

STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

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

TO: Josh Vlasto

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 8th day of April*, 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.

WITNESS, The Honorable Letitia James, Attorney General of the State of New York, this 29th day of March, 2021.

/s/ Anne L. Clark By: By: Joon H. Kim Anne L. Clark Jennifer Kennedy Park Yannick Grant Abena Mainoo Special Deputies to the Special Deputies to the First Deputy Attorney General First Deputy Attorney General @ag.ny.gov @ag.ny.gov @ag.ny.gov @ag.ny.gov @ag.ny.gov

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. "<u>Communication</u>" means any conversation, discussion, letter, email, call, 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. "<u>Custodian</u>" 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. "<u>Identify</u>" or "<u>Identity</u>," 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. "<u>Sent</u>" or "<u>received</u>" 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 Jessica Bakeman, Charlotte Bennett, Lindsey Boylan, Karen Hinton, Ana Liss, Alyssa McGrath, 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. "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.
- 4. "Governor" means the New York State Governor Andrew M. Cuomo.
- 5. "New York Attorney General" or "Attorney General" means the New York State Office of the Attorney General, including Letitia James.
- 6. "<u>Respondent</u>," "<u>You</u>," or "<u>Your</u>" means Josh Vlasto, in either an official or individual capacity.
- 7. "State" or "New York" means the State of New York.

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. <u>Possession, Custody, and Control.</u> 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 or any of Your officers, directors, employees, agents, representatives, consultants, divisions, affiliates, subsidiaries 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 and notify that Person 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. <u>No Documents Responsive to Subpoena Requests.</u> 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. <u>Format of Production.</u> 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. <u>Databases.</u> 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. <u>Document Numbering.</u> 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. <u>Privilege Placeholders.</u> 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. <u>Your Production Instructions to Be Produced.</u> 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. <u>Affidavit of Compliance.</u> 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. <u>Identification of Persons Preparing Production.</u> 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 to competently 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. <u>Continuing Obligation to Produce.</u> 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. <u>No Oral Modifications.</u> 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. <u>Time Period.</u> 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 relating to any Complaint concerning the Governor, or anyone in the Executive Chamber or the Governor's staff, including but not limited to any Communication relating to any statement made or information provided to the media or the public.
- 2. Any and all Documents concerning any Complainant, including but not limited to any Communication relating to any statement made or information provided to the media or the public.

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 telephone number appears on the subpoena.

- 1. <u>Concordance Production Components</u>. 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. <u>Production Folder Structure</u>. 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. <u>De-Duplication</u>. 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. <u>Paper or Scanned Documents</u>. 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 telephone number 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. <u>Structured Data</u>. 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 telephone number 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. <u>Production File Requirements</u>.

A. Metadata Load File

- Required file format:
 - o ASCII or UTF-8
 - Windows formatted CR + LF end of line characters, including full CR + LF on last record in file.
 - o .dat file extension
 - o Field delimiter: (ASCII decimal character 20)
 - o Text Qualifier: þ (ASCII decimal character 254). Date and pure numeric value fields do not require qualifiers.
 - o 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:
 - o mm/dd/yyyy
 - o yyyy/mm/dd
 - o yyyymmdd
- Accepted time formats:
 - o 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 (Petrified 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:
 - o CCITT Group 4 compression
 - o 2-Bit black and white
 - o 300 dpi
 - o 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:
 - o ASCII
 - Windows formatted CR + LF end of line characters
 - o Field delimiter: , (ASCII decimal character 44)
 - No Text Qualifier
 - o .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):
 - o ALIAS or IMAGEKEY the unique Bates number assigned to each page of the production.
 - o VOLUME this value is optional and may be left blank.
 - RELATIVE PATH the filepath to each single-page image file on the production media.
 - O DOCUMENT BREAK defines the first page of a document. The only possible values for this field are "Y" or blank.
 - o FOLDER BREAK defines the first page of a folder. The only possible values for this field are "Y" or blank.
 - o BOX BREAK defines the first page of a box. The only possible values for this field are "Y" or blank.
 - o 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.

<u>ATTACHMENT 2</u> Required Fields for Metadata Load File

FIELD NAME	FIELD DESCRIPTION	FIELD VALUE EXAMPLE ¹
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 >
ТО	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
CALENDARDUR	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-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).	Р
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 Cour	of } hty of }
Ι,	, 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 stateme to which no responsive Documents we aforementioned search.	ent of those requests under the Subpoena a ere located in the course of the	as
	Signature of Affiant		
		<u> </u>	
	Printed Name of Affiant		
	* *	· *	
Subsc	eribed and sworn to before me this	day of, 20	
	, Notary P	Public	
My c	ommission expires:		



STATE OF NEW YORK OFFICE OF THE ATTORNEY GENERAL

SUBPOENA AD TESTIFICANDUM THE PEOPLE OF THE STATE OF NEW YORK GREETINGS

TO: Josh Vlasto c/o Anne Cortina Perry Jenner & Block LLP 919 Third Avenue New York, NY 10022-3908

YOU ARE HEREBY COMMANDED, pursuant to Executive Law § 63(8) and New York Civil Practice Law and Rule § 2302(a), to appear and attend before the Special Deputies to the First Deputy Attorney General, on May 3, 2021 at 9:30 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.

WITNESS, The Honorable Letitia James, Attorney General of the State of New York, this 23rd day of April, 2021.

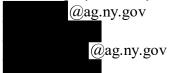
By:

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



By: /s/ Anne L. Clark

Anne L. Clark
Yannick Grant
Special Deputies to the
First Deputy Attorney General



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 2011

TABLE OF CONTENTS

INTRODUCTION	1
PROTECTED AREAS	2
AGE	2
Statutory protection	
Executive Order concerning State workers	
Retirement	
Exceptions	3
RACE and COLOR	4
Statutory protection	4
CREED	4
Statutory protection	5
Sabbath or holy day observance	5
Religious observance or practices	6
Request for accommodation	6
Conflicts with seniority rights	
Undue hardship	6
Exceptions	7
NATIONAL ORIGIN	7
Statutory protection	7
Language issues	7
Proof of identity and employment eligibility	8
Citizenship requirements.	8
SEXUAL ORIENTATION	8
Statutory protection	9
Same-sex spouses or partners.	9
Domestic partners	9

MILITARY STATUS	_ 9
Statutory protection	10
Military leave and job retention rights	10
SEX	11
Statutory protection	11
Executive Order concerning State workers	11
Sexual harassment	11
Sex stereotyping.	12
Pregnancy discrimination and maternity leave	13
Exceptions.	13
DISABILITY	14
Statutory protection	14
What is a "disability" under the Human Rights Law?	14
Reasonable performance	15
Essential functions	15
Reasonable Accommodation	15
Family Medical Leave Act (29 USC sections 2601 to 2654)	16
Civil Service Law §§ 71 and 73	
Drug and Alcohol Free Workplace Policy	17
Drug Addiction and Alcoholism under the Human Rights Law and Regulations	18
Guide dogs, hearing dogs, and service dogs	18
Exceptions	19
PREDISPOSING GENETIC CHARACTERISTICS	20
Statutory protection	20
What is a predisposing genetic characteristic?	20
How is the employee or applicant protected?	20
Exceptions	
MARITAL STATUS	21
Statutory protection	21
Marital status does not include the identity of the spouse	
Nepotism	
What is marital status discrimination?	22

DOMESTIC VIOLENCE VICTIM STATUS	22
Statutory protection	. 22
Executive Order concerning State workers	. 22
Purpose of domestic violence and the workplace policies	. 22
Meeting the needs of domestic violence victims	. 23
Time off for legal proceedings	.24
Unemployment insurance benefits	24
Further information and support	.24
PRIOR ARREST RECORDS, YOUTHFUL OFFENDER ADJUDICATIONS AND SEALED RECORDS	25
Statutory protection	. 25
What is unlawful?	
Pending arrest or accusation.	.25
What specific circumstances are protected?	. 26
Sealed records	. 26
Exceptions.	.26
PREVIOUS CONVICTION RECORDS	27
Statutory protection	. 27
Factors from the Correction Law	.27
Conviction must be "previous."	.28
Inquiries and misrepresentation	.28
Interaction with the arrest provisions	
Enforcement only by court action	
Exceptions.	
GENDER IDENTITY	29
Statutory protection	. 30
Executive Order concerning State workers	. 30
What protection against discrimination is provided?	.30
GENERAL PROHIBITIONS	31
Harassment	.31
Appropriate supervision is not harassment	
Harassment must be reported	.31
Harassment must be investigated and appropriate corrective action taken.	32
Unlawful Inquiries	. 32

Retaliation	32
Division or court proceedings	
Opposing discriminatory practices	33
Adverse employment action	33
Political Activities	33
Diversity	34
Reporting Discrimination Complaints Internally	34
Pursuing Discrimination Complaints Externally	35
NOTE	36

INTRODUCTION

New York State has long been committed to the proposition that every individual in the State have an equal opportunity to enjoy a full and productive life. This commitment to equal opportunity extends to the workplace. 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 or discrimination. Such acts have no place in the workplace, State or otherwise.

All State employees have the right to be free from unlawful discrimination and 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. To that end, this Handbook is intended to provide employees 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 since it is generally broader in scope than protections 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, 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. 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 agerelated 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.

Statutory protection.

Age discrimination is made unlawful by Human Rights Law § 296.1 and § 296.3-a, and by the federal Age Discrimination in Employment Act ("ADEA"). 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 age 21 in order to be appointed.⁶ These are lawful exceptions to the provisions of the Human Rights Law.

There are certain limited exceptions to the prohibition on mandatory retirement. 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

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).

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 is unlawful pursuant to the Human Rights Law § 296.1, 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.

"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

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.

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 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. 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. 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

Civil Service Law § 50(9) provides that candidates who are unable to attend a civil service examination because of religious observance can request an

¹³ Human Rights Law § 296.10(a).

¹² 42 U.S.C. § 2000e et seq.

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).

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

¹⁸ Human Rights Law § 296.10(a).

