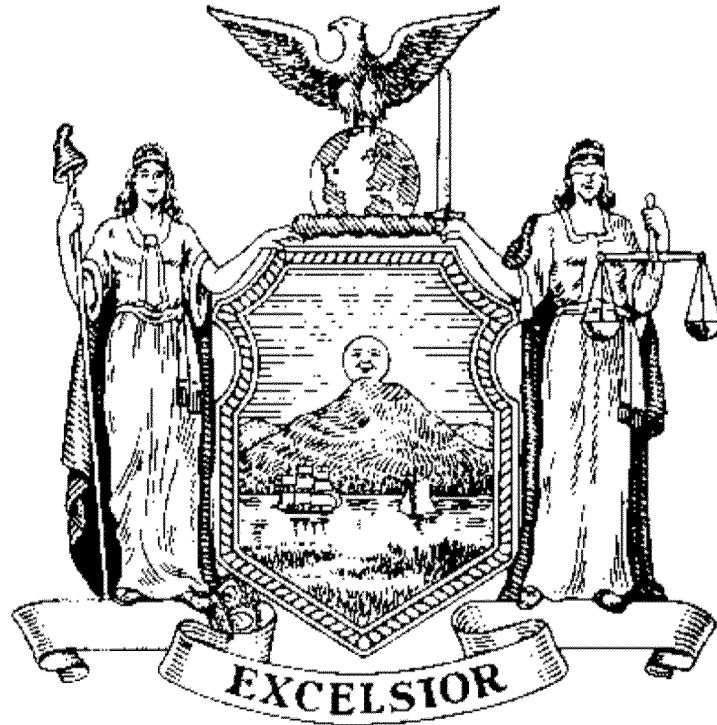
Work Address/
Location: 633 81st Ave / 1045 Capital

Work Telephone
Number: [Redacted]

WODU-22



**STATE OF NEW YORK
EXECUTIVE DEPARTMENT**



**EQUAL EMPLOYMENT OPPORTUNITY
In New York State**

RIGHTS AND RESPONSIBILITIES

A Handbook for Employees of New York State Agencies

**Andrew M. Cuomo
Governor**

December 2018

DeRosa

EX 7

P.B. 07.05.21

EMPLOYEE RIGHTS AND RESPONSIBILITIES

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EMPLOYEE RIGHTS AND RESPONSIBILITIES

INTRODUCTION

New York State has long been committed to the proposition that all individuals in the State should have an equal opportunity to enjoy a full and productive life, including in their occupational pursuits. Under New York State's Human Rights Law, the first of its kind in the nation, employees are protected from acts of bias, harassment, prejudice and discrimination. Such acts have no place in the workplace, State or otherwise.

All State employees have the right to be free from unlawful discrimination as well as the responsibility to assure that their actions do not contribute to an atmosphere in which the State's policy of promoting a bias-free work environment is frustrated. This also applies to interns. This Handbook is intended to provide employees and interns of the State of New York with information on their rights and responsibilities under state and federal law with respect to equal employment opportunity. Emphasis will be placed on New York State's Human Rights Law because the protections it provides are generally greater than those granted under federal law. In addition, this Handbook will cover related state laws and Executive Orders.

This Handbook does not cover agency-specific policies and procedures related to discrimination. That information is provided to employees by their respective agencies.

PROTECTED AREAS

The Human Rights Law (“Law”) applies to all State agencies and employees and provides very broad anti-discrimination coverage. The Law provides, in section 296.1(a), that it is an unlawful discriminatory practice “[f]or an employer or licensing agency, because of the age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, familial status, marital status or domestic violence victim status of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment. Persons with disabilities, and persons with pregnancy-related conditions, are entitled to reasonable accommodation as provided in section 296.3.

Accommodation of sabbath observance or other religious practices is required by section 296.10. The Law further provides, in sections 296.15 and 296.16, protections from employment discrimination for persons with prior conviction records, or prior arrests, youthful offender adjudications or sealed records.

Each of these areas will be discussed in order below, as well as other protections provided by Governor’s Executive Orders and other state laws and policies.

AGE

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person’s age, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

While most cases of age discrimination concern allegations that an employee was perceived to be “too old” by an employer, under New York State law it is also discriminatory to base an employment decision on a perception that a person is “too young,” as long as the person is at least 18. However, basing a decision on lack of experience or ability is not discriminatory.

Decisions about hiring, job assignments or training must never be based on age-related assumptions about an employee’s abilities or willingness to learn or undertake new tasks and responsibilities.

All employees must refrain from conduct or language that directly or indirectly expresses a preference for employees of a certain age group. Ageist remarks must be avoided in the workplace.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

Statutory protection.

Age discrimination is made unlawful by Human Rights Law § 296.1, § 296.3-a and § 296-c, and by the federal Age Discrimination in Employment Act (“ADEA”).¹ Under New York law, age discrimination in employment is prohibited against all persons eighteen years of age or older. Under the ADEA, age discrimination is prohibited only against persons forty years of age or older.

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2, reissuing Executive Order No. 96,² which prohibits Age Discrimination in the workplace. The Executive Order notes that every State employee is entitled to work in an age-neutral environment with equal opportunity for hiring, promotion and retraining opportunities.

Retirement.

Mandatory retirement of employees at any specific age is generally prohibited, except as noted below.³ However, retirement plans may contain an age component for eligibility. Thus, retirement plans may require that persons attain a certain age or have some combination of age and years of service, before being eligible for retirement benefits.⁴

Incentive programs intended to induce employees to retire by granting them greater retirement benefits than those to which they would normally be entitled in order to reduce the size of the work force have generally been found to be lawful. Being eligible for “early retirement” is not coercion based on age. Similarly, that an employee may not be eligible for a retirement benefit or incentive because he or she has not attained a certain age (i.e., “too young”) is also not considered discriminatory.

Exceptions.

The Civil Service Law⁵ mandates minimum and maximum hiring ages for police officers. Correction Officers must be at least 21 years of age in order to be appointed.⁶ These are lawful exceptions to the provisions of the Human Rights Law.

¹ 29 U.S.C. § 621 et seq.

² Issued by Gov. Mario M. Cuomo on April 27, 1987.

³ Human Rights Law § 296.3-a(d) but see exceptions below.

⁴ Human Rights Law § 296.3-a(g).

⁵ N.Y. Civil Service Law § 58; see also N.Y. Executive Law § 215.3.

⁶ N.Y. Correction Law § 7(4).

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There are certain limited exceptions to the prohibition on mandatory retirement.⁷ For example, officers of the New York State Police are required to retire at age 60,⁸ and State park police officers are required to retire at age 62.⁹

In the area of employee benefits, the Human Rights Law does not “preclude the varying of insurance coverage according to an employee's age.”¹⁰

RACE and COLOR

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's race or color, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Discrimination because of a person's membership in or association with an identifiable class of people based on ancestry or ethnic characteristics can be considered racial discrimination.

There is no objective standard for determining an individual's racial identity. Therefore, the State defers to an employee's self-identification as a member of a particular race.

“Color” can be an independent protected class, based on the color of an individual's skin, irrespective of his or her race.

Statutory protection.

Race and color discrimination are unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.¹¹

CREED

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's creed, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

⁷ Human Rights Law § 296.3-a(g).

⁸ N.Y. Retirement and Social Security Law § 381-b(e).

⁹ N.Y. Park, Recreation and Historic Preservation Law § 13.17(4).

¹⁰ Human Rights Law § 296.3-a(g).

¹¹ 42 U.S.C. § 2000e et seq.

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“Creed” encompasses belief in a supreme being or membership in an organized religion or congregation. Atheism and agnosticism are considered creeds as well. A person is also protected from discrimination because of having no religion or creed. An individual’s self-identification with a particular creed or religious tradition is determinative.

Statutory protection.

Discrimination based on creed is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.¹²

Sabbath or holy day observance.

An employee is entitled to time off for religious observance of a sabbath or holy day or days, in accordance with the requirements of his or her religion, provided it does not impose an undue hardship to his or her employer, as explained below.¹³ Time off shall also be granted to provide a reasonable amount of time for travel before and after the observance.

The Human Rights Law provides that any such absence from work shall, wherever practicable in the reasonable judgment of the employer, be made up by an equivalent amount of time and work at a mutually convenient time, or shall be charged against any available personal, vacation or other paid leave, or shall be taken as leave without pay.¹⁴ Agencies are not required to permit such absence to be made up at another time, but may agree that the employee may do so.

Leave that would ordinarily be granted for other non-medical personal reasons shall not be denied because the leave will be used for religious observance.¹⁵ Under no circumstances may time off for religious observance be charged as sick leave.¹⁶

The employee is not entitled to premium wages or benefits for work performed during hours to which such premium wages or benefits would ordinarily be applicable, if the employee is working during such hours only to make up time taken for religious observance.¹⁷

¹² 42 U.S.C. § 2000e et seq.

¹³ Human Rights Law § 296.10(a).

¹⁴ Human Rights Law § 296.10(b).

¹⁵ Human Rights Law § 296.10(c).

¹⁶ Human Rights Law § 296.10(b).

¹⁷ Human Rights Law § 296.10(a). “Premium wages” include “overtime pay and compensatory time off, and additional remuneration for night, weekend or holiday work, or for standby or irregular duty.” § 296.10(d)(2). “Premium benefit” means “an employment benefit, such as seniority, group life insurance, health insurance, disability insurance, sick leave, annual leave, or an educational or pension benefit that is greater than the employment benefit due to the employee for an equivalent period of work performed during the regular work schedule of the employee.” § 296.10(d)(3).

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Civil Service Law § 50(9) provides that candidates who are unable to attend a civil service examination because of religious observance can request an alternate test date from the Department of Civil Service without additional fee or penalty.

Religious observance or practices.

An employee who, in accordance with his or her religious beliefs, observes a particular manner of dress, hairstyle, beard, or other religious practice, should not be unreasonably required to compromise his or her practice in the workplace. The employer is required by law to make a bona fide effort to accommodate an employee's or prospective employee's religious observance or practice.¹⁸

Request for accommodation.

The employee needing time off or other accommodation of religious observance or practice should clearly state the religious nature of the request and should be willing to work with the employer to reach a reasonable accommodation of the need. Supervisors should consult with their human resources and/or legal departments, as necessary, with respect to requests for accommodation of religious observance or practices.

Conflicts with seniority rights.

In making the effort to accommodate sabbath observance or religious practices, the employer is not obliged to initiate adversarial proceedings against a union when the seniority provisions of a collective bargaining agreement limit its ability to accommodate any employee's religious observance or practice, but may satisfy its duty under this section by seeking volunteers willing to waive their seniority rights in order to accommodate their colleague's religious observance or practice. This waiver must be sought from the union that represents the employees covered by such agreement.

Undue hardship.

Before the employer can deny a religious accommodation, the employer must be able to show that accommodating the employee's religious observance or practice would result in undue hardship to the employer. The undue hardship standard applies generally to all accommodation requests, not only those for time off for religious observance. "Undue hardship" means an accommodation requiring significant expense or difficulty, including one that would cause significant interference with the safe or efficient operation of the workplace. Factors that are specifically to be considered are the identifiable costs (such as loss of productivity, or the cost to transfer or hire additional personnel), and the number of individuals who will need time off for a particular sabbath or holy day in relation to available personnel.¹⁹

Furthermore, in positions that require coverage around the clock or during particular hours, being available even on sabbath or holy days *may* be an essential function of the

¹⁸ Human Rights Law § 296.10(a).

¹⁹ Human Rights Law § 296.10(d)(1).

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job. Also, certain uniform appearance standards *may* be essential to some jobs. A requested accommodation will be considered an undue hardship, and therefore not reasonable, if it will result in the inability of an employee to perform an essential function of the job.²⁰

Exceptions.

None with regard to employment decisions. Accommodation is limited by reasonableness, conflicting seniority rights and undue hardship, as set forth above.

NATIONAL ORIGIN

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's national origin, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

National origin is defined as including ancestry, so an individual born in the United States is nonetheless protected against discrimination based on his or her ancestors' nationality.²¹ An individual's self-identification with a particular national or ethnic group is determinative.

Statutory protection.

National origin discrimination is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.²²

Language issues.

Fluency in English may be a job requirement. However, requiring that a person speaks English as his or her primary language, or be a "native speaker," may be considered national origin discrimination. In some circumstances, where a particular level of fluency in English is not necessary for job performance, requiring such fluency might also constitute national origin discrimination. The only lawful requirement is for a level of English fluency necessary for the job.

Requiring employees to speak only English, at all times in the workplace, may be national origin discrimination. Any specific workplace rule about language use must be reasonable and necessary to the efficient conduct of State business. Any such

²⁰ Human Rights Law § 296.10(d)(1).

²¹ Human Rights Law § 292.8.

²² 42 U.S.C. § 2000e et seq.

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reasonable rule that prohibits or limits the use of a language other than English in the workplace must be clearly communicated to employees before it can be enforced.²³

Requiring fluency in a language other than English, such as for employment in bilingual positions, is not discriminatory. However, a job qualification of language fluency must be based on an individual's ability, not on national origin. A requirement that an individual be a "native speaker" of a language other than English is discriminatory.

Proof of identity and employment eligibility.

All New York State employees hired after November 6, 1986 must be able to complete a verified federal Form I-9, which establishes the employee's identity and eligibility for employment in the United States. Rescinding an offer of employment or terminating employment based upon lack of current employment authorization is required by federal law and is not unlawful discrimination.²⁴

Citizenship requirements.

Employees serving in positions designated as "public offices," as well as peace and police officer positions defined in the New York State Criminal Procedure Law, must be United States citizens.²⁵

SEXUAL ORIENTATION

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's sexual orientation, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

The term "sexual orientation" means heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.²⁶

Statutory protection.

Discrimination on the basis of sexual orientation is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c. Sexual orientation is not a protected class under

²³ See the federal Equal Employment Opportunity Commission's regulation at 29 CFR § 1606.7.

²⁴ US Immigration and Nationality Act § 274A, as modified by the Immigration Reform and Control Act of 1986, Immigration Act of 1990 and Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

²⁵ Public Officers Law § 3(1); Criminal Procedure Law § 1.20(34) (police officers); Criminal Procedure Law § 2.10 (peace officers).

²⁶ Human Rights Law § 292.27.

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federal law. However, sexual orientation discrimination may also be considered sex discrimination under federal law.

Same-sex spouses or partners.

The New York State Marriage Equality Act, signed by Governor Cuomo on June 24, 2011, and effective on July 24, 2011, authorizes marriages between same-sex couples in the State of New York. New York State also recognizes marriages between same-sex couples performed in any jurisdiction where such marriages are valid. Spousal benefits will be provided to same-sex spouses in the same manner as to opposite-sex spouses of State employees. Failure to offer equal benefits, or to discriminate against an employee in a marriage with a same-sex spouse, is considered discrimination on the basis of sexual orientation.

Domestic partners.

Same-sex partners who are not married may also qualify for benefits. The employer and his or her partner can fill out the *Application for Domestic Partner Benefits and Affidavit of Domestic Partnership and Financial Interdependence*, which is available on-line from the Department of Civil Service. Opposite-sex domestic partners can also qualify for benefits on the same basis as same-sex partners.

MILITARY STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's military status, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Military status" is defined in the Human Rights Law as a person's participation in the military service of the United States or the military service of the State, including but not limited to, the armed forces of the United States, the Army National Guard, the Air National Guard, the New York Naval Militia, or the New York Guard.²⁷

Statutory protection.

Discrimination on the basis of military status is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c. The federal Uniformed Services Employment and Reemployment Rights Act (USERRA)²⁸ provides additional protections.

Military leave provisions for State workers (and all public employees) are contained in N.Y. Military Law § 242 and § 243. Under the 2008 amendments to the federal Family

²⁷ Human Rights Law § 292.28.

²⁸ 38 U.S.C. §§ 4301-35.

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and Medical Leave Act (FMLA), employees with a family member who is on active duty or on call to active duty status may be eligible for qualifying exigency leave or military caregiver leave of up to 26 weeks in a 12-month period, based upon the family member's military service.

Military leave and job retention rights.

N.Y. Military Law entitles State employees to a leave of absence for "ordered military duty"²⁹ or "military duty."³⁰ Both provisions entitle State employees to return to their jobs with the same pay, benefits, and status they would have attained had they remained in their position continuously during the period of military duty. State employees on leave for military duty continue to accrue years of service, increment, and any other rights or privileges. Under both Military Law and the Human Rights Law, those called to military duty, or who may be so called, may not be prejudiced in any way with reference to promotion, transfer, or other term, condition or privilege of employment. Military Law § 243(5) provides: "State employees on leave for military duty shall suffer no loss of time, service, increment, or any other right or privilege, or be prejudiced in any way with reference to promotion, transfer, reinstatement or continuance in office. Employees are entitled to contribute to the retirement system in order to have leave time count toward determining length of service."

Similarly, under USERRA, service members who leave their civilian jobs for military service are entitled to return to their jobs with the same pay, benefits, and status they would have attained had they not been away on duty. USERRA also prohibits employers from discriminating against these individuals in employment because of their military service, or for exercising their rights under USERRA.

SEX

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's sex, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Statutory protection.

Sex discrimination is unlawful pursuant to the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.³¹

²⁹ N.Y. Military Law § 242; pertains to members of the militia, the reserve forces, or reserve components of any branch of the military.

³⁰ N.Y. Military Law § 243; pertains to active duty in the armed forces or reservists called to active duty.

³¹ 42 U.S.C. § 2000e et seq.

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Sex stereotyping.

Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to general societal norms or other perceptions about how individuals of either sex should act or look. For example, conduct may be considered “too aggressive” only because the individual is female, a person may be considered to be “too sensitive” only because that person is male, or a person might not look or dress in a manner consistent with another person’s views of how a man or woman should look or dress. Making employment decisions based on sex-stereotyped evaluations of conduct, looks or dress can be considered sex discrimination.

Harassment because a person does not conform to gender stereotypes is sexual harassment. Derogatory comments directed at a person who has undergone sex reassignment surgery can be sexual harassment, just as comments about secondary sex characteristics of any person can be sexual harassment.

Non-harassment related sex discrimination can also arise in the context of gender transition issues such as an employer’s refusal to recognize an employee’s sex after transition. For more information on transgender issues, see below: Gender Identity and Disability.

Sexual harassment.

Sexual harassment constitutes sex discrimination. (See below: Sexual Harassment).

Pregnancy and childbirth discrimination .

Discrimination on the basis of pregnancy or childbirth constitutes sex discrimination. (See below: Pregnancy, Childbirth and Parental Leave).

Exceptions.

Both State and federal law permit consideration of sex in employment decisions when it is a bona fide occupational qualification (BFOQ). This is, however, an **extremely narrow** exception to the anti-discrimination provisions of the Human Rights Law. Neither customer preference nor stereotyped and generalized views of ability based on sex can form the basis for a BFOQ. However, proof that employing members of a particular sex would impinge on the legitimate personal privacy expectations of an agency’s clients, particularly in a custodial environment, may make out a case for a BFOQ.

SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination and is unlawful. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Statutory protection.

Sexual harassment is prohibited as a form of sex discrimination under the Human Rights Law § 296.1 and § 296-c, and the federal Civil Rights Act of 1964, Title VII.³²

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2 reissuing Executive Order No. 19,³³ which established State policy on sexual harassment in the workplace.

Sexual harassment.

Sexual harassment is both offensive and unlawful. Every State employee and intern is entitled to a working environment free from sexual harassment and its negative economic, psychological and physical effects. Allowing sexual harassment to go unchecked in State workplaces would create significant costs to the State in both human and financial terms, including the replacement of personnel who leave their jobs, increased use of health benefit plans due to emotional and physical stress, absenteeism, and decline in individual and workgroup productivity.

Every employer in New York State must have in place a policy on sexual harassment prevention, which includes a procedure for the receipt and investigation of complaints of sexual harassment. This policy and procedure should be distributed to new employees and made available to all staff as needed. Also, each agency must provide appropriate sexual harassment training to its staff.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or

³² 42 U.S.C. § 2000e et seq.

³³ Issued by Gov. Mario M. Cuomo on May 31, 1983.

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- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

Hostile environment sexual harassment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment. Only supervisors are deemed to engage in this kind of harassment, because co-workers do not have the authority to grant or withhold benefits.

With respect to inappropriate questions during the hiring process or during employment, see below: Unlawful Inquiries.

Employees should consult their agency's sexual harassment policy for further discussion of what constitutes sexual harassment.

As with all discrimination and harassment, if an employee is a victim of sexual harassment, or observes it in the workplace, the employee should complain promptly to a supervisor, managerial employee, personnel administrator, or equal employment officer. The complaint can be verbal or in writing. If the complaint is verbal, a written complaint may be required in order to assist in the investigation. Any complaint, whether verbal or written, must be investigated by the agency. Furthermore, any supervisory or managerial employee who observes or otherwise becomes aware of conduct of a sexually harassing nature, must report such conduct so that it can be investigated.

If an employee is harassed by a co-worker or a supervisor, it is very important that a complaint be made to a higher authority promptly. An agency cannot stop sexual harassment unless it has knowledge of the harassment. Once informed, the agency is required to initiate an investigation and take prompt and effective remedial action where appropriate.

See below: Harassment.

Harassment by a non-employee.

The employing agency has the duty to prevent harassment in the workplace including harassment by non-employees, such as vendors, consultants, clients, customers, visitors or interns.

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Harassment of non-employees.

Non-employees in the workplace, who are performing work under contract, are explicitly protected from sexual harassment by Human Rights Law § 296-d.

In accord with statewide policy, employees and interns are subject to discipline for harassment of *anyone* in the workplace, including contractors, clients, vendors, or any members of the public.

DISABILITY

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's disability, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

All employees must be able to perform the essential functions of their jobs in a reasonable manner, with or without a reasonable accommodation. Consideration of requests for accommodation of applicants or employees with disabilities is required and should be granted where reasonable.

Statutory protection.

Disability discrimination is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. Reasonable accommodation is required of employers pursuant to Human Rights Law § 296.3(a). New York State law has a very broad definition of disability, and generally protects persons with any disabling condition, including temporary disabilities. Disability discrimination is also unlawful under federal law. However, the scope of disability under the provisions of the Americans with Disability Act (ADA) is not as broad.³⁴ The Federal Rehabilitation Act of 1973 § 503 and § 504³⁵ also apply to many State workers. Federal law also requires reasonable accommodation.

Guide dog, hearing dog, and service dog provisions are found in Human Rights Law § 296.14. An employee who uses a guide, hearing or service dog is also protected by Civil Rights Law § 47-a and § 47-b.

What is a “disability” under the Human Rights Law?

A “disability” is:

- a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a

³⁴ 42 U.S.C. § 12111 et seq.

³⁵ 29 U.S.C. § 793 and § 794.

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normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or

- a record of such an impairment or
- a condition regarded by others as such an impairment.³⁶

Because this definition includes any impairment that is demonstrable by clinical or laboratory diagnostic techniques, it includes most disabling conditions.

Reasonable performance.

An employee with a disability must be able to achieve “reasonable performance” in order to be protected by the Human Rights Law. Reasonable performance is not perfect performance or performance unaffected by the disability, but job performance reasonably meeting the employing agency’s needs to achieve its governmental functions. An employee with a disability is entitled to reasonable accommodation if it will permit the employee to achieve reasonable job performance.

Essential functions.

A function is essential if not performing it would fundamentally change the job for which the position exists. If a function is not essential to the job, then it can be reassigned to another employee, and the employee with a disability may not be required to perform that function.

Employers may ask applicants with disabilities about their ability to perform specific job functions and tasks, as long as all applicants are asked in the same way about their abilities. Employers may require applicants/employees to demonstrate capacity to perform the physical demands of a particular job, in the same way as applicants are asked to demonstrate competence and qualifications in other areas. Such tests of capacity, agility, endurance, etc. are non-discriminatory as long as they can be demonstrated to be related to the specific duties of the position applied for and are uniformly given to all applicants for a particular job category.

Reasonable Accommodation.³⁷

A reasonable accommodation is an adjustment or modification made to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. Some examples of reasonable accommodation include:

- A modified work schedule;
- Reassignment of the non-essential functions of the job;
- Acquisition or modification of equipment;

³⁶ Human Rights Law § 292.21.

³⁷ With respect to policy and procedures relative to reasonable accommodation generally, employees should consult the publication *Procedures for Implementing Reasonable Accommodation for Applicants and Employees in New York State Agencies*.

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- Provision of an accessible worksite.

All otherwise qualified applicants and employees are entitled to reasonable accommodation of disability. Accommodation is required if it is reasonable and will assist in overcoming an obstacle caused by the disability that prevents the person from applying for the position, from performing the essential functions of the position, or from receiving equal terms, conditions or privileges of the position.

Unless the disability is obvious (e.g. employee's use of a wheelchair) the applicant or employee must inform the employing agency of the need for accommodation. The employee also must provide reasonable medical documentation as requested by the agency and engage in an interactive process with the agency in order to reach an effective and reasonable accommodation.

Once an accommodation has been requested, the agency has an obligation to verify the need for the accommodation. If the need for accommodation exists, then the employing agency has an obligation to seek an effective solution through an interactive process between the agency and the employee.

While the employee can request a particular accommodation, the obligation to provide a reasonable accommodation is satisfied where the needs of the person with the disability are met. The agency has the right to decide which reasonable accommodation will be granted, so long as it is effective in enabling the employee to perform the job duties in a reasonable manner.

An agency may require a doctor's note to substantiate the request, or a medical examination where appropriate, but must maintain the confidentiality of an employee's medical information. The Human Rights Law requires that the employee cooperate in providing medical or other information needed to verify the disability, or any additional information that is otherwise necessary for consideration of the accommodation.³⁸

Information provided for purposes of reasonable accommodation cannot be used by the agency for another purpose such as a basis for referring an employee for a medical examination to determine fitness for duty pursuant to Civil Service Law section 72(1) or placing the employee on an involuntary leave of absence pursuant to Civil Service Law section 72(5) or other personnel actions.

Many common questions about reasonable accommodation are explained in the reasonable accommodation regulations³⁹ of the New York State Division of Human Rights, which are available on the Division's website. These regulations may be used by applicants, employees, and agency personnel in order to better understand the reasonable accommodation process.

³⁸ Human Rights Law § 296.3.

³⁹ 9 N.Y.C.R.R. § 466.11.

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Family Medical Leave Act (29 USC sections 2601 to 2654).

The State as an employer cannot take adverse action against employees who exercise their rights to medical leave for the birth, adoption, or foster care placement of a child, for their own serious health condition, or to care for a family member with a serious health condition which qualifies under the Act. The Act entitles eligible employees to take up to a total of 12 weeks of unpaid leave during a 12-month period. (Military caregivers may be entitled to up to 26 weeks of leave. See above: Military Status.)

Paid Family Leave.

The New York State Paid Family Leave Law⁴⁰ provides for paid leave to bond with a newly born, adopted or fostered child; care for a close relative with a serious health condition; or assist loved ones when a family member is deployed abroad on active military service. The amount of paid leave available increases to a total of 12 weeks by 2021. State employees not represented by a union in bargaining units 06, 18, 46 and 66 are covered by the law. State employees represented by a union may be covered if Paid Family Leave is collectively bargained for.

More information is available on the New York State website at <https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-information-employees>. This includes information on who is eligible, and how to apply.

Civil Service Law §§ 71 and 73.

The Civil Service Law allows an agency to terminate an employee after one cumulative year of absence for a disability resulting from an occupational injury or disease as defined in the Workers' Compensation Law.⁴¹ This is extended to two years for an individual injured in an assault that causes such injury or disease. The Civil Service Law also allows an agency to terminate an employee who has been continuously absent for one year for a personal injury or illness.⁴²

Drug and Alcohol-Free Workplace Policy.

New York State employees are subject to criminal, civil, and disciplinary penalties if they distribute, sell, attempt to sell, possess, or purchase controlled substances while at the workplace or while acting in a work-related capacity. Such illegal acts, even if engaged in while off duty, may result in disciplinary action. In those locations where it is permitted, an employee may possess and use a controlled substance that is properly prescribed for the employee by a physician. Employees are also prohibited from on-the-job use of, or impairment from alcohol. If a supervisor has a reasonable suspicion that an employee is unable to perform job duties due to a disability which may be caused by the use of controlled substances or alcohol, that employee may be required

⁴⁰ Workers Compensation Law, art. 9, §§ 200, et seq.

⁴¹ Civil Service Law § 71.

⁴² Civil Service Law § 73.

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to undergo medical testing.⁴³ If the cause of the disability is found to be drug- or alcohol-related, the employee may be referred to voluntary and confidential participation in the statewide Employee Assistance Program. Other available options include pursuing disability leave procedures or disciplinary measures. On-line supervisory training regarding a drug and alcohol free workplace is available through the GOER's Online Learning Center at <https://nyslearn.ny.gov/>.

The Federal Drug-Free Workplace Act of 1988, amended in 1994, requires that all agencies that have contracts with the United States Government that exceed \$100,000, and all agencies that receive Federal grants, maintain a drug-free workplace. If an employee is involved in work on a contract or grant covered by this law, they are required to notify their employer of any criminal drug statute conviction, for a violation occurring in the workplace, not less than five days after the conviction. Agencies covered by this law must notify the Federal government of the conviction and must take personnel action against an employee convicted of a drug abuse violation.

Drug Addiction and Alcoholism under the Human Rights Law and Regulations.⁴⁴

An individual who is currently using drugs illegally is not protected under the disability provisions of the Human Rights Law. The law protects individuals who are recovered or recovering drug addicts or alcoholics and may protect alcoholics if the alcoholism does not interfere with job performance.

Intoxication or use of alcohol on the job is not protected. A test to determine the illegal use of drugs is not considered a medical test that is governed by the Human Rights Law. Agencies have differing requirements and policies with regard to drug testing.

If an individual is protected by the Human Rights Law, adjustment to work schedules, where needed to allow for ongoing treatment, is allowed as an accommodation where reasonable, if the individual is still able to reasonably perform the essential functions of the job, including predictable and regular attendance.

See above: Drug and Alcohol-Free Workplace Policy.

Guide dogs, hearing dogs, and service dogs.

Users of guide dogs, hearing dogs, or service dogs that are trained as provided in the Human Rights Law are given protection by the Human Rights Law.⁴⁵

The use of such a dog is not considered a "reasonable accommodation," but a right protected separately under the Human Rights Law, and the dog owner need not specifically request permission to bring the dog into the workplace. This specific

⁴³ For agencies that do not have their own drug/alcohol testing procedures, this test must be done pursuant to Civil Service Law § 72.

⁴⁴ See *generally* 9 N.Y.C.R.R. § 466.11(h).

⁴⁵ Human Rights Law § 296.14.

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provision has no parallel in the federal ADA, under which the matter would instead be analyzed to determine whether a reasonable accommodation is appropriate.

This right to be accompanied by such dogs in the workplace applies only to dogs that meet the definitions found in the Human Rights Law.

A “guide dog” or “hearing dog” is a dog that is trained to aid a person who is blind, deaf or hard of hearing, is actually used to provide such aid, and was trained by a guide or hearing dog training center or professional guide or hearing dog trainer.⁴⁶

A “service dog” may perform a variety of assistive services for its owner. However, to meet the definition, the dog must be trained by a service dog training center or professional service dog trainer.⁴⁷

Dogs that are considered therapy, companion or other types of assistance dogs, but who have not been professionally trained as stated in the definitions above, are not covered by this provision.⁴⁸

The provision also does not apply to animals other than dogs, regardless of training.

Dogs not meeting one of the definitions, or animals other than dogs, may provide assistance or companionship to a person with a disability. However, they are generally **not** permitted into the workplace as a reasonable accommodation, because the workplace and other employees can be adversely impacted by animals that are not professionally trained by guide, hearing or service dog trainers, as provided above. The New York State Civil Service Law provides qualified employees with special leave benefits for the purposes of obtaining service animals or guide dogs and acquiring necessary training.⁴⁹

Exceptions.

The Human Rights Law does not require accommodation of behaviors that do not meet the employer's workplace behavior standards that are consistently applied to all similarly situated employees, even if these behaviors are caused by a disability.⁵⁰

Reasonable accommodation is not required where the disability or the accommodation itself poses a direct threat, which means a significant risk of substantial harm to the

⁴⁶ Human Rights Law §§ 292.31-32.

⁴⁷ Human Rights Law § 292.33.

⁴⁸ A dog may be licensed as a “service” dog, and nevertheless not meet the definition of service dog for purposes of the Human Rights Law. N.Y. Agriculture & Markets Law § 110, which requires the licensing of dogs, permits municipalities to exempt from licensing fees various categories of dogs, including “service” and “therapy” dogs, but the section provides no definitions of those categories.

⁴⁹ Civil Service Law § 6(1).

⁵⁰ 9 N.Y.C.R.R. § 466.11(g)(1).

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health or safety of the employee or others that cannot be eliminated or reduced by reasonable accommodation.⁵¹

PREDISPOSING GENETIC CHARACTERISTICS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of the applicant or employee having a predisposing genetic characteristic, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Testing for such genetic characteristics is prohibited in most circumstances.

Statutory protection.

Discrimination on the basis of a genetic characteristic is unlawful pursuant to Human Rights Law § 296.1, § 296.19, and § 296-c. It is also covered by the federal Genetic Information Nondiscrimination Act (GINA).⁵²

What is a predisposing genetic characteristic?

A predisposing genetic characteristic is defined as “any inherited gene or chromosome, or alteration thereof, . . . determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or to be associated with a statistically significant increased risk of development of a physical or mental disease or disability.”⁵³

How is the employee or applicant protected?

It is an unlawful discriminatory practice for any employer to directly or indirectly solicit, require, or administer a genetic test to a person, or solicit or require information from which a predisposing genetic characteristic can be inferred as a condition of employment or pre-employment application.⁵⁴ It is also unlawful for an employer to buy or otherwise acquire the results or interpretation of an individual's genetic test results or information from which a predisposing genetic characteristic can be inferred or to make

⁵¹ 9 N.Y.C.R.R. § 466.11(g)(2).

⁵² As with Title VII, the ADA and the ADEA, the Genetic Information Nondiscrimination Act is enforced by the federal Equal Employment Opportunity Commission. When codified, GINA was distributed throughout various sections of Titles 29 and 42 of the United States Code. For more details on GINA, see <http://www.eeoc.gov/laws/types/genetic.cfm>.

⁵³ Human Rights Law § 292.21-a.

⁵⁴ Human Rights Law § 296.19(a)(1).

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an agreement with an individual to take a genetic test or provide genetic test results or such information.⁵⁵

An employee may give written consent to have a genetic test performed, for purposes of a worker's compensation claim, pursuant to civil litigation, or to determine the employee's susceptibility to potentially carcinogenic, toxic, or otherwise hazardous chemicals or substances found in the workplace environment. The employer may not take any adverse action against an employee on the basis of such voluntary test.⁵⁶

Exceptions.

An employer may require a specified genetic test as a condition of employment where such a test is shown to be directly related to the occupational environment, such that the employee or applicant with a particular genetic anomaly might be at an increased risk of disease as a result of working in that environment.⁵⁷ However, the employer may not take adverse action against the employee as a result of such testing.

FAMILIAL STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's familial status, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Familial status" includes being pregnant, having a child under the age of 18, having legal custody of any person under the age of 18, or having a person under the age of 18 residing in the home of the designee of the parent, or being in the process of securing custody, adoption or foster care placement of any person under 18.

Statutory protection.

Discrimination on the basis of familial status is unlawful pursuant to Human Rights Law § 296.1. Familial status is not a protected class under federal law.

Familial status does not include the identity of the children.

Parents or guardians of children are protected from discrimination on the basis of the **status** of being a parent or guardian, not with regard to who their children are. Therefore, actions taken against an employee because of who their child is, or what that child has done, do not implicate familial status discrimination.

⁵⁵ Human Rights Law § 296.19(a)(2).