¹⁹ Human Rights Law § 296.10(d)(1).

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 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 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

²⁰ Human Rights Law § 296.10(d)(1).

²¹ Human Rights Law § 292.8.

²² 42 U.S.C. § 2000e et seq.

must be reasonable and necessary to the efficient conduct of State business. Any such 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

22

See the federal Equal Employment Opportunity Commission's regulation at 29 CFR § 1606.7.
 I.S. Immigration and Nationality Act § 274A, as modified by the Immigration Reference

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.

Statutory protection.

Discrimination on the basis of sexual orientation is unlawful pursuant to the Human Rights Law § 296.1. Sexual orientation is not a protected category 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 samesex 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

_

²⁷ Human Rights Law § 292.28.

Statutory protection.

Discrimination on the basis of military status is unlawful pursuant to the Human Rights Law § 296.1. 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 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" or "military duty." 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.

_

²⁸ 38 U.S.C. §§ 4301-35.

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.

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 the federal Civil Rights Act of 1964, Title VII.31

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2 reissuing Executive Order No. 19,32 which established State policy on sexual harassment in the workplace.

Sexual harassment.

As noted in the Executive Order, sexual harassment is both offensive and unlawful. Every State employee 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.

In accordance with the Executive Order, every State executive branch agency 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.

Hostile environment sexual harassment consists of 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 has also been defined as any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

³¹ 42 U.S.C. § 2000e et seq.

³² Issued by Gov. Mario M. Cuomo on May 31, 1983.

Sexual harassment is known as "quid pro quo" harassment when a person in authority tries to trade job benefits for sexual favors. 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, generally, section entitled Unlawful Inquiries, below.

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, generally, section on Harassment, below.

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 sections below on Gender Identity and on Disability.

Pregnancy discrimination and maternity leave.

Discrimination on the basis of pregnancy constitutes sex discrimination. 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.³³ Disability discrimination may also be implicated where discrimination is based on limitations or perceived limitations due to pregnancy. Any condition related to pregnancy 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. (See below in the section on Disability.)

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.

The federal Family Medical Leave Act³⁴ is also applicable. 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 Act. The Act entitles eligible employees to take up to a total of 12 weeks of unpaid leave during a 12-month period.

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.

³³ Human Rights Law § 296.1(g).34 29 U.S.C. § 2601 et seq.

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. 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. 35 The Federal Rehabilitation Act of 1973 § 503 and § 504³⁶ 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 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.³⁷

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

 ³⁵ 42 U.S.C. § 12111 et seq.
 ³⁶ 29 U.S.C. § 793 and § 794.
 ³⁷ Human Rights Law § 292.21.

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.³⁸

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;
- 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

³⁸ With respect to policy and procedures relative to reasonable accommodation generally, employees should also consult their own agencies' policies, as each State agency is required to have a written plan, policy and procedure for considering reasonable accommodation requests.

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. Such information 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.

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

As noted above relative to pregnancy discrimination, 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, section on Military Status.)

³⁹ 9 N.Y.C.R.R. § 466.11.

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. 40 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. 41

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 to undergo medical testing. 42 If the cause of the disability is found to be drug- or alcoholrelated, 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

http://www.goer.ny.gov/Training Development/Online Learning/index.cfm.

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.

⁴⁰ Civil Service Law § 71.

⁴¹ Civil Service Law § 73.

⁴² For agencies that do not have their own drug/alcohol testing procedures, this test must be done pursuant to Civil Service Law § 72.

Drug Addiction and Alcoholism under the Human Rights Law and Regulations.⁴³

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 also, Drug and Alcohol Free Workplace Policy, above.

Guide dogs, hearing dogs, and service dogs.

Users of guide dogs, hearing dogs, or service dogs are given protection by the Human Rights Law. ⁴⁴ Any dog that meets the definition will be allowed to accompany its owner into the workplace, with only extremely narrow exceptions for health and safety.

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 provision is not part of the federal ADA, under which the matter may be analyzed to determine whether a reasonable accommodation is appropriate.

The right to be accompanied by such dogs 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 blind or hearing impaired person, is actually used to provide such aid, and was trained by a recognized guide or hearing dog training center or professional guide or hearing dog trainer. ⁴⁵

⁴³ See generally 9 N.Y.C.R.R. § 466.11(h).

⁴⁴ Human Rights Law § 296.14.

⁴⁵ Human Rights Law §§ 292.31-32.

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 recognized service dog training center or professional service dog trainer. ⁴⁶

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.⁴⁷ 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 recognized 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.⁴⁸

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.⁴⁹

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 health or safety of the employee or others that cannot be eliminated or reduced by reasonable accommodation.⁵⁰

⁴⁶ Human Rights Law § 292.33.

⁴⁷ 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.

⁴⁸ Civil Service Law § 6(1).

⁴⁹ 9 N.Y.C.R.R. § 466.11(g)(1).

⁵⁰ 9 N.Y.C.R.R. § 466.11(g)(2).

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 and § 296.19. It is also covered by the federal Genetic Information Nondiscrimination Act (GINA).⁵¹

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." ⁵²

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.⁵³ 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 an agreement with an individual to take a genetic test or provide genetic test results or such information.⁵⁴

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

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.

⁵² Human Rights Law § 292.21-a.

⁵³ Human Rights Law § 296.19(a)(1).

⁵⁴ Human Rights Law § 296.19(a)(2).

environment. The employer may not take any adverse action against an employee on the basis of such voluntary test. 55

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.⁵⁶ However, the employer may not take adverse action against the employee as a result of such testing.

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. 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,

⁵⁵ Human Rights Law § 296.19(c) and (d).

⁵⁶ Human Rights Law § 296.19(b).

fire, supervise or discipline a spouse or other relative.⁵⁷ 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.

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. 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. 19,⁵⁸ 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

⁵⁷ Anti-nepotism rules for all State government workplaces are found in N.Y. Public Officers Law § 73.14.

⁵⁸ Issued by Gov. Eliot L. Spitzer on October 22, 2007.

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.

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 section on Disability, above: 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.

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. ⁵⁹

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. ⁶⁰

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.

-

⁵⁹ N.Y. Penal Law § 215.14.

⁶⁰ N.Y. Labor Law § 593.

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 section on Previous Conviction, below.)

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 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.

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 the section below on 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."

These provisions do not apply to an application for employment as a police officer or peace officer. ⁶²

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

⁶² Police and peace officer as defined in Criminal Procedure Law §§ 1.20 and 2.10, respectively.

⁶¹ Human Rights Law § 296.16; see e.g. Civil Service Law § 50(4).

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. ⁶³

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.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.

-

⁶³ N.Y. Correction Law § 752.

- (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.⁶⁴

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. ⁶⁵

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. ⁶⁶

Interaction with the arrest provisions.

The arrest provisions⁶⁷ of the Human Rights Law interact with the conviction provisions. Although it is *lawful to ask* about previous convictions, it is *unlawful*

⁶⁴ N.Y. Correction Law § 753.1.

⁶⁵ N.Y. Correction Law § 753.2.

⁶⁶ N.Y. Correction Law § 751; see also Civil Service Law section 50(4).

to ask about 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 section on Prior Arrest, above.)

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. (However, State employees may file complaints with respect to the Prior Arrest provisions of the Human Rights Law (see section on Prior Arrest, above) with the Division of Human Rights.)

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." ⁶⁹

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 and 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.

⁶⁷ Human Rights Law § 296.16.

⁶⁸ N.Y. Correction Law § 755.1.

⁶⁹ N.Y. Correction Law § 750.5.

Statutory protection.

There is no specific protection for gender identity in federal or New York State law, but gender identity may form the basis of a sex discrimination claim, under certain circumstances, or a disability discrimination claim if the employee alleges that he or she has "gender identity disorder" or "gender dysphoria," which are considered disabilities under the Human Rights Law. (See sections on Sex and on Disability, above.)

Executive Order concerning State workers.

On January 1, 2011, Governor Andrew M. Cuomo issued Executive Order No. 2, reissuing Executive Order No. 33,⁷⁰ which prohibits discrimination in employment by executive branch agencies on the basis of gender identity.

What protection against discrimination is provided?

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 sections, generally, on Harassment and on Retaliation, below.) Claims of retaliation or harassment based on gender identity can only be processed under the Human Rights Law if the basis for such claim is otherwise covered under that law. 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.

- 30 -

⁷⁰ Issued by Gov. David A Paterson on December 16, 2009.

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 also subsection on Sexual Harassment, above.) State employees 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 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.

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 must be reported.

The employing agency is not responsible for harassment by co-workers, 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 has a duty to report it to management, even if the employee 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 employing agency 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 category, unless based upon a bona fide occupational qualification.⁷¹

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 this booklet). Information on protected category 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.⁷² 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.

_

⁷¹ Human Rights Law § 296.1(d).

⁷² Human Rights Law § 296.7; see also Civil Service Law § 75.(b), which gives protection to "whistleblowers."

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 consists of an adverse action or actions 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.

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.

A negative employment 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.

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.⁷³ This provision has been enforced by the New York State Commission on Public Integrity, which will be replaced on or before December 12, 2011, by the 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 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 areas 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 agency's Equal Opportunity Officer.

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.

_

⁷³ Civil Service Law § 107.

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 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 laws, executive orders, and policies that provide protection from discrimination for State employees. The Handbook is not exhaustive and does not summarize all legal protections that may apply to State employees. Employees should also refer to the employee manual and antidiscrimination policies of their employing agency.

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 anytime, 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 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.



Explore

♦ Settings



Search Twitter

New to Twitter?

Sign up now to get your own pers

Sign up

Relevant people



Lindsey Boylan O

@LindseyBoylan

Mom. Progressive N 4 a Livable City. Fmi & Urban Planner. Ci Manhattan Borough



Andrew Cuomo

@NYGovCuomo

Father, fisherman, n enthusiast, 56th Go



Jerry Avenaim

@avenaim

Award winning pho Fashion, Celebrity, *A* -Chicago Native -Lc Mental Health Advc

What's happening

 ${\sf Entertainment} \cdot {\sf LIVE}$

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 prot 4,843 Tweets

COVID-19 · LIVE

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

Holidays · 1 hour ago

Pride Month celebrations k across the world

Trending with #pride _____ LGBTQ

Show more

Terms of Service Privacy Policy
Ads info More ··· © 2021 Twit

y		←	Thread				Search Twitter
#	Explore Settings		Yesterday wa waking up ak	•	day, responding to they have heard about @	,	
**	Settings		,	_	on't harm more peopl	o osposially woman	New to Twitter?
			© 22	174	© 1.1K	e, especially women.	Sign up now to get your own per
			Linday Bay				Sign up
			I have very in	lan 	getting elected so I ca		
			I will not be spending my days responding to the trauma men like @NYGovCuomo have caused every day in power.				Relevant people
							Lindsey Boylan 🤡
			Instead I'm g	etting back to my wo	ork.		@LindseyBoylan Mom. Progressive I
			√ 4	€7 20	♡ 265		4 a Livable City. Fm & Urban Planner. C
				lan 🤣 @LindseyBoyl		•••	Manhattan Boroug
			. ,	mo. And if other wor	ning to what I hear ou men decide to come f		Andrew Cuomo @NYGovCuomo
				n getting back to my long working for yo	important work that r u.	nade me willing to	Father, fisherman, r enthusiast, 56th Go
				17 40	♡ 335	企	What's happening
		When we let our abusers, or onlookers, dictate the conversation we lose. I will not being stopped. I will not be deterred. I will not being minimized and truncated in history as someone that was victimized by a famous and					Music · LIVE It's Travis Scott's birthday Trending with Travis Scott, Astro
			powerful mai	n the world kept elev	rating.		Transling in United States
			I will fight.	€7, 55	♡ 442	<u>^</u>	Trending in United States BOYFRIEND REVEAL 4,131 Tweets
		Dankas					Trending in United States
		Repli	es				Josh Duggar Former reality television star
		P'Abbey-Bonacci @lordgrand7 · Dec 8, 2020 Replying to @LindseyBoylan and @NYGovCuomo I hope things go well for you @LindseyBoylan. There are women across the					arrested by federal agents ir Thursday, TMZ reports Trending with 19 Kids and Coun
			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				COVID-19 · LIVE COVID-19: News and upda
			Q 1	₹ 2		₾	New York
			Sandra Rios Replying to @	The New York Times 🕗 · Ye 'Disaster Girl' is 21 now an			
			?????? unbelievable #StrongerTogether				made \$500,000 off the me
			9	Ĉ⊋	♡ 3	<u>^</u>	Show more
		Roger @Roger2dot0 · Dec 8, 2020 ···· Replying to @LindseyBoylan @es_indivisible and @NYGovCuomo					Terms of Service Privacy Policy
			_	ı talkin about?	~		Ads info More ··· © 2021 Twit
			9	\Box	♡ 1	↑	

View more replies

Date: Sunday, December 6 2020 08:06 PM

Subject: [Chat #50662]

From: Joshua Vlasto

To:

This is just a story that's not going to end well for anyone

----METADATA INFORMATION- ---Device Owner:

Josh Vlasto



Date: Sunday, December 6 2020 08:06 PM
Subject: [Chat #50663]
From: Joshua Vlasto
To: :

If she keeps it up, her issues will come out and then no one looks good

Device Owner:
Josh Vlasto
ICCID:

Date: Sunday, December 6 2020 08:06 PM

Subject: [Chat #50664]

From:

To:

[Joshua Vlasto (owner)]"; @gmail.com [Joshua Vlasto (owner)]";

Precisely

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Sunday, December 6 2020 08:06 PM Date:

Subject: [Chat #50665]

From:

[Joshua Vlasto (owner)]"; @gmail.com [Joshua Vlasto (owner)]"; To:

Melissa is gonna destroy her this week on Twitter I bet

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

Date: Saturday, December 12 2020 08:54 AM

Subject: [Chat #112947]

From: Josh Vlasto

To: Richard Bamberger

I'm going to call the post and confirm the Boylan stuff

----METADATA INFORMATION- ----

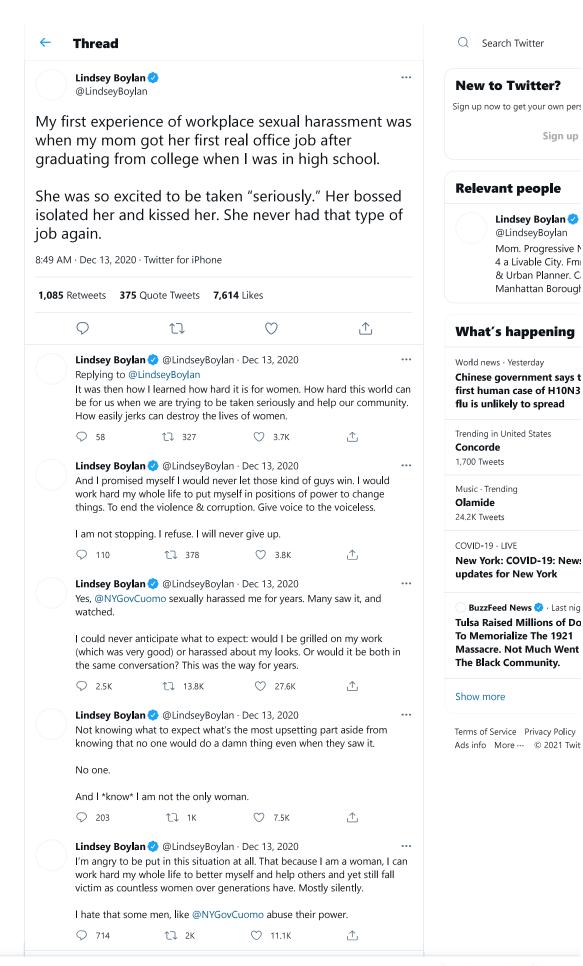
Device Owner:

Bamberger, Rich





♦ Settings



Date: Sunday, December 13 2020 10:06 AM

Subject: [Chat#93197]

From: Rich Bamberger

To: @gmail.com [Joshua Vlasto (owner)]";

Do you want to also tell Melissa the rumor about the other person we talked about with her? Just so we cover ourselves or should we just be quiet?

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

ICCID:

EXHIBIT 8

Date: Sunday, December 13 2020 10:07 AM

Subject: [Chat #93198]

From: Joshua Vlasto

To: [Rich Bamberger];

Eh

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Sunday, December 13 2020 10:07 AM

Subject: [Chat #93199]

From: Joshua Vlasto

To: [Rich Bamberger];

Need to do it today

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Date: Sunday, December 13 2020 10:08 AM

Subject: [Chat #93200]

From: Rich Bamberger

To: @gmail.com [Joshua Vlasto (owner)]";

I'm around

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Executive Assistant #2@exec.ny.gov] From: 12/15/2020 11:12:39 AM Sent: To: @exec.ny.gov]; DeRosa, Melissa (CHAMBER) | Executive Assistant #2 @exec.ny.gov]; Cohen, Steven (ESD) @esd.ny.gov]; Azzopardi, Richard (CHAMBER) @exec.ny.gov]; @dfs.ny.gov]; Ajemian, Peter (CHAMBER) @exec.ny.gov]; Lacewell, Linda A (DFS) [Executive Assistant #3 @exec.ny.gov]; Commisso, Brittany (CHAMBER) @exec.ny.gov]; @exec.ny.gov]; @exec.ny.gov]; @dfs.ny.gov]; @dfs.ny.gov]

Subject: MDR Call

Location:

Start: 12/15/2020 11:30:00 AM **End**: 12/15/2020 12:00:00 PM

Show Time As: Busy

Recurrence: (none)

Rich Bamberger Josh Vlasto Dani Lever Steve Cohen Rich Azzopardi Linda Lacewell Peter Ajemian Date: Sunday, December 13 2020 12:03 PM

Subject: [Chat #9894]

From: Rich Azzopardi

To: [Joshua Vlasto (owner)]"; [Dani Lever]; [Rich Bamberger];

Steven M. Cohen];

Attachments: IMG_6898.jpeg; IMG_6903.jpeg; IMG_6902.jpeg; IMG_6899.jpeg; IMG_6901.jpeg; IMG_6900.jpeg;

IMG_6897.jpeg

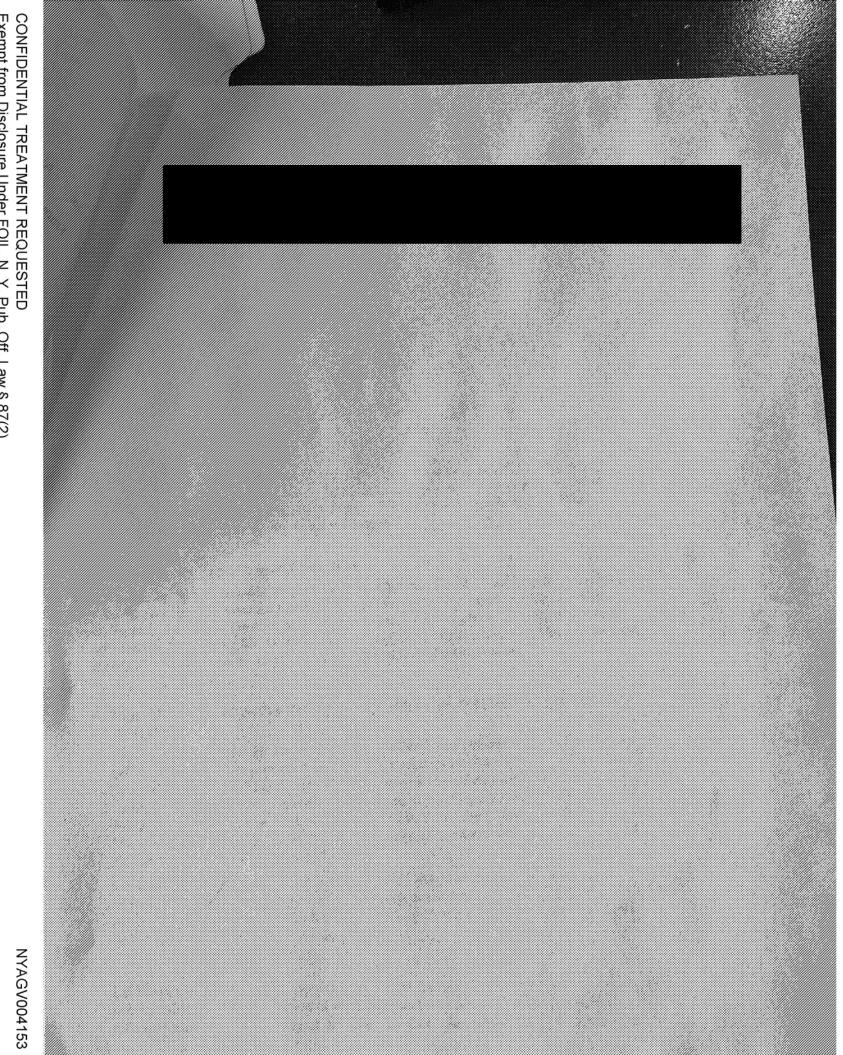
----METADATA INFORMATION-----

Device Owner:

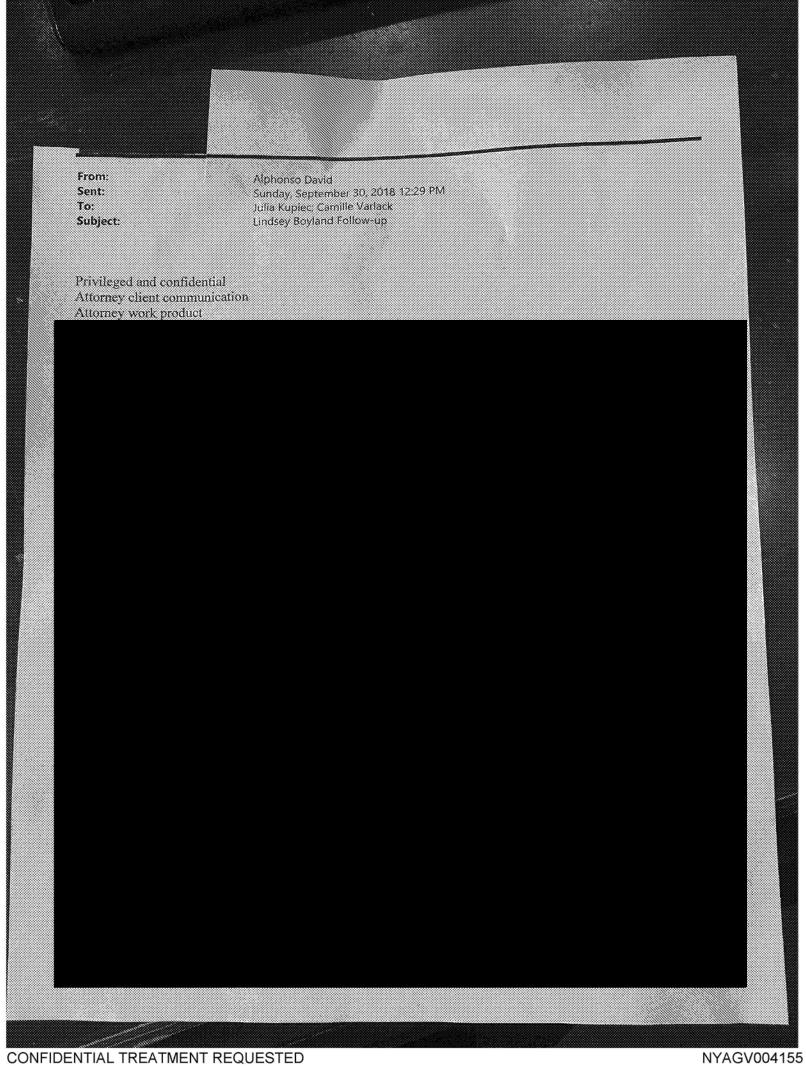
Josh Vlasto

ICCID:

EXHIBIT 10



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. CONFIDENTIAL TREATMENT REQUESTED NYAGV004154



₩X \.

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

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 descried meeting on September 26, 2018.

/S

Julia Pinover Kupiec

Executive Chamber Ethics Officer

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

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 spake with

of Empire State Development (ESD),

respectively. Below please find a summary of my conversation.

Date: Sunday, December 13 2020 04:20 PM

Subject: [Chat #3633]

From: Rich Azzopardi

To: Richard Bamberger [Dani Lever]; [Dani Lever]; [Josh Vlasto]; [Linda Lacewell];

Some helpful stuff in here. I know he talked to and

----METADATA INFORMATION-----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:20 PM

Subject: [Chat #3634]

From: Rich Azzopardi

To: Richard Bamberger [Dani Lever]; [Josh Vlasto];

[Melissa DeRosa]; [Linda Lacewell];

https://www.timesunion.com/news/article/On- Twitter-former-Cuomo-aide-alleges-sexual-15798159.php

----METADATA INFORMATION----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:23 PM

Subject: [Chat #3635]

From: Josh Vlasto

Richard Bamberger [Linda Lacewell]; [Dani Lever]; · [Melissa DeRosa]; To:

[Rich Azzopardi];

Give them the docs!

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:24 PM

Subject: [Chat #3636]

From: Rich Azzopardi

[Josh Vlasto]; Richard Bamberger [Melissa DeRosa]; [Dani Lever]; To:

[Linda Lacewell];

I don't know if I trust them

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:24 PM

Subject: [Chat #3638]

From: Josh Vlasto

Richard Bamberger [Linda Lacewell]; [Dani Lever]; [Melissa DeRosa]; To:

[Rich Azzopardi];

Fair enough

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:26 PM

Subject: [Chat #3639]

From: Rich Azzopardi

Richard Bamberger [Melissa DeRosa]; [Dani Lever]; [Josh Vlasto]; To:

[Linda Lacewell];

Updated ap

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:26 PM

Subject: [Chat #3640]

From: Rich Azzopardi

To: Richard Bamberger [Josh Vlasto];

[Melissa DeRosa]; [Linda Lacewell];

https://apnews.com/article/new-york-andrew-cuomo-manhattan-f1b386ac61a0a860960a231acf5b2942

----METADATA INFORMATION-----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:27 PM

Subject: [Chat #3641]

From: Rich Azzopardi

To: Richard Bamberger [Dani Lever]; [Josh Vlasto];

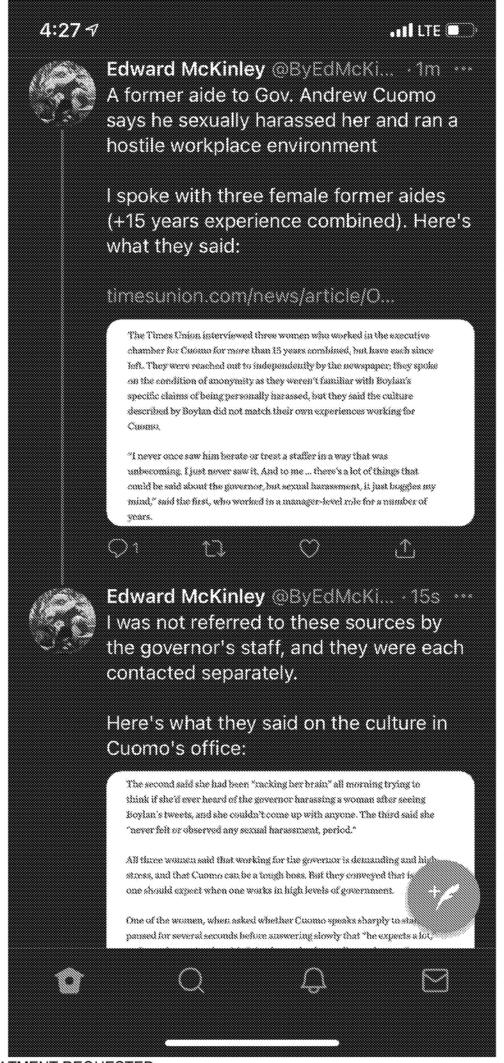
[Melissa DeRosa]; [Linda Lacewell];

Attachments: Screenshot 2020-12-13 at 4.27.42 PM.jpeg

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich



Date: Sunday, December 13 2020 04:34 PM

Subject: [Chat #3642]

From: Dani Lever

Richard Bamberger [Linda Lacewell]; [Josh Vlasto]; [Melissa DeRosa]; To:

[Rich Azzopardi];

AP is spot on guys good job

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:35 PM

Subject: [Chat #3643]

From: Dani Lever

Richard Bamberger [Linda Lacewell]; [Josh Vlasto]; [Melissa DeRosa]; To:

[Rich Azzopardi];

I just sent it to the times

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:36 PM

Subject: [Chat #3644]

From: Josh Vlasto

[Dani Lever]; Richard Bamberger [Linda Lacewell]; [Melissa DeRosa]; To:

[Rich Azzopardi];

It is for sure

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:36 PM

Subject: [Chat #3645]

From: Melissa DeRosa ·

Richard Bamberger [Linda Lacewell]; [Dani Lever]; [Josh Vlasto]; To:

[Rich Azzopardi];

Should we give to the dn and WSJ too

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:36 PM

Subject: [Chat #3646]

From: Melissa DeRosa

To: Richard Bamberger [Dani Lever]; [Josh Vlasto];

[Linda Lacewell]; [Rich Azzopardi];

And should we make times point out that she never made a complaint about him

----METADATA INFORMATION-----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:37 PM

Subject: [Chat #3647]

From: Josh Vlasto

Richard Bamberger [Linda Lacewell]; Dani Lever]; [Melissa DeRosa]; To:

[Rich Azzopardi];

Yes!