⁵⁶ Human Rights Law § 296.19(c) and (d).

⁵⁷ Human Rights Law § 296.19(b).

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Nepotism.

Nepotism means hiring, granting employment benefits, or giving other favoritism based on the identity of a person's family member. Anti-nepotism rules do not implicate familial status discrimination, because anti-nepotism rules involve the *identity* of the employees as relatives, not their *status* as parent, child, or spouse. The Public Officers Law provides that a State employee may not control or influence decisions to hire, fire, supervise or discipline a family member.⁵⁸ Moreover, other acts of nepotism not specifically governed by this provision may violate more general conflict of interest provisions in the New York ethics statutes.

What is familial status discrimination?

Familial status discrimination would include, but not be limited to, making employment decisions about an employee or applicant:

- because she is pregnant;
- because she or he has children at home, or has "too many" children;
- based on belief that someone with children will not be a reliable employee;
- because she or he is a single parent;
- because she or he is a parent, regardless of living arrangements;
- because she or he is living with and caring for a grandchild;
- because she or he is a foster parent, or is seeking to become a foster parent, or to adopt a child;
- because a father has obtained custody of one or more of his children and will be the primary caretaker;
- based on the belief that mothers should stay home with their children; or
- because of any other stereotyped belief or opinion about parents or guardians of children under the age of 18.

No requirement of reasonable accommodation.

The Human Rights Law explicitly states that the familial status provisions do not create any right to reasonable accommodation on that basis.⁵⁹ Therefore, the employer is not required to accommodate the needs of the child or children and is not required to grant time off for the parent to attend school meetings, concerts, sporting events, etc., as an accommodation. However, the employer must grant such time off to the same extent that time off is granted to employees for other personal reasons.

The familial status protections do not expand or decrease any rights that a parent or guardian has under the federal Family Medical Leave Act or the New York State Paid Family Leave Act (where these are applicable) to time off to care for family members. (See above: Family Medical Leave Act and Paid Family Leave.)

⁵⁸ Anti-nepotism rules for all State government workplaces are found in N.Y. Public Officers Law § 73.14.

⁵⁹ Human Rights Law §296.3

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Pregnancy and childbirth discrimination.

Discrimination on the basis of pregnancy constitutes familial status discrimination. (See below: Pregnancy, Childbirth and Parental Leave.)

MARITAL STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's marital status, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Marital status" is the condition of being single, married, separated, divorced, or widowed.

Statutory protection.

Discrimination on the basis of marital status is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. Marital status is not covered by federal law.

Marital status does not include the identity of the spouse.

Discrimination based on the identity of the individual to whom a person is married is not marital status discrimination, as it is only the status of being married, single, divorced, or widowed that is protected. Thus, terminating employment because of the actions of a spouse would not be considered marital status discrimination, because the action was taken not based on the fact that the employee was married but that the employee was married to a particular person.

Nepotism.

Nepotism means hiring, granting employment benefits, or other favoritism based on the identity of a person's spouse or other relative. The Public Officers Law provides that a State employee may not control or influence decisions to hire, fire, supervise or discipline a spouse or other relative.⁶⁰ Moreover, other acts of nepotism not specifically governed by this provision may violate more general conflict of interest provisions in the New York ethics statutes. Such anti-nepotism rules do not implicate marital status discrimination.

⁶⁰ Anti-nepotism rules for all State government workplaces are found in N.Y. Public Officers Law § 73.14.

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What is marital status discrimination?

Some examples of marital status discrimination are:

- expecting an employee to work a disproportionate number of extra shifts or at inconvenient times because he or she is not married, and therefore won't mind.
- selecting a married person for a job based on a belief that married people are more responsible or more stable.
- giving overtime or a promotion to a married person rather than a single person based on a belief that the single person does not have to support anyone else.

DOMESTIC VIOLENCE VICTIM STATUS

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's status as a victim of domestic violence, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

Statutory protection.

Discrimination based on domestic violence victim status is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. There is no similar federal protection.

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2, reissuing Executive Order No. 19,⁶¹ which requires adoption of domestic violence and the workplace policies by all executive branch State agencies.

Purpose of domestic violence and the workplace policies.

Domestic violence permeates the lives and compromises the safety of New York State residents with tragic, destructive, and sometimes fatal results. Domestic violence occurs within a wide spectrum of relationships, including married and formerly married couples, couples with children in common, couples who live together or have lived together, gay, lesbian, bisexual and transgender couples, and couples who are dating or who have dated in the past.

Domestic violence often spills over into the workplace, compromising the safety of both victims and co-workers and resulting in lost productivity, increased health care costs, increased absenteeism, and increased employee turnover. The purpose of the policy is to address the impacts of domestic violence already being felt in the workplace.

⁶¹ Issued by Gov. Eliot L. Spitzer on October 22, 2007.

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The workplace can sometimes be the one place where the victim is not cut off from outside support. The victim's job, financial independence, and the support of the workplace can be part of an effective way out of the abusive situation. Therefore, the domestic violence and the workplace policy aims to support the victim in being able to retain employment, find the resources necessary to resolve the problem, and continue to serve the public as a State employee.

Meeting the needs of domestic violence victims.

A victim of domestic violence can ask the employer for accommodations relating to his or her status, which can include the following:

- Employee's need for time off to go to court, to move, etc., should be granted at least to the extent granted for other personal reasons.
- If an abuser of an employee comes to the workplace and is threatening, the incident should be treated in same manner as any other threat situation. It is not to be treated as just the victim's problem which the victim must handle on her or his own. The victim of domestic violence must not be treated as the "cause" of the problem and supervisory employees must take care that no negative action is taken against the victim because, for example, the abuser comes to the workplace, the victim asks the employer to notify security about the potential for an abuser to come to the workplace, or the victim provides an employer with information about an order of protection against the abuser.
- If a victim needs time off for disability caused by the domestic violence, it should be treated the same as any temporary disability. This includes time off for counseling for psychological conditions caused by the domestic violence. (See above: Disability. Note: temporary disabilities are covered under the Human Rights Law.)
- The State's domestic violence and the workplace policy requires this and more. Employees should consult their agency's policy to understand the support it affords to victims of domestic violence, which may include the following:
 - Assistance to the employee in determining the best use of his/her attendance and leave benefits when an employee needs to be absent as a result of domestic violence.
 - Assistance with enforcement of all known court orders of protection, particularly orders in which the abuser has been ordered to stay away from the work site.
 - Refraining from any unnecessary inquiries about domestic violence.
 - Maintenance of confidentiality of information about the domestic violence victim to the extent possible.
 - Establishment of a violence prevention procedure, such as a policy to call "911" if an abuser comes to the workplace.
 - Working with the domestic violence victim to develop a workplace safety plan.

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In addition, the policy also sets out standards for the agency to hold employees accountable who utilize State resources or use their position to commit an act of domestic violence.

Time off for legal proceedings.

In addition to the requirement of the domestic violence and the workplace policy that victims be granted reasonable time off to deal with domestic violence, time off for legal proceedings is addressed by the Penal Law. It is illegal for an employer to take any adverse action against an employee who is a victim of a crime for taking time off to appear in court as a witness, to consult with a district attorney, or to obtain an order of protection.⁶²

Unemployment insurance benefits.

If a victim must leave a job because of domestic violence, he or she is not necessarily barred from receiving unemployment insurance benefits. Circumstances related to domestic violence may be “good cause” for voluntarily quitting a job. Also, job performance problems related to domestic violence (such as absenteeism or tardiness) will not necessarily bar benefits.⁶³

Further information and support.

Dealing with domestic violence requires professional assistance. Domestic violence can be a dangerous or life-threatening situation for the victim and others who may try to become involved. Both victims and employers may contact the NYS Office for the Prevention of Domestic Violence for further information.

PREGNANCY, CHILDBIRTH AND PARENTAL LEAVE

Discrimination on the basis of pregnancy constitutes discrimination on the basis of sex and familial status. Furthermore, medical conditions related to pregnancy or childbirth must be reasonably accommodated in the same manner as any temporary disability. Parental leave is available to employees on a gender-neutral basis.

Statutory protection.

Discrimination based on sex and familial status is unlawful pursuant to Human Rights Law § 296.1 and § 296-c. Sex, but not familial status, is a protected class under federal law. Reasonable accommodation of pregnancy-related conditions is required by the Human Rights Law.⁶⁴ There is no similar requirement under federal law, unless the pregnancy-related condition meets the definition of “disability” under federal law. Also,

⁶² N.Y. Penal Law § 215.14.

⁶³ N.Y. Labor Law § 593.

⁶⁴ Human Rights Law § 296.3(a).

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the federal Family Medical Leave Act and the New York State Paid Family Leave Act (where these are applicable) may entitle an employee leave. (See above: Family Medical Leave Act and Paid Family Leave.)

Pregnancy discrimination.

No decision regarding hiring, firing or the terms, condition and privileges of employment may be based on the fact that an applicant or employee is pregnant or has recently given birth. A pregnant individual may not be compelled to take a leave of absence unless pregnancy prevents that individual from performing the duties of the job in a reasonable manner.⁶⁵ Disability discrimination may also be implicated where discrimination is based on limitations or perceived limitations due to pregnancy.

Reasonable accommodation of pregnancy-related conditions.

Any medical condition related to pregnancy or childbirth that does prevent the performance of job duties entitles the individual to reasonable accommodation, including time off consistent with the medical leave policies applicable to any disability. The mere fact of being pregnant does not trigger the requirement of accommodation. But, any condition that “inhibits the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques”⁶⁶ must be accommodated, when necessary, to allow the employee to perform the essential functions of the job.

An agency may require a doctor’s note to substantiate the request but must maintain the confidentiality of an employee’s medical information. The Human Rights Law requires that the employee cooperate in providing medical or other information needed to verify the pregnancy-related condition, or that is otherwise necessary for consideration of the accommodation.⁶⁷ (See above: Disability.)

While pregnancy-related conditions are treated as temporary disabilities for purposes of applying existing regulations under the Human Rights Law, pregnancy-related conditions need not meet any definition of disability to trigger an employer’s obligation to accommodate under the law. Any medically-advised restrictions or needs related to pregnancy will trigger the need to accommodate, including such things as the need for extra bathroom breaks, or increased water intake.

Parental leave.

Any parent of a newborn child, a newly adopted child, or a sick child is entitled to available child care leave without regard to the sex of the parent. Only the woman who gives birth, however, is entitled to any medical leave associated with pregnancy, childbirth and recovery.

⁶⁵ Human Rights Law § 296.1(g) and § 296-c(2)(e).

⁶⁶ Human Rights Law § 292.21-f.

⁶⁷ Human Rights Law § 296.3.

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In general, the State as an employer cannot take adverse action against employees who take qualifying medical leave for the birth or adoption of a child, for their own serious health condition, or to care for a family member with a serious health condition which qualifies under the federal Family and Medical Leave Act.⁶⁸ The Act entitles eligible employees to take up to a total of 12 weeks of unpaid leave during a calendar year.

PRIOR ARREST RECORDS, YOUTHFUL OFFENDER ADJUDICATIONS AND SEALED RECORDS

It is an unlawful discriminatory practice for an employer to make any inquiry about any arrest or criminal accusation of an individual, not then pending against that individual, which has been resolved in favor of the accused or resolved by a youthful offender adjudication or resulted in a sealed conviction. It is unlawful to require any individual to divulge information pertaining to any such arrest or criminal accusation or to take any adverse action based on such an arrest or criminal accusation.

Statutory protection.

This protection is provided by Human Rights Law § 296.16.

What is unlawful?

It is generally unlawful to ask an applicant or employee whether he or she has ever been arrested or had a criminal accusation filed against him or her. It is also generally unlawful to inquire about youthful offender adjudications or sealed records. It is **not** unlawful to ask if a person has any currently pending arrests or accusations. It is also not unlawful to inquire about convictions. (See below: Previous Conviction.)

It is generally unlawful to require an individual to divulge information about the circumstances of an arrest or accusation no longer pending. In other words, the employer cannot demand information from the individual accused in order to “investigate” the circumstances behind an arrest. It is **not** unlawful to require an employee to provide information about the outcome of the arrest, i.e. to demonstrate that it has been terminated in favor of the accused. The agency may be able to take action against an employee for the conduct that led to the arrest but Human Rights Law §296.16 provides that no person “shall be required to divulge information” pertaining to the arrests resolved as set out below.

Pending arrest or accusation.

As long as an arrest or criminal accusation remains pending, the individual is not protected. The agency may refuse to hire or may terminate or discipline the employee

⁶⁸ 29 U.S.C. § 2601 et seq.

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in accordance with applicable law or collective bargaining agreement provisions. The agency may also question the employee about the pending arrest or accusation, the underlying circumstances, and the progress of the matter through the criminal justice system.

However, if the employee is arrested while employed, is not terminated by the employer, and the arrest is subsequently terminated in favor of the employee, the employee then becomes protected. After a favorable termination, the employer cannot initiate an adverse action against the employee based on the arrest and cannot question the employee about the matter. The employer can require that the employee provide proof of the favorable disposition in a timely manner.

What specific circumstances are protected?

The arrest or criminal accusation must have been:

- dismissed, pursuant to Criminal Procedure Law § 160.50;
- disposed of as a youthful offender adjudication, pursuant to Criminal Procedure Law § 720.35;
- resulted in a conviction for a violation, which was sealed pursuant to Criminal Procedure Law § 160.55; or
- resulted in a conviction, which was sealed pursuant to Criminal Procedure Law § 160.58 or § 160.59.

Sealed records.

Whether or not a record is sealed is a factual question. Many records that could be sealed are not in fact sealed. Sealing a record requires that the court specifically order that the record be sealed. The applicant or employee is responsible to know the status of a sealable conviction. If it is not in fact sealed, then it is a conviction record that can be required to be disclosed. (See below: Previous Conviction.)

Exceptions.

The Human Rights Law explicitly states that arrest inquiries, requests for information, or adverse actions may be lawful where such actions are “specifically required or permitted by statute.”⁶⁹

These provisions do not apply to an application for employment as a police officer or peace officer.⁷⁰

The provisions do not fully apply to an application for employment or membership in any law enforcement agency. For those positions, arrests or criminal accusations that are dismissed pursuant to Criminal Procedure Law § 160.50 may not be subject to inquiry, demands for information, or be the basis of adverse action. However, the other types of

⁶⁹ Human Rights Law § 296.16; see e.g. Civil Service Law § 50(4).

⁷⁰ Police and peace officer as defined in Criminal Procedure Law §§ 1.20 and 2.10, respectively.

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terminations (youthful offender adjudication or sealed convictions) may be inquired into and taken into consideration for jobs with law enforcement agencies.

PREVIOUS CONVICTION RECORDS

It is unlawful to deny any license or employment, to refuse to hire, or terminate, or take an adverse employment action against an applicant or employee, by reason of his or her having been convicted of one or more criminal offenses, if such refusal is in violation of the provisions of Article 23-A of the Correction Law. The Correction Law provides the standards to be applied and factors to be considered before an employment decision may be based on a previous conviction, including the factor that it is the public policy of the State of New York to encourage the licensure and employment of those with previous criminal convictions

Statutory protection.

This protection is provided by Human Rights Law § 296.15, in conjunction with Article 23-A of the N.Y. Correction Law.

Factors from the Correction Law.

The Correction Law provides that an employer may not refuse to hire, or terminate an employee, or take an adverse employment action against an individual, because that individual has been previously convicted of one or more criminal offenses, or because of a belief that a conviction record indicates a lack of "good moral character," *unless* either there is a direct relationship between one or more of the previous criminal offenses and the specific employment sought or held, or employment of the individual would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.⁷¹

In order to determine whether there is either a direct relationship or unreasonable risk (as mentioned above), the employer must apply the factors set forth in the Correction Law, as follows:

- (a) The public policy of this State, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.

⁷¹ N.Y. Correction Law § 752.

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- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.⁷²

Also, in making the determination, the employer must give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the individual, which creates a presumption of rehabilitation in regard to any offense specified in the certificate.⁷³

The factors must be applied on a case-by-case basis and each of the factors must be considered. The employing agency must take into account the individual's situation by analyzing factors (d) through (g) and must also analyze the specific duties and responsibilities of the job pursuant to factors (b), (c) and (h). If any additional documentation is needed, it must be requested of the applicant or employee before any adverse determination is made. A justification memorandum that merely tracks the statute but without rational application of the factors to the facts of the case may lead to a finding that an adverse determination was arbitrary and capricious.

Conviction must be “previous.”

Individuals are protected for *previous* convictions. A conviction that occurs during employment does not entitle the individual to these protections.

Inquiries and misrepresentation.

Unlike many other areas covered by the Human Rights Law, an employer is not prevented from asking an individual to disclose prior convictions as part of the employment application process or at any time during employment.

If the employer learns at any time that that an applicant or employee has made a misrepresentation with regard to any previous conviction, it may be grounds for denial or termination of employment.⁷⁴

Interaction with the arrest provisions.

The arrest provisions⁷⁵ of the Human Rights Law interact with the conviction provisions. Although it is *lawful to ask* about previous convictions, it is *unlawful to ask* about

⁷² N.Y. Correction Law § 753.1.

⁷³ N.Y. Correction Law § 753.2.

⁷⁴ N.Y. Correction Law § 751; see also Civil Service Law section 50(4).

⁷⁵ Human Rights Law § 296.16.

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previous arrests resolved in an individual's favor, or about youthful offender adjudications, or about convictions that have been sealed pursuant to Criminal Procedure Law § 160.55 or § 160.58. If any individual with a youthful offender record or a sealed conviction states that he or she has no previous convictions, this is not a misrepresentation. The employer is not entitled to any information about youthful offender records or sealed convictions. (See above: Prior Arrest.)

Enforcement only by court action.

A State employee or an applicant for State employment cannot file a complaint with the Division of Human Rights regarding previous conviction. An individual can pursue enforcement under the Human Rights Law only by filing an Article 78 proceeding in State Supreme Court.⁷⁶ However, State employees may file complaints with respect to the Prior Arrest provisions of the Human Rights Law with the Division of Human Rights. (See above: Prior Arrest.)

Exceptions.

It is not unlawful to discriminate if, upon weighing the factors set out above, the previous criminal offense bears a direct relationship to the job duties, or if employment of the individual would involve an unreasonable risk to safety or welfare, as explained in more detail above.

An individual may be required to disclose previous convictions, unless they are sealed, as explained in more detail above.

These protections do not apply to "membership in any law enforcement agency."⁷⁷

GENDER IDENTITY

No decision affecting hiring, promotion, firing or a term, condition or privilege of employment shall discriminate on the basis of a person's gender identity, nor shall employees be harassed or otherwise discriminated against on such basis, or perceived basis.

"Gender identity" means an individual's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex or gender assigned to an individual at birth.

⁷⁶ N.Y. Correction Law § 755.1.

⁷⁷ N.Y. Correction Law § 750.5.

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A transgender person is an individual who has a gender identity different from the sex assigned to that individual at birth.

Gender dysphoria is a recognized medical condition related to an individual having a gender identity different from the sex assigned at birth.

Statutory protection.

Gender identity is protected under the Human Rights Law as gender identity may form the basis of sex and disability discrimination claims. These protections are explained in regulations promulgated by the Division of Human Rights.⁷⁸ Gender identity discrimination may also be considered sex discrimination under federal law.

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2, reissuing Executive Order No. 33,⁷⁹ which prohibits discrimination in employment by executive branch agencies on the basis of gender identity.

What protection against discrimination is provided by Executive Order?

The Executive Order seeks to root out employment discrimination on the basis of gender identity in order to help attract and retain competent and effective employees.

No State agency, employee or agent thereof, shall discriminate on the basis of gender identity against any individual in any matter pertaining to employment by the State including, but not limited to, hiring, termination, retention, job appointment, promotion, tenure, recruitment, compensation and benefits, and other terms and conditions of employment. Under the Executive Order, harassment and retaliation based on gender identity are also prohibited. (See below: Harassment and Retaliation.) All complaints alleging harassment and retaliation under Executive Order 33 can be made under an agency's internal discrimination complaint procedure.

The prohibition on gender identity discrimination extends to actions based upon an individual's actual or perceived gender identity. While gender identity discrimination can take many forms, it includes, but is not limited to, unwelcome verbal or physical conduct, such as derogatory comments, jokes, graffiti, drawings or photographs, touching, gestures, or creating or failing to remedy a hostile work environment.

What protection against discrimination is provided by the Human Rights Law?

The term "sex" when used in the Human Rights Law includes gender identity and the status of being transgender and either basis is sex discrimination. Harassment on either basis qualifies as sexual harassment. (See above: Sex Stereotyping.)

⁷⁸ 9 N.Y.C.R.R. § 466.13

⁷⁹ Issued by Gov. David A Paterson on December 16, 2009.

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The term “disability” when used in the Human Rights Law includes gender dysphoria or other condition meeting the definition of disability in the Human Rights Law and discrimination on that basis is disability discrimination. Refusal to provide reasonable accommodation for persons with gender dysphoria, where requested and necessary, and harassment of persons with gender dysphoria are also disability discrimination. (See above: Disability.)

GENERAL PROHIBITIONS

Harassment

Harassment that creates a hostile work environment, based on the protected categories discussed in this Handbook, is unlawful pursuant to the Human Rights Law. (See above: Sexual Harassment.) State employees and interns are entitled to a work environment which promotes respect for all, and actions that demonstrate bias, harassment, or prejudice will not be tolerated.

Harassment consists of words, signs, jokes, pranks, intimidation or physical violence that is directed at an employee or intern because of his or her membership in any protected class, or perceived class. It also includes workplace behavior that is offensive and based on stereotypes about a particular protected group, or which is intended to cause discomfort or humiliation on the basis of protected class membership.

Harassment is unlawful when it becomes severe or frequent enough to alter the terms or conditions of an individual’s employment or internship.

Appropriate supervision is not harassment.

Normal workplace supervision, such as enforcing productivity requirements, requiring competent job performance, or issuing disciplinary warnings or notices, is *not* harassment. If these actions are imposed on the basis of protected class membership, then this may be discrimination in the terms, condition or privileges of employment.

Harassment by a non-employee.

The employing agency has the duty to prevent harassment in the workplace including harassment by non-employees, such as vendors, consultants, clients, customers, visitors or interns.

Harassment of non-employees.

Non-employees in the workplace, who are performing work under contract, are explicitly protected from sexual harassment by Human Rights Law § 296-d.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

In accord with statewide policy, employees and interns are subject to discipline for harassment of *anyone* in the workplace, including contractors, clients, vendors, or any members of the public.

Harassment must be reported.

The employing agency is not responsible for harassment by co-workers or non-employees, unless the agency knows about the harassment and fails to take appropriate steps to correct the situation. Harassment should be reported to a supervisor, manager, human resources officer, or EEO officer. The individual who reports harassment, or who is experiencing the harassment, needs to cooperate with any investigation into the harassment so that a full and fair investigation can be conducted, and any necessary remedial action can be promptly undertaken.

An employee with supervisory responsibility has a duty to report harassment that he or she observes or otherwise knows about. A supervisor who has received a report of harassment from an employee or intern has a duty to report it to management, even if the employee or intern who complained has asked that it not be reported. Any harassment or potential harassment that is observed must be reported, even if no one is complaining about it.

Harassment must be investigated and appropriate corrective action taken.

The employer has the duty to investigate any report of harassment. If it is determined that the harassing behavior is occurring, the employing agency has a duty to take prompt and effective corrective action to stop the harassment and take such other steps as are appropriate.

Unlawful Inquiries

It is an unlawful discriminatory practice for an employer to print, circulate, or use any form of application, or to make any inquiry which expresses directly or indirectly, any limitation, specification or discrimination as to any protected class, unless based upon a bona fide occupational qualification.⁸⁰

Even if an inquiry is not asked with the apparent intent to express a limitation, it can become evidence of discriminatory intent in a subsequent action, by creating an appearance of discriminatory motivation. Those interviewing candidates for State positions or promotions should exercise extreme caution so as not to ask any unnecessary question or make any comment that could be interpreted as expressing a discriminatory motivation. This is simply a good employment practice.

Information gathered in furtherance of an affirmative action plan may be lawful, so long as the affirmative action is pursued in a lawful manner (which is beyond the scope of

⁸⁰ Human Rights Law § 296.1(d) and § 296-c(2)(c).

EMPLOYEE RIGHTS AND RESPONSIBILITIES

this booklet). Information on protected class membership which is collected for statistical purposes should be retained separately from a candidate's other information.

Retaliation

Retaliation by an employer is unlawful pursuant to the Human Rights Law and the Civil Service Law.⁸¹ The federal statutes mentioned in this handbook also prohibit retaliation.

The Human Rights Law protects any individual who has filed a complaint, testified or assisted in any proceeding under the Law, as well as one who has opposed any practices forbidden by the Law. Even if the practices the individual has opposed are not in fact a violation of the Human Rights Law, the individual is protected if he or she had a good faith belief that the practices were unlawful.

Division or court proceedings.

A complainant or witness is absolutely protected against retaliation for any oral or written statements made to the Division or a court in the course of proceedings, regardless of the merits or disposition of the underlying complaint.

Opposing discriminatory practices.

Opposing discriminatory practices includes filing an internal complaint of discrimination with the employing agency or reporting discriminatory actions to a supervisor or other appropriate person, either verbally or in writing. It also includes complaining that another person's rights under the Law were violated or encouraging a fellow employee to report unlawful discriminatory practices.

However, behaving inappropriately towards a person deemed to be engaged in discrimination or harassment does not constitute protected opposition to unlawful practices. Employees should instead complain to a supervisor, manager, human resources officer, or EEO officer.

There is no protection for a person who opposes practices the person finds merely distasteful or wrong, despite having no reasonable basis to believe those practices were in violation of the Law or State policy. Furthermore, the retaliation provision is not intended to protect persons making false charges of discrimination.

Adverse employment action.

Retaliation occurs when an adverse action or actions is taken against the employee by the employer. The action need not be job-related or occur in the workplace. Unlawful retaliation can be any action, more than trivial, that would have the effect of dissuading a reasonable worker from making or supporting a charge of discrimination.

⁸¹ Human Rights Law § 296.7; see also Civil Service Law § 75-B, which gives protection to "whistleblowers."

EMPLOYEE RIGHTS AND RESPONSIBILITIES

Actionable retaliation by an employer can occur after the individual is no longer employed by that employer. This can include giving an unwarranted negative reference for a former employee.

An adverse action is not retaliatory merely because it occurs after the employee engaged in protected activity. Employees continue to be subject to all job requirements and disciplinary rules after having engaged in such activity. In order to make a claim of retaliation, the individual must be able to substantiate the claim that the adverse action was retaliatory.

Interns

Paid interns are employees, and all provisions relating to employees explained in this document apply to paid interns. Unpaid interns are explicitly protected by Human Rights Law § 296-c, and are entitled to the same protections as employees, in most areas, wherever § 296-c is referenced in the sections above.

Unpaid interns are protected from discrimination in hiring, discharge, or the terms, conditions or privileges of employment as an intern because of the intern's age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status, or domestic violence victim status. Unpaid interns are also explicitly protected from harassment.

Political Activities

The Civil Service Law provides that no appointment or selection or removal from employment shall relate to the political opinions or affiliations of any person. No person in the civil service of the State is under any obligation to contribute to any political fund or render any political service and no person shall be removed or otherwise prejudiced for refusing to do so. No person in the civil service shall discharge or promote or reduce or in any manner change the rank or compensation of another for failing to contribute money or any other valuable thing for any political purpose. No person in the civil service shall use his or her official authority or influence to coerce the political action of any person or body or to interfere with any election.⁸² This law is enforced by the New York State Joint Commission on Public Ethics. Complaints regarding this provision should not be filed with the Division of Human Rights.

Diversity

New York State is committed to a nondiscriminatory employment program designed to meet all the legal and ethical obligations of equal opportunity employment. Each department develops affirmative action policies and plans to ensure compliance with equal opportunity laws. To assist in building cooperative work environments, which

⁸² Civil Service Law § 107.

EMPLOYEE RIGHTS AND RESPONSIBILITIES

welcome an increasingly diverse workforce, the Department of Civil Service Staffing Services Division, and courses on diversity in the workplace, are available to agencies through the Governor's Office of Employee Relations (GOER). Contact your personnel office for more information about specific agency affirmative action policies and plans. Diversity training information is available under Training & Development on the GOER website at www.goer.ny.gov.

Reporting Discrimination Complaints Internally

As noted throughout this Handbook, any employee who has been subjected to any discrimination, bias, prejudice, harassment or retaliation, based on any of the protected classes covered by the Handbook, should promptly report the matter to his or her supervisor or manager, to the agency's human resources department, or to the Equal Opportunity Officer (also referred to as Affirmative Action Officer) assigned to the agency.

Each agency has policies and procedures in place to respond to such complaints and can advise employees as to appropriate steps to take pursuant to the agency's procedures. All agency procedures are designed to ensure that the State's anti-discrimination policies are followed, including the State's policies forbidding retaliation, as set out above. All agency procedures provide for a prompt and complete investigation as to the complaint of discrimination, and for prompt and effective remedial action where appropriate. These policies and procedures, and discrimination complaint form, should be available on your agency's intranet site or employee handbook. If you cannot locate them, please contact your supervisor or manager, the agency's human resources department, or the EEO officer assigned to the agency and they will assist you in obtaining this information.

Pursuing Discrimination Complaints Externally

Agency policies and procedures are intended to address all complaints of discrimination within the agency. They are not intended to satisfy, replace or circumvent options available to employees through negotiated union contracts; federal, state or other civil rights enforcement agencies; and/or the judicial system. Thus, the use of these internal complaint procedures will not suspend any time limitations for filing complaints set by law or rule and will not fulfill any other requirements set by law or rule.

Employees are not required to pursue their agency's internal complaint procedure before filing a complaint with any agency or with a court, based on federal or state or local law (though as mentioned previously, an agency may not be held responsible for harassment by coworkers if it was not made aware of the harassment).

Listed throughout the Handbook are citations to the various laws that pertain to discrimination. Employees may be able to file complaints pursuant to these laws with administrative agencies and/or in court. There may also be additional remedies

EMPLOYEE RIGHTS AND RESPONSIBILITIES

available to employees, and employees may wish to seek an attorney's advice prior to determining appropriate steps to take.

The following agencies can provide information to employees and receive and investigate complaints of employment discrimination pursuant to the New York State Human Rights Law (State Division of Human Rights) or Title VII, ADEA, ADA or GINA (U.S. Equal Employment Opportunity Commission).

- New York State Division of Human Rights ("SDHR")
Website: www.dhr.ny.gov
Telephone: (888)392-3644
TTY number: (718)741-8300
- United State Equal Employment Opportunity Commission ("EEOC")
Website: www.eeoc.gov
Telephone: (800)669-4000
TTY number: (800)669-6820

NOTE

This Handbook has been prepared for the general information of State employees as a summary of the various federal and state laws, executive orders, and policies that provide protection from discrimination for State employees and comprises the anti-discrimination policy of the State of New York. Employees should also refer to specific laws and executive orders, together with any employee manual and policies of their employing agency for any additional policies and protections that may apply to them.

This Handbook does not grant any legal rights to any employee, nor is it intended to bind the State in any way. Where there is a conflict between any law, regulation, order, policy or collective bargaining agreement and the text of this Handbook, such law, regulation, order, policy or agreement shall be controlling.

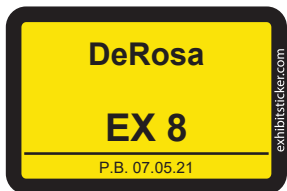
The State reserves the right to revise, add to, or delete any portion of this Handbook at any time, in its sole discretion, without prior notice to employees. Moreover, this Handbook is not intended to, and does not create any right, contractual or otherwise, for any employee, not otherwise contained in the particular law or executive order the Handbook summarizes.

This Handbook has been written so as to not conflict with any collective bargaining agreement that the State has entered into with any union representing its unionized employees. If there is any conflict between this Handbook and any collective bargaining

EMPLOYEE RIGHTS AND RESPONSIBILITIES

agreement, the provisions of the collective bargaining agreement will control. This Handbook shall not constitute a change in any existing term and condition of employment.

From: [REDACTED] Melissa Derosa
To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Alphonso David; [REDACTED]
Linda Lacewell; [REDACTED]@gmail.com Jill DesRosiers (owner)
TimeStamp: 07/26/18 07:39:12 AM
Attachments: ~/Library/SMS/Attachments/50/00/F4BE6AFD-F734-4C7B-A360-D9938F11A6BF/IMG_3712.jpeg





Lindsey



if you need me.

Delivered

Yesterday 9:07 PM

I don't mind tough days at all. I like very much working hard for the things I believe in. What I really cannot deal with is that kind of call when I've done nothing wrong.

Today 7:36 AM

I'm not sure why Alphonso couldn't pick up the phone or ask me himself. What I said and why I was asking him Alphonso to join the meeting. That's not a team. That's either because he is afraid of me or doesn't respect me. This is after I had already been read the riot act by Jill.



iMessage



From: [REDACTED] Alphonso David

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Melissa Derosa; [REDACTED]
Linda Lacewell [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 07:42:41 AM

I am not doing this. She is certifiably crazy. One day is one person the next day it is someone else.

From: [REDACTED] Linda Lacewell

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Melissa Derosa [REDACTED]
Alphonso David; [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 07:51:09 AM

Oof

From: [REDACTED] Linda Lacewell

To: [REDACTED] Jill DesRosiers (owner) [REDACTED] Melissa Derosa [REDACTED]
Alphonso David; [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 07:53:50 AM

She said she would call me today. I will ping her later and see if I can get her focused on moving forward without playing into her drama.

From: [REDACTED] Melissa Derosa
To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Alphonso David; [REDACTED]
Linda Lacewell [REDACTED]@gmail.com Jill DesRosiers (owner)
TimeStamp: 07/26/18 07:56:40 AM
Attachments: ~/Library/SMS/Attachments/e0/00/17152722-0802-4D39-AA9C-02A8DED84E26/IMG_3714.jpeg



Lindsey

the things I believe in. What I really cannot deal with is that kind of call when I've done nothing wrong.

Today 7:36 AM

I'm not sure why Alphonso couldn't pick up the phone or ask me himself. What I said and why I was asking him Alphonso to join the meeting. That's not a team. That's either because he is afraid of me or doesn't respect me. This is after I had already been read the riot act by Jill.

I'm either actually a part of the team or I'm not. And having the three most senior people call me and bitch me out isn't being part of the team. That's how I feel.



iMessage



From: [REDACTED] Linda Lacewell

To: [REDACTED] Jill DesRosiers (owner) [REDACTED] Melissa Derosa [REDACTED]
Alphonso David; [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 07:57:45 AM

Um ... when 3 people are saying the same thing to you who's wrong lol

From: [REDACTED] Linda Lacewell

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Melissa Derosa; [REDACTED]
Alphonso David; [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 08:49:48 AM

Talked to her

From: [REDACTED] Linda Lacewell

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Melissa Derosa [REDACTED]
Alphonso David; [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 08:49:57 AM

Not sure of outcome

From: [REDACTED] Linda Lacewell

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Melissa Derosa; [REDACTED]
Alphonso David; [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 08:50:06 AM

But she didn't say it's over

From: [REDACTED] Melissa Derosa

To: [REDACTED] Jill DesRosiers ([REDACTED] Alphonso David; [REDACTED]
Linda Lacewell [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 07/26/18 10:57:44 AM

Do we know if she came in?

From: [REDACTED] Jill DesRosiers (owner)
To: [REDACTED] Melissa Derosa; [REDACTED] Alphonso David; [REDACTED] Linda
Lacewell [REDACTED]@gmail.com Jill DesRosiers (owner)
TimeStamp: 07/26/18 11:00:29 AM

She emailed me and asked for my phone number but hasn't called me

Alphonso David

From: Alphonso David
Sent: Thursday, September 20, 2018 2:41 PM
To: Melissa DeRosa
Cc: Linda Lacewell; Jill DesRosiers
Subject: RE: I have to jump off call I apologize can someone fill in for our SOTS

Privileged and confidential
Attorney client communication
Attorney work product

We manage all allegations/claims using the same process and applying the same standard. Accordingly, given that this was independently forwarded to counsel's office, we have already begun compiling information regarding this and other allegations regarding this employee. Thanks.