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:37 PM

Subject: [Chat #3648]

From: Josh Vlasto

Richard Bamberger [Linda Lacewell]; [Dani Lever]; · [Melissa DeRosa]; To:

[Rich Azzopardi];

It has to get in the stories

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 04:38 PM

Subject: [Chat #3649]

From: Richard Bamberger

To: [Dani Lever]; [Josh Vlasto]; [Melissa DeRosa];

[Linda Lacewell]; [Rich Azzopardi];

Agreed Caruso story muddies the waters tremendously That's the story we need from all of them

----METADATA INFORMATION-----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 05:12 PM

Subject: [Chat #3650]

From: Linda Lacewell

To: Richard Bamberger [Dani Lever]; [Josh Vlasto];

[Melissa DeRosa]; [Rich Azzopardi];

Attachments: 50A6FC7B-3DBF-415F-9C43-0B4A51C442DC.pluginPayloadAttachment

https://twitter.com/byedmckinley/status/1338244238635622402?s=10

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich



Date: Sunday, December 13 2020 08:23 PM

Subject: [Chat #3653]

From: Melissa DeRosa

To: Richard Bamberger [Dani Lever]; [Josh Vlasto];

[Linda Lacewell]; [Rich Azzopardi];

Attachments: Screenshot 2020-12-13 at 8.22.45 PM.jpeg

Now she's tweeting about housing?!

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Tweets

Tweets & replies

Media

Likes



To start, we need an #EvictionFreeNY.

() 4

175

(7) 68





Lindsey Boylan @ @LindseyBo... · 19m · · · But more than that, we need leaders that recognize how all these issues are connected & that act with urgency based on that knowledge.

As Manhattan Boro President, I plan on tackling each of these issues by listening, advocating, and acting on behalf of the community I love.

 \bigcirc 1

17

 \bigcirc 3:

1



lindseyfornewyork.com

(

719

Lindeau Raulan 🔊 Allindeau Raulan. 2h









Date: Sunday, December 13 2020 08:24 PM

Subject: [Chat #3654]

From: Rich Azzopardi

[Josh Vlasto]; Richard Bamberger [Melissa DeRosa]; [Dani Lever]; To:

[Linda Lacewell];

This is the worst black mirror episode ever

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich

Date: Sunday, December 13 2020 08:37 PM

Subject: [Chat #3655]

From: Josh Vlasto

Richard Bamberger [Linda Lacewell]; [Dani Lever]; [Melissa DeRosa]; To:

Rich Azzopardi];

Even barnhardts not buying it

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich



Date: Tuesday, December 15 2020 03:26 PM

Subject: [Chat #45601]

From: Rich Azzopardi

To: [Joshua Vlasto (owner)]";

Attachments: 202012131419.pdf

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

ICCID:

EXHIBIT 12

Memorandum

To: Alphonso David, Counsel to the Governor

From: Camille Joseph Varlack, Deputy Director of State Operations,

Chief Risk Officer and Special Counsel

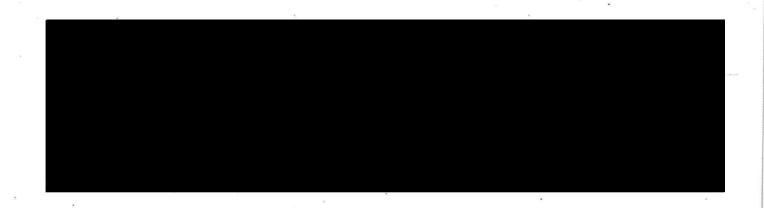
Re: Confidential Personnel Matter

Date: September 20, 2018

On September 20, 2018, I spoke with ES Doff (a) L and ESD off (a) 2 : I and

of Empire State Development (ESD),

respectively. Below please find a summary of my conversation.



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.

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 descried meeting on September 26, 2018.

/S

Julia Pinover Kupiec

Executive Chamber Ethics Officer

From:

Alphonso David

Sent:

Sunday, September 30, 2018 12:29 PM Julia Kupiec; Camille Varlack

To:

Subject:

Lindsey Boyland Follow-up

Privileged and confidential Attorney client communication
Attorney work product

	s. Further, s	he has notified praction	cally all state
employees and many external stakeholders of her voluntar	y resignation, v	which was accepted. V	We will need to
think about whether that issue can be effectively managed.	I advised her I	would get back to he	r with a formal
response to her request.	- , .	*	

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

Date: Tuesday, December 15 2020 03:30 PM

Subject: [Chat #10215]

From: Joshua Vlasto

To: [Mike Gartland];

Attachments: 202012131419.pdf

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto



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 ES Doff (a) L and ESD off (a) 2 ! I and ...

... and C ... of Empire State Development (ESD),

respectively. Below please find a summary of my conversation.



MEMORANDUM TO FILE

To:

Alphonso David, Counsel to the Governor

From:

Julia Pinover Kupiec, Assistant Counsel and Chamber Ethics Officer

Date:

September 26, 2018

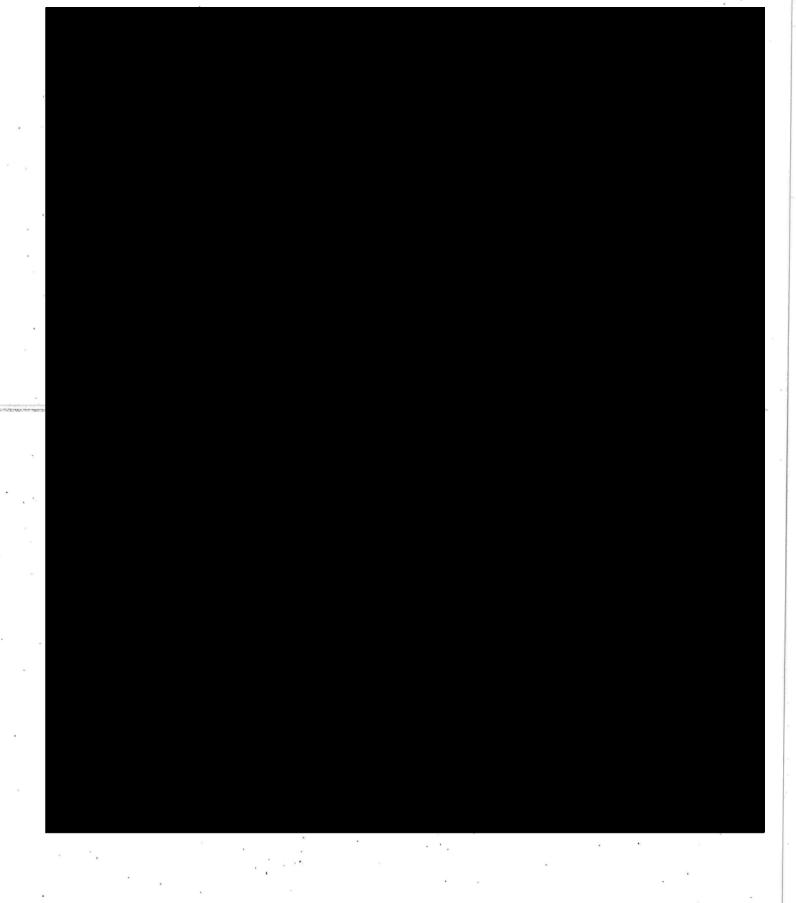
Subject:

Employment Counseling for Lindsay Boylan

1. Purpose

During the course of this counseling

session, Ms. Boylan tendered her resignation voluntarily.



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 descried meeting on September 26, 2018.

/S

Julia Pinover Kupiec

Executive Chamber Ethics Officer

From:

Alphonso David

Sent:

Sunday, September 30, 2018 12:29 PM Julia Kupiec; Camille Varlack

To:

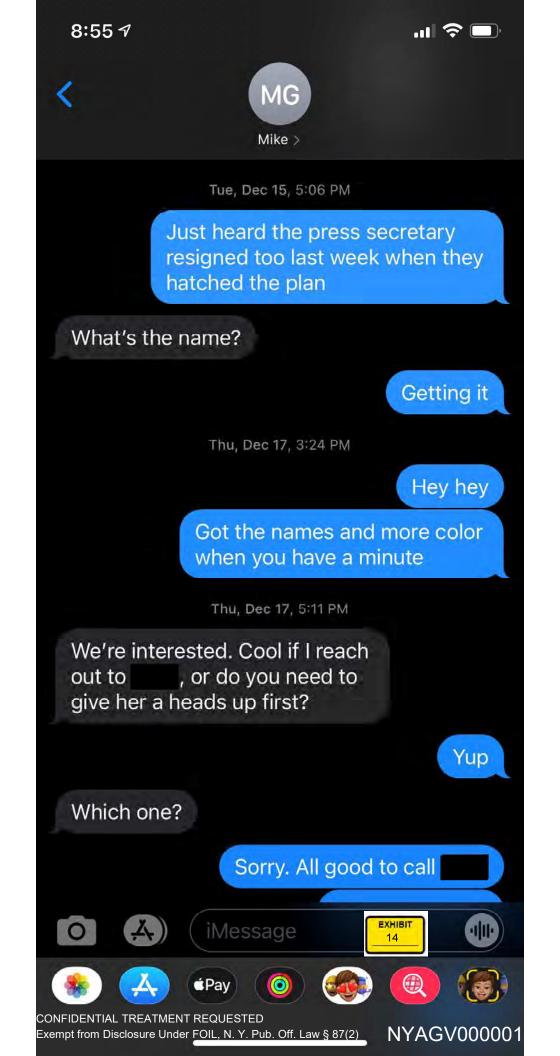
Subject:

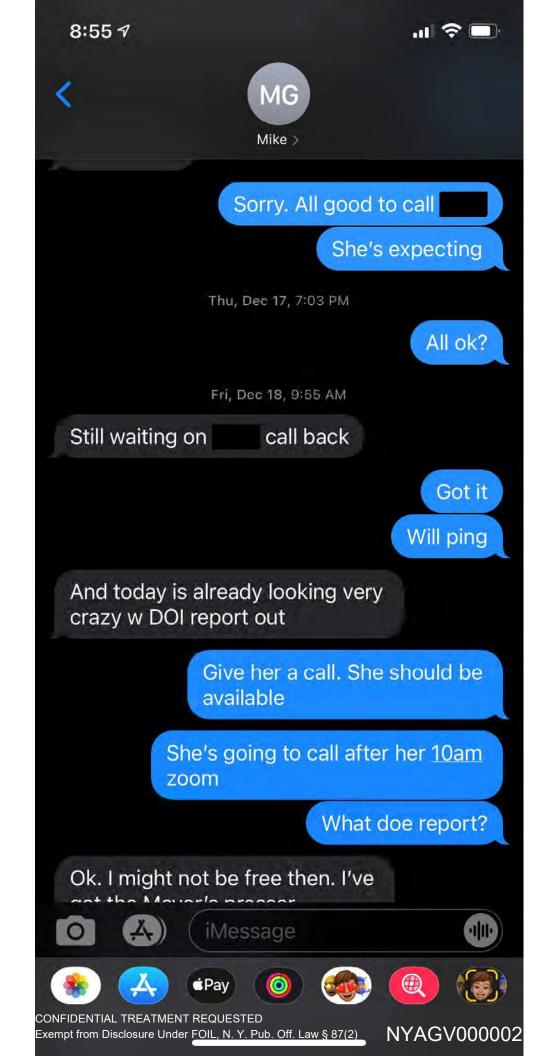
Lindsey Boyland Follow-up

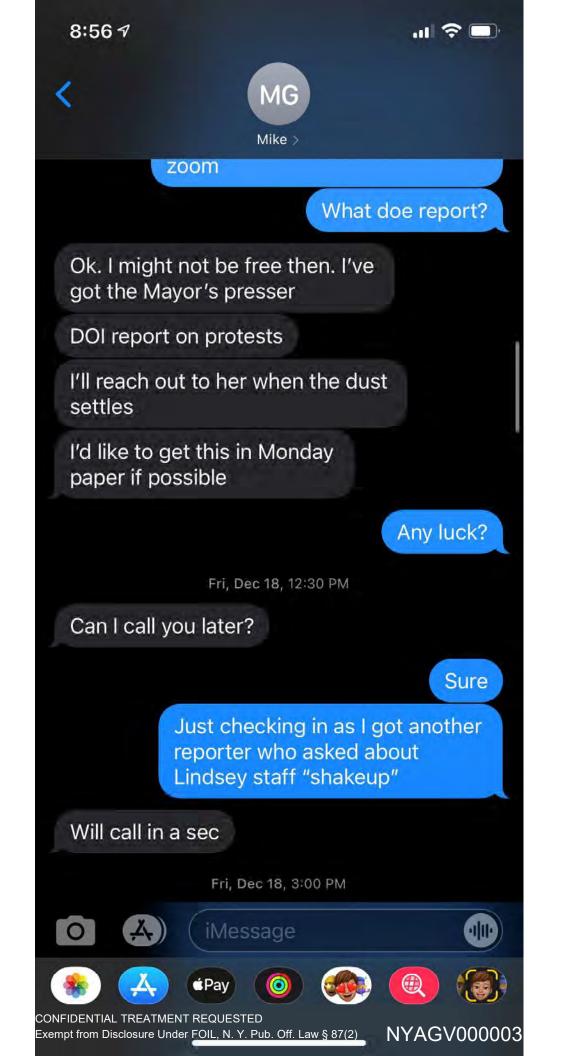
Privileged and confidential Attorney client communication Attorney work product

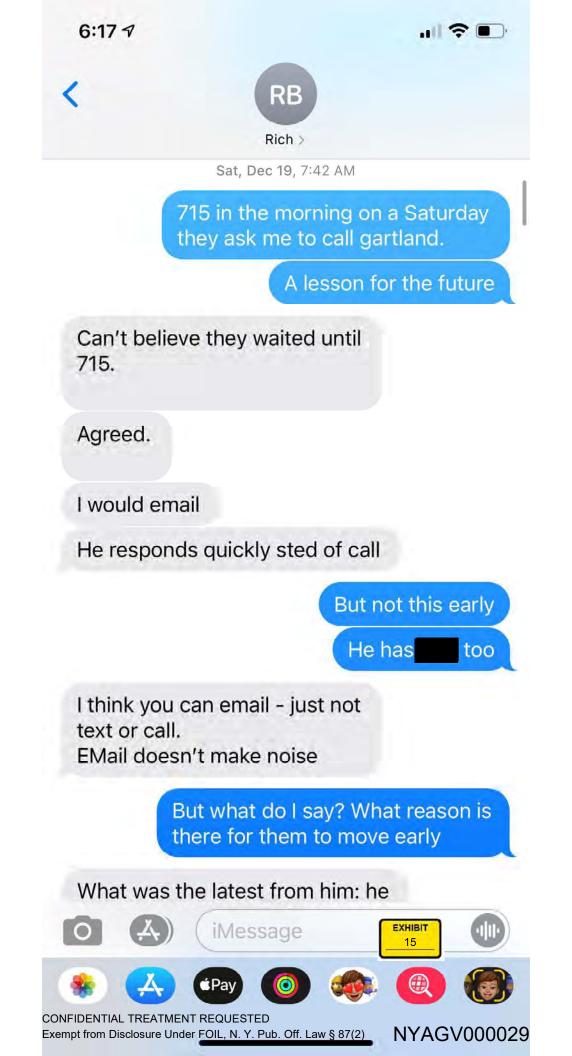
				. Further,	she has notif	fied practically a	ll state
employees and many extern	al stakeho	olders of l	ner voluntary	resignation,	, which was a	ccepted. We wi	ll need to
think about whether that issue can be effectively managed. I advised her I would get back to her with a formal							
response to her request.			,				
	,	*	7				

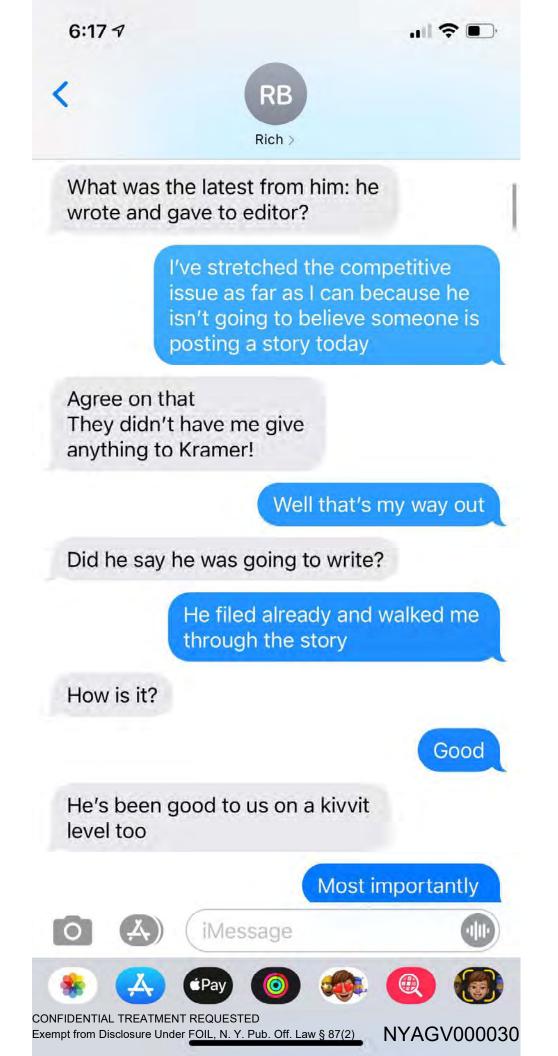
Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.











N.Y. SCHOOL MASK MANDATE STILL IN PLACE, OFFICIALS WAITING ON CDC RESPONSE

Lil Durk's brother, rapper OTF DThang, found dead at age 32: report



'I was punched in the head': Last words of 12-year-old boy who died after bullying at...



NYC Law Departmen inaccessible t due to 'conne

ADVERTISEMENT

NEW YORK POLITICS POLITICS

Ex-gov aide Lindsey Boylan loses press staffer over Cuomo sex harass allegations: source

By MICHAEL GARTLAND

NEW YORK DAILY NEWS | DEC 19, 2020









TODAY'S TOP VIDEOS

Rep. Clyburn Says Time Is Running





Lindsey Boylan's accusation that Gov. Cuomo sexually harassed her appears to have had an unintended consequence.

Her communications consultant has left Boylan's campaign for Manhattan borough president, and, according to a source, Boylan's handling of the accusations against Cuomo was "the straw that broke the camel's back."

ADVERTISEMENT



Former Cuomo advisor Lindsey Boylan (left) and New York Gov. Andrew Cuomo.

Boylan took to Twitter last week to blast the governor, tweeting last Sunday that Cuomo "sexually harassed me for years."

"Many saw it, and watched," she wrote at the time. "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."

After making the shocking allegation, less than an hour later Boylan tweeted that she had "no interest in talking to journalists" about the matter.

EED BACK

According to a source with knowledge of the situation, Boylan and communications consultant Lupe Todd-Medina were "not a good fit" before the Cuomo situation erupted on social media.

"The Cuomo incident was the final straw," the source said.

Todd-Medina did not return a call.

Cuomo denied the accusation last Monday.

"I fought for and I believe a woman has the right to come forward and express her opinion and express issues and concerns that she has," Cuomo said at the time. "But it's just not true."

Boylan, who recently lost a bid to topple Rep. Jerrold Nadler (D-Manhattan, Brooklyn) from his seat in the House of Representatives, served as deputy secretary for economic development under Cuomo and as his special adviser from 2015 until 2018, her LinkedIn page shows.

Personnel records from her time with Team Cuomo reveal that Boylan left her post under an administrative cloud.

The records, which are dated September 2018 and obtained by the Daily News, show that at least two state officials requested Boylan be "removed" from the payroll and the office for requesting the resignation of an employee without authorization and for ordering around colleagues who did not report to her.



The Daily News political team supplies the essential news and analysis on the critical 2021 elections in New York City that will define the city's future after coronavirus. Sent to your inbox every Monday, Wednesday and Friday.