Alphonso

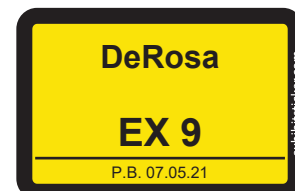
From: Melissa DeRosa
Sent: Thursday, September 20, 2018 2:34 PM
To: Alphonso David <[REDACTED]@exec.ny.gov>
Cc: Linda Lacewell <[REDACTED]@exec.ny.gov>; Jill DesRosiers <[REDACTED]@exec.ny.gov>
Subject: FW: I have to jump off call I apologize can someone fill in for our SOTS

Alphonso pls create a file for lindsey
Pls put this in it

From: [REDACTED]
Sent: Wednesday, September 19, 2018 3:55 PM
To: Linda Lacewell <[REDACTED]@exec.ny.gov>; Melissa DeRosa <[REDACTED]@exec.ny.gov>; Jill DesRosiers <[REDACTED]@exec.ny.gov>
Subject: Fw: I have to jump off call I apologize can someone fill in for our SOTS

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Lindsey Boylan <[REDACTED]@exec.ny.gov>
Sent: Wednesday, September 19, 2018 12:21 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: I have to jump off call I apologize can someone fill in for our SOTS



From: [REDACTED] Melissa Derosa
To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Rich Azzopardi; [REDACTED] Anrabel Walsh; [REDACTED] Stephanie Benton; [REDACTED] Jim Malatras; [REDACTED] Dani
Lever [REDACTED] Robert Mujica; [REDACTED] Beth Garvey; [REDACTED] Peter Ajemian; [REDACTED]@gmail.com Jill DesRosiers (owner)
TimeStamp: 04/20/19 06:17:34 PM
Attachments: ~/Library/SMS/Attachments/d8/08/D2BA4FE9-367D-437B-9BF4-A76AE792D8CA/IMG_1214.jpeg



----- Forwarded message -----
From: Lindsey [Redacted in Original Production]
Date: Thu, Feb 28, 2019 at 11:31 AM
Subject: Re: [Redacted in Original Production]
To: [Redacted in Original Production]

I'm sorry you feel this way [Redacted in Original Production] and I'm sorry that you feel it's necessary and appropriate to try and diminish and scare me in this way. It is not.

It's not why I'm running but a serious consideration for why I feel it's important now - to prevent a few people like you from swaying power over everything and everyone regardless of the democratic process.

It is good to know you will use your resources against me - it's unfortunate that some people who I have great respect for will try to diminish what I am about, who I am, and why I am doing this to begin with.

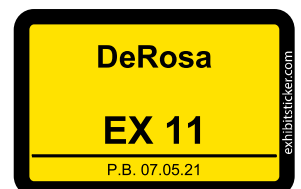
It's about my [Redacted in Original Production] future.

On Thu, Feb 28, 2019 at 11:27 AM [Redacted in Original Production] wrote:

I was disappointed to read that you floated your name as a primary opponent to Jerry Nadler. It is a shame that you did not listen to me. Of course, I am totally behind Nadler. If you run, I seriously doubt you will reach the 11% level his last opponent did. And unfortunately you may have seriously impaired any realistic chance to run for the other offices you were considering.

From: [REDACTED] Stephanie Benton
To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Annabel Walsh; [REDACTED]
Melissa Derosa [REDACTED]@gmail.com Jill DesRosiers (owner)
TimeStamp: 11/06/19 05:42:08 PM

Hiya. Who can go with MCU tomorrow?



From: [REDACTED] Annabel Walsh

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Stephanie Benton; [REDACTED]
Melissa Derosa; [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 11/06/19 05:42:43 PM

To Puerto Rico or to the plane ?

From: [REDACTED] Stephanie Benton
To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Annabel Walsh; [REDACTED]
Melissa Derosa; [REDACTED]@gmail.com Jill DesRosiers (owner)
TimeStamp: 11/06/19 05:42:56 PM

PR

From: [REDACTED] Annabel Walsh

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Stephanie Benton; [REDACTED]
Melissa Derosa [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 11/06/19 05:43:47 PM

I mean I assume me because we can't work Charlotte too hard and [REDACTED] Staffer #3 is working on 57 ppts

From: [REDACTED] Annabel Walsh

To: [REDACTED] Jill DesRosiers (owner); [REDACTED] Stephanie Benton; [REDACTED]
Melissa Derosa [REDACTED]@gmail.com Jill DesRosiers (owner)

TimeStamp: 11/06/19 05:47:42 PM

I'm buying a ticket and I can change it to whomever but okay to go forward w def buying it?

Start Date February 23, 2017 7:00:10 PM UTC

End Date February 23, 2017 7:01:37 PM UTC

Chat Account t Melissa DeRosa <[REDACTED] (Sms)>, [REDACTED], Melissa DeRosa <[REDACTED] (IMessage)>, Annabel Walsh <[REDACTED] (Mms)>, [REDACTED] (Sms), Jill DesRosiers <[REDACTED] (Mms)>, Melissa DeRosa <[REDACTED] (Mms)>, Jill DesRosiers <+[REDACTED] (IMessage)>, [REDACTED] (IMessage), Jill DesRosiers <[REDACTED] (Sms)>, Annabel Walsh <[REDACTED] (Sms)>, [REDACTED] (Mms), Melissa DeRosa <[REDACTED]>, Annabel Walsh <[REDACTED] (IMessage)>, Annabel Walsh <[REDACTED]>, Jill DesRosiers <[REDACTED]>

Melissa DeRosa <[REDACTED] (Sms)>

 I just yelled at [REDACTED] 19:00:10

This is after yelling at sponge this morning 19:00:26

I'm on a real roll 19:00:32

In my defense everyone sucks 19:01:28

(no sender information available)

 LOVE IT. Also this is the wrong [REDACTED] 19:01:30

Yes. 19:01:37





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Settings

Thread

Lindsey Boylan @LindseyBoylan

Most toxic team environment? Working for @NYGovCuomo.

Jerry Avenaim @avenaim · Dec 5, 2020
Name the worse job you've ever had.

1:00 PM · Dec 5, 2020 · Twitter for iPhone

1,252 Retweets 311 Quote Tweets 9,293 Likes



Lindsey Boylan @LindseyBoylan · Dec 5, 2020
Replying to @LindseyBoylan
I've had many jobs. Waitressing at @Friendlys as a teenager was an infinitely more respectful environment. Even when I had bad customers who tipped poorly.

24 54 884

Lindsey Boylan @LindseyBoylan · Dec 5, 2020
If people weren't deathly afraid of him, they'd be saying the same thing and you'd already know the stories.

26 85 1K

Lindsey Boylan @LindseyBoylan · Dec 5, 2020
Seriously, the messages and texts I receive when I speak the truth about this...it's a whole book of people who have been harmed.

9 53 860

Lindsey Boylan @LindseyBoylan · Dec 5, 2020
Don't be surprised that it's the same small group of white people sitting alongside him at every presser. The same group that he has had by him the whole time, doing his dirty work. If you're not one of those handful, your life working for him is endlessly dispiriting.

13 70 914

Lindsey Boylan @LindseyBoylan · Dec 5, 2020
I tried to quit three times before it stuck. I've worked hard my whole life. Hustled - fake it till you make it style.

That environment is beyond toxic. I'm still unwrapping it years later in therapy!

20 39 776

Lindsey Boylan @LindseyBoylan · Dec 5, 2020
And I'm a privileged person. I could opt out and eventually did. I shudder to think what happens to others. It pisses me off so much.

7 26 672

Lindsey Boylan @LindseyBoylan · Dec 5, 2020
Yes I did not sign whatever they told me to sign when I left. Nope!

29 30 936

Marcella L. Simonetta @marcellalaluna · Dec 5, 2020

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Relevant people

Lindsey Boylan @LindseyBoylan
Mom. Progressive P
4 a Livable City. Fm
& Urban Planner. C
Manhattan Boroug

Andrew Cuomo @NYGovCuomo
Father, fisherman, n
enthusiast, 56th Go

Jerry Avenaim @avenaim
Award winning pho
Fashion, Celebrity, /
-Chicago Native -Lc
Mental Health Advc

What's happening

Entertainment · LIVE
Happy birthday, Tom Holla
Trending with Tom Holland

Music · Trending
JUST ANNOUNCED
17K Tweets

Trending in United States
HELP THE BEAR
People react to a viral TikTok
fearlessly pushing a bear awa
before running inside to pro
4,843 Tweets

COVID-19 · LIVE
**New York: COVID-19: New
updates for New York**

Holidays · 1 hour ago
**Pride Month celebrations k
across the world**
Trending with #pride LGBTQ

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Don't miss what's happening

People on Twitter are the first to know.

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Lindsey Boylan @LindseyBoylan · Dec 8, 2020
Yesterday was an extremely weird day, responding to the news world finally waking up about the whispers they have heard about @NYGovCuomo over the years. It's worse than the gossip, by far.

My hope is he is on notice and won't harm more people, especially women.
22 174 1.1K

Lindsey Boylan @LindseyBoylan · Dec 8, 2020
I have very important work to do getting elected so I can help my city recover and my people be heard.

I will not be spending my days responding to the trauma men like @NYGovCuomo have caused every day in power.

Instead I'm getting back to my work.
4 20 265

Lindsey Boylan @LindseyBoylan · Dec 8, 2020
But, you better believe I'll be listening to what I hear out there, @NYGovCuomo. And if other women decide to come forward I will back them up and elaborate.

For now, I am getting back to my important work that made me willing to live in hell so long working for you.

5 40 335

Lindsey Boylan @LindseyBoylan · Dec 8, 2020
When we let our abusers, or onlookers, dictate the conversation we lose. I will not be stopped. I will not be deterred. I will not be minimized and truncated in history as someone that was victimized by a famous and powerful man the world kept elevating.

I will fight.
20 55 442

Replies

D'Abbey-Bonacci @lordgrand7 · Dec 8, 2020
Replying to @LindseyBoylan and @NYGovCuomo
I hope things go well for you @LindseyBoylan. There are women across the globe that have suffered trauma from powerful men. Sadly, it's an enduring reality for too many women. I don't know your story, but I'm acutely aware what trauma inflicted by powerful men can do. Stay strong

1 2 27

Sandra Rios @sabulosaa · Dec 8, 2020
Replying to @LindseyBoylan and @NYGovCuomo
?????? unbelievable #StrongerTogether

3

Roger @Roger2dot0 · Dec 8, 2020
Replying to @LindseyBoylan @es_indivisible and @NYGovCuomo
What are you talkin about?

1

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Relevant people

Lindsey Boylan @LindseyBoylan
Mom. Progressive M
4 a Livable City. Fmi
& Urban Planner. C
Manhattan Borough

Andrew Cuomo @NYGovCuomo
Father, fisherman, n
enthusiast, 56th Go

What's happening

Music · LIVE
It's Travis Scott's birthday
Trending with Travis Scott, Astro

Trending in United States
BOYFRIEND REVEAL
4,131 Tweets

Trending in United States
Josh Duggar
Former reality television star
arrested by federal agents in
Thursday, TMZ reports
Trending with 19 Kids and Count

COVID-19 · LIVE
COVID-19: News and updat
New York

The New York Times · Ye:
'Disaster Girl' is 21 now an
made \$500,000 off the me

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Ads info More ... © 2021 Twit

Don't miss what's happening

People on Twitter are the first to know.

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Lindsey Boylan @LindseyBoylan

My first experience of workplace sexual harassment was when my mom got her first real office job after graduating from college when I was in high school.

She was so excited to be taken "seriously." Her bossed isolated her and kissed her. She never had that type of job again.

8:49 AM · Dec 13, 2020 · Twitter for iPhone

1,085 Retweets 375 Quote Tweets 7,614 Likes



Lindsey Boylan @LindseyBoylan · Dec 13, 2020
Replying to @LindseyBoylan

It was then how I learned how hard it is for women. How hard this world can be for us when we are trying to be taken seriously and help our community. How easily jerks can destroy the lives of women.

58

327

3.7K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

And I promised myself I would never let those kind of guys win. I would work hard my whole life to put myself in positions of power to change things. To end the violence & corruption. Give voice to the voiceless.

I am not stopping. I refuse. I will never give up.

110

378

3.8K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

Yes, @NYGovCuomo sexually harassed me for years. Many saw it, and watched.

I could never anticipate what to expect: would I be grilled on my work (which was very good) or harassed about my looks. Or would it be both in the same conversation? This was the way for years.

2.5K

13.8K

27.6K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

Not knowing what to expect what's the most upsetting part aside from knowing that no one would do a damn thing even when they saw it.

No one.

And I *know* I am not the only woman.

203

1K

7.5K



Lindsey Boylan @LindseyBoylan · Dec 13, 2020

I'm angry to be put in this situation at all. That because I am a woman, I can work hard my whole life to better myself and help others and yet still fall victim as countless women over generations have. Mostly silently.

I hate that some men, like @NYGovCuomo abuse their power.

714

2K

11.1K



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Relevant people



Lindsey Boylan @LindseyBoylan
Mom. Progressive M
4 a Livable City. Fm
& Urban Planner. C
Manhattan Borough

What's happening

World news · Yesterday

**Chinese government says t
first human case of H10N3
flu is unlikely to spread**

Trending in United States

Concorde
1,700 Tweets

Music · Trending

Olamide
24.2K Tweets

COVID-19 · LIVE

**New York: COVID-19: New
updates for New York**

BuzzFeed News · Last nig
**Tulsa Raised Millions of Do
To Memorialize The 1921
Massacre. Not Much Went
The Black Community.**

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Don't miss what's happening

People on Twitter are the first to know.

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Tweet



Lindsey Boylan @LindseyBoylan

To be clear: I have no interest in talking to journalists.

I am about validating the experience of countless women and making sure abuse stops.

My worst fear is that this continues. And as @FKAtwigs said yesterday, my second worst fear is having to talk about and relive this.

10:00 AM · Dec 13, 2020 · Twitter for iPhone

111 Retweets 63 Quote Tweets 1,396 Likes



Chris Bold @fingertrick · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

Sometimes you need to do you. I hope you feel and others are helped by you sharing with your platform.

1



2



Erick From Twitter (Sifting through reality) @Er... · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

Valid point.

Either way, journalists will want to hesitate discussing certain stories like these even when the truth is in front of their face.

That's how others go on to relive certain experiences in the dark.

2



5



Show replies



Marissa Vonáye @marissavonaye_ · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

I believe you of course, but won't it be hard to get around talking about it since you're running for office? Especially since it's a serious allegation against one of the most well-known political figures in the country?



Victims Rights NY PAC @victimsrightsNY · Dec 13, 2020

Replying to @LindseyBoylan and @FKAtwigs

Are there other reports of this? 💔

1



4



Dmkorpiable @korpiable · Dec 13, 2020

Me thinks she has some explaining to do.



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Sign up

Relevant people



Lindsey Boylan @LindseyBoylan

Mom. Progressive M Fighting 4 a Livable Govt Official & Urb Candidate 4 Manha (She/Her)



FKA twigs @FKAtwigs

What's happening

Gaming · LIVE

Summer Game Fest 2021

Trending with Elden Ring, #SummerGameFest

Video games · Trending

Call of Duty

27.6K Tweets

Video games · Trending

IT'S REAL

96.5K Tweets

COVID-19 · LIVE

New York: COVID-19: New updates for New York

The New York Ti... · 2 h

Starbucks is running low on ingredients

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Don't miss what's happening

People on Twitter are the first to know.

Log in

S

< 816

MD JV
2 People >

DeRosa

14


J.T. 070621

Tue, Dec 8, 9:36 AM

Melissa DeRosa

Yesterday was an extremely weird day, responding to the news world finally waking up about the whispers they have heard about @NYGovCuomo over the years. It's worse than the gossip, by far.

My hope is he is on notice and won't harm more people, especially women.

 **Lindsey Boylan**
twitter.com

She went on another crazy tirade

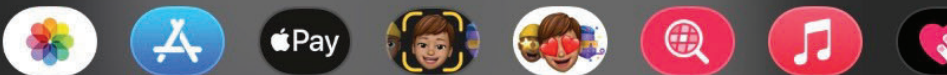
MD This morning

Josh Vlasto

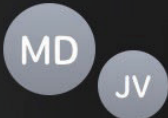
JV This is nuts

Wed, Dec 9, 10:01 AM

iMessage



820



2 People >

Wed, Dec 9, 10:01 AM

Melissa DeRosa



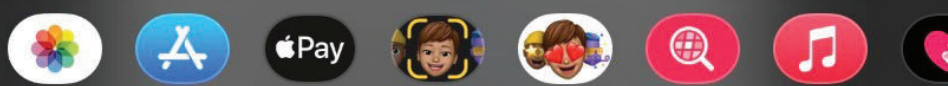
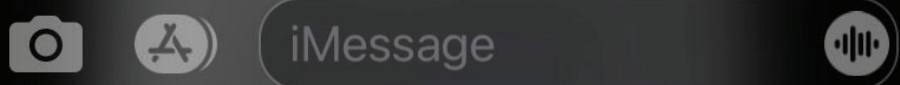
MD Again this morning

Josh Vlasto

JV Unreal

Fri, Dec 11, 8:44 AM

Melissa DeRosa



< 820

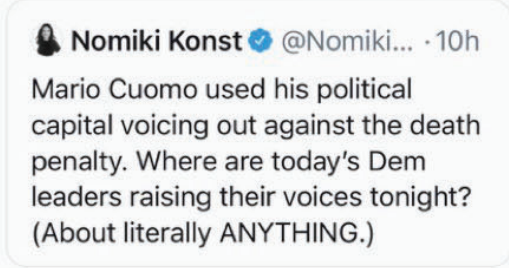
MD JV

2 People >

Fri, Dec 11, 8:44 AM

Melissa DeRosa

Take the son, for example, he wrote a book about his own leadership as thousands die. cc: @NYGovCuomo



Lindsey Boylan @LindseyBoylan

As an aside, his (@NYGovCuomo) office is filled with decoupage pictures and trinkets of himself and his accomplishments each year. He makes his admin staff create them so

MD

Josh Vlasto

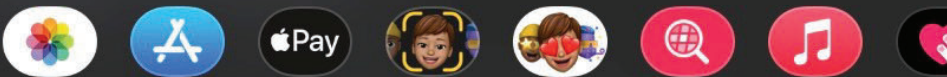
This kind of stuff helps

Because its silly and petty

And won't be taken seriously. She just looks like a nut

JV

iMessage



< 821 MD JV
2 People >

Melissa DeRosa

MD Yeah agree

Fri, Dec 11, 1:55 PM

Melissa DeRosa

iMessage
Today 1:41 PM

Any luck

Chasing a source over there all morning. Will just call Isabel Vincent directly and feel it out

She has nothing. It's off the list. Not running this week

Are they going to keep trying?

Maybe. Her boss is livid and she's known for methodical and tenacious. If pushed, she may keep trying

Apparently everybody trashed Lindsay

And Lindsay never called her back

Calling u
Delivered

Josh Vlasto

JV Call when you can

Camera App Store iMessage Voice



< 821

MD JV
2 People >

Josh Vlasto

JV Call when you can

Tue, Dec 22, 6:10 PM

Melissa DeRosa

MD Do u guys have a cell for ?

Josh Vlasto

JV [Redacted]

Melissa DeRosa

MD Ty

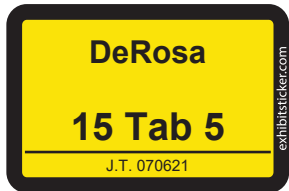
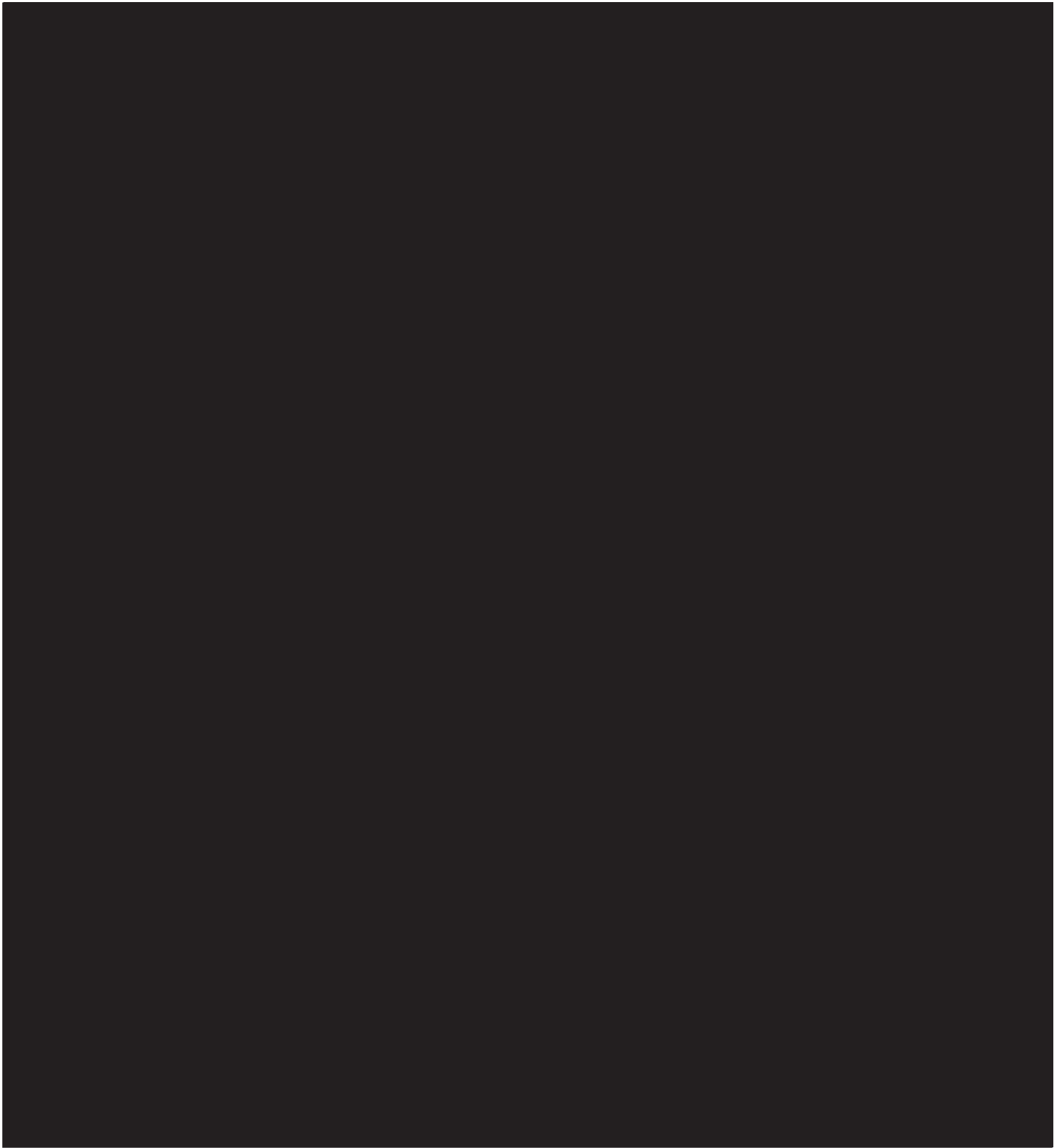
Tue, Mar 2, 4:26 PM

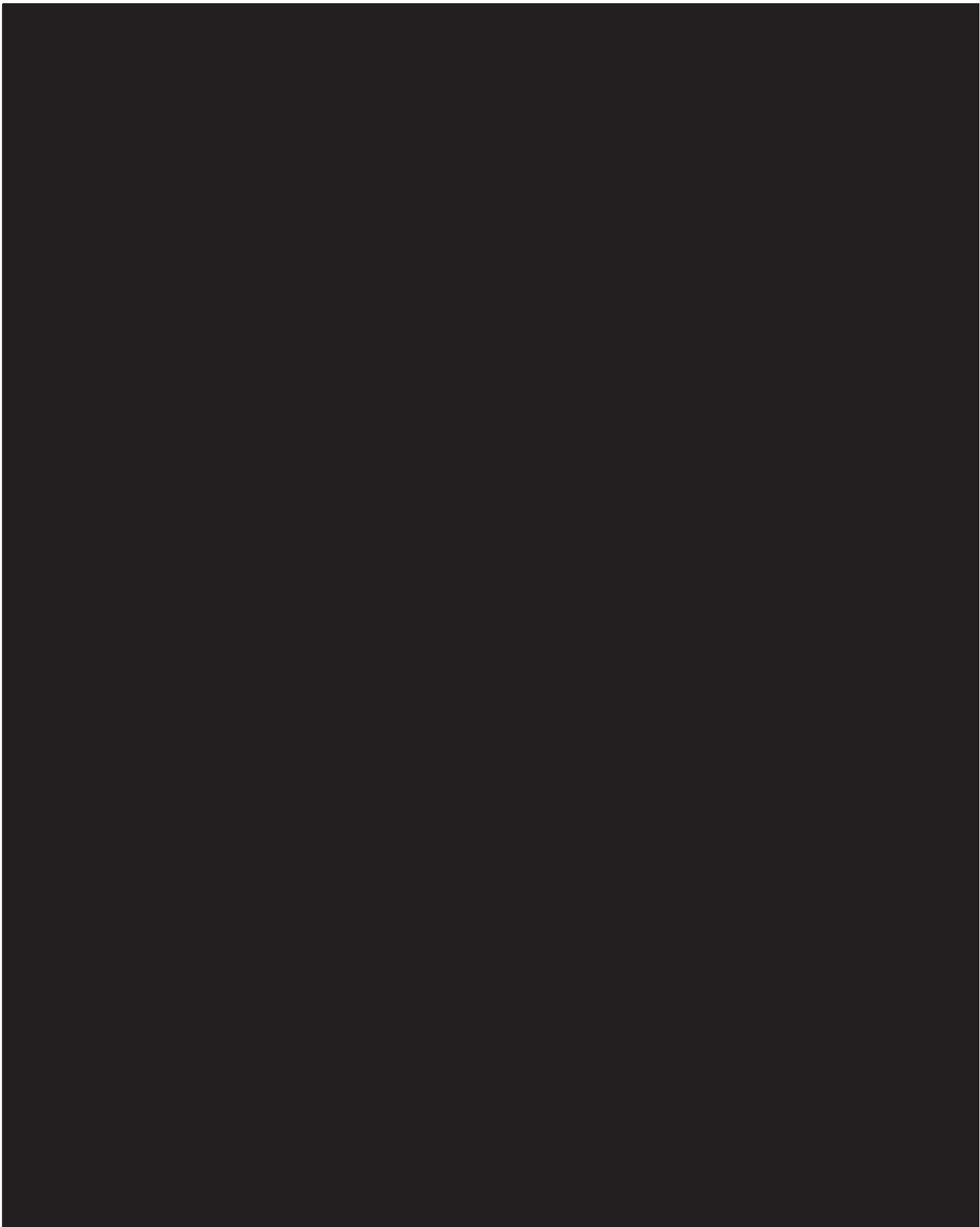
Melissa DeRosa



Camera App iMessage Voice













Memorandum

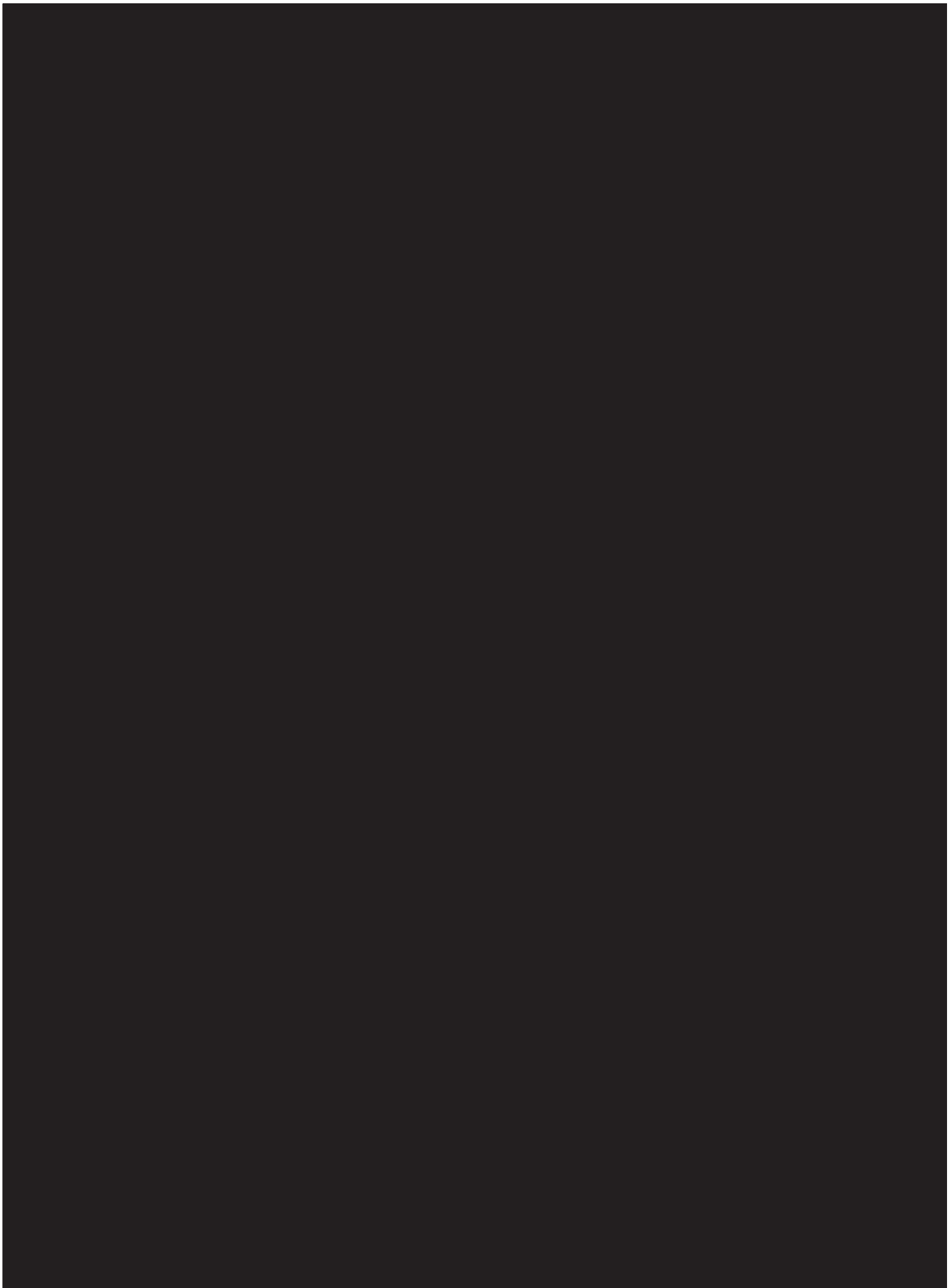
To: Alphonso David, Counsel to the Governor
From: Camille Joseph Varlack, Deputy Director of State Operations,
Chief Risk Officer and Special Counsel
Re: Confidential Personnel Matter
Date: September 20, 2018

On September 20, 2018, I spoke with [REDACTED] and [REDACTED] and [REDACTED] and [REDACTED], of Empire State Development (ESD), respectively. Below please find a summary of my conversation.



Draft/Subject to Change
Privileged & Confidential / Attorney Work Product
Agency Deliberative Communication





















Alphonso David

From: Alphonso David
Sent: Thursday, September 20, 2018 2:41 PM
To: Melissa DeRosa
Cc: Linda Lacewell; Jill DesRosiers
Subject: RE: I have to jump off call I apologize can someone fill in for our SOTS

Privileged and confidential
Attorney client communication
Attorney work product

We manage all allegations/claims using the same process and applying the same standard. Accordingly, given that this was independently forwarded to counsel's office, we have already began compiling information regarding this and other allegations regarding this employee. Thanks.

Alphonso

From: Melissa DeRosa
Sent: Thursday, September 20, 2018 2:34 PM
To: Alphonso David [REDACTED]@exec.ny.gov>
Cc: Linda Lacewell [REDACTED]@exec.ny.gov>; Jill DesRosiers [REDACTED]@exec.ny.gov>
Subject: FW: I have to jump off call I apologize can someone fill in for our SOTS

Alphonso pls create a file for lindsey
Pls put this in it

From: [REDACTED]
Sent: Wednesday, September 19, 2018 3:55 PM
To: Linda Lacewell [REDACTED]@exec.ny.gov>; Melissa DeRosa [REDACTED]@exec.ny.gov>; Jill DesRosiers [REDACTED]@exec.ny.gov>
Subject: Fw: I have to jump off call I apologize can someone fill in for our SOTS

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Lindsey Boylan [REDACTED]@exec.ny.gov>
Sent: Wednesday, September 19, 2018 12:21 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Re: I have to jump off call I apologize can someone fill in for our SOTS





DeRosa

15 Tab 6

J.T. 070621

exhibiticker.com





MEMORANDUM TO FILE

To: Alphonso David, Counsel to the Governor
From: Julia Pinover Kupiec, Assistant Counsel and Chamber Ethics Officer
Date: September 26, 2018
Subject: Employment Counseling for Lindsay Boylan

1. **Purpose**



During the course of this counseling session, Ms. Boylan tendered her resignation voluntarily.



Draft, privileged and confidential - Attorney Client Privileged Communication
Intra-Agency Communication
Memo to File



3. Ms. Boylan's Resignation

During the meeting Mr. David was clear that she was not being asked to resign, fired, or pushed out in any way. In no uncertain terms he said that she was simply being counseled in response to the complaints that have been made about her from multiple sources.

Towards the close of this meeting Ms. Boylan voluntarily tendered her resignation, indicated that she would be leaving the office for the day and consulting with her own counsel regarding her next steps in Executive Chamber. She was clear that she intended to resign but she wished to think through the timing of her departure. Ms. Boylan expressed that she did not feel she could be effective in the Executive Chamber and as a result wished to move on. She expressed that her main priority was to leave her team – consisting of the two deputies she had hired – to be left in good stead in the Executive Chamber and suggested that they be elevated in position and rank here. Mr. David asked that Ms. Boylan advise him when she wished her resignation to be effective and offered the new year as a possibility.

Within four hours of the meeting, Ms. Boylan sent an email to staff within and outside of the Executive Chamber indicating that she had resigned and that her resignation was effective immediately.

I wrote this memorandum on September 26, 2018 based on contemporaneous notes taken during my personal attendance at the above described meeting on September 26, 2018.

/S

Julia Pinover Kupiec

Executive Chamber Ethics Officer





To: Julia Kupiec[REDACTED]@exec.ny.gov]; Camille Varlack[REDACTED]@exec.ny.gov]
From: Alphonso David[O=NYEC/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ADAVID]
Sent: Sun 9/30/2018 12:28:56 PM Eastern Daylight Time
Subject: Lindsey Boyland Follow-up

Privileged and confidential
Attorney client communication
Attorney work product

[REDACTED]

Further, she has notified practically all state employees and many external stakeholders of her voluntary resignation, which was accepted. We will need to think about whether that issue can be effectively managed. I advised her I would get back to her with a formal response to her request.

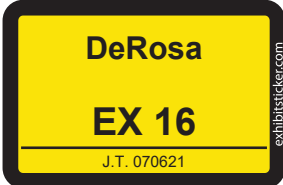
Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: John Maggiore <[REDACTED]@gmail.com> on behalf of John Maggiore
[REDACTED]@gmail.com>
To: Melissa D. DeRosa
Sent: 12/15/2020 7:55:15 PM
Subject: Fwd: 80% sure this was the song

Begin forwarded message:

From: John Maggiore [REDACTED]@gmail.com>
Date: December 15, 2020 at 6:33:45 PM EST
To: Melissa DeRosa [REDACTED]@gmail.com>
Subject: 80% sure this was the song

Also, I had two pictures showing me, her, [REDACTED], [REDACTED] and [REDACTED] singing on the wall next to my desk. Unless someone took them down, those pictures should still be there



The FONZ needs to restart his workout
But he's still up in old Albany
He wants to move up in the RANKINGS
Not satisfied with NUMBER 3

Now Debbie is simply a realist
She will not attempt to leave
She grabs Axtel and Rafi and sets up another call
(Because there's another event that must be)

But the Cav isn't ready to pack up
He's working on all in a hush
And he's just about done with this Laka song
Because he really knows Billy Joel

Send us a pin, Steph Barzon
Tell us it's ok to leave
(We don't really want to go anywhere)
Because there's NO PLACE that we'd rather BE

Oh, la la la da da da
La la da da da da da

Now Zernsky is looking for Eubank
He's looking for him quite a bit
He is in a mood to get melior
And he wants medicinal pot

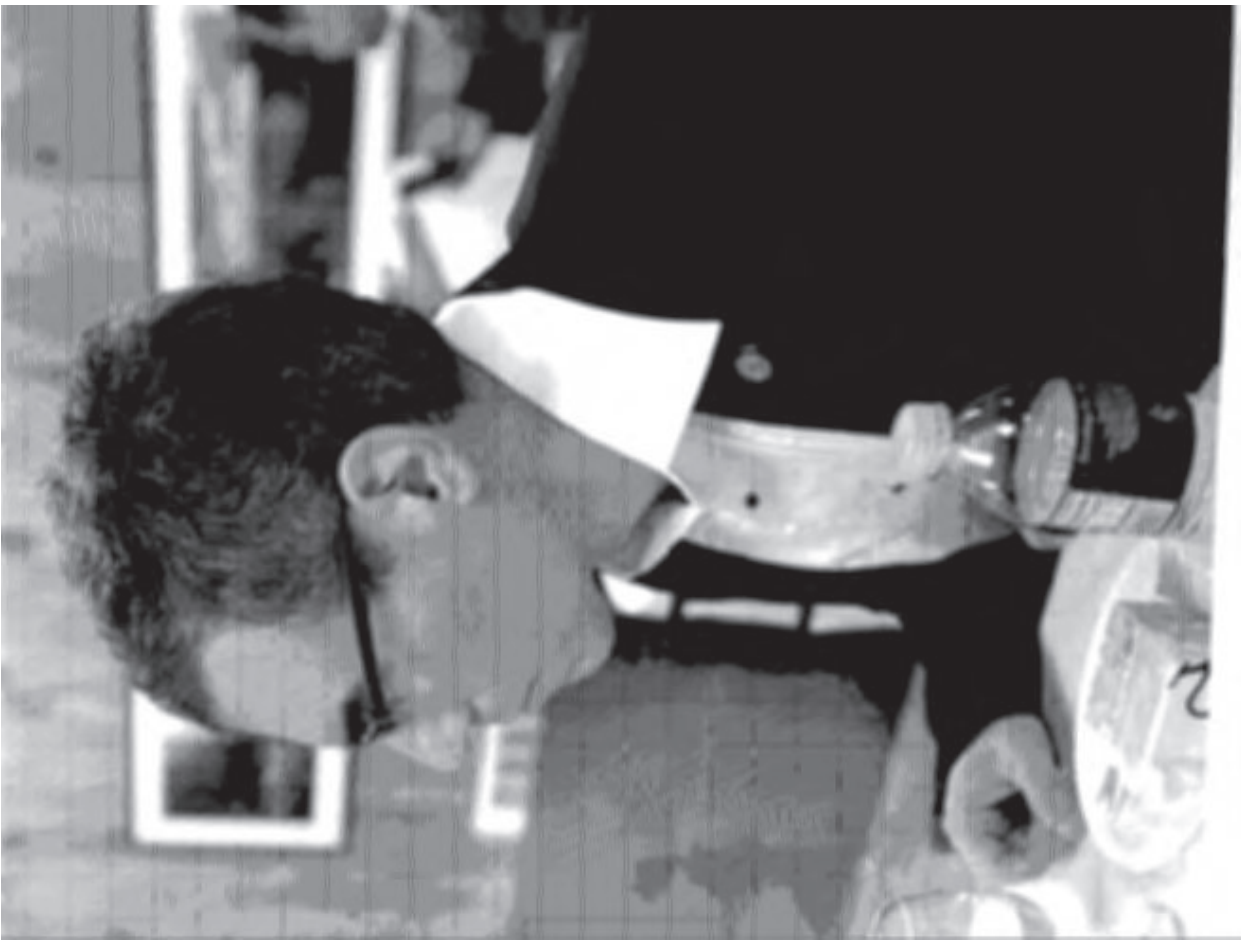
Now we got to build something
We had [REDACTED] on the phone
If we doesn't leave soon
We'll miss his tenth anniversary

And he'll be flying from Lakewood above
Send us a pin, Steph Barzon
Tell us it's ok to leave

We're beginning to think that we can't go
But there's someone we have to be

Now Melissa thought he would be out of here
He thinks he was saved by the bell
But you can check out but never leave
Say that song 'bout the California thing

Now Maja has got to see the ladies
We made it just for tonight
They are all showing up at the Hill Street
And he doesn't want them to fight





Oh, la la la di da da
La la di da da da da da

Now Jersey is looking for Zucker
He's looking for him quite a lot
He is in a mood to get restless
And he wants medicinal pot

Now [REDACTED] has got to build something
He has [REDACTED] on the phone
If he doesn't leave when
He'd give his teeth and tongue
And he's flying from California
Send us a PM, Steph Berger
Tell us if you're leaving
We're beginning to think that we can't go
But there's something we have to do

Now Muzza thought he would be out of here
We think he was saved by the FBI
But you've check out his recent leave
Sign that song about the CIA and the FBI

Now Muzza has got to use the facts
He wants to stay in the game
They are all streaming out of the street
And he doesn't want them to fight

The FONZ needs to restart his workout
But he's still up in old Albany
He wants to move up in the RANKINGS
Not satisfied with NUMBER 3

Now DeRozier is simply a realist
She will not attempt to leave
She grabs Annabel and Ball and sets up another call
(Because there's another event that must be)

That the Gov isn't ready to pack up
He's working for all in a hole
And he's just about done with this like-a-rop
Because he really knows Billy Joel

Send us a pin, Steph Newton
Tell us it's ok to leave
(We don't really want to go anywhere)
Because there's NO PLANS that we'd rather BS

It's nine o'clock on a Friday

We're waiting for lunch to arrive

[REDACTED] just ordered from Ingrams

And we need some food to survive

But the Governor's just getting started

He's scheduled ten meetings today

He's calling for more, shouting excelsior

We need a 12 Ave. subway

La la la, di da da

La la, di na da da dum

Send us a line, Steph Benton

Tell us if's ok to leave

We're beginning to think that we can't go

But there's some places we have to be

Some Melissa, she has to meet [REDACTED]

But she can't drive from Albany

So she hops in her car and sets off an IOP

And now she's in police cue to die

Now [REDACTED] has to get to the Hungarians

He's been trying to leave since '87

But too bad for the FBI, he can't get past DECKS

But he'll get a BOSTON free

We are former employees of Governor Cuomo's Office now working in other jobs and pursuits. Collectively, we have served more than 20 years with the Governor. Dani Lever served as Director of Communications, Cathy Calhoun as State Director of Operations, and Alphonso David as Counsel. We have each worked with Ms. Boylan and have each been in the company of Ms. Boylan and the Governor on many occasions. Mr. David, as Counsel, was deeply involved in handling the Human Resources complaints against Ms. Boylan that led to her departure. We are also passionate and devoted supporters of civil rights and women's rights. We have spent years working to pass the most progressive state laws in the nation to protect women.

Ms. Boylan's time serving as an advisor to the Governor was marked by a series of actions and behaviors deemed by her coworkers to be abusive, disrespectful and inappropriate. Ms. Boylan served as an advisor to the Governor for nine months while she was an employee of and located at the Empire State Development Agency. In those nine months, there were no less than six women who lodged official complaints against Ms. Boylan including, African-American and white women, peers and subordinates. The official complaints stated that Ms. Boylan was "abusive", "disrespectful", "XXX," and had inappropriately fired a subordinate. The number and substance of the complaints (including ethical improprieties) were so troubling that the Empire State Development Authority went so far as to send a memo to Mr. David concerning the accusations.

In response to that memo, Mr. David met with Ms. Boylan with a female ethics counsel present, raised the complaints, and suggested counseling for Ms. Boylan, at which point Ms. Boylan became irate. She announced later that day that she was quitting. Several days after that, Ms. Boylan contacted Mr. David and said she had changed her mind and wanted her job back. Mr. David said that he thought that was not possible. Ms. Boylan then contacted the Governor's Office, saying that she "loved him" and needed to talk to the Governor. The Governor

was advised by Mr. David not to have any further contact with Ms. Boylan.

We understand that Ms. Boylan may be upset about the complaints made against her and losing her position in the Cuomo administration. That is to be expected. We also have no doubt that the Governor questioned her about her work. The Executive Chamber is a high-pressure, demanding organization which prides itself on integrity and performance. But during the extensive conversations about Ms. Boylan's behavior, she never once mentioned anything inappropriate about the Governor's interactions with her. Indeed, the Governor has always treated us with dignity and respect.

Indeed, Ms. Boylan's inappropriate behavior was not limited to female colleagues. As professional women, we observed her interactions with male colleague and it was often unprofessional as well: sitting on people's laps and kissing them in public. Indeed, Ms. Boylan at one point had to apologize to one male staff member, who was highly offended by her behavior.

Ms. Boylan has recently announced her intention to run for political office. We do not believe that it is a coincidence that she makes these accusations at this time in order to draw attention to her campaign and obtain coverage in the press. We understand from credible sources that female members on her campaign team quit when they learned she would make such claims for purely political advantage.

We are not naive. We understand that politics, especially in the current environment, can be a nasty business. But claims like Ms. Boylan's motivated by political opportunism diminishes the rights and claims of all women, something we have fought to elevate and protect our entire careers.

--

Melissa D. DeRosa



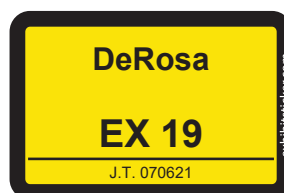
From: "Melissa DeRosa" <[REDACTED]@gmail.com>
Sent: Wed, 16 Dec 2020 11:21:43 -0500 (EST)
To: "Linda Lacewell" <[REDACTED]@gmail.com>; "Judith Mogul" <[REDACTED]@gmail.com>
Subject: Fwd:

We are former employees of Governor Cuomo's Office now working in other pursuits. We have served for a collective of over 20 years with the Governor. Dani Lever served as Director of Communications, Cathy Calhoun as State Director of Operations, and Alphonso David as Counsel. We have individually worked with Ms. Boylan and have been in the company of Ms. Boylan and the Governor on many occasions. Mr. David, as Counsel, was intimately involved in handling the Human Resources complaints against Ms. Boylan and her departure.

We are first and foremost aggressive supporters of civil rights and women's empowerment. We have spent years working to advance and legislate the most aggressive state laws in the nation to protect women. For that reason, we cannot stand by when a woman makes illegitimate accusations of harassment, as it diminishes the rights and claims of all women who are legitimate victims.

Ms. Boylan served as an advisor to the Governor for nine months while she was an employee and located at Empire State Development Agency. In those nine months there were no less than six complaints against Ms. Boylan. Six women made official complaints against Ms. Boylan, African American and white women, peers and subordinates. The official complaints stated Ms. Boylan was "rude", "treats them like children" and made them feel like a "punching bag", "degrading", "insulting", "harassing" and "a bully" and inappropriately fired a subordinate. The complaints caused the Empire State Development Authority, which was the entity that employed Ms. Boylan, to send a legal memo from its CEO and its Counsel, a woman, to Mr. David as Counsel to the Governor due to the severity of the accusations and ethical violations.

In response to the memo, Alphonso David met with Ms. Boylan with a female ethics counsel present, raised the complaints and suggested counseling for Ms. Boylan, at which point Ms. Boylan became irate and said she would consider quitting. She later that day announced she was quitting. However, several days later Ms. Boylan contacted Mr. David and said she changed her mind and wanted to return to her position. Mr. David said that was not possible. Ms. Boylan then contacted the Governor's Office and said that she needed to talk to the Governor. The Governor was advised by Mr. David not to contact Ms. Boylan given the situation and did not.



We understand that Ms. Boylan may very well be upset about the complaints made against her, losing her position in the administration and having no contact with the Governor. That is to be expected, traumatic and sad.

However, as far as Ms. Boylan suggesting that the Governor made inappropriate comments about her looks, which she characterizes as sexual harassment is concerned, she abuses all legitimate victims. We know from direct experience, the nature of the Governor, and the interactions between the Governor and Ms. Boylan, as we were present for most of their interactions.

Ms. Boylan claims the Governor made comments "about her looks". Ironic given that Ms. Boylan referred to the Governor as "handsome", and told staff that she "loved" the Governor. As professional women, we observed her interaction with the Governor, as well as other male staff members, on many occasions, in public and private, and we believe Ms. Boylan's conduct was unprofessional and inappropriate intimate behavior: sitting on coworker's laps and kissing them in public in the presence of other coworkers. Even to the extent that she felt compelled to send multiple text messages to apologize to one male staff member, who was highly offended, the day following such behavior.

During the extensive ethics conversations with Counsel about Ms. Boylan's behavior and appropriateness and how she felt she was treated by other people, she never mentioned anything negative about the Governor's interaction. Indeed, Ms. Boylan never made any complaint about the Governor for two years, until now, two days after she filed to run for political office as Manhattan Borough President. In addition, she makes these accusations against the Governor with no backup whatsoever. Also coincidentally, her political campaign consultant is also a consultant to a political opponent of the Governor, Jumaane Williams, who has said he is considering running against the Governor. Ms. Boylan is supported by lawyers and financial backers of Donald Trump: an active opponent of the Governor. We understand from credible sources that female members on her campaign team were offended and actually quit when they heard she and her campaign planned to make such claims for purely political advantage.

The political retribution against the Governor by Ms. Boylan comes as no surprise and was directly forecasted by her. In March, during the height of the COVID crisis, the Governor issued an Executive Order truncating the petitioning period and reducing the number of signatures mandated to run for public office. The order effected every political race in the state. However, Ms. Boylan assumed it was a personal attack on her and believed the change was not helpful for her candidacy for Congress challenging Congressman Nadler. Immediately thereafter, Ms. Boylan texted Robert Mujica, State Budget Director, "Absolutely not helpful please relay that while we are ok, I see what the point is here and I will find ways to respond. Life is Long. And so is my memory. And so are my resources." She texted Dani Lever, Director of Communications, at the same

time. “Absolutely not helpful specific response to a tragedy but please relay that while we are ok, I see what the point is here and I will find ways to respond to the message. The future is coming after assholes.” Ms. Boylan’s political motivation against the Governor was clearly premediated and purposeful.

We are not naive. We understand politics, especially in the current environment, can be a nasty and dirty business. We know the Governor understands that one must endure the slings and arrows to be in the public arena. But it demeans all women when allegations of harassment are made for political or extortive purposes. We encourage all women to come forward with valid complaints of harassment but not to use our advances in achieving new laws for personal animus, political gain or purely notoriety. False claims question the veracity of credible claims.

The Governor always treated us and every woman with whom we saw him interact with respect. Indeed, Ms. Boylan was right when she tweeted three weeks before her departure, "I'm proud to work for a Governor who takes women seriously". And another tweet, 12 days before her departure, "So proud of my boss Andrew Cuomo and all of Team Cuomo". She was also right when she tweeted, after she left, “Governor Cuomo is the best choice for Governor”.

It is sad that political opportunism takes precedence over true political aspirations for progressive public service and advances designed to protect women in the workplace can be abused for unethical purposes.

Date: Wednesday, December 16 2020 05:59 PM

Subject: [Chat #35316]

From: Richard Bamberger

To: [Redacted] [Melissa DeRosa];

Who has confirmed signing on?

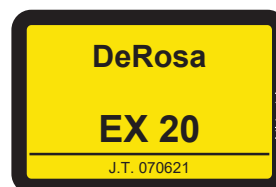
----METADATA INFORMATION----

Device Owner:

[Redacted] Bamberger, Rich

ICCID:

[Redacted]



Date: Wednesday, December 16 2020 05:59 PM

Subject: [Chat #35317]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

[REDACTED] Dani Annabel said they would do

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

Date: Wednesday, December 16 2020 05:59 PM

Subject: [Chat #35318]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

I'm working on others

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Wednesday, December 16 2020 05:59 PM

Subject: [Chat #35319]

From: Richard Bamberger

To: [Redacted] [Melissa DeRosa];

[Redacted] asked Can i tell her

----METADATA INFORMATION----

Device Owner:

[Redacted] Bamberger, Rich

ICCID:

[Redacted]

Date: Wednesday, December 16 2020 06:01 PM

Subject: [Chat #35320]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

Yes

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Thursday, December 17 2020 12:50 PM

Subject: [Chat #35321]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

And can you please call McKinley

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 08:44 AM

Subject: [Chat #35328]

From: Richard Bamberger

To: [REDACTED] [Melissa DeRosa];

Should we leak her the texts to Rob and Dani She was interested in seeing them

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 09:00 AM

Subject: [Chat #35329]

From: Melissa DeRosa [REDACTED]

To: [REDACTED] Richard Bamberger

Not yet

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 09:01 AM

Subject: [Chat #35331]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

Can u try her on tweet?

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 09:01 AM

Subject: [Chat #35332]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

Favor for us?

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 09:01 AM

Subject: [Chat #35333]

From: Richard Bamberger

To: [REDACTED] [Melissa DeRosa];

Yes

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 09:01 AM

Subject: [Chat #35334]

From: Richard Bamberger

To: [REDACTED] [Melissa DeRosa];

Will call her

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 09:48 AM

Subject: [Chat #35335]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

Any luck?

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 09:49 AM

Subject: [Chat #35336]

From: Richard Bamberger

To: [REDACTED] [Melissa DeRosa];

Went to VM Texted her On another note Josh says Gartland sounds good

----METADATA INFORMATION----

Device Owner:

[REDACTED] Bamberger, Rich

ICCID:

[REDACTED]

Date: Saturday, December 19 2020 05:35 PM

Subject: [Chat #35339]

From: Melissa DeRosa [REDACTED]

To: Richard Bamberger [REDACTED]

W link to story

----METADATA INFORMATION----

Device Owner:

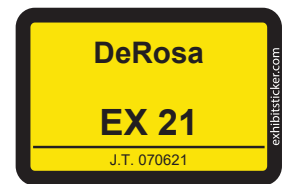
[REDACTED] Bamberger, Rich

ICCID:


[REDACTED]

Start Date December 16, 2020 10:00:13 PM UTC

End Date December 16, 2020 10:01:03 PM UTC

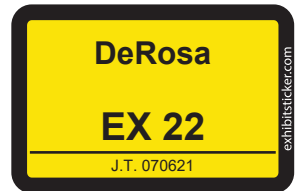


Chat Melissa DeRosa <[REDACTED]> (IMessage)>, Annabel Walsh
Account <[REDACTED]> (Sms)>, Dani Lever <[REDACTED]>, Stephanie Benton
t <[REDACTED]> (Sms)>, Melissa DeRosa <[REDACTED]>, Annabel Walsh
<[REDACTED]> (IMessage)>, Dani Lever <[REDACTED]> (IMessage)>,
Stephanie Benton <[REDACTED]> (IMessage)>, Dani Lever <[REDACTED]>
(Sms)>, Melissa DeRosa <[REDACTED]> (Sms)>, Annabel Walsh
<[REDACTED]>, Stephanie Benton <[REDACTED]>
Melissa DeRosa <[REDACTED]> (IMessage)>

 Just sent u guys current op ed 22:00:13
[REDACTED] has agreeded to do 22:00:23
Alphonso said if we need him he will do 22:00:31
[REDACTED] and [REDACTED] lookinh now 22:00:50
I wouldn't ask you guys if we weren't fighting for our lives 22:01:03

Message

From: Annabel Walsh [redacted]@gmail.com]
on behalf of Annabel Walsh <[redacted]@gmail.com> [redacted]@gmail.com]
Sent: 12/17/2020 4:21:02 PM
To: Melissa DeRosa [redacted]@gmail.com]
Subject: Fwd:



----- Forwarded message -----

From: Annabel Walsh <[redacted]@gmail.com>
Date: Wed, Dec 16, 2020 at 8:47 PM
Subject: Re:
To: Melissa DeRosa <[redacted]@gmail.com>

below is the tom brokaw [letter](#).

I think that there are MANY, MANY people that would sign on to a letter talking about how incredible he is and how empowered they felt by him etc, I really think that is a much more powerful message that people would be (legally and otherwise) okay signing onto - I will gush forever. Attacking her isn't going to be signed onto by anyone and personally feels like the opposite of useful.

and you have all of this in your back pocket if necessary

Subject: Letter on Tom Brokaw

As professional women, we fully endorse the conversation around abuse of power in the workplace. In the context of that conversation, we would like to share our perspectives on working with Tom Brokaw. We are current and former colleagues of Tom's, who have worked with him over a period spanning four decades. We are producers, correspondents, anchors, directors, executives, researchers, personal assistants, editors and technical staff.

Tom has treated each of us with fairness and respect. He has given each of us opportunities for advancement and championed our successes throughout our careers. As we have advanced across industries — news, publishing, law, business and government — Tom has been a valued source of counsel and support. We know him to be a man of tremendous decency and integrity.

Signed,

*Susanna Aaron
Anne Binford Allen
Heather Allan
Marilyn Altman
Liz Bowyer
Mary Casalino
Christine Colvin Casper
Martha Cotton
Karen Curry
Sara Cusimano
Helene Darvick
Linda Ellman
Judy Farinet
Dianne Festa
Tammy Fine
Mary Laurence Flynn*

From: Stephanie Benton
Sent: Friday, December 18, 2020 9:22 AM
To: Linda A Lacewell (dfs.ny.gov); Alphonso David
Subject: RE: Privileged Confidential

I'm gonna do a real list so we can track who is calling whom and their agreement to sign

From: Lacewell, Linda A (DFS) <[REDACTED]@dfs.ny.gov>
Sent: Friday, December 18, 2020 9:18 AM
To: Stephanie Benton <[REDACTED]@exec.ny.gov>; Alphonso David <[REDACTED]@hotmail.com>
Subject: Re: Privileged Confidential

also I got

[REDACTED]

From: Lacewell, Linda A (DFS) <[REDACTED]@dfs.ny.gov>
Sent: Friday, December 18, 2020 9:09 AM
To: Benton, Stephanie (CHAMBER) <[REDACTED]@exec.ny.gov>; Alphonso David <[REDACTED]@hotmail.com>
Subject: Re: Privileged Confidential

Fonz let us know who you take to call

I have signoff from

[REDACTED]

From: Lacewell, Linda A (DFS)
Sent: Friday, December 18, 2020 4:37 AM
To: Benton, Stephanie (CHAMBER) <[REDACTED]@exec.ny.gov>
Cc: DeRosa, Melissa (CHAMBER) <[REDACTED]@exec.ny.gov>
Subject: Re: Privileged Confidential



We have lots more on the original list you did with Judy

Sent from my iPhone

On Dec 17, 2020, at 9:53 PM, Stephanie Benton
<@exec.ny.gov> wrote:



Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network

From: Stephanie Benton
Sent: Thursday, December 17, 2020 9:43 PM
To: Linda A Lacewell (dfs.ny.gov)
Cc: Melissa DeRosa
Subject: Privileged Confidential

So this is progress. How do we get him 50 plus names. Would be great to keep his mind on this path and would be real shot in the arm if we can get him names in am.





And I want to put eyes on stupid list again to grab more of the kids. But I can't right now. I just can't.

Send to linda tell her ask 50 names to sign the following letter. "We all worked for Governor Cuomo directly. His motto wa Performance Integrity Pride, we

work for the people. He has always been true to that pledge. He is strong tough respectful inclusive and effective. He showed the teams capacity with a long record of accomplishments and the world sw it in the teams product during covid. We are all glad and proud to have served him and the people of the state.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

To Be Called



Person Calling

Linda
Linda

Steph
Steph

Linda
Linda
Linda
Steph

Linda
Linda

Steph

Steph

Linda

Linda



Steph

Steph
Steph

Yes or No

Y

Y

Y pending work

Y

Y

Y

Y

Y

Y

Y

Y pending work

Y

Y

Y

Y

Y

Y

Y

From: Stephanie Benton
Sent: Friday, December 18, 2020 10:35 AM
To: Linda A Lacewell (dfs.ny.gov); Alphonso David
Subject: Privileged Confidential

Update

From: Stephanie Benton
Sent: Friday, December 18, 2020 11:07 AM
To: Linda A Lacewell (dfs.ny.gov); Alphonso David
Subject: Privileged Confidential

To Be Called



Person Calling

Linda
Linda

Steph
Steph

Linda
Linda
Linda
Steph

Linda
Linda

Steph

Steph

Steph

Steph
Steph

Linda

Linda



Steph

Steph
Steph

Yes or No

Y

Y

Y pending work

Y

Y

Y

Y

Y

Y

Y

Y pending work

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

From: Stephanie Benton
Sent: Friday, December 18, 2020 12:39 PM
To: Linda A Lacewell (dfs.ny.gov); Alphonso David
Subject: Privileged Confidential

To Be Called



Person Calling

Linda
Linda

Alphonso
Alphonso
Alphonso
Steph
Steph

Linda
Linda
Linda
Steph

Linda
Linda
Steph
Steph
Alphonso
Steph

Steph
Alphonso
Alphonso
Steph
Steph
Steph
Steph

Steph
Linda
Steph

Steph
Steph
Steph
Linda
Steph



Steph

Steph
Steph

Yes or No

Y

Y

Y pending work

Y

Y

Y

Y

Y

Y

Y

Y pending work

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Y

Start Date December 23, 2020 3:34:12 PM UTC


End Date December 23, 2020 5:08:38 PM UTC

Chat Account t Annabel Walsh <[REDACTED] (Sms)>, Melissa DeRosa [REDACTED] (IMessage)>, Andrew Ball [REDACTED] (IMessage)>, Andrew Ball <[REDACTED] (Sms)>, Stephanie Benton [REDACTED] (Sms)>, Melissa DeRosa [REDACTED], Annabel Walsh [REDACTED] (IMessage)>, Stephanie Benton [REDACTED] (IMessage)>, Andrew Ball [REDACTED], Melissa DeRosa [REDACTED] (Sms)>, Annabel Walsh [REDACTED], Stephanie Benton [REDACTED]

Melissa DeRosa [REDACTED] (IMessage)>

 Hey guys any luck w [REDACTED] and [REDACTED]? 15:34:12


Andrew Ball [REDACTED] (IMessage)>

 Not yet- she lives out west, and she has two young kids so was hard to connect last night. I was going to call her again today 15:42:23

Spoke to [REDACTED]. All good. Steph, I just tried you. 16:59:53

Love the power red today Melissa 17:00:21

Melissa DeRosa [REDACTED] (IMessage)>

 Loved "Spoke to [REDACTED]. All good. Steph, I just tried you." 17:03:14


Annabel Walsh [REDACTED] (Sms)>

 Still waiting to hear back from [REDACTED] 17:03:41

Steph FYI I just looped [REDACTED] but just got this from [REDACTED] [REDACTED]


Hey Annabel! It's [REDACTED] from [REDACTED] office. [REDACTED] and [REDACTED] [REDACTED] are wondering if they can have a 10-min call with the governor today re the performing arts items he tasked them with. She mentioned Steve Cohen should be as well- but happy to coordinate that from our end or whatever is easiest

Melissa DeRosa [REDACTED] (IMessage)>


 AnnaMay shut down [REDACTED]! 17:06:21

Good work ball 17:06:36

Andrew Ball [REDACTED] (iMessage)>

 Liked "Good work ball " 17:06:57


Melissa DeRosa [REDACTED] (iMessage)>

 In case anyone was wondering 17:07:47

[REDACTED] loves the governor by hates [REDACTED] 17:08:01

But* 17:08:08

Andrew Ball [REDACTED] (iMessage)>

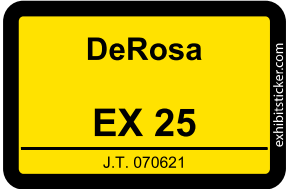
 Haha, she hates me too 17:08:12

She's dangerous 17:08:17

Ask [REDACTED] 17:08:23

Dangerous is a bad word choice 17:08:38

From: Melissa DeRosa <[REDACTED]@gmail.com>
 To: Melissa DeRosa <[REDACTED]@gmail.com>
 Sent: 1/20/2021 4:48:31 PM
 Subject: Fwd: Boylan donors



----- Forwarded message -----

From: [REDACTED] <[REDACTED]@andrewcuomo.com>
 Date: Tuesday, January 19, 2021
 Subject: Boylan donors
 To: Rich Azzopardi <[REDACTED]@gmail.com>
 Cc: [REDACTED] <[REDACTED]@andrewcuomo.com>, Melissa DeRosa <[REDACTED]@gmail.com>

DATE	NAME	OCCUPATION	AMNT	MATCHAMNT	EMPNAME	CITY	STATE
10/15/2020	[REDACTED]	Health Care	\$ 100.00	\$ -	Royal Care	Pleasantville	NY
10/20/2020	[REDACTED]	Investment Banker	\$ 1,500.00	\$ -	Allen & Company Inc.	New York	NY
10/20/2020	Boylan, Lindsey C	Not employed	\$ 1,000.00	\$ -	Not employed	New York	NY
10/20/2020	[REDACTED]	Entrepreneur	\$ 1,500.00	\$ 175.00	Avise Inc	New York	NY
10/20/2020	[REDACTED]	CEO	\$ 1,500.00	\$ -	Tusk Holdings	New York	NY
10/20/2020	[REDACTED]	Not Employed	\$ 1,500.00	\$ -	Not Employed	Pleasantville	NY
10/22/2020	[REDACTED]	Executive	\$ 1,500.00	\$ -	Allen & Company	Bronxville	NY
10/22/2020	[REDACTED]	Not Employed	\$ 1,500.00	\$ 175.00	Not Employed	New York	NY
10/26/2020	[REDACTED]	Self-employed	\$ 1,500.00	\$ 175.00	One Egg or Two LLC	New York	NY
10/27/2020	[REDACTED]	SALES	\$ 50.00	\$ -	SELF	Los Angeles	CA
10/27/2020	[REDACTED]	CEO	\$ 25.00	\$ -	DESILVA FAMILY TRUST	Sacramento	CA
10/27/2020	[REDACTED]	Not Employed	\$ 10.00	\$ -	Not Employed	Spencer	MA
10/27/2020	[REDACTED]	Legislative Analyst	\$ 100.00	\$ -	Jackson Lewis	Wynantskill	NY
10/27/2020	[REDACTED]	Vice President	\$ 50.00	\$ -	King Kullen	Amityville	NY
10/27/2020	[REDACTED]	Government Affairs	\$ 100.00	\$ -	CUNA	Washington	DC
10/27/2020	[REDACTED]	Writer	\$ 50.00	\$ 50.00	Self	Astoria	NY
10/27/2020	[REDACTED]	Not Employed	\$ 25.00	\$ -	Not Employed	Slingerlands	NY
10/27/2020	[REDACTED]	Air Concierge	\$ 26.03	\$ -	Signature Flight Support	White Plains	NY
10/27/2020	[REDACTED]	City Councilwoman	\$ 25.00	\$ -	City of Santa Barbara	Santa Barbara	CA
10/27/2020	[REDACTED]	Not Employed	\$ 1,500.00	\$ -	Not Employed	Seattle	WA
10/27/2020	[REDACTED]	Not Employed	\$ 100.00	\$ -	Not Employed	Wellesley	MA
10/27/2020	[REDACTED]	Graphic Designer Consultant	\$ 100.00	\$ -	Self	Syracuse	NY
10/27/2020	[REDACTED]		\$ 6.00	\$ -	Unemployed	Sedro Woolley	WA
10/27/2020	[REDACTED]	Consultant	\$ 250.00	\$ -	ARRAY	Greenbrae	CA
10/27/2020	[REDACTED]	Operations	\$ 500.00	\$ 175.00	Oracle	New York	NY
10/27/2020	[REDACTED]	Chef	\$ 100.00	\$ 100.00	WMV Restaurant Group	New York	NY
10/27/2020	[REDACTED]	Teacher	\$ 25.00	\$ -	SFCC	Santa Fe	NM
10/27/2020	[REDACTED]	Court Reporter	\$ 25.00	\$ -	Michael Musetta & Associates I	Tampa	FL
10/27/2020	[REDACTED]	Not Employed	\$ 25.00	\$ 25.00	Not Employed	New York	NY
10/27/2020	[REDACTED]	IT	\$ 50.00	\$ -	ManTech	Fairfax	VA
10/27/2020	[REDACTED]	Not Employed	\$ 25.00	\$ -	Not Employed	Washington	DC
10/27/2020	[REDACTED]	Physician	\$ 100.00	\$ -	Brigham and Women's Hospital	Newton	MA
10/27/2020	[REDACTED]	Not Employed	\$ 25.00	\$ -	Not Employed	Aquinnah	MA

From: Rich Azzopardi [REDACTED]@gmail.com>
To: [REDACTED] [REDACTED]@andrewcuomo.com>
CC: [REDACTED] [REDACTED]@andrewcuomo.com> Melissa DeRosa [REDACTED]
[REDACTED]@gmail.com>
Sent: 1/19/2021 7:01:20 PM
Subject: Re: Boylan donors

Can we get this sorted by contribution date?