ENTER YOUR EMAIL ADDRESS

"Additional concerns" raised in the records included her treatment of three African-American women, who reported that Boylan treated them "like children" and bullied them.

"One employee left work today after hearing that L. Boylan had requested that she provide her with administrative support," the report states. "This same employee took time off earlier in the year to deal with health effects related to her interactions with L. Boylan."

In a subsequent memo that's dated Sept. 26, 2018, and outlines Boylan's resignation, Julia Pinover Kupiec, a Cuomo administration ethics officer, wrote that Boylan admitted that she "did not follow protocol" in asking for her subordinate to be reassigned.

ADVERTISEMENT

Boylan's campaign did not immediately respond to messages.

In a previous tweet, Boylan described working for Cuomo as the "most toxic team environment."

Lil Durk's brother, rapper OTF DThang, found dead at age 32: report

NYC Law Department system inaccessible to city lawyers due to 'connectivity issue' in possible hack

New York school mask mandate still in place, officials waiting on CDC response

"I tried to quit three times before it stuck," she wrote. "That environment is beyond toxic."

Dogs should eat food, not burnt brown balls.

THE FARMER'S DOG | SPONSORED

Jim Carrey Made A Brave Stand And It Appears To Have Cost His Career

MATERNITYWEEK.COM | SPONSORED

is is a slam dunk if you want a one-card wallet

E ASCENT | SPONSORED

Learn More

sica Alba And Cash Warren Revealed Why Their Marriage Has Lasted

[Photos] Hollywood's Shortest Men: Their Real Heights

XENHARI ALCONCIO MO PO PORISTO RED



N.Y. correction officer must pay \$550K to inmate he sexually assaulted, judge rules



Dunkin' Donuts employee charged with manslaughter for fatal punch of customer who allegedly used r...

By KARIEH RINA BROWN



You May Like

Sponsored Links by Taboola

Jada Pinkett Smith Revealed How She Really Felt After Her Son's Sudden Decision

Parenting Factor

Evolvh Ultrashine Moisture Shampoo 8.50z

Pharmaca - \$26

Shop Now

At 101, Meet The Oldest Living Hollywood Celebrity

Finance BLVD

Diner Refuses To Serve Man, Regret It The Next Day

House Coast

MOST READ



Lil Durk's brother, rapper OTF DThang, found dead at age 32: report

JUN 6, 2021

NYC Law Department system inaccessible to city lawyers due to 'connectivity issue' in possible hack

16m

'I was punched in the head': Last words of 12-year-old boy who died after bullying at Brooklyn school revealed as family seeks surveillance footage

1h

ADVERTISEMENT









TRIBUNE PUBLISHING

Chicago Tribune	The Baltimore Sun
-----------------	-------------------

Orlando Sentinel Sun Sentinel of Fla.

The Morning Call of Pa. Hartford Courant

Daily Press of Va.

The Virginian-Pilot

The Daily Meal Studio 1847

COMPANY INFO

Careers Contact Us

Help Center Site Map

Manage Web Notifications Manage Subscription

Place an Ad Contests

Media Kit Special Sections

Privacy Policy The Active Times

Terms of Service About Us

Copyright © 2021, New York Daily News

Date: Wednesday, December 16 2020 12:28 PM

Subject: [Chat #93248]

From: Joshua Vlasto

To: [Rich Bamberger];

What did he say?

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Wednesday, December 16 2020 03:06 PM

Subject: [Chat #93249]

From: Rich Bamberger <

To: [Joshua Vlasto (owner)]"; @gmail.com [Joshua Vlasto (owner)]";

Did they pull back on leaking the texts?

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Wednesday, December 16 2020 03:09 PM

Subject: [Chat #93250]

From: Joshua Vlasto

To: [Rich Bamberger];

It appears that way

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Subject: [Chat#113030]

From: Josh Vlasto

To: Richard Bamberger

I think im going to lose the bet

----METADATA INFORMATION- ----

Device Owner:

Bamberger, Rich



Subject: [Chat #113031]

From: Josh Vlasto

To: Richard Bamberger

With the gov

----METADATA INFORMATION-----

Device Owner:

Bamberger, Rich

Subject: [Chat #113032]

From: Josh Vlasto

To: Richard Bamberger

Folks losing interest

----METADATA INFORMATION-----

Device Owner:

Bamberger, Rich

Subject: [Chat #113033]

From: Josh Vlasto

To: Richard Bamberger

Is what it is

----METADATA INFORMATION-----

Device Owner:

Bamberger, Rich

ATTORNEY CLIENT PRIVILEGED INFORMATION
Redacted in original production
From: Melissa DeRosa @gmail.com>
Date: Wed, Dec 16, 2020 at 1:36 PM
Subject: read
To: Steven Cohen <u>@yahoo.com</u> >, Linda Lacewell <u>@gmail.com</u> >, Josh Vlasto
@gmail.com>, Judith Mogul

We are former senior staff members of Governor Andrew Cuomo's Office. Collectively, we served for over 10 years with the Governor and worked at the highest level of State government.

We are writing in response to the claims made on twitter by Lindsay Boylan. We do so reluctantly. Each of us is a longtime and active supporter of civil rights and women's engagement. We believe women must be heard and that allegations of workforce misconduct must be taken seriously. However, when an accusation is unfounded and seemingly launched to gain a political advantage, standing by silently is not an option. To do otherwise, risks delegitimizing the rights of survivors of workplace abuse.

We each know Ms. Boylan personally; we served with her when she was an advisor to the Governor both in the Governor's Office and at Empire State Development Authority. It is likely that almost every interaction between the Governor and Ms. Boylan took place in either our presence or the presence of another Senior Staff member. Indeed, Ms. Boylan says as much herself. What we witnessed was a forceful and demanding Chief Executive requiring his staff do their best at all times. It was challenging work and at times it was hard for men and women. In other words, it is what you would expect in a high-pressure environment where the accomplishments matter and failures have consequences. It isn't for everyone. What we did not see was any kind of sexual harassment suggested by Ms. Boylan's summary and unsubstantiated assertion.

Unfortunately, we are also aware that during Ms. Boylan's relatively brief tenure, no less than six complaints were raised about her conduct. The complaints came from peers and subordinates, from men and women. We are not here to castigate Ms. Boylan. But it is relevant to assessing Ms. Boylan's claim, to understand that she left State employment after being formally confronted by repeated official complaints that she "treats [subordinates] like children" and made them feel like a "punching bag", was "degrading", "insulting", and "harassing". As a consequence of inappropriately firing a subordinate, Ms. Boylan was formally counseled about her conduct by Mr. David. In response, Ms. Boylan resigned. 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 attempted to contact the Governor, but Mr. David advised the Governor to not discuss the situation with Ms. Boylan as the complaints were outstanding.

Ms. Boylan suggests the Governor made comments about her looks. This is ironic as we know Ms. Boylan referred to the Governor as "handsome" and said she "loved" him to staff; which we believe was inappropriate behavior. As professional women, we also know her behavior to be inappropriately intimate with her coworkers in public, in the presence of other coworkers.

During her tenure, at the time of her departure and after her departure, no complaint – formal or informal – was ever raised about the Governor. In fact, Ms. Boylan praised the Governor and the staff for his work and accomplishments. Ms. Boylan tweeted six 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 also tweeted, after she left, "Governor Cuomo is the best choice for Governor".

And, while we are fully aware of the all too frequent phenomenon where those who are subject to abuse do not come forward and even deny the abuse they have endured, we think it is significant to note that Ms. Boylan only began raising complaints about her experience last year when she launched a Congressional campaign. And even then, she only complained that the Governor's Office was an abusive environment (an assertion we dispute), the claim of sexual harassment was never mentioned. Indeed, the accusation did not occur until two days after she launched a new campaign for Manhattan Borough President. We do not know Ms. Boylan's motivation but the timing is not lost on us.

Also, 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 Ms. Boylan's 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. 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 weaponizing a claim of sexual harassment for personal political gain or to achieve notoriety cannot be tolerated. False claims demean the veracity of credible claims.

ATTORNEY CLIENT PRIVILEGED INFORMATION Redacted in original production

From: Steven Cohen <u>@yahoo.com</u>>

Date: Wed, Dec 16, 2020 at 2:00 PM

Subject: here

To: Josh Vlasto @gmail.com>

We are former senior staff members of Governor Andrew Cuomo's Office. Collectively, we served for over 20 years with the Governor and worked at the highest level of State government. Dani Lever served as Director of Communications. Cathy Calhoun as State Director of Operations. Alphonso David served as Counsel.

We are writing in response to the claims made on twitter by Lindsay Boylan. We do so reluctantly. Each of us is a longtime and active supporter of civil rights and women's engagement. We believe women must be heard and that allegations of workforce misconduct must be taken seriously. However, when an accusation is unfounded and seemingly launched to gain a political advantage, standing by silently is not an option. To do otherwise, risks delegitimizing the rights of survivors of workplace abuse.

We each know Ms. Boylan personally; we served with her when she was an advisor to the Governor both in the Governor's Office and at Empire State Development Authority. It is likely that almost every interaction between the Governor and Ms. Boylan took place in either our presence or the presence of another Senior Staff member. Indeed, Ms. Boylan says as much herself. What we witnessed was a forceful and demanding Chief Executive requiring his staff do their best at all time. It was challenging, hard work and at times it was bruising. In other words, it is what you would expect in a high-pressure environment where the accomplishments matter and failures have consequences. It isn't for everyone. What we did not see was any kind of sexual harassment suggested by Ms. Boylan's summary and unsubstantiated assertion.

Unfortunately, we are also aware that during Ms. Boylan's relatively brief tenure, no less than six complaints were raised about her conduct. The complaints came from peers and subordinates, from men and woman. We are not here to castigate Ms. Boylan. But it is relevant to assessing Ms. Boylan's claim, to understand that she left State employment after being formally confronted by repeated complaints that she "treats [subordinates] like children" and made them feel like a

"punching bag", was "degrading", "insulting", and "harassing". As a consequence of inappropriately firing a subordinate, Ms. Boylan was formally counseled about her conduct by Mr. David. In response, Ms. Boylan resigned. 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.