On Tue, Jan 19, 2021 at 6:52 PM [REDACTED] [REDACTED]@andrewcuomo.com> wrote:

Here is the link let me know if this works: <https://www.nyccfb.info/ftmsearch/Candidates/cContributions?ec=2021&rt=can&cand=2465&stmt=&trans=ABC>

When you click it automatically sorts by last name. PDF attached

[REDACTED]
Finance Director
Governor Andrew M. Cuomo
Mobile: [REDACTED]
Email: [REDACTED]@andrewcuomo.com

--
Rich Azzopardi
[REDACTED]

Candidates Contributions Search
Election cycle: 2021

Total Records: 601 Total Amount: \$126,279.95

Name	Address	Recipient/Office	Employer/Occupation	Date	Amount	Type
[REDACTED]	New York, NY 10025	Boylan, Lindsey C Borough President (2021)	Self Researcher	12/18/2020	\$250.00	Monetary Contributions St#: 6 ID: R0000845
[REDACTED]	New York, NY 10029	Boylan, Lindsey C Borough President (2021)	Not Employed Not Employed	11/23/2020	\$1.00	Monetary Contributions St#: 6 ID: R0000239
[REDACTED]	Los Angeles, CA 90024	Boylan, Lindsey C Borough President (2021)	LA County Library Librarian	10/29/2020	\$100.00	Monetary Contributions St#: 6 ID: R0000117
[REDACTED]	Brooklyn, NY 11226	Boylan, Lindsey C Borough President (2021)	Not Employed Not Employed	1/11/2021	\$50.00	Monetary Contributions St#: 6 ID: R0001798
[REDACTED]	Scituate, MA 02066	Boylan, Lindsey C Borough President (2021)	Mintz Levin Attorney	1/4/2021	\$250.00	Monetary Contributions St#: 6 ID: R0001216
[REDACTED]	Washington, DC 20009	Boylan, Lindsey C Borough President (2021)	Not Employed Not Employed	11/20/2020	\$250.00	Monetary Contributions St#: 6 ID: R0000232
[REDACTED]	Los Angeles, CA 90065	Boylan, Lindsey C Borough President (2021)	SELF SALES	10/27/2020	\$50.00	Monetary Contributions St#: 6 ID: R0000051
[REDACTED]	Los Angeles, CA 90065	Boylan, Lindsey C Borough President (2021)	SELF SALES	11/27/2020	\$50.00	Monetary Contributions St#: 6 ID: R0000297
[REDACTED]	Los Angeles, CA 90065	Boylan, Lindsey C Borough President (2021)	SELF SALES	12/27/2020	\$50.00	Monetary Contributions St#: 6 ID: R0000976
[REDACTED]	Brooklyn, NY 11231	Boylan, Lindsey C Borough President (2021)	Dotdash Engineer	12/30/2020	\$175.00	Monetary Contributions St#: 6 ID: R0001137
[REDACTED]	New York, NY 10027	Boylan, Lindsey C Borough President (2021)	Not Employed Not Employed	12/18/2020	\$100.00	Monetary Contributions St#: 6 ID: R0000847
[REDACTED]	Los Angeles, CA 90037	Boylan, Lindsey C Borough President (2021)	Not Employed Not Employed	10/29/2020	\$4.00	Monetary Contributions St#: 6 ID: R0000119
[REDACTED]	New York, NY 10013	Boylan, Lindsey C Borough President (2021)	Work & Co Software Developer	1/2/2021	\$175.00	Monetary Contributions St#: 6 ID: R0001202
[REDACTED]	New York, NY 10002	Boylan, Lindsey C Borough President (2021)	Tony Alfieri Architect PLLC Architect	12/10/2020	\$50.00	Monetary Contributions St#: 6 ID: R0000618
[REDACTED]	New York, NY 10024	Boylan, Lindsey C Borough President (2021)	Vaughn College Instructor	12/13/2020	\$175.00	Monetary Contributions St#: 6 ID: R0000670
[REDACTED]	Bronxville, NY 10708	Boylan, Lindsey C Borough President (2021)	Allen & Company Executive	10/22/2020	\$1,500.00	Monetary Contributions St#: 6 ID: R0000069
[REDACTED]	New York, NY 10022	Boylan, Lindsey C Borough President (2021)	Allen & Company Inc. Investment Banker	10/20/2020	\$1,500.00	Monetary Contributions St#: 6 ID: R0000039
[REDACTED]	New York, NY 10031	Boylan, Lindsey C Borough President (2021)	NYU Administrative Assistant	1/11/2021	\$10.00	Monetary Contributions St#: 6 ID: R0001898

From: [REDACTED] <[REDACTED]@andrewcuomo.com>
To: [REDACTED] <[REDACTED]@andrewcuomo.com>; [REDACTED] <[REDACTED]@andrewcuomo.com>
CC: Melissa DeRosa [REDACTED] <[REDACTED]@gmail.com>
Sent: 1/19/2021 5:29:09 PM
Subject: RE: Filings for Melissa
Attachments: Alessandra Biaggi Contributions.xlsx; Jumaane Williams PA Contributions.xlsx; Lindsay Boylan Contributions.xlsx; Working Families Party - Campaign Committee Contributions.xlsx; Working Families Party - House Keeping Contributions.xlsx

Attached to this email are the contributions received to the campaigns or candidates that [REDACTED] mentioned below.

Please note that Jumaane has filed no activity reports for his statewide committee for the past several filings, so there is no recent contribution list to attach. The money referenced in the first line of the spreadsheet below is from the last time that committee had an active filing – July 2019.

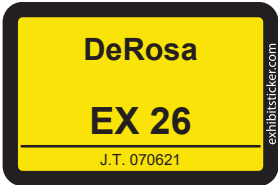
Here is the list of candidates with money raised and spent as well as cash on hand.

Name	Raised	Spent	COH
Jumaane Williams (statewide)	\$ 319.00	\$ 1,801.78	\$ 1,647.46
Jumaane Williams (public advocate)	\$ 15,926.00	\$ 12,237.86	\$ 60,691.68
WFP HK	\$ 1,750.00	\$ 159,151.38	\$ 56,494.68
WFP Campaign	\$ 14,175.01	\$ 41,776.83	\$ 866,302.55
Alessandra Biaggi	\$ 30,932.20	\$ 37,533.63	\$ 228,337.28
Lindsey Boylan	\$ 122,700.00	\$ 109,224.00	\$ 13,476.00

From: [REDACTED]
Sent: Tuesday, January 19, 2021 4:10 PM
To: [REDACTED]; [REDACTED]
Cc: Melissa DeRosa [REDACTED] <[REDACTED]@gmail.com>
Subject: Filings for Melissa

[REDACTED] and [REDACTED],
Can you please respond with raise, expenses and COH for the following – WFP campaign and HK, Biaggi, Boylan, Jumaane state and public advocate and attach the donor lists for each please.
Thank you

[REDACTED]
Finance Director
Governor Andrew M. Cuomo
Mobile: [REDACTED]
Email: [REDACTED]@andrewcuomo.com



Date: Sunday, February 21 2021 06:08 PM
Subject: Re: Lindsey.
From: Josh Vlasto <[REDACTED]@gmail.com>
To: Melissa DeRosa <[REDACTED]@exec.ny.gov>;
Elkan Abramowitz <[REDACTED]@maglaw.com>; Judith Mogul <[REDACTED]@exec.ny.gov>; Linda A Lacewell
(dfs.ny.gov) <[REDACTED]@dfs.ny.gov>; Peter Ajemian <[REDACTED]@exec.ny.gov>; Richard Azzopardi
<[REDACTED]@exec.ny.gov>; Steven Cohen (esd.ny.gov) <[REDACTED]@esd.ny.gov>;

Please don't send this please please please

On Sun, Feb 21, 2021 at 6:03 PM Melissa DeRosa <[REDACTED]@exec.ny.gov> wrote:
Adding people

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Richard Azzopardi
Sent: Sunday, February 21, 2021 5:35 PM
To: Steven Cohen (esd.ny.gov)
Cc: Melissa DeRosa; Peter Ajemian
Subject: Re: Lindsey.

He did not. He read it to me
Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Cohen, Steven (ESD)
Sent: Sunday, February 21, 2021 5:35 PM
To: Richard Azzopardi
Cc: Melissa DeRosa; Peter Ajemian
Subject: Re: Lindsey.

"She is a disgruntled former employee who quit after BEING COUNSELED AS A RESULT OF MULTIPLE DOCUMENTED INCIDENTS OF harassment and ABUSE OF HER co-workers and subordinates. She later asked to return to the chamber, A REQUEST THAT WAS DENIED, AND NOW SEEMS INTENT ON RAISING SPURIOUS ALLEGATIONS TO FURTHER HER OWN RUN FOR OFFICE."

that request was not granted."

On Feb 21, 2021, at 5:17 PM, Richard Azzopardi <[REDACTED]@exec.ny.gov> wrote:

"She is is disgruntled former employee who quit after being counseled on multiple harassment complaints against co-workers and subordinates. She later asked to return to the chamber and that request

was not granted."

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

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Uprising Grows Over Cuomo's Bullying and 'Brutalist Political Theater'

The scrutiny of Covid-19 deaths in New York nursing homes has also put the governor's aggressive behavior in the spotlight.



By Jesse McKinley and Luis Ferré-Sadurni

Published Feb. 22, 2021 Updated March 7, 2021

ALBANY, N.Y. — During Gov. Andrew M. Cuomo's first term, two former administration officials were married in a New York City wedding heavily attended by state government workers, as well as some lawmakers and their aides.

When it was time for the toasts, a guest who worked for the Cuomo administration began with a question: "Who in this room has been yelled at or bullied by Andrew Cuomo?"

Hands shot up across the room, as laughter rolled through the crowd, according to two people who attended the wedding.

The theme suffuses many of Mr. Cuomo's interactions — accounts in which the governor berated aides and elected officials, brought people to tears and threatened to fire them or end their careers. People outside the governor's direct control who have clashed with him said he told them they would be subject to negative news stories or political challenges or, in one case, would be publicly likened to a "child rapist."

After building a reputation as a competent and compassionate leader in the midst of a pandemic, Mr. Cuomo's standing has faltered over the last month amid revelations that his administration underreported thousands of deaths of nursing home residents. Federal prosecutors are investigating, and lawmakers have moved to strip the governor of emergency powers he has held since the beginning of the coronavirus outbreak.

At the same time, heightened scrutiny is now being cast on a recurrent theme of his decade-long tenure: his penchant for verbal attacks and attempted intimidation. That trait burst into full view last week when a Democratic Assemblyman, Ron T. Kim of Queens, came forward with accusations that the governor had called him while he was home bathing his children and threatened to "destroy" him — urging him to retract negative comments he had made after the nursing home story broke.

During an appearance last week on ABC's "The View," Mr. Kim described being deeply rattled by the experience. "He has abused his powers," Mr. Kim said. "And abusers are cowards."

Mr. Cuomo's office has called Mr. Kim a liar, but to many in New York politics, the report rang true, as other accounts of the governor's aggressive and sometimes unsettling behavior have begun to emerge.

Indeed, in interviews with more than three dozen legislators, political consultants, former state and city officials and New York political veterans, a recurring portrait emerges of Mr. Cuomo: a talented and deft politician whose tendency toward aggression can seem out of step in an age when abusive behavior in the workplace or in professional surroundings is increasingly called out and often censured.

"His primary tool for governing is to create fear," said Karen Hinton, a communications consultant who worked with Mr. Cuomo when he was housing secretary in the Clinton administration and has since fallen out with him.

In the fall of 2018, for example, when Mr. Cuomo was told by a leader of the Working Families Party — which had backed his primary opponent, Cynthia Nixon — that it would endorse him in the general election because he was better than a Republican, Mr. Cuomo's response was blunt.

"If you ever say, 'Well he's better than a Republican' again, then I'm going to say, 'You're better than a child rapist,'" the governor said, according to two people who were on the call. "How about that?"

He once threatened to end the career of a staffer who failed to properly transfer a call to his office, according to one person who worked for him and requested anonymity for fear of retribution. He has been known to refer to his top female aides as the "mean girls," said the person, who described the governor's office as toxic and controlling.

Those who work in the halls of the Capitol say the governor's conduct has an additional impact: scaring some employees into near paralysis for fear of earning his wrath.

Many of the tactics involve a threat to hurt people's careers. Ms. Hinton, for example, says she fell out of favor when she became the press secretary for Mr. Cuomo's nemesis in the Democratic Party, Mayor Bill de Blasio.

Soon, there were threats. During a Legionnaires' disease outbreak in 2015, Ms. Hinton questioned the state's response in a New York Times article. Ms. Hinton said Mr. Cuomo told City Hall he would personally blame the mayor for any deaths in the city if Mr. de Blasio did not fire Ms. Hinton. The mayor did not dismiss Ms. Hinton, but City Hall distanced itself from her remarks.

One current and one former City Hall official confirmed Ms. Hinton's account. The governor's office said neither it or the anecdote about the Working Families Party was true, characterizing the negative comments about Mr. Cuomo, a third-term Democrat, as coming from "political adversaries." The office also said the governor was "direct with people if their work is subpar."

"The people of this state have known and given the governor their trust for the last 14 years, have heard him and looked into his eyes during the darkest period," Richard Azzopardi, a senior adviser to Mr. Cuomo, said in a statement. "Yes, they have seen him get impatient with partisan politics and disingenuous attacks, and New Yorkers feel the same way. They know you must fight to change the status quo and special interests to make progress, and no one has made more progress than this governor"

Even Mr. Cuomo's detractors will concede that the governor's heavy-handed approach has often been effective in delivering concrete liberal accomplishments, including legalizing same-sex marriage, raising the minimum wage and enacting criminal justice reforms.

Others describe the governor's use of anger as "an executive skill," employed to cut through niceties and other time-wasters — skills of particular use during a pandemic response.

"The governor understands the political value of taking action and creating the perception of strength, even if it occasionally seems cocksure or bullying," said Eric Phillips, a former spokesman for Mr. de Blasio. He called the governor "a master of brutalist political theater," though he said those skills were less effective in "a moment demanding contrition or even a modicum of self-critique."

Defenders also say that New Yorkers — who have elected Mr. Cuomo three times, commandingly — know what the governor's personality is like. "It's well-worn territory for the press and the public," said Josh Vlasto, Mr. Cuomo's former chief of staff. "Those traits are there, but they are part of a broader perception of him that the voters like and are comfortable with."

Ken Sunshine, a veteran public relations executive and a longtime friend of the governor's, noted that the nature of New York politics is tough. "Has he raised his voice on calls with me? I'm sure he has," Mr. Sunshine said. "Have I done it sometimes? Sure. And by the way, we're from a place called New York. It's not for the timid."

In this dispute, however, Mr. Kim, not the governor, has the support of a raft of New York politicians.

"That's classic Andrew Cuomo," said Mr. de Blasio on Thursday. "A lot of people in New York State have received those phone calls."

Mr. Cuomo's image was burnished by a series of nationally televised news conferences during the early days of the pandemic, in which the governor mixed just-the-facts presentations with dad jokes and appearances by his three daughters, his mother and his brother, Chris Cuomo, the CNN anchor. Last fall, even as a second wave of the virus began to swell in New York and nationally, he published a memoir, offering "leadership lessons" and a sentimental dedication.

"Love wins," he wrote in its conclusion. "Always."

But in the wake of the scandal over nursing homes, that persona has turned darker: On Saturday, Mr. Cuomo's temper was mocked in a segment on "Saturday Night Live" in which his character, played by comedian Pete Davidson, sheepishly admitted to hiding where the deaths of nursing home residents occurred and promised vengeance on Mr. de Blasio, a frequent political foe.

Other accusations have been more serious: In December, a former top aide to Mr. Cuomo's economic development agency, Lindsey Boylan, accused Mr. Cuomo of fostering a "toxic team environment."

On Sunday, Ms. Boylan was among a growing chorus of people speaking out about Mr. Cuomo, telling The Times he is prone to "screaming at people inside and outside of the state government when he does not get exactly what he wants."

Mr. Cuomo's penchant for tough-talk tactics dates back decades, to his apprenticeship as an adviser to his father, former Gov. Mario M. Cuomo, whom he was known to fiercely defend. "I think he learned it from his father, who needed bare knuckles to combat the old machine pols," said Michael Shnayerson, author of "The Contender," a 2015 biography of the younger Mr. Cuomo.

State Senator Liz Krueger, a Democrat from Upper Manhattan who holds sway in the Legislature as the chairwoman of the chamber's finance committee, said she had never been yelled at by the governor or his staff — for a reason.

She said Joseph Percoco, a former aide and informal enforcer inside the Capitol who was convicted of corruption in 2018, once told her she was on the "do-not-yell-at list."

"I responded, 'You people have such a list?'" Ms. Krueger said. "He said: 'It is very small.'" (Mr. Percoco is in federal prison and could not be reached for comment.)

The backlash against Mr. Cuomo's governing style stems, in part, from the changing makeup of the Legislature. Democrats won full control in 2018 thanks to a new generation of progressives that is more diverse and often unafraid of challenging the governor.

“The Legislature has become increasingly young and female, defining a feminist vision for leadership and workplace conduct,” said Alexis Grenell, a founder of Pythia Public Affairs who has written about Mr. Cuomo’s aggressive behavior in the past. “It’s not an accident that his loudest critics are young women.”

The rift between the governor and the legislative newcomers has often burst into public view. In 2019, Mr. Azzopardi, the governor’s senior adviser, told reporters after a dispute over fund-raisers that three recently elected female lawmakers, State Senators Alessandra Biaggi and Jessica Ramos and Assemblywoman Yuh-Line Niou, were “idiots,” preceded by a vulgarity.

“This pattern of behavior he has created this really serious systemic culture of fear and abuse of power that shapes policy outcomes in New York and impacts people’s lives,” said Ms. Biaggi, a Democrat who has feuded with the governor’s top aides on Twitter.

Strategists in the Capitol say that the often combustible natures of Mr. Cuomo and his staff make for difficult negotiations, often freighted by fears of retribution.

The instinct to punch first seems to come from the top of the executive chamber: As The New York Times and CNN published accounts of the calls to Mr. Kim on Wednesday, Mr. Cuomo used a large part of his daily news conference to attack the assemblyman, suggesting he had engaged in unethical and possibly criminal behavior in regards to a six-year-old law. (Mr. Kim denied this.)

Mr. Vlasto, the former chief of staff, said that ongoing Republican attacks and Mr. Kim’s suggestion that the governor had committed a crime by withholding the data on deaths was “so over the line,” it justified a strong response.

“This time he decided to smack it down, hard,” he said.

Others recount stories of Mr. Cuomo alternating between charm and rage — at one moment, a charismatic leader who wants to work on policy, and at another, an intimidating one who wants to vent, something one lawmaker described as an unpleasant, sometimes profane experience.

Some of his toughest critics would agree that the governor had earned his good press during the dark days of the pandemic last year. But they also say that his more recent behavior is no surprise.

“This is who he has always been,” said Rebecca Katz, a progressive political consultant who advised Ms. Nixon. “We tried to warn you.”



5:14 PM



To: Melissa DeRosa



Account: PIN Peer-to-Peer

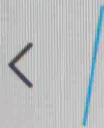
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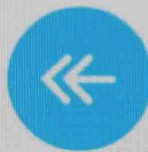
Melissa DeRosa

Re:

K



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Reply All



Forward





5:14 PM



To: Melissa DeRosa

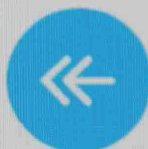
Feb 21, 2021 6:18:34 PM



We have a top tier team and the Governor is direct with people if their work is sub-par because the people of New York deserve nothing short of excellence from us.”



Edit



Reply All



Forward





To: Melissa DeRosa



Feb 21, 2021 6:18:34 PM

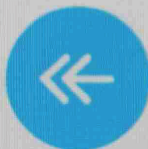


we never heard of that - they did discuss sexual improprieties and sexism admitted by wfp managment, which you should ask them about.

Hintons comments are false and non sequitors.



Edit



Reply All



Forward





To: Melissa DeRosa



Feb 21, 2021 6:18:34 PM

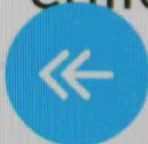


them what they said to the
governor, it's a silly premise.
"Your enemies don't like you, no
kidding.

The Governor never said a WFP
member was a 'child rapist' and



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Reply All



Forward





5:14 PM



To: Melissa DeRosa



Feb 21, 2021 6:18:34 PM

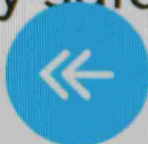


yorkers.

As far as your quotes from political adversaries are concerned, what do you think they are going to say they are adversaries, did you ask them what they said to the



Edit



Reply All



Forward





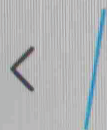
To: Melissa DeRosa



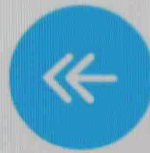
Feb 21, 2021 6:18:34 PM



same way. They know you must fight to change the staus quo and special interests to make progress...and no one has made more progress than this governor. He is ny tough...and so are new yorkers.



Edit



Reply All



Forward





To: Melissa DeRosa

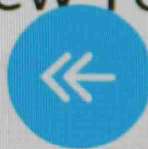
Feb 21, 2021 6:18:34 PM



their trust for the last 14 years. they have heard him and looked into his eyes during the darkest period. Yes, they have seen him get impatient with partisan politics and disingenuous attacks, and New Yorkers feel the



Edit



Reply All



Forward





5:14 PM



To: Melissa DeRosa



Feb 21, 2021 6:18:34 PM

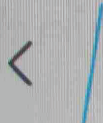


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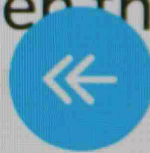
To: AMC

Subject:

The people of this state have
known and given the Governor



Edit



Reply All



Forward





5:14 PM



To: Melissa DeRosa



Feb 21, 2021 6:18:34 PM

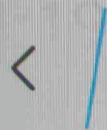


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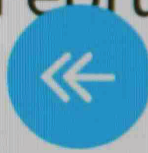
Original Message

From: Melissa DeRosa

Sent: Sunday, February 21, 2021



Edit



Reply All



Forward





5:14 PM



To: Melissa DeRosa

Feb 21, 2021 6:18:34 PM



Original Message

From: [REDACTED]

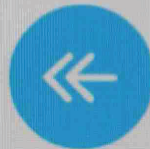
Sent: Sunday, February 21, 2021
6:05 PM

To: Melissa DeRosa

Subject: Re:



Edit



Reply All



Forward



Ms. Boylan (2)

- Facts never kissed her inapp
- You know – conference room
Door open – Stephanie
Talk doorway – hear calls
- Conf room not office
- Don't want to be alone
Protection –
- Cigar boxed / flag / father
- Strip poker – plane 4 – Trooper
Women – no cards
- Lindsay senior position – good friendly relationship
[REDACTED]
- In general, my customary behavior is to hug or kiss
Hello / goodbye
Women men – kiss Carl Heastie, ASC, Assemblywoman hug, diff custom
- COVID custom
- Never had anyone say inapprop
Get a sense people standoffish
- Make jokes I think are funny, tease people, nicknames
- Regret that
- I understand customs change, sensitivity change, hypervigilance, humor
change, I want to exemplify that
- Legisls / pols I do have diff convos – stakes too high
- Pols as a class – not enamored, many politic motivation, protect status quo
Publicity seeking
- Stakes too high
- 100% committed
Marr Eq
\$15
Nothing gets changed w/o pushing
Status quo powerful
Force to overcome it
- Father fought death penalty

Ever year – veto
Pols agree – I’m afraid
Kill people
Heated

- TR / Obama / Lincoln
- “Wars”
- My office tough, team tough
Best, Larry – 30 – Steve Cohen 30
Linda L – SB 14

JM

Highest quality longest serving – [REDACTED] [REDACTED]

- Tough – rewarding
High pressure – 7 days week
Special

-
- Ugly times
Pols Reps vicious
COVID frayed
Dems laws / taxes / desp
100 people running office
People want run against me
And more to do ever before
 - I fight for NYers – not rude – direct – real stakes – fighting Trump, fight racism, fight Cong \$

Date: Friday, February 26 2021 12:56 PM
Subject: RE: Priv and Confidential
From: Melissa DeRosa [REDACTED]@exec.ny.gov >
To: 'Lis Smith' <[REDACTED]@gmail.com >; Jeffrey Pollock [REDACTED]@globalstrategygroup.com >;
Dani Lever <[REDACTED]@gmail.com >; Judith Mogul <[REDACTED]@exec.ny.gov >; Linda A Lacewell
(dfs.ny.gov) <[REDACTED]@dfs.ny.gov >; Steven Cohen (esd.ny.gov) <[REDACTED]@esd.ny.gov
>; [REDACTED]@gmail.com;

Lis look at this draft

Let me address a couple of matters. First, the situation with Ms. Boylan and let me start by establishing the facts. I never physically touched her inappropriately. There was no discussion about strip poker on the plane. There were four people present on the plane, all within earshot, and no one heard the comment because it was not said. As far as knees or feet or legs making contact during the flight, anyone who has been on the state plane knows that you are sitting across from each other and facing each other, making it virtually impossible not to be in incidental physical contact. There are also people sitting less than two feet across the aisle from you.

Ms. Boylan says I gave her a tour of my conference room—I often show people historical artifacts that I have collected overtime including gifts from Bill Clinton, Native Americans, my father, and historical mementos. It is, if you will, a standard tour. Many of you have seen it. The articles' significance is not beyond that which is apparent. The door is always open to my conference room because Stephanie sits about 10 feet away and this way she can hear me and I can hear her so we can communicate. The only time the door is ever closed is when we are having a legislative leaders meeting or a large group meeting.

The door of my office in New York City is always open also for the same reason, whoever is sitting outside is always about 10 feet away and can relay calls, etc. In some ways I do this for myself. If anyone says anything inappropriate, I have a witness.

Ms. Boylan held a significant position and I always thought I had a good, professional and mutually friendly relationship with her. She showed talent and was hardworking. Ultimately, she had a number of issues with colleagues and subordinates which were resolved by the counsel and HR office that led to her departure and subsequently resulted in their decision not to offer Ms. Boylan continued employment. At no time in discussions with anyone, including the HR staff, did Ms. Boylan suggest any inappropriate behavior by me.

I have not spoken to Ms. Boylan since she left 3 years and 5 months ago. She did,

unsolicited, tweet that she supported my reelection and our administration's policies and team after she left the administration. On March 14 of last year, she did text members of my senior staff regarding an Executive Order that she believed negatively impacted her campaign for Congress at the time. The implication was the staff directed the policy at her candidacy directly. She was upset but her perception was not true. They were statewide reforms to address challenges of the pandemic.

Ms. Boylan says I touched her back and arm. I don't remember it but this may very well have been incidental. In general, my customary behavior is to greet people hello or say goodbye with a hug or a kiss. I kiss women and men hello or goodbye. I often greet staff and friends this way. I did an event in Queens the other day. I hugged the Assemblymembers and the pastors. In truth is it my usual custom. I have a picture hanging in my office kissing Al Gore. I've kissed Speaker Heastie and Senate Leader Andrea Stewart Cousins hello. Sometimes I kiss some reporters hello. You can go online and find pictures of me kissing and hugging hundreds of people. At least prior to COVID. A hug does make contact with an arm and back. Sometimes I get a sense when people are standoffish and I respect that. At no time did I kiss Ms. Boylan on the lips.

I spend most of my life at work and colleagues are often also personal friends. At work sometimes I am playful and make jokes that I think are funny. Some people do not find them funny or appropriate — my children tell me it's me being awkward. I do, on occasion, tease people in a good natured way and I do use nicknames. I call Robert Mujica the Sphinx. I call [REDACTED], I say Dr. Malatras is not really a doctor, I call Beth Bethesda. I do it in public and in private. You have seen me do it at briefings hundreds of times. I have teased people about getting married or not getting married, I've teased men about their choice of ties. I mean no offense and only attempt to add some levity and banter to what is a very serious business.

I also understand that customs change, and that sensitivity has changed and that what might be usual custom in the past is now found by some to be insensitive or too personal. I understand that norms have changed. I want to be hyper vigilant and exemplify that change.

I never meant any disrespect to Ms. Boylan and I am sorry if I made her feel uncomfortable. I am also sorry the relationship with the staff in the office did not work out.

People have commented on my office and staff. My staff are tough, motivated and top quality. My office is not for the faint of heart. It is high pressure, high stress, with high demands, and difficult circumstances. It certainly is not for everyone. There are men and women alike who say that I am a demanding boss and my team is demanding and can be hard charging. They are right. It is a high pressure environment and we work seven days a week — it is very intense, serious, and grueling. And we believe the people of the State of New York deserve the best possible service, and we work obsessively to deliver the best service.

At the same time, I doubt you will find an elected official who has a longer serving staff of higher quality people. Just look at the situation during COVID. Larry Schwartz, former Secretary to the Governor, I've worked with for 30 years. Steve Cohen, former Secretary to the Governor – 30 years, [REDACTED] Linda Lacewell came back from California. Jim Malatras, 14 years. Melissa DeRosa, [REDACTED], [REDACTED], Rich Azzopardi. They are intensely dedicated and committed to the mission. We are a bipartisan administration and have staff who crossed the aisle to come join my team, including Robert Mujica, Kelly Cummings and Beth Garvey.

##

In terms of conversations with legislators and politicians, I have a different attitude. Government is a serious business. The stakes are very high and making progress is often a fight and I believe I was elected to fight for the people. That's what I told them I would do. Indeed, that was my slogan since my Attorney General days. There is no change without a fight. Overturning the status quo is hard, but people demand change and I promised to deliver it. Marriage equality doesn't pass without a fight. The \$15 minimum wage doesn't pass without a fight. A woman's right to choose doesn't pass without a fight. Passing a budget doesn't happen without a fight. Building an airport is a fight. Fighting racism is a fight. Defeating COVID is a fight. I find some politicians are more interested in preserving the status quo or their own political careers and that some politicians are more interested in making headlines than headway. Conflict between politicians is inevitable if you actually want to get something done. These situations can get heated. That is the nature of the business.

I also hold politicians responsible. A politician who lies or attacks my integrity or accuses my administration of a crime, I will not take lightly. Nor should I. Nor

should society. It is illegal. It is defamation. It does a disservice to the public.

The public doesn't trust politicians as a class – their integrity or capacity – and I try my best to restore the trust.

And to be totally frank, yes I challenge the press. I learned it from watching my father, who spent hours on the phone arguing in a raised voice with Jimmy Breslin and Jack Newfield. Sometimes it's bruising but I grew up believing it was part of the process.

This is not to say rudeness is ever acceptable. One can be direct and straightforward and truthful, but not rude. For any person who felt my staff or myself was rude to them, or for anyone who was offended, I apologize. The heat of battle does not excuse rudeness.

As far as judgement of my leadership is concerned, New Yorkers watched it for 10 years and for hundreds of hours last year. Good, impatient, annoyed, confrontational. They watched it all. I'm not perfect and they know it. But they know who I am – truly, and who I fight for.

These issues today do not operate in a vacuum but rather a vortex. Presidential politics, political extremism, many ongoing campaigns, COVID fatigue, lack of legislative engagement, economic stress.

It is all in the mix. COVID is politicized. The March 25 memo and nursing homes is politicized. The hearing yesterday had ad hominem attacks against Dr. Zucker and cited political polemics but no facts disputed his judgment. He followed the CMS and CMS still has their guidance in place. Yes, information to the public was slow but the circumstances were obvious and the grieving families were caught in the crossfire. Forget the drama. Follow the facts. Party politics is politicized with extremes on both sides. There is polarization within each party also – a new dynamic. I will work hard to bring down the temperature and focus on what we are elected to do – manage COVID, vaccinate New Yorkers and rebuild New York.

Thank you

From: Lis Smith [REDACTED]@gmail.com >
Sent: Friday, February 26, 2021 12:01 PM
To: Jeffrey Pollock [REDACTED]@globalstrategygroup.com >
Cc: Dani Lever [REDACTED]@gmail.com >; Judith Mogul [REDACTED]@exec.ny.gov >; Linda A Lacewell (dfs.ny.gov) [REDACTED]@dfs.ny.gov >; Melissa DeRosa [REDACTED]@exec.ny.gov >; Steven Cohen (esd.ny.gov) [REDACTED]@esd.ny.gov >; Josh Vlasto [REDACTED]@esd.ny.gov >;
Subject: Re: Priv and Confidential

Melissa I thought th plan was now not to do this

On Fri, Feb 26, 2021 at 11:00 AM Jeffrey Pollock [REDACTED]@globalstrategygroup.com > wrote:

This doesn't feel different. I think someone needs to stop and do an outline of what needs to be accomplished. And if it were me, it would start with contrition not Boylan

Jeffrey Pollock
President
D [REDACTED]
M [REDACTED]
My pronouns: he, him, his

From: Melissa DeRosa [REDACTED]@exec.ny.gov >
Sent: Friday, February 26, 2021 10:27:55 AM
To: Linda A Lacewell (dfs.ny.gov) [REDACTED]@dfs.ny.gov >; Judith Mogul [REDACTED]@exec.ny.gov >; Steven Cohen (esd.ny.gov) [REDACTED]@esd.ny.gov >; Josh Vlasto [REDACTED]@esd.ny.gov >; [REDACTED]@gmail.com >; Dani Lever <[REDACTED]@gmail.com >; Lis Smith [REDACTED]@gmail.com >; Jeffrey Pollock <[REDACTED]@globalstrategygroup.com >
Subject: Re: Priv and Confidential

[EXT EMAIL]

My edits:

Let me address a couple of matters. First, the situation with Ms. Boylan and let me start by establishing the facts. I never physically touched her inappropriately. There was never a discussion about strip poker on the plane. There were four people crammed on the prop plane, all within earshot, and no one heard the comment because it was not said. As far as knees or feet or legs making contact during the flight, anyone who has been on the very small state plane knows that you are sitting across from each other and facing each other, making it virtually impossible not to be in incidental physical contact. There are also people sitting less than two feet across the aisle from you.

Ms. Boylan says I gave her a tour of my office— I often show people historical artifacts that I have collected overtime including gifts from Bill Clinton, Native Americans, my father, and historical mementos. It is, if you will, a standard tour. Many of you have seen it. The articles' significance is not beyond that which is apparent. The door is always open to my conference room because Stephanie sits about 10 feet away and this way she can hear me and I can hear her so we can communicate. The only time the door is ever closed is when we are having a legislative leaders meeting or a large group meeting.

The door of my office in New York City is always open also for the same reason, whoever is sitting outside is always about 10 feet away and can relay calls, etc. In some ways I do this for my protection also. If anyone says anything inappropriate, I have a witness.

Ms. Boylan held a significant position and I always thought I had a good, professional and mutually friendly relationship with her. She showed talent and was hardworking. Ultimately, she had a number of issues with a number of colleagues and subordinates which were resolved by the counsel and HR office. They ultimately decided not to offer Ms. Boylan continued employment. At no time in discussions with anyone, including the IIR staff, did Ms. Boylan suggest any inappropriate behavior by me.

I have not spoken to Ms. Boylan since she left 3 years and 5 months ago. She did, unsolicited, tweet that she supported my reelection and our administration's policies and team after she left the administration. On March 14 of last year, she did text members of my senior staff regarding an Executive Order that she believed negatively impacted her campaign for Congress at the time. The implication was the staff directed the policy at her candidacy directly. She was upset but her perception was not true. They were statewide reforms to address challenges of the pandemic.

Ms. Boylan says I touched her back and arm. I don't remember it but this may very well have been incidental. In general, my customary behavior is to greet people hello or say goodbye with a hug or a kiss. I kiss women and men hello or goodbye. I often greet staff and friends this way. I did an event in Queens the other day. I hugged the Assemblymembers and the pastors. In truth is it my usual custom. I have a picture hanging in my office kissing Al Gore. I've kissed Speaker Heastie and Senate Leader Andrea Stewart Cousins hello. Sometimes I kiss some reporters hello. You can go online and find pictures of me kissing and hugging hundreds of people. At least prior to COVID. A hug does make contact with an arm and back. Sometimes I get a sense when people are standoffish and I respect that. At no time did I kiss Ms. Boylan on the lips.

I spend most of my life at work and colleagues are often also personal friends. At work sometimes I am playful and make jokes that I think are funny. Some people do not find them funny or appropriate — my children tell me it's me being awkward. I do, on occasion, tease people in a good natured way and I do use nicknames. I call Robert Mujica the Sphinx. I call [REDACTED], I say Dr. Malatras is not really a doctor, I call Beth Bethesda. I do it in public and in private. You have

seen me do it at briefings hundreds of times. I have teased people about getting married or not getting married, I've teased men about their choice of ties. I mean no offense and only attempt to add some levity and banter to what is a very serious business.

I also understand that customs change, and that sensitivity has changed and that what might be usual custom in the past is now found by some to be insensitive or too personal. I understand that norms have changed. I want to be hyper vigilant and exemplify that change.

I never meant any disrespect to Ms. Boylan and I am sorry if I made her feel uncomfortable. I am also sorry the relationship with the staff in the office did not work out.

People have commented on my office and staff. My staff are tough, motivated and top quality. My office is not for the faint of heart. It is high pressure, high stress, with high demands, and difficult circumstances. It certainly is not for everyone. There are men and women alike who say that I am a demanding boss and my team is demanding and can be hard charging. They are right. It is a high pressure environment and we work seven days a week — it is very intense, serious, and grueling. And we believe the people of the State of New York deserve the best possible service, and we work obsessively to deliver the best service.

At the same time, I doubt you will find an elected official who has a longer serving staff of higher quality people. Just look at the situation during COVID. Larry Schwartz, former Secretary to the Governor, I've worked with for 30 years. Steve Cohen, former Secretary to the Governor – 30 years, [REDACTED] Linda Lacewell came back from California. Jim Malatras, 14 years. Melissa DeRosa, [REDACTED], [REDACTED], Rich Azzopardi. They are intensely dedicated and committed to the mission. We are a bipartisan administration and have staff who crossed the aisle to come join my team, including Robert Mujica, Kelly Cummings and Beth Garvey.

##

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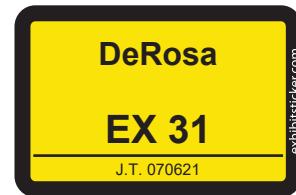
As far as judgement of my leadership is concerned, New Yorkers watched it for 10 years and for hundreds of hours last year. Good, impatient, annoyed, confrontational. They watched it all. I'm not perfect and they know it. But they know who I am – truly, and who I fight for.

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Thank you

From: "Melissa DeRosa" <[REDACTED]@gmail.com>
Sent: Wed, 24 Feb 2021 17:21:03 -0500 (EST)
To: "Dani Lever" <[REDACTED]@gmail.com>



I spent over 6 years working closely and traveling with Andrew Cuomo -- he is exactly the same person in private as he is in public - he can be playful, he can make bad jokes, he can be direct but nothing that ever crosses the line.

COVID-19 Updates

The COVID-19 vaccine is here. It is safe, effective and free. Walk in to get vaccinated at sites across the state. Continue to mask up and stay distant where directed.

GET THE FACTS >



GOVERNOR
ANDREW M. CUOMO

Albany, NY

Statement from Press Secretary Caitlin Girouard

STATEMENT

(/KEYWORDS/STATEMENT)



"As we said before, Ms. Boylan's claims of inappropriate behavior are quite simply false."

In Ms. Boylan's latest blog post, she opens up with a story about a plane trip in October 2017 - the manifests of all flights from October 2017 can be found below - there was no flight where Lindsey was alone with the Governor, a single press aide, and a NYS Trooper. Below is a statement that can be attributed to **John Maggiore, Howard Zemsky, Dani Lever and Abbey Fashouer Collins** who were on all of these flights with her:

"We were on each of these October flights and this conversation did not happen."

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/October_2017.pdf
(https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/October_2017.pdf)

10/04/17 - Watertown Downtown Revitalization Initiative/Southern Tier Lithium Ion Battery Giga-Factory Announcement/Western New York Smart Growth Community Fund Announcement

Passengers:

Governor Andrew M. Cuomo

John Maggiore, Director of Policy

Dani Lever, Press Secretary

Lindsey Boylan, Chief of Staff, Empire State Development

Howard Zemsky, President and CEO, Empire State Development

10/06/17 - Cortland Downtown Revitalization Initiative/Rochester Train Station Event

Passengers:

Governor Andrew M. Cuomo

DeRosa

EX 32

J.T. 070621

John Maggiore, Director of Policy

Lindsey Boylan, Chief of Staff, Empire State Development

Abbey Fashouer, First Deputy Press Secretary

Protective Services incl. Sr. Inv. V. Straface

10/12/17 - Cold Spring Harbor Laboratory Groundbreaking/Staten Island Fentanyl Crisis Announcement

Passengers:

Governor Andrew M. Cuomo

Dani Lever, Press Secretary

Lindsey Boylan, Chief of Staff, Empire State Development

Howard Zemsky, President and CEO, Empire State

10/17/17 - John R. Oishei Children's Hospital Dedication Ceremony/Syracuse Airport Redesign and Reconstruction Announcement/Norsk Titanium USA Announcement

Passengers:

Governor Andrew M. Cuomo

John Maggiore, Director of Policy

Dani Lever, Press Secretary

Howard Zemsky, President and CEO, Empire State Development

Lindsey Boylan, Chief of Staff, Empire State Development

Protective Services incl. Sr. Inv. J. Boyle

Contact the Governor's Press Office

Contact us by phone:

Albany: (518) 474 - 8418

New York City: (212) 681 - 4640

Contact us by email:

Press.Office@exec.ny.gov

Translations

Bengali Translation

বাংলা অনুবাদ

(https://www.governor.ny.gov/sites/default/files/atoms/files/02.24.21.rel_STATEMENT_

Chinese Translation

中文翻譯

(https://www.governor.ny.gov/sites/default/files/atoms/files/02.24.21.rel_STATEMENT_

Haitian-Creole Translation

Tradiksyon kreyòl ayisyen

(https://www.governor.ny.gov/sites/default/files/atoms/files/02.24.21.rel_STATEMENT_Ha

Korean Translation

한국어 번역

(https://www.governor.ny.gov/sites/default/files/atoms/files/02.24.21.rel_STATEMENT_

Russian Translation

Перевод на русский язык

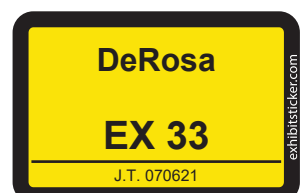
(https://www.governor.ny.gov/sites/default/files/atoms/files/02.24.21.rel_STATEMENT_

Spanish Translation

Traducción al español

(https://www.governor.ny.gov/sites/default/files/atoms/files/02.24.21.rel_STATEMENT_

Chat #	From	To	Body	Timestamp: Time
9	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	https://twitter.com/_char_bennett_/status/1364613777023451136?s=10	2/24/2021 1:29:14 PM(UTC-5)
9	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	What about the stringer boylan thing	2/24/2021 6:24:02 PM(UTC-5)
9	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	We made a mistake yesterday w this entire response	2/25/2021 10:54:08 AM(UTC-5)
9	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	What did you mean by this	2/25/2021 10:54:14 AM(UTC-5)
9	[REDACTED] Melissa DeRosa	[REDACTED] Lis Smith Melissa DeRosa (owner)	Jef has talked me off of it but i feel like we didn't go hard enough	2/25/2021 10:54:53 AM(UTC-5)



9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Oh god	<p>2/25/2021 10:55:04 AM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	I couldnt diaageee more w u	<p>2/25/2021 10:55:12 AM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Going hard has gotten you guys to where you are now	<p>2/25/2021 10:55:32 AM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Which is a very bad place	<p>2/25/2021 10:55:38 AM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	You could go hard if you want to keep ruining his reputation	<p>2/25/2021 10:56:21 AM(UTC-5)</p>

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	I also agree that the Biaggi thing was idiotic	2/25/2021 10:56:53 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	I know jef told me my instincts have been off on this	2/25/2021 10:56:55 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Yes I would agree with him on that	2/25/2021 11:02:46 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	on the other line	2/26/2021 6:26:13 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	what ups	2/26/2021 6:26:28 PM(UTC-5)

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	?	2/26/2021 6:27:52 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	Intel	2/26/2021 6:38:16 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	talking to someone about ronan	2/26/2021 6:38:44 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	i'll call you in a few minutes	2/26/2021 6:38:50 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Hey	2/26/2021 11:15:22 PM(UTC-5)

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Have u talked to Andrew abt this	<p>2/26/2021 11:15:35 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	I have nothing but respect for Charlotte and the work she did for the state. Understanding what she survived, I would only want her to feel supported and valued. I believe the best way to get to the truth is through a full, fact-based and independent investigation by an outside counsel who has the expertise to review matters like this one and can recommend	<p>2/27/2021 1:09:05 AM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	I think it would be helpful if u talk to him	<p>2/27/2021 10:17:40 AM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	That convo was so enraging	<p>2/27/2021 10:17:58 AM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	I'm listening to u	<p>2/27/2021 10:18:09 AM(UTC-5)</p>

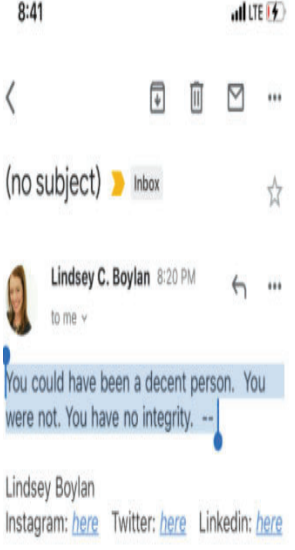
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	That statement is enraging	2/27/2021 10:18:13 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	I'll talk to him with like jef if need be.	2/27/2021 10:27:04 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	Will u look at statement at top of ur inbox	2/27/2021 10:32:48 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	It's not I. Correct English and I think should be from him	2/27/2021 10:34:31 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	You currently have it from two different people	2/27/2021 10:34:42 AM(UTC-5)

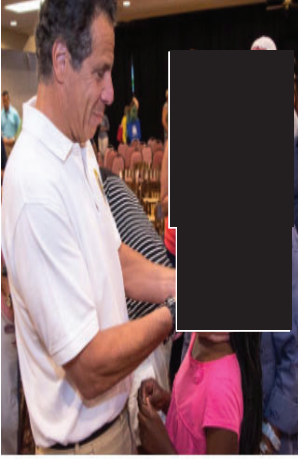
9	<p>██████████ Melissa DeRosa</p>	<p>██████████ Lis Smith Melissa DeRosa (owner)</p>	Josh fixing	2/27/2021 10:34:57 AM(UTC-5)
9	<p>██████████ Lis Smith</p>	<p>██████████ Melissa DeRosa (owner) ██████████ Melissa DeRosa (owner)</p>	Can you send me the text of this statement	2/27/2021 1:48:18 PM(UTC-5)
9	<p>██████████ Lis Smith</p>	<p>██████████ Melissa DeRosa (owner) ██████████ Melissa DeRosa (owner)</p>	<p>Ms. Bennett has every right to speak out. Shewas a hardworking and valued member of our team during COVID.</p> <p>When she came to me and opened up about being a sexual assault survivor and how it shaped her and her ongoing efforts to help other survivors, I tried to be supportive and helpful. Ms. Bennett's initial impression was right: I was trying to be paternalistic towards her and help mentor her. I never made advances toward Ms. Bennett nor did I ever intend to act in any way that was inappropriate.</p> <p>This situation cannot and should not be resolved in the press so I believe the best way to get to the truth is through a full, thorough and independent investigation, including Ms. Boylan. My counsel has selected an independent counsel of the highest integrity to lead this review and I am directing all state employees to comply with</p>	2/27/2021 1:52:58 PM(UTC-5)

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Can you send me latest	2/27/2021 2:02:54 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Ok	2/27/2021 2:06:52 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	Sent	2/27/2021 2:09:00 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	to whom	2/27/2021 2:09:06 PM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Should we change the beginning	2/27/2021 2:09:32 PM(UTC-5)

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>“Ms Bennett was a hardworking and valued member of our team during COVID. She has every right to speak out.”</p>	<p>2/27/2021 2:09:49 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Kk</p>	<p>2/27/2021 2:16:55 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Will flip</p>	<p>2/27/2021 2:16:57 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Did you see the other texts/notes</p>	<p>2/27/2021 2:17:20 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>PATERnalistic is really creepy</p>	<p>2/27/2021 2:17:32 PM(UTC-5)</p>

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>People are gonna pick up on that word as really creepy</p>	<p>2/27/2021 2:17:57 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Mentor mentee?</p>	<p>2/27/2021 2:18:07 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Something like that</p>	<p>2/27/2021 2:25:21 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>We gotta take out paternalistic in light of push ups</p>	<p>2/27/2021 2:29:53 PM(UTC-5)</p>
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Use the one I just sent</p>	<p>2/27/2021 2:39:47 PM(UTC-5)</p>

9	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	i'm not sure which one i used	2/27/2021 2:43:07 PM(UTC-5)
9	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	can someone else just look at this and fix it for us	2/27/2021 2:43:16 PM(UTC-5)
9	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	yOU NEED TO JUMP IN TOO	2/27/2021 8:26:52 PM(UTC-5)
9	[REDACTED] Melissa DeRosa	[REDACTED] Lis Smith [REDACTED] Melissa DeRosa (owner)	 <p>8:41 LTE </p> <p>< </p> <p>(no subject) Inbox </p> <p> Lindsey C. Boylan 8:20 PM ↩ </p> <p>to me v</p> <p>You could have been a decent person. You were not. You have no integrity. --</p> <p>Lindsey Boylan Instagram: here Twitter: here LinkedIn: here</p>	2/27/2021 8:50:53 PM(UTC-5)

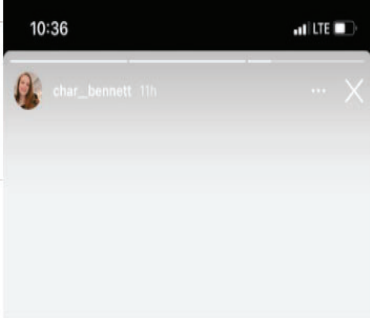
9	<p>██████████ Melissa DeRosa</p>	<p>██████████ Lis Smith Melissa DeRosa (owner)</p>		3/3/2021 7:26:03 PM(UTC-5)
9	<p>██████████ Melissa DeRosa</p>	<p>██████████ Lis Smith Melissa DeRosa (owner)</p>	<p>Bill Hammond (@NYHammond) Tweeted: "I kiss and hug legislators." https://t.co/Dbu3wveTZc https://twitter.com/NYHammond/status/1367182592659832832?s=20</p>	3/3/2021 7:27:36 PM(UTC-5)
9	<p>██████████ Lis Smith</p>	<p>██████████ Melissa DeRosa (owner) ██████████ Melissa DeRosa (owner)</p>	<p>Also would like to help w the sec harassment stuff- the maher people offered to do a call w me today but I need something from your team,</p>	3/5/2021 7:13:45 AM(UTC-5)
9	<p>██████████ Lis Smith</p>	<p>██████████ Melissa DeRosa (owner) ██████████ Melissa DeRosa (owner)</p>	<p>At some point you guys need to give people a reason to help you and some ammo</p>	3/5/2021 7:14:02 AM(UTC-5)
9	<p>██████████ Melissa DeRosa</p>	<p>██████████ Lis Smith Melissa DeRosa (owner)</p>	<p>Tell me wgat u need and I'll put together this am</p>	3/5/2021 7:16:18 AM(UTC-5)

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	I texted last night	3/5/2021 7:17:41 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Lemme know how call goes	3/9/2021 11:21:22 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	U can't be on?	3/9/2021 11:21:36 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	No one is sending the number	3/9/2021 11:21:44 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	I texted and emailed	3/9/2021 11:21:49 AM(UTC-5)

9	<p>[REDACTED] Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	Just sent	3/9/2021 11:22:03 AM(UTC-5)
9	<p>[REDACTED] Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)</p>	Your assistant needs to text	3/9/2021 11:22:09 AM(UTC-5)
9	<p>[REDACTED] Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)</p>	That doesn't work for me	3/9/2021 11:22:21 AM(UTC-5)
9	<p>[REDACTED] Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)</p>	If your assistant texts I'll get on	3/9/2021 11:22:28 AM(UTC-5)
9	<p>[REDACTED] Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)</p>	Did you assistant get me too'd	3/9/2021 11:24:48 AM(UTC-5)

9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	That's gross	3/9/2021 11:36:21 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith Melissa DeRosa (owner)</p>	Which part	3/9/2021 11:36:44 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	All of this!	3/9/2021 11:36:50 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	What's with all these women going to the mansion	3/9/2021 11:37:15 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Can you just fire every woman	3/9/2021 11:42:20 AM(UTC-5)


9	<p>[REDACTED]</p> <p>Lis Smith</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	In the office	3/9/2021 11:42:25 AM(UTC-5)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	RF story	3/14/2021 1:38:07 PM(UTC-4)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	It's a rehash w more details on LB	3/14/2021 1:38:16 PM(UTC-4)
9	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED] Lis Smith</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	No new allegations	3/14/2021 1:38:22 PM(UTC-4)

Chat #	From	To	Body	Timestamp: Time
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Did you see this private Instagram page	2/24/2021 10:55:11 PM(UTC-5)
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	 <p>Governor Andrew Cuomo has created a culture within his administration where sexual harassment and bullying is so pervasive that it is not only condoned but expected. His inappropriate behavior toward women was an affirmation that he liked you, that you must be doing something right. He used intimidation to silence his critics. And if you dared to speak up, you would face consequences.</p>	2/24/2021 10:55:16 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	How do u access	2/24/2021 10:58:20 PM(UTC-5)
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	I got this from our Bronx rep who is friends with her	2/24/2021 10:58:57 PM(UTC-5)

16	Melissa DeRosa	Melissa DeRosa (owner)	<p>Today 11:50 AM</p> <p>So use this as you see fit</p> <p>has had several staffers quit from her abuse</p> <p>Most recently her LD went on and quit with no job</p> <p>Because of and behavior - bullying and abusivr.</p> <p>This happened in the last three weeks.</p> <p>There are several others before this most recent one</p>	2/25/2021 1:01:00 PM(UTC-5)
16		Melissa DeRosa (owner) Melissa DeRosa (owner)	Yes.. I have someone talking to , someone talking to the new kid who just quit.. however.. we need to figure out how to make this story different from the Riverdale press article or it's old news	2/25/2021 1:02:55 PM(UTC-5)
16		Melissa DeRosa (owner) Melissa DeRosa (owner)	https://riverdalepress.com/stories/questions-remain-after-high-profile-staff-changes,69226	2/25/2021 1:03:54 PM(UTC-5)
16		Melissa DeRosa (owner) Melissa DeRosa (owner)	Corey done (through).. they are fine, Laura Curran fine, Anna Kaplan fine, Diane savino fine, Planned parenthood fine, Naral fine...	2/27/2021 4:50:20 PM(UTC-5)

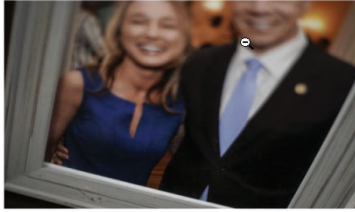
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Bello Garnar McCoy Latimer okay. [REDACTED] from better balance okay.	2/27/2021 5:33:58 PM(UTC-5)
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Ruben Diaz jr okay	2/27/2021 5:34:11 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	How are calls going	2/27/2021 7:53:06 PM(UTC-5)
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Not a lot of people picking up post story going out but the ones I grabbed before and since are not calling for a resignation.. just an independent investigation..which I think is our goal at this point right?	2/27/2021 7:55:04 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Yes	2/27/2021 7:55:16 PM(UTC-5)


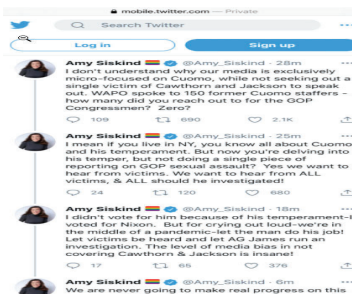
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	The Steve Cohen connection is making it a bit harder to lean into our person..	2/27/2021 7:59:30 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	We didn't out here	2/27/2021 8:36:40 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Her	2/27/2021 8:36:42 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Ms. Bennett said she had mentioned a speech she was scheduled to give to Hamilton students about her experience as a survivor of sexual assault. She said she had been taken aback by Mr. Cuomo's seeming fixation on that element of her life experience.	2/27/2021 8:36:44 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	That's in the times story	2/27/2021 8:36:55 PM(UTC-5)


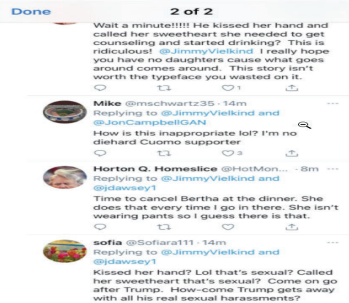
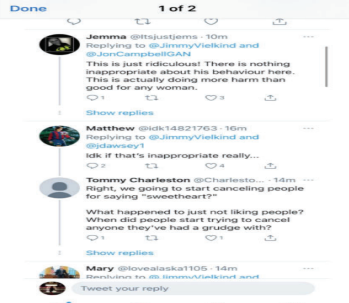
16	[REDACTED]	Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Yep that I am aware of	2/27/2021 8:37:11 PM(UTC-5)
16	Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Also it's on her college website	2/27/2021 8:37:13 PM(UTC-5)
16	[REDACTED]	Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	I told [REDACTED] that	2/27/2021 8:37:23 PM(UTC-5)
16	Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	they do not work together 	2/27/2021 8:40:39 PM(UTC-5)

16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	Can u call her	2/27/2021 8:41:00 PM(UTC-5)
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	<p>"There are no limits on the scope of Judge Jones' review." - Beth Garvey</p> <p>Barbara S. Jones, former judge in the U.S. District Court for the Southern District of New York, focuses her practice on corporate monitorships, compliance issues, internal investigations and arbitrations and mediations.</p> <p>During her 16-year term in the U.S. District Court for the Southern District of New York, Judge Jones presided over a diverse range of cases, including accounting and securities fraud, antitrust, fraud and corruption involving city contracts and federal loan programs, labor racketeering and terrorism. In May 2010, Judge Jones was appointed by the Chief Justice of the United States to serve on the seven-member Judicial Panel on Multidistrict Litigation; she served on the panel until October 2012.</p> <p>Prior to her U.S. District Judge nomination in 1995 by President Bill Clinton, she served as Chief Assistant to Robert M. Morgenthau, then-District Attorney of New York County. Previously, she was an Assistant U.S. Attorney in the Southern District of New York, where she served as the chief of the Organized Crime Strike Force Unit. Judge Jones has served as an adjunct assistant professor at Fordham Law School and New York University School of Law. Judge Jones also chaired the Response Systems to Adult Sexual Assault Crimes Panel, created by Congress in the National Defense Authorization Act for 2013, aimed at assessing the investigation, prosecution, and adjudication of sexual assaults in the military. The panel issued a report to Congress in June 2014 with 132 recommendations to the Department of Defense.</p>	2/27/2021 8:46:17 PM(UTC-5)
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	We need to get on the phone and slow people down	3/1/2021 9:15:04 PM(UTC-5)
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	It's spiraling	3/1/2021 9:15:11 PM(UTC-5)

16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	I will try,. I'm not sure there is much we can do at this point to be honest.. the people on state level that are calling for his resignation are the progressives right now but I have people texting me about Andrew ball liking charlottes comments and [REDACTED] supporting Anna.. these are people from our administration.. I am trying	3/1/2021 9:19:49 PM(UTC-5)
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Skoufis called on the governor to resign.. he called me and jay jacobs.. it was a personal decision for him he let me know and it was a difficult one for him he said	3/3/2021 9:15:21 AM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	We are doing a presser today	3/3/2021 9:16:11 AM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Gov will address it	3/3/2021 9:16:21 AM(UTC-5)
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Ok	3/3/2021 9:16:25 AM(UTC-5)

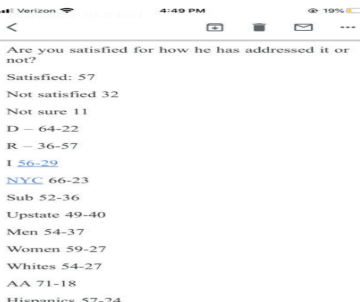
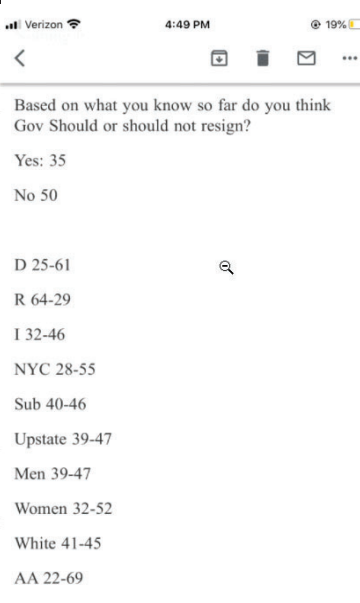
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	Did he Already do it?	3/3/2021 9:18:06 AM(UTC-5)
16	<p>[REDACTED]</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Yes	3/3/2021 9:18:10 AM(UTC-5)
16	<p>[REDACTED]</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Both [REDACTED] and [REDACTED] felt that people would be more be honest with their thoughts individually and not in a group. I'm just gonna do individual calls if that works and come up with a list..	3/6/2021 2:32:58 PM(UTC-5)
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	Ok	3/6/2021 2:33:09 PM(UTC-5)
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	<p>or her appearance.</p>  <p>Ana Liss keeps in her office a framed picture of her and Gov. Andrew Cuomo, taken at a 2014 reception, showing his arm around her waist. PHOTO: LIBBY MARCH FOR THE WALL STREET JOURNAL</p> <p>Ms. Liss recalled working at a May 6, 2014,</p>	3/6/2021 10:11:35 PM(UTC-5)







16	Melissa DeRosa	Melissa DeRosa (owner)	The post reached out to 150 and the most they could get was one possibly misinterpreted hug in the 1990s. Feels like that's almost exoneration	3/6/2021 10:12:04 PM(UTC-5)
16	Melissa DeRosa	Melissa DeRosa (owner)	Got it. And i agree	3/6/2021 10:12:30 PM(UTC-5)
16	Melissa DeRosa	Melissa DeRosa (owner)	That was from Issac Doveve	3/6/2021 10:12:45 PM(UTC-5)
16	Melissa DeRosa	Melissa DeRosa (owner)		3/6/2021 10:15:31 PM(UTC-5)
16	Melissa DeRosa	Melissa DeRosa (owner)		3/6/2021 10:15:35 PM(UTC-5)

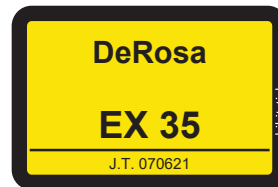
16	Melissa DeRosa	Melissa DeRosa (owner)		3/6/2021 10:15:39 PM(UTC-5)
16	Melissa DeRosa	Melissa DeRosa (owner)		3/6/2021 10:15:43 PM(UTC-5)
16	Melissa DeRosa	Melissa DeRosa (owner)		3/6/2021 10:15:46 PM(UTC-5)
16		Melissa DeRosa (owner) Melissa DeRosa (owner)	This is what Paulin is circulating..	3/10/2021 10:18:21 AM(UTC-5)

16	[REDACTED]	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>A bunch of us are putting together a joint statement , men and women to say step aside when the sixth and seventh come out tonight.</p> <p>As legislators and as New Yorkers we all must decide what is best for the future of New York State. The budget, the fight against Covid, and restarting the economy all demand clear and confident leadership. In light of the Governor's admission of inappropriate behavior and the findings of altered data on nursing home COVID-19 deaths he has lost the confidence of the public and the state legislature, rendering him ineffective in this time of most urgent need.</p> <p>Attorney General James has made clear that her independent investigation will continue and has already</p>	3/10/2021 10:18:23 AM(UTC-5)
16	[REDACTED]	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	She put me straight to voice mail.. I will keep trying	3/10/2021 10:22:24 AM(UTC-5)
16	[REDACTED]	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	Nita is the only person we can come up with on the Amy thing.. I heard Nily and Zohan are also pushing.. [REDACTED] and I are getting someone to reach out to nily.. zohan is DSA so we don't have a play there	3/10/2021 10:58:38 AM(UTC-5)

16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Bailey is coming out with a resign statement.. not sure if we want Gov to reach out.. he is holding of he wants to talk to him	3/12/2021 1:47:32 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Yes	3/12/2021 1:47:49 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Tell him he will call him	3/12/2021 1:47:54 PM(UTC-5)
16	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Please hold	3/12/2021 1:47:57 PM(UTC-5)
16	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Ok	3/12/2021 1:48:14 PM(UTC-5)

16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	 <p>Are you satisfied for how he has addressed it or not? Satisfied: 57 Not satisfied: 32 Not sure: 11 D - 64-22 R - 36-57 I 56-29 NYC 66-23 Sub 52-36 Upstate 49-40 Men 54-37 Women 59-27 Whites 54-27 AA 71-18 Hispanics 57-24</p>	<p>3/14/2021 4:49:45 PM(UTC-4)</p>
16	<p>[REDACTED]</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Addressed sexual harassment, nursing homes or COVID?</p>	<p>3/14/2021 4:58:04 PM(UTC-4)</p>
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	<p>SH</p>	<p>3/14/2021 4:58:23 PM(UTC-4)</p>
16	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	 <p>Based on what you know so far do you think Gov Should or should not resign? Yes: 35 No 50 D 25-61 R 64-29 I 32-46 NYC 28-55 Sub 40-46 Upstate 39-47 Men 39-47 Women 32-52 White 41-45 AA 22-69 Hispanic 27-47</p>	<p>3/14/2021 4:58:42 PM(UTC-4)</p>

16	 Melissa DeRosa	 Melissa DeRosa (owner)	Siena tomorrow	3/14/2021 4:58:55 PM(UTC-4)
16	 	 Melissa DeRosa (owner)  Melissa DeRosa (owner)	This great..	3/14/2021 4:59:44 PM(UTC-4)



Date: Saturday, February 27 2021 11:32 AM
Subject: Re: Sorry - most up to date for the 9am
From: Josh Vlasto <[REDACTED]@gmail.com>
To: Lis Smith <[REDACTED]@gmail.com>;
Dani Lever <[REDACTED]@gmail.com>; Jeffrey Pollock <[REDACTED]@globalstrategygrou.com>; Judith Mogul
<[REDACTED]@exec.ny.gov>; Linda A Lacewell (dfs.ny.gov) <[REDACTED]@dfs.ny.gov>; Melissa DeRosa
CC: <[REDACTED]@exec.ny.gov>; Peter Ajemian <[REDACTED]@exec.ny.gov>; Richard Azzopardi
<[REDACTED]@exec.ny.gov>; Stephanie Benton <[REDACTED]@exec.ny.gov>; Steven Cohen
(esd.ny.gov) <[REDACTED]@esd.ny.gov>;

Her meaning the independent counsel

On Sat, Feb 27, 2021 at 11:21 AM Lis Smith <[REDACTED]@gmail.com> wrote:
WY to much I

And who is her team?

On Sat, Feb 27, 2021 at 10:49 AM Josh Vlasto <[REDACTED]@gmail.com> wrote:

Recent claims that I made sexual advances toward women in the workplace are untrue.

I have nothing but respect for Ms. Bennet and the work she did for the state. In addition, understanding what she survived previously in her life, I would only want her to feel supported and valued. I never meant to be anything but supportive and constructive and I am sorry and deeply regret that she felt anything otherwise.

I have a different perspective on the dynamics of our interactions however I absolutely respect a woman's right to speak out.

I believe the best way to get to the truth is through a full, thorough and independent investigation to review these matters. We will fully comply with her team on all matters and I am directing all state employees to do the same.

On Sat, Feb 27, 2021 at 10:28 AM Melissa DeRosa <[REDACTED]@exec.ny.gov> wrote:

We have nothing but respect for Ms Bennett and the work she did for the state. Understanding what she survived previously in her life, we would only want her to feel supported and valued. The Governor never meant to be anything but supportive and constructive and he is sorry if he in any way aggravated her situation. I have a different perspective on the dynamic presented here and believe the best way to get to the truth is through a full, fact-based and independent investigation by an outside.

From: Peter Ajemian

Sent: Saturday, February 27, 2021 10:22 AM

To: Linda A Lacewell (dfs.ny.gov); Melissa DeRosa

Cc: Jeffrey Pollock; Josh Vlasto; Judith Mogul; Lis Smith; Richard Azzopardi; Stephanie Benton; Steven Cohen (esd.ny.gov); Dani Lever

Subject: Re: Sorry - most up to date for the 9am

Plus Dani

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Lacewell, Linda A (DFS)

Sent: Saturday, February 27, 2021 9:05 AM

To: Melissa DeRosa

Cc: Jeffrey Pollock; Josh Vlasto; Peter Ajemian; Judith Mogul; Lis Smith; Richard Azzopardi; Stephanie Benton; Steven Cohen (esd.ny.gov)

Subject: Re: Sorry - most up to date for the 9am

Another approach from Judy

I respect and appreciate people who dedicate their lives to public service and people who work for the state of NY. The recent claims that I made sexual advances or engaged in sexual harassment – are unfounded and untrue. I have been in public service for years. I believe that the people have a right to know the truth. I am going to be hiring an independent law firm to conduct a review and these and any other related allegations. In the interim, I would request that people refrain from jumping to conclusions and wait until the review is complete.

Sent from my iPhone

On Feb 27, 2021, at 9:04 AM, Melissa DeRosa <@exec.ny.gov> wrote:

During Ms. Bennett's time in the office, she told the Governor that she had been a victim of sexual assault and then started an organization to promote awareness of sexual assault. She explained that her alma mater had denied her allegations of sexual assault after an investigation and that her family was not fully supportive of her exposing the allegations. Ms. Bennett said she came to the Governor's office because of his work protecting sexual assault victims, especially against universities. The Governor sensed she was still suffering from the trauma and tried to be supportive; as Ms Bennett says, he was 'paternalistic' and they had a 'mentor-mentee' relationship.

At one point Ms Bennett said she would be giving a keynote speech on the issue of sexual assault; the

Governor said he would happy to help her with it. He thought it could be cathartic and encouraged her to own what happened to her and use her voice to proclaim her truth. The Governor tried to be supportive and suggested developing real friendships and healthy loving and positive emotional relationships, exercise and therapy to help her in moving forward. The Governor tried to lighten her spirits. At one point, Ms Bennett said she was thinking of getting a tatoo. The Governor said his opinion was that she would find it was a mistake later in life and that she should at least do it where it would be hidden. Ms. Bennett said she was reviewing the Governor's incoming mail and many women were interested in dating him, and he joked that he was lonely and ready for a girlfriend and that she should screen the mail and find him good candidates.

At one point Ms Bennett approached an aid and requested to be transferred to a position she previously expressed interest in with the health team. The aide then proactively set up a meeting with the Governor's special counsel, a former federal prosecutor, for a formal interview. In that interview, Ms Bennet said she had shared personal information with the Governor which she now regretted and felt uncomfortable. She was asked specifically if she felt the Governor sexually harassed her or if there was any improper contact and she said no. She was asked if she felt there should be any further action to determine if the Governor did anything improper; Ms. Bennett said no. The Governor's intention was consistent with Ms. Bennett's initial impression: he was being 'paternalistic'.

We have nothing but respect for Ms. Bennett and the work she did for the state. Understanding what she survived previously in her life, we would only want her to feel supported and valued. The Governor never meant to be anything but supportive and constructive and he is sorry if he in any way aggravated her situation.

We believe the best way to affirm the truth in this and the matter involving Ms Boylan is through a full, fact-based and independent investigation by an outside counsel.

From: Melissa DeRosa

Sent: Saturday, February 27, 2021 8:32 AM

To: Josh Vlasto; Peter Ajemian

Cc: Jeffrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Richard Azzopardi; Stephanie Benton; Steven Cohen (esd.ny.gov)

Subject: priv confidential - pls review this draft for the call [REDACTED]'s putting on

Sorry read this version -->

Ms. Bennett came to work in the governor's office for a short period of time.

During her time in the office, she told the Governor that she had been a victim of sexual assault and then started an organization to promote awareness of sexual assault. She explained that her alma mater had denied her allegations of sexual assault after an investigation and that her family was not fully supportive of her exposing the allegations. Ms. Bennett said she came to the Governor's office because of his work protecting sexual assault victims, especially against universities. The Governor sensed she was still suffering from the trauma and tried to be supportive as Ms Bennett says, he was 'paternalistic' and they had a 'mentor-mentee' relationship.

At one point Ms Bennett said she would be giving a keynote speech on the issue of sexual assault; the Governor said he would happy to help her with it. He thought it could be cathartic and encouraged her to own what happened to her and use her voice to proclaim her truth. The Governor tried to be supportive and suggested developing real friendships and healthy loving and positive emotional relationships, exercise and therapy to help her in moving forward. The Governor tried to lighten her spirits. At one point, Ms Bennett said she was thinking of getting a tatoo. The Governor said his opinion was that she would find it was a mistake later in life and that she should at least do it where it would be hidden. Ms. Bennett said she was reviewing the Governor's incoming mail and many women were interested in dating him, and he joked that he was lonely and ready for a girlfriend and that she should screen the mail and find him good candidates.

At one point Ms Bennett approached an aid and requested to be transferred to a position she previously expressed interest in with the health team. The aide then proactively set up a meeting with the Governor's special counsel, a former federal prosecutor, for a formal interview. In that interview, Ms Bennet said she had shared personal information with the Governor which she now regretted and felt uncomfortable. She was asked specifically if she felt the Governor harassed her in any way or if there was any improper contact and she said no. She was asked if she felt there should be any further action to determine if the Governor did anything improper; Ms. Bennett said no. Ms. Bennett's initial impression that the governor was being 'paternalistic' and a 'mentor-mentee' was and remained correct. We have nothing but respect for Ms. Bennett and the work she did for the state. Understanding what she survived previously in her life, we would only want her to feel supported and valued.

We believe the best way to get to the truth is through a full, fact-based and independent investigation by an outside counsel, including Ms. Boylan.

From: Melissa DeRosa
Sent: Saturday, February 27, 2021 8:05 AM
To: Josh Vlasto; Peter Ajemian
Cc: Jeffrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Richard Azzopardi; Stephanie Benton; Steven Cohen (esd.ny.gov)
Subject: Re: privileged / confidential / draft

A different approach:

Ms. Bennett came to work in the governor's office for a short period of time.

During her time in the office, she told the Governor that she had been a victim of sexual assault and then started an organization to promote awareness of sexual assault. She explained that her alma mater had denied her allegations of sexual assault after an investigation and that her family was not fully supportive of her exposing the allegations. Ms. Bennett said she came to the Governor's office because of his work protecting sexual assault victims, especially against universities. The Governor sensed she was still suffering from the trauma and tried to be supportive as Ms Bennett says, he was 'paternalistic' and they had a 'mentor-mentee' relationship.

At one point Ms Bennett said she would be giving a keynote speech on the issue of sexual assault; the Governor said he would happy to help her with it. He thought it could be cathartic and encouraged her to own what happened to her and use her voice. The Governor tried to be supportive and suggested developing healthy friendships and supportive relationships, exercise and therapy to help her in moving forward. The Governor tried to lighten her spirits. At one point, Ms Bennett said she was thinking of getting a tatoo. The Governor said his opinion was that she would find it was a mistake later in life and that she should at least do it where it would be hidden. Ms. Bennett said she was reviewing the Governor's incoming mail and many women were interested in dating him, and he joked that she should screen the mail and find him good candidates.

At one point Ms Bennett approached an aid and requested to be transferred to a position she previously

expressed interest in with the health team. The aide then proactively set up a meeting with the Governor's special counsel, a former federal prosecutor, for a formal interview. Ms Bennet said she had shared personal information with the Governor which she now regretted and felt uncomfortable. She was asked specifically if she felt the Governor harassed her in any way or if there was any improper contact and she said no. She was asked if she felt there should be any further action to determine if the Governor did anything improper; Ms. Bennett said no. Ms. Bennett's initial impression that the governor was being 'paternalistic' and a 'mentor-mentee' was and remained correct. We have nothing but respect for Ms. Bennett and the work she did for the state. Understanding what she survived previously in her life, we would only want her to feel supported and valued.

We believe the best way to get to the truth is through a full, fact-based and independent investigation by an outside counsel.

From: Josh Vlasto <[REDACTED]@gmail.com >

Sent: Saturday, February 27, 2021 7:58 AM

To: Peter Ajemian

Cc: Jeffrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Melissa DeRosa; Richard Azzopardi; Stephanie Benton; Steven Cohen (esd.ny.gov)

Subject: Re: privileged / confidential / draft

Seems right to me

Comes in a release I imagine with a sentence or two about the person picked?

On Sat, Feb 27, 2021 at 7:45 AM Peter Ajemian <[REDACTED]@exec.ny.gov > wrote:

Relooping Josh

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Peter Ajemian

Sent: Saturday, February 27, 2021 7:18 AM

To: Lis Smith

Cc: Melissa DeRosa; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Stephanie Benton; Steven Cohen (esd.ny.gov); Jeffrey Pollock; Richard Azzopardi

Subject: Re: privileged / confidential / draft

Sounds right. One tweak in caps for clarity.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Lis Smith

Sent: Saturday, February 27, 2021 12:52 AM

To: Peter Ajemian

Cc: Melissa DeRosa; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Stephanie Benton; Steven Cohen (esd.ny.gov); Jeffrey Pollock; Richard Azzopardi

Subject: Re: privileged / confidential / draft

removed "complex" and reworked a little:

I have nothing but respect for Charlotte and the work she did for the state. Understanding what she survived PREVIOUSLY IN HER LIFE, I would only want her to feel supported and valued. I believe the best way to get to the truth is through a full, fact-based and independent investigation by an outside counsel who has the expertise to review matters like this one and can recommend remedial steps if warranted.

On Sat, Feb 27, 2021 at 12:39 AM Lis Smith <[REDACTED]@gmail.com> wrote:

Additional option:

I have nothing but respect for Charlotte and the work she did for the state. Understanding what Charlotte survived the way I do, I never would have said anything to her that didn't make her feel supported and valued. I believe the best way to get to the truth is through a full, fact-based and independent investigation by an outside counsel who has the expertise to review complex matters like this one and can recommend remedial steps if warranted.

On Fri, Feb 26, 2021 at 11:39 PM Peter Ajemian <[REDACTED]@exec.ny.gov> wrote:

Understanding this needs work, here's an initial draft to discuss.

I have nothing but respect for Charlotte and the work she did for the state, and I have tremendous sympathy for what she had been through in her life. I regret and am saddened that she felt anything other than supported and valued at work, as I want nothing but the best for her. I have a different perspective on the dynamic presented here and believe the best way to get to the truth is through a full, fact-based and independent investigation by an outside counsel who has the expertise to review complex matters like this one and can recommend remedial steps if warranted.

On Feb 26, 2021, at 8:40 PM, [REDACTED] <[REDACTED]@exec.ny.gov> wrote:

Plus Chris Cuomo

Sent from my iPhone

To: Peter Ajemian[REDACTED]@exec.ny.gov]; Richard Azzopardi[REDACTED]@exec.ny.gov]; Linda A Lacewell (dfs.ny.gov)[REDACTED]@dfs.ny.gov]; Josh Vlasto [REDACTED]@gmail.com]
Cc: Melissa DeRosa[REDACTED]@exec.ny.gov]; Christopher Cuomo[REDACTED]@gmail.com]; Dani Lever[REDACTED]@gmail.com]; Jeffrey Pollock [REDACTED]@globalstrategygroup.com]; Lis Smith [REDACTED]@gmail.com]; Stephanie Benton[REDACTED]@exec.ny.gov]; Steven Cohen (esd.ny.gov)[REDACTED]@esd.ny.gov]
From: Judith Mogul[O=NYEC/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5DA2632596FB4016A2FACBD65E5C9CEB-JUDITH MOGUL]
Sent: Sat 2/27/2021 4:00:49 PM Eastern Standard Time
Subject: Re: Current Statement

actual answer should be - but need to clear this - that we will set no limits on the scope of the review and that Judge Jones will determine the appropriate scope of the review

From: Peter Ajemian
Sent: Saturday, February 27, 2021 3:55 PM
To: Richard Azzopardi; Linda A Lacewell (dfs.ny.gov); Josh Vlasto
Cc: Melissa DeRosa; Christopher Cuomo; Dani Lever; Jeffrey Pollock; Judith Mogul; Lis Smith; Stephanie Benton; Steven Cohen (esd.ny.gov)
Subject: Re: Current Statement

What is the answer to this question?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.
From: Richard Azzopardi
Sent: Saturday, February 27, 2021 3:07 PM
To: Linda A Lacewell (dfs.ny.gov); Josh Vlasto
Cc: Melissa DeRosa; Christopher Cuomo; Dani Lever; Jeffrey Pollock; Judith Mogul; Lis Smith; Peter Ajemian; Stephanie Benton; Steven Cohen (esd.ny.gov)
Subject: Re: Current Statement

Maybe we say wideranging review? All I'm saying is that this will be the first followup.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.
From: Lacewell, Linda A (DFS)
Sent: Saturday, February 27, 2021 3:04 PM
To: Josh Vlasto
Cc: Melissa DeRosa; Christopher Cuomo; Dani Lever; Jeffrey Pollock; Judith Mogul; Lis Smith; Peter Ajemian; Richard Azzopardi; Stephanie Benton; Steven Cohen (esd.ny.gov)
Subject: Re: Current Statement

Rich; Although in no way required by law, the Governor has requested an independent review and all staff will cooperate in that endeavor. Former Federal Judge Barbara Jones will lead the review.

Sent from my iPhone

On Feb 27, 2021, at 3:02 PM, Josh Vlasto <[REDACTED]@gmail.com> wrote:

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Spoke to MDR
This clause has to come out

nor did I ever think that I was acting in any way that was inappropriate

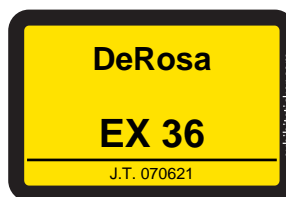
On Sat, Feb 27, 2021 at 2:56 PM Melissa DeRosa <[REDACTED]@exec.ny.gov> wrote:

Ms. Bennett was a hardworking and valued member of our team during COVID. She has every right to speak out.

When she came to me and opened up about being a sexual assault survivor and how it shaped her and her ongoing efforts to create an organization that empowered her voice to help other survivors, I tried to be supportive and helpful. Ms. Bennett's initial impression was right: I was trying to be a mentor to her. I never made advances toward Ms. Bennett nor did I ever think that I was acting in any way that was inappropriate. The last thing I would ever have wanted was to make her feel any of the things that are being reported.

This situation cannot and should not be resolved in the press so I believe the best way to get to the truth is through a full and thorough outside review and I am directing all state employees to comply with that effort. I will have no further comment until the review has concluded.

From: Judith Mogul
Sent: Saturday, February 27, 2021 2:49 PM



To: Peter Ajemian; Jeffrey Pollock
Cc: Richard Azzopardi; Melissa DeRosa; Linda A Lacewell (dfs.ny.gov); Lis Smith; Josh Vlasto; Stephanie Benton; Steven Cohen (esd.ny.gov); Christopher Cuomo; Dani Lever
Subject: Re: Current Statement

paternalistic is not a good think it means patronizingly looking down on someone - I think we mean paternal if we are going to say anything like that at all

From: Peter Ajemian
Sent: Saturday, February 27, 2021 2:46 PM
To: Jeffrey Pollock
Cc: Richard Azzopardi; Melissa DeRosa; Linda A Lacewell (dfs.ny.gov); Lis Smith; Josh Vlasto; Judith Mogul; Stephanie Benton; Steven Cohen (esd.ny.gov); Christopher Cuomo; Dani Lever
Subject: Re: Current Statement

The word "paternal" is NOT in the copy. She referred to him as a being like a "father figure" at one point when she first started working there.

On Feb 27, 2021, at 2:21 PM, Jeffrey Pollock <[REDACTED]@globalstrategygroup.com> wrote:

I retract my last comment about the broader one. But I still think unless paternalistic is in the story we should change. And if it IS in the story I might even put it in quotes? Peter?

From: Richard Azzopardi <[REDACTED]@exec.ny.gov>
Sent: Saturday, February 27, 2021 2:14 PM
To: Melissa DeRosa <[REDACTED]@exec.ny.gov>; Linda A Lacewell (dfs.ny.gov) <[REDACTED]@dfs.ny.gov>; Peter Ajemian <[REDACTED]@exec.ny.gov>
Cc: Lis Smith <[REDACTED]@gmail.com>; Josh Vlasto <[REDACTED]@gmail.com>; Jeffrey Pollock <[REDACTED]@globalstrategygroup.com>; Judith Mogul <[REDACTED]@exec.ny.gov>; Stephanie Benton <[REDACTED]@exec.ny.gov>; Steven Cohen (esd.ny.gov) <[REDACTED]@esd.ny.gov>; Christopher Cuomo <[REDACTED]@gmail.com>; Peter Ajemian <[REDACTED]@exec.ny.gov>; Dani Lever <[REDACTED]@gmail.com>
Subject: Re: Current Statement

[EXT EMAIL]

Minor grammatical to next to last sentence.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Melissa DeRosa
Sent: Saturday, February 27, 2021 2:08 PM
To: Linda A Lacewell (dfs.ny.gov); Peter Ajemian
Cc: Richard Azzopardi; Lis Smith; Josh Vlasto; Jeffrey Pollock; Judith Mogul; Stephanie Benton; Steven Cohen (esd.ny.gov); Christopher Cuomo; Peter Ajemian; Dani Lever
Subject: Current Statement

Statement draft:

Ms. Bennett has every right to speak out. She was a hardworking and valued member of our team during COVID.

When she came to me and opened up about being a sexual assault survivor and how it shaped her and her ongoing efforts to create an organization that empowered her voice to help other survivors, I tried to be supportive and helpful. Ms. Bennett's initial impression was right: I was trying to be paternalistic towards her and help mentor her. I never made advances toward Ms. Bennett nor did I ever think that I was acting in any way that was inappropriate. The last thing I would ever have wanted was to make her feel any of the things that are being reported.

This situation cannot and should not be resolved in the press so I believe the best way to get to the truth is through a full and thorough outside review and I am directing all state employees to comply with that effort. I will have no further comment until the review has concluded.

To: Peter Ajemian [redacted]@exec.ny.gov]; Jeffrey Pollock [redacted]@globalstrategygroup.com]
Cc: Richard Azzopardi [redacted]@exec.ny.gov]; Melissa DeRosa [redacted]@exec.ny.gov]; Linda A Lacewell (dfs.ny.gov) [redacted]@dfs.ny.gov]; Lis Smith [redacted]@gmail.com]; Josh Vlasto [redacted]@gmail.com]; Stephanie Benton [redacted]@exec.ny.gov]; Steven Cohen (esd.ny.gov) [redacted]@esd.ny.gov]; Christopher Cuomo [redacted]@gmail.com]; Dani Lever [redacted]@gmail.com]
From: Judith Mogul [redacted]@exec.ny.gov]; O=NYEC/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=SDA2632596FB4016A2FACBD65E5C9CEB-JUDITH MOGUL]
Sent: Sat 2/27/2021 2:49:47 PM Eastern Standard Time
Subject: Re: Current Statement

paternalistic is not a good think it means patronizingly looking down on someone - I think we mean paternal if we are going to say anything like that at all

From: Peter Ajemian
Sent: Saturday, February 27, 2021 2:46 PM
To: Jeffrey Pollock
Cc: Richard Azzopardi; Melissa DeRosa; Linda A Lacewell (dfs.ny.gov); Lis Smith; Josh Vlasto; Judith Mogul; Stephanie Benton; Steven Cohen (esd.ny.gov); Christopher Cuomo; Dani Lever
Subject: Re: Current Statement

The word "paternal" is NOT in the copy. She referred to him as a being like a "father figure" at one point when she first started working there.

On Feb 27, 2021, at 2:21 PM, Jeffrey Pollock <[redacted]@globalstrategygroup.com> wrote:

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From: Richard Azzopardi <[redacted]@exec.ny.gov>
Sent: Saturday, February 27, 2021 2:14 PM
To: Melissa DeRosa <[redacted]@exec.ny.gov>; Linda A Lacewell (dfs.ny.gov) <[redacted]@dfs.ny.gov>; Peter Ajemian <[redacted]@exec.ny.gov>
Cc: Lis Smith <[redacted]@gmail.com>; Josh Vlasto <[redacted]@gmail.com>; Jeffrey Pollock <[redacted]@globalstrategygroup.com>; Judith Mogul <[redacted]@exec.ny.gov>; Stephanie Benton <[redacted]@exec.ny.gov>; Steven Cohen (esd.ny.gov) <[redacted]@esd.ny.gov>; Christopher Cuomo <[redacted]@gmail.com>; Peter Ajemian <[redacted]@exec.ny.gov>; Dani Lever <[redacted]@gmail.com>
Subject: Re: Current Statement

[EXT EMAIL]

Minor grammatical to next to last sentence.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Melissa DeRosa
Sent: Saturday, February 27, 2021 2:08 PM
To: Linda A Lacewell (dfs.ny.gov); Peter Ajemian
Cc: Richard Azzopardi; Lis Smith; Josh Vlasto; Jeffrey Pollock; Judith Mogul; Stephanie Benton; Steven Cohen (esd.ny.gov); Christopher Cuomo; Peter Ajemian; Dani Lever
Subject: Current Statement

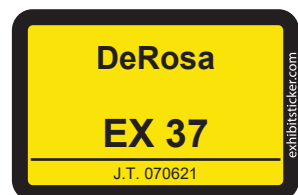
Statement draft:

Ms. Bennett has every right to speak out. She was a hardworking and valued member of our team during COVID.

When she came to me and opened up about being a sexual assault survivor and how it shaped her and her ongoing efforts to create an organization that empowered her voice to help other survivors, I tried to be supportive and helpful. Ms. Bennett's initial impression was right: I was trying to be paternalistic towards her and help mentor her. I never made advances toward Ms. Bennett nor did I ever think that I was acting in any way that was inappropriate. The last thing I would ever have wanted was to make her feel any of the things that are being reported.

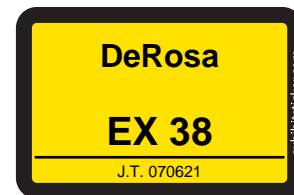
This situation cannot and should not be resolved in the press so I believe the best way to get to the truth is through a full and thorough outside review and I am directing all state employees to comply with that effort. I will have no further comment until the review has concluded.

Chat #	From	To	Body	Timestamp: Time
189	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Is there a way to share that she did an exit interview sharing that she left because she regretted telling her boss something personal because she felt uncomfortable but not because of his actions	2/27/2021 9:30:33 PM(UTC+0)
189	Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Not without piercing privilege but we did include some things	2/27/2021 9:38:40 PM(UTC+0)
189	Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	I'll send to u	2/27/2021 9:38:42 PM(UTC+0)
189	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	I can and have shared publicly that [REDACTED], I understand why [REDACTED] doesn't want to bring me into it but another party should draw the comparison obviously he wanted to help her because it was an issue that hit close to home	2/27/2021 9:40:33 PM(UTC+0)



189	[REDACTED]	[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)	Liked "I'll send to u "	2/27/2021 9:40:36 PM(UTC+0)
189	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	Just sent it to u on email	2/27/2021 9:47:17 PM(UTC+0)
189	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	[REDACTED] too	2/27/2021 9:47:19 PM(UTC+0)
189	[REDACTED] Melissa DeRosa	[REDACTED] Melissa DeRosa (owner)	For some reason [REDACTED] email doesn't pop up for me	2/27/2021 9:47:38 PM(UTC+0)

189	[REDACTED]	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p> <p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	Thank you ill get it to [REDACTED]	2/27/2021 9:48:12 PM(UTC+0)
189	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	R u ok honey?	2/28/2021 12:46:33 AM(UTC+0)
189	[REDACTED]	<p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p> <p>[REDACTED]</p> <p>Melissa DeRosa (owner)</p>	Yes thank you I appreciated the summary and am not reading that or social. Anyone who reads beyond the headline though knows it's not credible. I think this girl thought this was her opportunity to support a survivor and make and impact but that she made a massive mistake. Screw the 2-7% but this too shall pass! Love ya	2/28/2021 12:58:31 AM(UTC+0)



FEBRUARY 28, 2021 Albany, NY

Statement from Governor Andrew M. Cuomo

"Questions have been raised about some of my past interactions with people in the office.

"I never intended to offend anyone or cause any harm. I spend most of my life at work and colleagues are often also personal friends.

"At work sometimes I think I am being playful and make jokes that I think are funny. I do, on occasion, tease people in what I think is a good natured way. I do it in public and in private. You have seen me do it at briefings hundreds of times. I have teased people about their personal lives, their relationships, about getting married or not getting married. I mean no offense and only attempt to add some levity and banter to what is a very serious business.

"I now understand that my interactions may have been insensitive or too personal and that some of my comments, given my position, made others feel in ways I never intended. I acknowledge some of the things I have said have been misinterpreted as an unwanted flirtation. To the extent anyone felt that way, I am truly sorry about that.

"To be clear I never inappropriately touched anybody and I never propositioned anybody and I never intended to make anyone feel uncomfortable, but these are allegations that New Yorkers deserve answers to.

"That's why I have asked for an outside, independent review that looks at these allegations.

"Separately, my office has heard anecdotally that some people have reached out to Ms. Bennett to express displeasure about her coming forward. My message to anyone doing that is you have misjudged what matters to me and my administration and you should stop now - period."

Contact the Governor's Press Office



**Contact us by
phone:**

Albany: (518) 474 - 8418

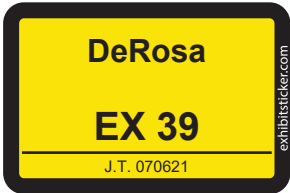
New York City: (212) 681 - 4640



**Contact us
by email:**


Press.Office@exec.ny.gov

Chat #	From	To	Body	Timestamp: Time
1	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>Chris Cuomo 2 Melissa DeRosa (owner)</p>	<p>Jesse McKinley (@jessemckinley) Tweeted: EXCLUSIVE/BREAKING: A 25-year-old former aide to @NYGovCuomo told the @nytimes the Governor sexually harassed her, asking if she had had sex with older men, among other claims.</p> <p>Cuomo says was a mentor, "never made advances," or acted inappropriately.</p> <p>https://t.co/y7TzrelIj9 https://twitter.com/jessemckinley/status/1365805490194812928?s=20</p>	2/27/2021 6:28:32 PM(UTC-5)
1	<p>[REDACTED]</p> <p>Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>What happened to the statement?</p>	2/28/2021 4:33:12 PM(UTC-5)
1	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>Chris Cuomo 2 Melissa DeRosa (owner)</p>	<p>I'm on w the AG</p>	2/28/2021 4:46:26 PM(UTC-5)
1	<p>[REDACTED]</p> <p>Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Here's what he should have said: I have carefully considered Ms. Bennett's statement and my own conduct. I don't dispute that our conversation was as she reports. I also do not dispute that my words and supervisory position may have created a hostile work environment. I apologize to Ms. Bennett and will promptly seek to personally communicate my apology to her. I also apologize to the people of New York State, who have a right to better conduct from their Governor. This will not happen again.</p>	3/1/2021 7:29:42 PM(UTC-5)



1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Andrew Cuomo's poor statement, annotated</p> <p>"Questions have been raised about some of my past interactions with people in the office [Questions have not been raised; accusations have been made]. "I never intended to offend anyone or cause any harm [No one says he intended to offend or harm. What he's accused of is creating a hostile work environment, which is judged objectively by the natural meaning of his words and conduct, not by what he now says he intended.]. I spend most of my life at work and colleagues are often also personal friends [It's perhaps true that work colleagues are personal friends, but most supervisors know that many issues may arise from personal friendships with work subordinates.].</p> <p>"At work sometimes I think I am being playful and make jokes that I think are funny. I do, on occasion, tease people in what I think is a good natured way. I do it in public and in private. You have seen me do it at briefings hundreds of times. I have teased people about their personal</p>	<p>3/1/2021 7:29:59 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Goddam</p> <p>I panic every fucking time</p> <p>I see your name</p> <p>The talk is precarious</p> <p>I worry abt this "if investigation proves allegations he has to go"</p>	<p>3/2/2021 1:17:35 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner)</p> <p>[REDACTED] Melissa DeRosa (owner)</p>	<p>Please let me help with the prep</p>	<p>3/3/2021 9:47:14 AM(UTC-5)</p>

1	<p>[REDACTED] Melissa DeRosa</p>	<p>[REDACTED] Chris Cuomo 2 Melissa DeRosa (owner)</p>	<p>Just came in. ireless 4G LTE network. From: Kaplan, Michael <[REDACTED]@cbsnews.com> Sent: Thursday, March 4, 2021 11:21 AM To: Abramowitz, Elkan; Richard Azzopardi Cc: [REDACTED]; Press Office; [REDACTED], [REDACTED]; [REDACTED] Subject: Re: CBS News Request for Gov. Cuomo</p> <p>Hi Richard and Elkan,</p> <p>We are planning on imminently airing Norah's on-camera interview with Gov. Cuomo's former executive assistant Charlotte Bennett. As such, we would like to give Gov. Cuomo the opportunity to respond to allegations made by Ms. Bennett.</p> <p>Specifically, we would like Gov. Cuomo to address the following:</p> <p style="text-align: center;">-Gov. Cuomo's views on his relationship with Ms. Bennett.</p>	<p>3/4/2021 12:23:50 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)</p>	<p>Thoughts?</p>	<p>3/4/2021 12:27:13 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)</p>	<p>Called I have a lead on the wedding girl</p>	<p>3/4/2021 2:10:04 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] Melissa DeRosa (owner) [REDACTED] Melissa DeRosa (owner)</p>	<p>https://www.newsweek.com/women-accusing-cuomo-wont-come-out-top-opinion-1573595</p>	<p>3/5/2021 5:12:19 PM(UTC-5)</p>

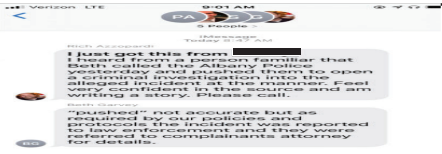
1	Chris Cuomo 2	(owner) Melissa DeRosa (owner)	Melissa DeRosa Melissa DeRosa	See dowd. Not bad for her	3/6/2021 10:50:33 AM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	I didn't read it	3/6/2021 10:59:25 AM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	https://lindastasi.medium.com/i-come-to-praise-cuomo-not-to-bury-him-4a186d420322	3/6/2021 1:31:37 PM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	Follow up from Washington post In inbox	3/6/2021 6:32:50 PM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	https://www.washingtonpost.com/politics/cuomo-toxic-workplace/2021/03/06/7f7c5b9c-7dd3-11eb-b3d1-9e5aa3d5220c_story.html	3/6/2021 8:55:15 PM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	I need all the best facts for is for reporters Who can do it?	3/6/2021 11:20:22 PM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	Hello?	3/6/2021 11:33:54 PM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	Can [redacted] call her?	3/7/2021 11:38:07 AM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa		3/7/2021 12:51:21 PM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	Heastie used our language at least	3/7/2021 3:35:58 PM(UTC-5)

1	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>(owner)</p>	<p>Chris Cuomo 2</p> <p>Melissa DeRosa</p>	<p>Hey</p>	<p>3/7/2021 7:58:28</p> <p>PM(UTC-5)</p>
1	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>(owner)</p>	<p>Chris Cuomo 2</p> <p>Melissa DeRosa</p>	<p>Rumor going around from politico 1-2 more ppl coming out tomorrow</p>	<p>3/7/2021 7:58:43</p> <p>PM(UTC-5)</p>
1	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>(owner)</p>	<p>Chris Cuomo 2</p> <p>Melissa DeRosa</p>	<p>Can u check your sources</p>	<p>3/7/2021 7:58:48</p> <p>PM(UTC-5)</p>
1	<p>[REDACTED]</p> <p>Chris Cuomo 2</p>	<p>[REDACTED]</p> <p>(owner)</p> <p>[REDACTED]</p> <p>(owner)</p>	<p>Melissa DeRosa</p> <p>Melissa DeRosa</p>	<p>On it</p>	<p>3/7/2021 8:02:33</p> <p>PM(UTC-5)</p>
1	<p>[REDACTED]</p> <p>Chris Cuomo 2</p>	<p>[REDACTED]</p> <p>(owner)</p> <p>[REDACTED]</p> <p>(owner)</p>	<p>Melissa DeRosa</p> <p>Melissa DeRosa</p>	<p>No one has heard that yet</p>	<p>3/7/2021 8:41:43</p> <p>PM(UTC-5)</p>
1	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>(owner)</p>	<p>Chris Cuomo 2</p> <p>Melissa DeRosa</p>	<p>K</p>	<p>3/7/2021 8:44:24</p> <p>PM(UTC-5)</p>
1	<p>[REDACTED]</p> <p>Melissa DeRosa</p>	<p>[REDACTED]</p> <p>(owner)</p>	<p>Chris Cuomo 2</p> <p>Melissa DeRosa</p>	<p>https://www.dailymail.co.uk/tvshowbiz/article-9336481/Alec-Baldwin-shares-14-minute-rant-hitting-cancel-culture-arguing-process.html</p>	<p>3/7/2021 9:29:21</p> <p>PM(UTC-5)</p>
1	<p>[REDACTED]</p> <p>Chris Cuomo 2</p>	<p>[REDACTED]</p> <p>(owner)</p> <p>[REDACTED]</p> <p>(owner)</p>	<p>Melissa DeRosa</p> <p>Melissa DeRosa</p>	<p>My friend asked him to do it</p> <p>[REDACTED]</p> <p>Very close to him</p>	<p>3/7/2021 9:36:11</p> <p>PM(UTC-5)</p>






1	<p>[REDACTED] Melissa DeRosa</p>	<p>[REDACTED] (owner)</p>	<p>Chris Cuomo 2 Melissa DeRosa</p>		<p>3/7/2021 9:41:49 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] (owner)</p> <p>[REDACTED] (owner)</p>	<p>Melissa DeRosa Melissa DeRosa</p>	<p>Why do you guys like this so much?</p>	<p>3/7/2021 9:49:47 PM(UTC-5)</p>
1	<p>[REDACTED] Melissa DeRosa</p>	<p>[REDACTED] (owner)</p>	<p>Chris Cuomo 2 Melissa DeRosa</p>	<p>Brush back</p>	<p>3/7/2021 9:51:14 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] (owner)</p> <p>[REDACTED] (owner)</p>	<p>Melissa DeRosa Melissa DeRosa</p>	<p>Week late</p>	<p>3/7/2021 9:53:13 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] (owner)</p> <p>[REDACTED] (owner)</p>	<p>Melissa DeRosa Melissa DeRosa</p>	<p>No resign No resign No resign</p>	<p>3/7/2021 9:53:23 PM(UTC-5)</p>
1	<p>[REDACTED] Melissa DeRosa</p>	<p>[REDACTED] (owner)</p>	<p>Chris Cuomo 2 Melissa DeRosa</p>	<p>No resign</p>	<p>3/7/2021 9:53:31 PM(UTC-5)</p>
1	<p>[REDACTED] Melissa DeRosa</p>	<p>[REDACTED] (owner)</p>	<p>Chris Cuomo 2 Melissa DeRosa</p>	<p>thoughts?</p> <p><small>"Any allegation made — either directly or indirectly — is being forwarded to John Fynn and Anne Case in real time. We are grateful that the AG has chosen two experienced and diligent prosecutors to lead up this review and look forward to cooperating fully so that New Yorkers have all of the facts as its conclusion. The Governor's previous statement that he has never touched anyone inappropriately stands."</small></p>	<p>3/9/2021 12:20:23 PM(UTC-5)</p>
1	<p>[REDACTED] Chris Cuomo 2</p>	<p>[REDACTED] (owner)</p> <p>[REDACTED] (owner)</p>	<p>Melissa DeRosa Melissa DeRosa</p>	<p>Lose last</p>	<p>3/9/2021 12:21:38 PM(UTC-5)</p>

1	Chris Cuomo 2	(owner) Melissa DeRosa (owner)	Melissa DeRosa Melissa DeRosa	"In real time". Thats it Keep it short	3/9/2021 12:22:19 PM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	Rumor about Ronan getting ready to move	3/9/2021 1:45:27 PM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	Can u check your sources	3/9/2021 1:45:35 PM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	Do u see this	3/9/2021 1:52:08 PM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	https://www.timesunion.com/news/article/Cuomo-faces-new-allegation-of-sexual-harassment-16011424.php	3/9/2021 3:00:23 PM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	Why didnt you tell him abt potential ATU intv with 6?	3/10/2021 11:01:37 AM(UTC-5)
1	Melissa DeRosa	(owner)	Chris Cuomo 2 Melissa DeRosa	I asked u not to say anything until I talked to him	3/10/2021 11:02:22 AM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	That was a day ago Stop Hiding shit	3/10/2021 11:05:15 AM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	I told him it is a suspicion	3/10/2021 11:05:22 AM(UTC-5)
1	Chris Cuomo 2	(owner) (owner)	Melissa DeRosa Melissa DeRosa	You need to trust me lis and jeff more Not these other people We are making mistakes we cant afford	3/10/2021 11:05:49 AM(UTC-5)

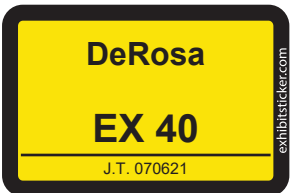
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	We heard last night	3/10/2021 11:05:52 AM(UTC-5)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	We all did a call	3/10/2021 11:06:04 AM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	This will be a step back Not a huge one	3/10/2021 11:06:42 AM(UTC-5)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	No interview	3/10/2021 12:28:54 PM(UTC-5)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	Not talking to press	3/10/2021 12:29:01 PM(UTC-5)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	That is update	3/10/2021 12:29:04 PM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	Whew Doesnt make sense tho	3/10/2021 12:31:06 PM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	I am told lawyer got calls from two people saying she has problems with story And that ██████████ may want to talk abt her	3/10/2021 12:31:40 PM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	And i know this Delete thread now	3/10/2021 12:31:58 PM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	Any word from pols?	3/10/2021 8:56:46 PM(UTC-5)

1	Chris Cuomo 2	Melissa DeRosa (owner) Melissa DeRosa (owner)	50 more calling to resign?	3/10/2021 9:51:09 PM(UTC-5)
1	Melissa DeRosa	Chris Cuomo 2 Melissa DeRosa (owner)		3/11/2021 9:02:01 AM(UTC-5)
1	Chris Cuomo 2	Melissa DeRosa (owner) Melissa DeRosa (owner)	<p>READ THIS:</p> <p>I will not resign. I cannot resign. I am in a different position and I am working with a different standard than these other politicians</p> <p>I understand why they have to say what they are saying. I understand the political pressure I understand the stakes of political warfare, and that's what this is... And I understand the conformity that can be forced by cancel culture.</p> <p>I do not begrudge them what they were saying, many of these people on my friends. My only concern is that our party does not become what it says it opposes</p> <p>I want to people who voted for me to take comfort in the simple truth that I have never done anything like what is being alleged.</p> <p>There are multiple investigations working to present the facts behind what is being said.</p>	3/12/2021 12:27:20 PM(UTC-5)
1	Melissa DeRosa	Chris Cuomo 2 Melissa DeRosa (owner)	<p>Schumer, Gillibrand Joint Statement on Governor Cuomo</p> <p><i>Washington, D.C. – Senate Majority Leader Chuck Schumer (D-NY) and Senator Kirsten Gillibrand (D-NY) released the following statement:</i></p> <p><i>"Confronting and overcoming the Covid crisis requires sure and steady leadership. We commend the brave actions of the individuals who have come forward with serious allegations of abuse and misconduct. Due to the multiple, credible sexual harassment and misconduct allegations, it is clear that Governor Cuomo has lost the confidence of his governing partners and the people of New York. Governor Cuomo should resign."</i></p>	3/12/2021 5:39:32 PM(UTC-5)
1	Melissa DeRosa	Chris Cuomo 2 Melissa DeRosa (owner)	https://www.nytimes.com/2021/03/12/us/politics/al-franken-cuomo-me-too.html	3/13/2021 8:52:05 AM(UTC-5)

1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	https://app.criticalmention.com/app/#cli/p/view/1908c3d2-1fe2-4641-a125-41151f8c7e40?token=c9fdd55c-2439-43b2-88c9-9625bbe5f480	3/13/2021 12:45:02 PM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	Biaggi all but admitted they want to cancel him	3/13/2021 12:48:02 PM(UTC-5)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	Real Time with Bill Maher (@RealTimers) Tweeted: "Women and people of color lost one of their most powerful advocates when Kirsten Gillibrand decided to disappear Al Franken so she could have a 7-minute run for president. And we're in the midst of a pile-on right now." Watch @ProfGalloway & @LarryWilmore react to #CuomoResign: https://t.co/kMV3rQnmde https://twitter.com/RealTimers/status/1370609030318592001?s=20	3/13/2021 2:16:53 PM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	Really interesting segment. I texted Liz have not heard anything.	3/13/2021 2:20:26 PM(UTC-5)
1	██████████ Chris Cuomo 2	██████████ (owner) ██████████ (owner)	Melissa DeRosa Melissa DeRosa	If ronan has nothing better than boylan thats a great sign	3/14/2021 9:35:28 AM(UTC-4)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	██████████, ██████████ #	3/14/2021 12:57:00 PM(UTC-4)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	To discuss rownan convo	3/14/2021 12:57:12 PM(UTC-4)
1	██████████ Melissa DeRosa	██████████ (owner)	Chris Cuomo 2 Melissa DeRosa	Did u get any more intel?	3/15/2021 9:48:37 PM(UTC-4)

1	 Chris Cuomo 2	 (owner)  (owner)	Melissa DeRosa Melissa DeRosa	Story not ready for tomorrow	3/15/2021 9:57:28 PM(UTC-4)
1	 Melissa DeRosa	 (owner)	Chris Cuomo 2 Melissa DeRosa	Can u talk	3/15/2021 10:04:31 PM(UTC-4)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
Rapid response/Private and Confidential	350	[REDACTED] Melissa Derosa	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Jefrey Pollock Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Anyone hear anything	2/28/2021 2/28/2021 9:36:58 PM(UTC-5)
Rapid response/Private and Confidential	351	[REDACTED] Jefrey Pollock	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Steve peoples from the ap calling me. Assume I call and talk the political angle?	3/1/2021 3/1/2021 11:30:51 AM(UTC-5)
Rapid response/Private and Confidential	352	[REDACTED] Jefrey Pollock	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Or want someone else to talk to him first?	3/1/2021 3/1/2021 11:31:02 AM(UTC-5)
Rapid response/Private and Confidential	353	[REDACTED] Jefrey Pollock	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	And now the washington post/Michael Scherer	3/1/2021 3/1/2021 11:54:17 AM(UTC-5)
Rapid response/Private and Confidential	354	[REDACTED] Jefrey Pollock	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	I know both of these reporters so happy to do and be careful	3/1/2021 3/1/2021 11:54:30 AM(UTC-5)
Rapid response/Private and Confidential	355	[REDACTED] Peter Ajemien	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Yep. Thank you	3/1/2021 3/1/2021 11:54:51 AM(UTC-5)

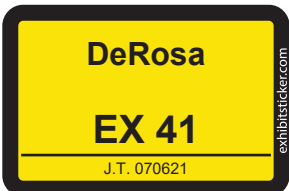


Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
Rapid response/Private and Confidential	373	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell	Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	https://twitter.com/jessemckinley/status/1366487749050720260?s=21	3/1/2021 3/1/2021 3:37:47 PM(UTC-5)
Rapid response/Private and Confidential	374	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell	Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Christine Blasey Ford was looney tunes and the height of me too overreach so this checks out	3/1/2021 3/1/2021 3:38:26 PM(UTC-5)
Rapid response/Private and Confidential	383	[REDACTED] Melissa Derosa	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Jefrey Pollock Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Elkan Abramowitz is not representing us in this matter	3/1/2021 3/1/2021 3:58:14 PM(UTC-5)
Rapid response/Private and Confidential	406	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell	Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Peter did you scream at the times	3/1/2021 3/1/2021 4:40:34 PM(UTC-5)
Rapid response/Private and Confidential	407	[REDACTED] Peter Ajemien	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	He's calling me back	3/1/2021 3/1/2021 4:45:58 PM(UTC-5)
Rapid response/Private and Confidential	408	[REDACTED] Melissa Derosa	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Peter Ajemien Rich Azzopardi Jefrey Pollock Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	What is the story he's writing	3/1/2021 3/1/2021 4:59:46 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
Rapid response/Private and Confidential	409	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell	Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Is flegenheimer writing it?	3/1/2021 3/1/2021 6:14:33 PM(UTC-5)
Rapid response/Private and Confidential	410	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell	Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Can i take a fucking run at him	3/1/2021 3/1/2021 6:14:46 PM(UTC-5)
Rapid response/Private and Confidential	411	[REDACTED] Peter Ajemien	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Yes please	3/1/2021 3/1/2021 6:15:39 PM(UTC-5)
Rapid response/Private and Confidential	412	[REDACTED] Peter Ajemien	[REDACTED] Linda Lacewell	Dani Lever (owner) Lis Smith Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	Dean was pretty set but I'll feel like less of a jerk if you call too	3/1/2021 3/1/2021 6:16:12 PM(UTC-5)
Rapid response/Private and Confidential	418	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell	Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	I told him his story was pathetic and an embarrassment to the times and that I looked forward to reading it b/c it would further reduce their credibility on their issue and that i especially looked forward to mocking it and him on twitter	3/1/2021 3/1/2021 6:26:43 PM(UTC-5)
Rapid response/Private and Confidential	419	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell	Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul gmail.com Dani Lever (owner)	He took it in stride	3/1/2021 3/1/2021 6:27:15 PM(UTC-5)

Name	Msg #	From	To	Body	Timestamp: Date	Timestamp: Time
Rapid response/Private and Confidential	420	[REDACTED] Lis Smith	[REDACTED] Linda Lacewell Dani Lever (owner) Peter Ajemien Rich Azzopardi Jefrey Pollock Melissa Derosa Steve Cohen Steph Benton Beth Garvey Judy Mogul [REDACTED] gmail.com Dani Lever (owner)	Said he understood- they're not calling it harassment	3/1/2021	3/1/2021 6:27:21 PM(UTC-5)

Chat #	From	To	Body	Timestamp: Time
6	[REDACTED] Chris Cuomo 2	[REDACTED] Melissa DeRosa (owner) Lis Smith Melissa DeRosa (owner)	She is on with norah No 60 For now	3/4/2021 1:27:01 PM(UTC-5)
6	[REDACTED] Chris Cuomo 2	[REDACTED] Melissa DeRosa (owner) Lis Smith Melissa DeRosa (owner)	I have a lead on the wedding girl being put up to it	3/4/2021 1:27:14 PM(UTC-5)
6	[REDACTED] Melissa DeRosa	[REDACTED] Lis Smith Chris Cuomo 2 Melissa DeRosa (owner)	Call u guys right back	3/10/2021 4:33:37 PM(UTC-5)



Privileged and confidential / Draft

I want to address the recent allegations against me. The Attorney General is doing an independent review and I am cooperating with that review, and the lawyers say I shouldn't say anything until it's over. I understand that. I'm a lawyer too. But I want New Yorkers to know this: I fully support a woman's right to come forward and I think it should be encouraged.

I now know I acted in a way that made people feel uncomfortable. I feel very badly about that and frankly I am embarrassed. It was unintentional and I truly, deeply apologize. To be clear, I never touched anyone inappropriately. I never made any inappropriate advances. And I never intended to make anyone, ever, feel uncomfortable.

I ask the people of New York to wait for the Attorney General's review before they make a decision on my behavior – until they know the facts.

But in the meantime, we have a very important job to do – all of us — we must defeat COVID and we will defeat COVID, and we will do it together.

It has been the honor of my life to be elected three times by the people of ny to lead the people of this state. It's a job i take tseriously. And i am going to continue to fight

The responsibility of governing this state is one i have never taken lightly.

Q&A

Did you kiss Lindsey Boylan?

No, as I said I never touched anyone inappropriately.

Do you think it was appropriate how you spoke to your 25-year old staffer charlotte bennett?

As I said before, I now understand that there are things I've said that upset people and for that I'm sorry. There's a review by the attorney general that will look at the facts and we will cooperate with that fully.

Do you think it's appropriate how you engaged with Anna Ruch?

It was not my intention to be inappropriate. My usual custom is to greet people

There have been bipartisan calls for you to resign. How do you respond?

I was elected by the people to do a job including managing this pandemic and the economic recovery. I'm focused on that job and I have no intention to resign.

Should you step aside for the sake of government functioning?

No. I have an important job to do, especially in the middle of covid. Vaccine, economy is recovery, etc.

If you don't resign are you still committed to running for a fourth term?

Today's not a day to talk about politics.

The legislature is stripping you of emergency powers. Do you agree with their approach?

The covid pandemic isn't over and it won't be for some time. We're working with the leg on a bill that will extend emergency powers past April 2021. We are talking about may use July — continue the directives I've done — we would give notice on the extensions — they would continue to have a right to override

Have you ever had an inappropriate relationship with anyone on your staff?

No.

Have you ever had an intimate relationship with anyone on your staff?

No.

You passed sexual harassment policies into laws and did all this work with MeToo, but your private actions contradict that. How do you square that?

Passing those law was incredibly important to me.

I now understand...


the AG is doing a full, independent review of the facts

We will await the public report on that review

I believe my office handled these affairs appropriately, however there is a review by the AG and we are fully cooperating with that review.

Did you take your sexual harassment training this past year?

Every time it was required I took it.



Charlotte said you “engaged in manipulative tactics to diminish allegations, blame victims, deny wrongdoing and escape consequences. It took the governor 24 hours and significant backlash to allow for a truly independent investigation.” ?

As I said before, I now understand that there are things I’ve said that upset people and for that I’m sorry. There’s a review by the attorney general that will look at the facts and we will cooperate with that fully.

de Blasio said: “I was very troubled by the Gov’s apology – sexual harassment is serious matter – he gave a non-apology – I’ve been going through the training cycle with other folks at city hall – no, I do not feel there was ever a situation when I made someone uncomfortable – what he did was disgusting and unacceptable and I do not conceive it being possible in my life and my staff and I cannot think of a decent human being doing that”. what’s your response to that?

Mayor de Blasio and I have had our disagreements over the years but today is not a day for politics.

You called on Schneiderman and Vito Lopez to resign. how do you square you rush to Jude

There is no comparison between these situations at all. That said, I now understand that there are things I’ve said that upset people and for that I’m sorry. There’s a review by the attorney general that will look at the facts and we will cooperate with that fully.

You said Brett Kavanaugh should take a lie detector test after allegations of sexual misconduct came out. Will you take one?

These are two wholly different situations. The AG is doing a review - she will get the facts and make them public.

The AG came to the conclusion that outside counsel was the appropriate course of action. When i was AG, i also came to that conclusion on multiple occasions. I trust the AG to do the review.

Why did you ask Janet DiFiore to participate in the selection process? Wasn't that an effort to interfere in the process?

There seems to be a pattern of receipt, obstructing investigations like the Moreland commission and you seem to be doing that again here.

The AG is doing doing a full, independent review. I trust that process.

Why did your office go through all these iterations rather than just give it to the AG. You've been AG./ Do you not trust her?

My office considered a number of options. We landed in the right place.

Have you spoken to the AG?

You endorsed Tish in the 2018 race. What[s your current relationship?

We have a respectful working relationship.

Why didn't you just go to the AG. Do you think she has a political motivation?

My office considered a number of options and we landed in a place where

What were you thinking talking to this girl who said she was a victim of rape and told you this whole story

As I said before, I now understand that there are things I've said that upset people and for that I'm sorry. There's a review by the attorney general that will look at the facts and we will cooperate with that fully.

At least one woman who made complaints about you was shuttled off to another part of state government

You reassigned women who spoke out. Is it fair to say that women are being punished when they come forward to say that feel uncomfortable?

I believe the staff handled it correctly. And the AG is doing a full, independent review and I am confident that will be borne out.

How do you justify the work atmosphere that made it seem like this was a grooming agency

I don't manage the staff. The staff manage the staff.

I'm proud of the work I've done for the people of the state of ny. I'm proud of my staff.

You said you wanted to release the letter on nursing homes. Where is it?

Why did it take so long to apologize and why did it take so long for you to speak publicly?

We responded in real time and the fact is I'm here to tell you I'm sorry. I apologize to anyone I have hurt. There's a full, independent review by the AG and we are fully cooperating with that.

Do you think people are overreacting and your actions are just your custom?

You never denied what Charlotte said in her allegations? Are they credible allegations?

###

Female aide said Cuomo aggressively groped her at Executive Mansion

Governor issues denial, but describes details of woman's account as "gut-wrenching"



ALBANY — A female aide to [Gov. Andrew M. Cuomo](#) alleges he aggressively groped her in a sexually charged manner after she had been summoned to the Executive Mansion late last year, according to a person with direct knowledge of the woman's claims.

The staff member, whose identity is being withheld by the Times Union, had been called to the mansion under the apparent pretext of having her assist the governor with a minor technical issue involving his mobile phone. They were [alone in Cuomo's private residence](#) on the second floor when he closed the door and allegedly reached under her blouse and began to fondle her, according to the source.

The allegations by the female aide, who is the sixth woman to accuse Cuomo of inappropriate behavior, were first reported Tuesday by the Times Union. The additional details describe the most egregious behavior attributed to the governor to date — conduct that could potentially be pursued as a misdemeanor sexual assault charge.

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The person briefed on the case, who is not authorized to comment publicly, said the woman — who is much younger than Cuomo — told the governor to stop. Her broader allegations include that he frequently engaged in flirtatious behavior with her, and that it was not the only time that he had touched her.

The woman's story was revealed within the governor's Executive Chamber on March 3, as staff members watched his first news conference in the week since Lindsey Boylan published [an online essay](#) detailing her own allegations against Cuomo. In the news conference, the governor denied ever touching any women "inappropriately."

Hearing those remarks, the female aide became emotional. At least one female supervisor came to her assistance and asked why she was upset. The female aide subsequently told the supervisor about what she said had been inappropriate encounters with Cuomo, the source said.

In response to the Times Union's questions about the allegations, Cuomo on Wednesday evening issued a statement to the newspaper: "As I said yesterday, I have never done anything like this. The details of this report are gut-wrenching. I am not going to speak to the specifics of this or any other allegation given the ongoing review, but I am confident in the result of the attorney general's report."

State Attorney General Letitia James' office is overseeing [an investigation](#) of multiple harassment allegations against Cuomo.

In the most recent case, at least one of the woman's supervisors reported the allegations to an attorney in the governor's office on Monday.

On Tuesday afternoon, several hours after Cuomo's office had been asked about the matter by the Times Union, the governor said in a news conference, "I'm not aware of any other claim," when he was asked by a reporter about the new story, which by then had been published online. That story included a statement from his acting counsel, Beth Garvey, who said that "all allegations" of sexual

harassment made against the governor were being referred to the attorney general's office.

"As I said last week, this is very simple: I never touched anyone inappropriately," Cuomo said Tuesday. "I never made any inappropriate advances ... (and) no one ever told me at the time that I made them feel uncomfortable. Obviously, there are people who said after the fact they felt uncomfortable."

The woman has not filed a formal complaint with the governor's office.

Aides to the governor on Tuesday said the governor stands by his statements that he never touched anyone inappropriately. They would not explain the governor's statement that he was unaware of the latest allegation against him.

This week, the attorney general's office announced its investigation will be handled by two private attorneys: Joon H. Kim, a former acting U.S. attorney for New York's Southern District in Manhattan, and Anne L. Clark, who specializes in labor law and sexual harassment cases.

On Wednesday morning, the attorney general's office declined to comment in response to detailed questions about how that office, which does not have statutory jurisdiction on any criminal component of the case, would be handled. The March 1 referral letter from Garvey to James authorizing the probe invoked a section of Executive Law that empowers the attorney general's office to conduct a civil investigation with the aid of office subpoenas, but not to pursue a criminal case or to bring the allegations before a grand jury.

If a criminal complaint is made, by Boylan or the female aide who alleges Cuomo groped her at the mansion, those cases could potentially be handled by the offices of Albany County District Attorney David Soares or Manhattan District Attorney Cy Vance.



The new allegations that came to light Tuesday immediately intensified the pressure from many lawmakers — including Cuomo's fellow Democrats — for the governor to resign. He had already faced calls to step down from [state Senate Majority Leader Andrea Stewart-Cousins](#), and Assembly Speaker Carl E. Heastie had issued a statement Sunday questioning Cuomo's ability to remain an effective leader.

Republicans in the Legislature have [been more forceful in their remarks](#). Senate Minority Leader Robert Ortton on Tuesday characterized the latest allegation as "a disturbing pattern of predatory pattern behavior by Gov. Cuomo, not to mention a pattern of lies and broken public trust."

The initial allegations were made by three women — Boylan as well as Charlotte Bennett and Anna Ruch, who did not work for Cuomo but told the New York Times last week that the governor grabbed her and attempted to kiss her at the 2019 wedding of one of his senior aides, Gareth Rhodes.

Bennett told the New York Times that Cuomo, during an encounter in his Capitol office last June, talked about being lonely during the pandemic and that he had missed being able to hug someone. She said that the governor never tried to touch her. Bennett, in another interview with CBS News, also recounted being alone with Cuomo at the mansion and said that he had asked her probing questions about her personal life but did not touch her.

Debra Katz, Bennett's attorney, issued a statement in response to this story late Wednesday saying the allegations by the female aide are "eerily similar" to Bennett's experience.

"Charlotte was summoned to the Capitol on a Saturday, left isolated with the governor and asked to help him with minor technical issues with his phone. Charlotte reported this behavior and the governor's sexual proposition to his most senior aides, including his Special Counsel, Judith Mogul. In response, those aides failed to report Charlotte's claims to the Governor's Office of Employee Relations, as they were legally required," Katz said.

"Had the governor's staff taken Charlotte Bennett's allegations and their legal obligations seriously, perhaps this woman would have been spared of this sexual assault," she added. "That the governor does not deny touching people, but insists he never did it inappropriately, shows he is committed to gaslighting victims and perpetuating these lies. This is exactly how abusers operate."

Over the weekend, in stories published by the Washington Post and Wall Street Journal, two more women came forward and described what they characterized as inappropriate behavior by Cuomo, including Karen Hinton, who worked with the governor more than two decades ago at the U.S. Housing and Urban Development agency.

blyons@timesunion.com

154	[REDACTED] Lis Smith	[REDACTED] Melissa DeRosa (owner) [REDACTED] Rich Azzopardi [REDACTED] Peter Ajamian [REDACTED] Dani Lever [REDACTED] Jeffrey Pollock [REDACTED] Josh Vlasto [REDACTED] Maggie Morran [REDACTED] Linda Lacewell Work Cell [REDACTED] Steve Cohen [REDACTED] Stephanie Benton [REDACTED] Beth Garvey [REDACTED] Judith Mogul [REDACTED] Melissa DeRosa (owner)	Melissa dint you have an assistant	3/9/2021 4:18:08 PM(UTC+0)
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154	[REDACTED]	[REDACTED] Melissa	Don't	3/9/2021
	Lis Smith	DeRosa (owner)		4:18:11
		[REDACTED] Rich		PM(UTC+0)
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		[REDACTED] Beth		
		Garvey		
		[REDACTED] Judith		
		Mogul		
		[REDACTED] Melissa		
		DeRosa (owner)		

154	[REDACTED]	[REDACTED] Melissa	What's the call?	3/9/2021
	Jefrey Pollock	DeRosa (owner)		4:21:56
		[REDACTED] Rich		PM(UTC+0)
		Azzopardi		
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		Ajamian		
		[REDACTED] Lis		
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		[REDACTED] Beth		
		Garvey		
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154	<div data-bbox="196 142 383 184" style="background-color: black; width: 100%; height: 20px;"></div> Lis Smith	<div data-bbox="383 142 565 184" style="background-color: black; width: 100%; height: 20px;"></div> Melissa DeRosa (owner) <div data-bbox="383 216 565 258" style="background-color: black; width: 100%; height: 20px;"></div> Rich Azzopardi <div data-bbox="383 289 565 331" style="background-color: black; width: 100%; height: 20px;"></div> Peter Ajamian <div data-bbox="383 363 565 405" style="background-color: black; width: 100%; height: 20px;"></div> Dani Lever <div data-bbox="383 436 565 478" style="background-color: black; width: 100%; height: 20px;"></div> Jeffrey Pollock <div data-bbox="383 510 565 552" style="background-color: black; width: 100%; height: 20px;"></div> Josh Vlasto <div data-bbox="383 583 565 625" style="background-color: black; width: 100%; height: 20px;"></div> Maggie Morran <div data-bbox="383 657 565 699" style="background-color: black; width: 100%; height: 20px;"></div> Linda Lacewell Work Cell <div data-bbox="383 730 565 772" style="background-color: black; width: 100%; height: 20px;"></div> Steve Cohen <div data-bbox="383 804 565 846" style="background-color: black; width: 100%; height: 20px;"></div> Stephanie Benton <div data-bbox="383 877 565 919" style="background-color: black; width: 100%; height: 20px;"></div> Beth Garvey <div data-bbox="383 951 565 993" style="background-color: black; width: 100%; height: 20px;"></div> Judith Mogul <div data-bbox="383 1024 565 1066" style="background-color: black; width: 100%; height: 20px;"></div> Melissa DeRosa (owner)	Who knows	3/9/2021 4:23:05 PM(UTC+0)
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154	[REDACTED]	[REDACTED] Melissa	Lis I'm going to conf u.	3/9/2021
	Stephanie	DeRosa (owner)		4:23:10
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		Ajamian		
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		[REDACTED] Beth		
		Garvey		
		[REDACTED] Judith		
		Mogul		
		[REDACTED] Melissa		
		DeRosa (owner)		

154	[REDACTED]	[REDACTED] Melissa	This is hard for me	3/9/2021
	Stephanie Benton	DeRosa (owner)		4:23:16
		[REDACTED] Rich		PM(UTC+0)
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		[REDACTED] Peter		
		Ajamian		
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154	[REDACTED]	[REDACTED] Melissa	Melissa	3/9/2021
	Lis Smith	DeRosa (owner)		4:23:19
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		DeRosa (owner)		

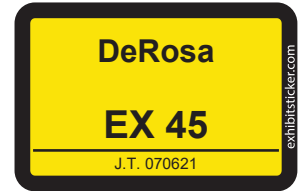
154	[REDACTED]	[REDACTED] Melissa	Just have your fucking	3/9/2021
	Lis Smith	DeRosa (owner)	assistant text people	4:23:26
		[REDACTED] Rich		PM(UTC+0)
		Azzopardi		
		[REDACTED] Peter		
		Ajamian		
		[REDACTED] Dani		
		Lever		
		[REDACTED] Jeffrey		
		Pollock		
		[REDACTED] Josh		
		Vlasto		
		[REDACTED] Maggie		
		Morran		
		[REDACTED] Linda		
		Lacewell Work Cell		
		[REDACTED] Steve		
		Cohen		
		[REDACTED]		
		Stephanie Benton		
		[REDACTED] Beth		
		Garvey		
		[REDACTED] Judith		
		Mogul		
		[REDACTED] Melissa		
		DeRosa (owner)		

154	[REDACTED]	[REDACTED] Melissa	This is insane	3/9/2021
	Lis Smith	DeRosa (owner)		4:23:28
		[REDACTED] Rich		PM(UTC+0)
		Azzopardi		
		[REDACTED] Peter		
		Ajamian		
		[REDACTED] Dani		
		Lever		
		[REDACTED] Jeffrey		
		Pollock		
		[REDACTED] Josh		
		Vlasto		
		[REDACTED] Maggie		
		Morran		
		[REDACTED] Linda		
		Lacewell Work Cell		
		[REDACTED] Steve		
		Cohen		
		[REDACTED]		
		Stephanie Benton		
		[REDACTED] Beth		
		Garvey		
		[REDACTED] Judith		
		Mogul		
		[REDACTED] Melissa		
		DeRosa (owner)		

154	[REDACTED]	[REDACTED] Melissa	You have an assistant	3/9/2021
	Lis Smith	DeRosa (owner)	for a fucking reason	4:23:39
		[REDACTED] Rich		PM(UTC+0)
		Azzopardi		
		[REDACTED] Peter		
		Ajamian		
		[REDACTED] Dani		
		Lever		
		[REDACTED] Jeffrey		
		Pollock		
		[REDACTED] Josh		
		Vlasto		
		[REDACTED] Maggie		
		Morran		
		[REDACTED] Linda		
		Lacewell Work Cell		
		[REDACTED] Steve		
		Cohen		
		[REDACTED]		
		Stephanie Benton		
		[REDACTED] Beth		
		Garvey		
		[REDACTED] Judith		
		Mogul		
		[REDACTED] Melissa		
		DeRosa (owner)		

154	[REDACTED]	[REDACTED]	Rich	I trust no one	3/9/2021
	Melissa DeRosa	Azzopardi	[REDACTED]		4:24:12
		[REDACTED]	Peter		PM(UTC+0)
		Ajamian	[REDACTED]		
		[REDACTED]	Lis		
		Smith	[REDACTED]		
		[REDACTED]	Dani		
		Lever	[REDACTED]		
		[REDACTED]	Jefrey		
		Pollock	[REDACTED]		
		[REDACTED]	Josh		
		Vlasto	[REDACTED]		
		[REDACTED]	Maggie		
		Morran	[REDACTED]		
		[REDACTED]	Linda		
		Lacewell Work Cell	[REDACTED]		
		[REDACTED]	Steve		
		Cohen	[REDACTED]		
		[REDACTED]	[REDACTED]		
		Stephanie Benton	[REDACTED]		
		[REDACTED]	Beth		
		Garvey	[REDACTED]		
		[REDACTED]	Judith		
		Mogul	[REDACTED]		
		[REDACTED]	Melissa		
		DeRosa (owner)	[REDACTED]		

From: Peter Ajemian [REDACTED]@exec.ny.gov
Sent: 3/15/2021 4:07:17 PM
To: DeRosa, Melissa (CHAMBER) [REDACTED]@exec.ny.gov]; Garvey, Beth (CHAMBER) [REDACTED]@exec.ny.gov]; Jeffrey Pollock [REDACTED]@globalstrategyygroup.com]; Lacewell, Linda A (DFS) [REDACTED]@dfs.ny.gov]
CC: Benton, Stephanie (CHAMBER) [REDACTED]@exec.ny.gov]; Lis Smith [REDACTED]@gmail.com]; Mogul, Judith (CHAMBER) [REDACTED]@exec.ny.gov]; Azzopardi, Richard (CHAMBER) [REDACTED]@exec.ny.gov]; Mitra Hormozi [REDACTED]@wmhlaw.com]
Subject: Re: Priv and Confidential - CURRENT DRAFT



DRAFT

Stephanie - OK?

LB says in 2018 the gov made fun of benton's haircut so often that Benton cried about it in front of lindsey.

From Stephanie Benton: "That's not right. The Governor has always treated me with decency and respect."

From: Peter Ajemian
Sent: Monday, March 15, 2021 2:55 PM
To: Melissa DeRosa; Beth Garvey; Jeffrey Pollock; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: Re: Priv and Confidential - CURRENT DRAFT

Ok. I'm shipping the updated answer from Gov and Beth's additional line, and I'll tell him I'll have an answer on Rob soon.

From: Melissa DeRosa
Sent: Monday, March 15, 2021 2:04 PM
To: Peter Ajemian; Beth Garvey; Jeffrey Pollock; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: Re: Priv and Confidential - CURRENT DRAFT

yes and when they walk us through the story i still reserve the right to re-raise the point on the LB argument she and i had

From: Peter Ajemian
Sent: Monday, March 15, 2021 1:59 PM
To: Melissa DeRosa; Beth Garvey; Jeffrey Pollock; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: Re: Priv and Confidential - CURRENT DRAFT

So I'm not missing something, it's the one change at the end right?

From: Melissa DeRosa

Sent: Monday, March 15, 2021 1:56 PM

To: Beth Garvey; Peter Ajemian; Jeffrey Pollock; Linda A Lacewell (dfs.ny.gov)

Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi

Subject: Re: Priv and Confidential - CURRENT DRAFT

there were some changes from last night that did make it into the final draft -see highlighted below

Boylan alleges that former and current aides and allies of the Governor have retaliated against her in a variety of ways, including making calls about her.

From Rich Azzopardi, senior advisor to the Governor: "After Ms. Boylan's tweets in December, she, and her lawyers and members of the press began reaching out to former members of the Chamber, many of whom never worked with her. Those former members of the Chamber called to let various staff people know and convey that they were upset by the outreach. As a result, we proactively reached out to some former colleagues to check in and make sure they had a heads up."

She accuses Melissa DeRosa of leaking her personnel file and questions the legality of the leak. Do you or does Melissa have a response?

From Beth Garvey, Acting Counsel: "With certain limited exceptions, as a general matter, it is within a government entity's discretion to share redacted employment records, including in instances when members of the media ask for such public information and when it is for the purpose of correcting inaccurate or misleading statements. Given the ongoing review by the State Attorney General, we cannot comment further at this time."

OFF THE RECORD NOTE: How would Lindsey know who released the information? What is the basis for her assertion? We can't get into the specifics because of the AG's review, but it would be inaccurate to say Melissa was the one who gave the information to the press.

Boylan says, as previously alleged in her Medium post, that the governor fixated on her, tracked her location through aides to an extent she found uncomfortable, and showed a level of interest that she found inappropriate in their interpersonal interactions.

From a spokesperson re Stephanie: "Part of Stephanie's job is to make sure senior staff know how and when they can get in touch with the Governor, and Blackberry pin is how any member of the team would communicate with him."

Re Jill's email, from a spokesperson: "Regardless of whatever Ms. Boylan believes, she was in no way being 'tracked' by staff – Jill oversaw events and scheduling, so it was her job to understand what relevant senior members of the team—male and female – would be attending Governor events."

From a spokesperson: "All senior staff receive these kinds of instructions, requests and communications – nothing about these exchanges are unique or interesting in this regard."

She says that she felt objectified and professionally diminished, and recounts an incident at the December 2016 REDC awards during which she says she was ordered to accompany the Governor and Maria Bartiromo

on a return helicopter flight rather than remain and continue to engage with her direct-reports on substantive matters.

From a spokesperson: Lindsey was not even on the flight. Lindsey was not needed for the return flight and it was not a point of contention.

Boylan speaks about what she perceived to be a lack of boundaries between the Governor and female staffers. She says that Stephanie Benton asked her, also at a pool party, whether she had yet been swimming in the pool at the governor's residence.

From a spokesperson: "Stephanie does not believe this is true." (If needed Stephanie will say this on the record.)

On the subject of the "strip poker" comment that her Medium post claimed the governor made on a flight in October 2017, Boylan disputes the group denial and says that Abbey Fashouer Collins was sitting next to her when the comment was made. –

Please refer back to Abbey Collins previous statement which still stands – see below:

In a joint statement, John Maggiore, Howard Zemsky, Dani Lever, and Abbey Fashouer Collins who were on all of these flights with her added: "We were on each of these October flights and this conversation did not happen."

She reiterates her claim that the governor kissed her on the lips in 2018.

From Gov Cuomo: this did not happen.

From: Beth Garvey
Sent: Monday, March 15, 2021 1:55 PM
To: Peter Ajemian; Jeffrey Pollock; Melissa DeRosa; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: RE: Priv and Confidential - CURRENT DRAFT

Prefer this.

From: Peter Ajemian <[REDACTED]@exec.ny.gov>
Sent: Monday, March 15, 2021 1:53 PM
To: Beth Garvey <[REDACTED]@exec.ny.gov>; Jeffrey Pollock <[REDACTED]@globalstrategygroup.com>; Melissa DeRosa <[REDACTED]@exec.ny.gov>; Linda A Lacewell (dfs.ny.gov) <[REDACTED]@dfs.ny.gov>
Cc: Stephanie Benton <[REDACTED]@exec.ny.gov>; Lis Smith <[REDACTED]@gmail.com>; Josh Vlasto <[REDACTED]@gmail.com>; Judith Mogul <[REDACTED]@exec.ny.gov>; Richard Azzopardi <[REDACTED]@exec.ny.gov>; Steven Cohen (esd.ny.gov) <[REDACTED]@esd.ny.gov>; Mitra Hormozi <[REDACTED]@wmhlaw.com>
Subject: Re: Priv and Confidential - CURRENT DRAFT

Beth, OK?

Additional statement from Beth Garvey, acting counsel: "Due to the ongoing review by the Attorney General, we will not provide any documents at this time."

And then I'm going to say over the phone, off the record there's nothing additional we will provide at this time given the review - if the changes in the future I will of course keep you in mind. And I think it would make sense to move to the fact checking phase and we will see if there's anything further we need to correct or comment on.

From: Peter Ajemian
Sent: Sunday, March 14, 2021 11:09 PM
To: Beth Garvey; Jeffrey Pollock; Melissa DeRosa; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: Re: Priv and Confidential - CURRENT DRAFT

I'm leaving it out for now and sending the rest

From: Beth Garvey
Sent: Sunday, March 14, 2021 11:02 PM
To: Jeffrey Pollock; Melissa DeRosa; Peter Ajemian; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: Re: Priv and Confidential - CURRENT DRAFT

This is safer, but not without risk- it's all new.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Beth Garvey
Sent: Sunday, March 14, 2021 10:49 PM
To: Jeffrey Pollock; Melissa DeRosa; Peter Ajemian; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: Re: Priv and Confidential - CURRENT DRAFT

Lindsey routinely circumvented the senior staff and went directly to the governor which disrupted communication and organization and was an ongoing source of tension.

I don't think we have said this before.

It's fine if in fact she was asked many times, I thought we didn't know that factually.
Still could be retaliation.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Jeffrey Pollock
Sent: Sunday, March 14, 2021 10:41 PM
To: Beth Garvey; Melissa DeRosa; Peter Ajemian; Linda A Lacewell (dfs.ny.gov)
Cc: Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: RE: Priv and Confidential - CURRENT DRAFT

Beth look at the version that Melissa just sent which is close to what we said before. That's what I would like to do.

From: Beth Garvey <[REDACTED]@exec.ny.gov>
Sent: Sunday, March 14, 2021 10:40 PM
To: Melissa DeRosa <[REDACTED]@exec.ny.gov>; Jeffrey Pollock <[REDACTED]@globalstrategygroup.com>; Peter Ajemian <[REDACTED]@exec.ny.gov>; Linda A Lacewell (dfs.ny.gov) <[REDACTED]@dfs.ny.gov>
Cc: Stephanie Benton <[REDACTED]@exec.ny.gov>; Lis Smith <[REDACTED]@gmail.com>; Josh Vlasto <[REDACTED]@gmail.com>; Judith Mogul <[REDACTED]@exec.ny.gov>; Richard Azzopardi <[REDACTED]@exec.ny.gov>; Steven Cohen (esd.ny.gov) <[REDACTED]@esd.ny.gov>; Mitra Hormozi <[REDACTED]@wmhlaw.com>
Subject: Re: Priv and Confidential - CURRENT DRAFT

[EXT EMAIL]

This is new- we haven't said it, and i'm not sure our records reflect this. It's our "recollection" but the records previously released don't have this fact. It is completely relevant, but it can also look like we are inventing facts to suit us.

If, like you said, there's no there there with this story, and we are just pushing back on an anecdote you acknowledged to all of us earlier is true, we are just creating *new* liability for a retaliation claim that is ultimately gov's personally.

So his lawyers should weigh in.

It is purely our discretion to release records or disclose, so motive is what carries this. Is anecdote false? No, it's true, you said it was true, so it is just us taking a shot at her. This is something that creates significant risk. I would say no.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Melissa DeRosa
Sent: Sunday, March 14, 2021 10:34 PM
To: Jeffrey Pollock; Peter Ajemian; Linda A Lacewell (dfs.ny.gov)
Cc: Beth Garvey; Stephanie Benton; Lis Smith; Josh Vlasto; Judith Mogul; Richard Azzopardi; Steven Cohen (esd.ny.gov); Mitra Hormozi
Subject: Re: Priv and Confidential - CURRENT DRAFT

if we cant send this i'd like to understand legally why. we cannot just send the hostile work envior quote which doesnt answer the quesiton

Lindsey routinely circumvented the senior staff and went directly to the governor which disrupted communication and organization. She was asked many times not to go to the Governor directly but to follow protocol and refused, which was an ongoing source of tension - - the opposite dynamic that lindsey now claims.