During her tenure, at the time of her departure and after her departure, Ms. Boylan praised the Governor and the staff for his work and accomplishments. [ADD COMMENTS]. No complaint – formal or informal – was ever raised about the Governor. And, while we are fully aware of the all too frequent phenomenon where those who are subject to abuse do not come forward and even deny the abuse they have endured, we think it is significant to note that Ms. Boylan only began raising complaints about her experience when she launched a Congressional campaign. And even as she complained that the Governor's Office was an abusive environment (an assertion we dispute), the claim of sexual harassment was never mentioned. Indeed, the accusation did not occur until she launched a campaign for Manhattan Borough President. We do not know Ms. Boylan's motivation but the timing is not lost on us.

[Option: Also, 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.]

[Note: I would give this piece to a reporter rather than include in the letter] 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 weaponizing a claim of sexual harassment for personal political gain or to achieve notoriety cannot be tolerated. False claims demean the veracity of credible claims.

[I don't think we need this. Too sanctimonious. *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.*]

[Note: I'd remove the following: 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, X weeks 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".]

From: Melissa DeRosa @gmail.com>
Sent: Wednesday, December 16, 2020 4:04 PM

To: Linda Lacewell; Steven Cohen; Josh Vlasto; Judith Mogul

Subject: current final

We are former senior staff members of Governor Andrew Cuomo's Office.

We are writing in response to the claims made on twitter by Lindsay Boylan. We do so reluctantly. Each of us is a longtime and active supporter of civil rights and women's engagement. We believe women must be heard and that allegations of workforce misconduct must be taken seriously. However, when an accusation is unfounded and seemingly launched to gain a political advantage, standing by silently is not an option. To do otherwise, risks delegitimizing the rights of survivors of workplace abuse.

And, while we are fully aware of the all too frequent phenomenon where those who are subject to abuse do not come forward and even deny the abuse they have endured, we think it is significant to note that Ms. Boylan only began raising complaints about her experience last year when she launched a Congressional campaign. And even then, she only complained that the Governor's Office was an abusive environment (an assertion we dispute), the claim of sexual harassment for inappropriate comments was never mentioned. Indeed, the accusation did not occur until two days after she launched a new campaign for Manhattan Borough President. We do not know Ms. Boylan's motivation but the timing is not lost on us.

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. 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

1

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.

Also, her political campaign consultant is also a consultant to a political opponent of 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 Ms. Boylan's campaign team were offended and actually quit when they heard she and her campaign planned to make such claims for purely political advantage.

We each know Ms. Boylan personally; we served with her when she was an advisor to the Governor both in the Governor's Office and at Empire State Development Authority. It is likely that almost every interaction between the Governor and Ms. Boylan took place in either our presence or the presence of another Senior Staff member. Indeed, Ms. Boylan says as much herself. What we witnessed was a forceful and demanding Chief Executive requiring his staff do their best at all times. It was challenging work and at times it was hard both for men and women. In other words, it is what you would expect in a high-pressure environment where the accomplishments matter and failures have consequences. It isn't for everyone. What we did not see was any kind of sexual harassment suggested by Ms. Boylan's summary and unsubstantiated assertion.

Unfortunately, we are also aware that during Ms. Boylan's relatively brief tenure, no less than six complaints were raised about her conduct. The complaints came from peers and subordinates, from men and women. We are not here to castigate Ms. Boylan. But it is relevant to assessing Ms. Boylan's claim, to understand that she left State employment after being formally confronted by repeated official complaints that she "treats [subordinates] like children" and made them feel like a "punching bag", was "degrading", "insulting", and "harassing". As a consequence of inappropriately firing a subordinate, Ms. Boylan was formally counseled about her conduct by Mr. David. In response, Ms. Boylan resigned. 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 attempted to contact the Governor, but Mr. David advised the Governor to not discuss the situation with Ms. Boylan as the complaints were outstanding.

Ms. Boylan suggests the Governor made comments about her looks. This is ironic because we know Ms. Boylan referred to the Governor as "handsome" and said she "loved" him to staff; which we do believe were inappropriate comments. As professional women, we also know her behavior to be inappropriately intimate with her coworkers in public, in the presence of other coworkers.

During her tenure, at the time of her departure and after her departure, no complaint – formal or informal – was ever raised about the Governor. In fact, Ms. Boylan praised the Governor and the staff for his work and accomplishments. Ms. Boylan tweeted six 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 also tweeted, after she left, "Governor Cuomo is the best choice for Governor".

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 weaponizing a claim of sexual harassment for personal political gain or to achieve notoriety cannot be tolerated. False claims demean the veracity of credible claims.

ATTORNEY CLIENT PRIVILEGED INFORMATION
Redacted in original production
From: Melissa DeRosa @gmail.com>
Date: Wed, Dec 16, 2020 at 5:58 PM
Subject: priv and confidential To: Steven Cohen
@gmail.com Alphonso David @hotmail.com Dani Lever
@gmail.com >, Josh Vlasto @gmail.com >, richard bamberger @gmail.com >

We are former senior staff members of Governor Andrew Cuomo's Office.

We are writing in response to the claims made on twitter by Lindsay Boylan. We do so reluctantly. Each of us is a longtime and active supporter of civil rights and women's engagement. We believe women must be heard and that allegations of workforce misconduct must be taken seriously. However, when an accusation is unfounded and seemingly launched to gain a political advantage, standing by silently is not an option. To do otherwise, risks delegitimizing the rights of survivors of workplace abuse.

And, while we are fully aware of the all too frequent phenomenon where those who are subject to abuse do not come forward and even deny the abuse they have endured, we think it is significant to note that Ms. Boylan only began raising complaints about her experience last year when she launched a Congressional campaign. And even then, she only complained that the Governor's Office was an abusive environment (an assertion we dispute), the claim of sexual harassment for inappropriate comments was never mentioned. Indeed, the accusation did not occur until two days after she launched a new campaign for Manhattan Borough President.

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. 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.

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 Ms. Boylan's campaign team were offended and actually quit when they heard she and her campaign planned to make such claims for purely political advantage.

We each know Ms. Boylan personally; we served with her when she was an advisor to the Governor both in the Governor's Office and at Empire State Development Authority. It is likely that almost every interaction between the Governor and Ms. Boylan took place in either our presence or the presence of another Senior Staff member. Indeed, Ms. Boylan says as much herself. What we witnessed was a forceful and demanding Chief Executive requiring his staff do their best at all times. It was challenging work and at times it was hard both for men and women. In other words, it is what you would expect in a high-pressure environment where the accomplishments matter and failures have consequences. It isn't for everyone. What we did not see was any kind of sexual harassment suggested by Ms. Boylan's summary and unsubstantiated assertion.

Unfortunately, we are also aware that during Ms. Boylan's relatively brief tenure, no less than six complaints were raised about her conduct. The complaints came from peers and subordinates, from men and women. We are not here to castigate Ms. Boylan. But it is relevant to assessing Ms. Boylan's claim, to understand that she left State employment after being formally confronted by repeated official

complaints that she "treats [subordinates] like children" and made them feel like a "punching bag", was "degrading", "insulting", and "harassing". As a consequence of inappropriately firing a subordinate, Ms. Boylan was formally counseled about her conduct by Mr. David. In response, Ms. Boylan resigned. 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 attempted to contact the Governor, but Mr. David advised the Governor to not discuss the situation with Ms. Boylan as the complaints were outstanding.

Ms. Boylan suggests the Governor made comments about her looks. This is ironic because we know Ms. Boylan referred to the Governor as "handsome" and said she "loved" him to staff; which we do believe were inappropriate comments. As professional women, we also know her behavior to be inappropriately intimate with her coworkers in public, in the presence of other coworkers.

During her tenure, at the time of her departure and after her departure, no complaint – formal or informal – was ever raised about the Governor. In fact, Ms. Boylan praised the Governor and the staff for his work and accomplishments. Ms. Boylan tweeted six 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 also tweeted, after she left, "Governor Cuomo is the best choice for Governor".

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 weaponizing a claim of sexual harassment for personal political gain or to achieve notoriety cannot be tolerated. False claims demean the veracity of credible claims.

From: Steven Cohen @yahoo.com>
Sent: Wednesday, December 16, 2020 6:18 PM

To: Melissa DeRosa

Cc:Linda Lacewell; Josh VlastoSubject:Re: priv and confidential

Bold/Italics I don't like. I raised it but to little avail.

The trump backer is irrelevant. Our theory is that its personal animus and inconsistent with everything she's said previously. We don't have a basis to believe it's motivated by a right wing conspiracy. Sounds a bit like HRC.

I also don't like that we include the "handsome" and "love him" paragraph. Here's why: Neither of those items amount to harassment for a bunch of reasons. And we seem to be saying without saying that she a stalker. Even if she is, it isn't really an excuse for the conduct she alleges. Both could be true. It's just not worth getting into it. And the portion of about her conduct with men sounds like slut-shaming. in addition, there were no formal complaints, and she wasn't counseled about this conduct; that opens us up to the same claim we're making against her, i.e., if it happened why didn't it get raised with her.

Alphonso "counseling" the gov is actually legal advice. I'd drop that or rewrite to avoid a claim that it constitutes some form of waiver.

Underlined portion should be rewritten; so it sounds like one author and not 2 or 3.

On Dec 16 2020, at 5:58 pm, Melissa DeRosa @gmail.com> wrote:

We are former senior staff members of Governor Andrew Cuomo's Office.

We are writing in response to the claims made on twitter by Lindsay Boylan. We do so reluctantly. Each of us is a longtime and active supporter of civil rights and women's engagement. We believe women must be heard and that allegations of workforce misconduct must be taken seriously. However, when an accusation is unfounded and seemingly launched to gain a political advantage, standing by silently is not an option. To do otherwise, risks delegitimizing the rights of survivors of workplace abuse.

And, while we are fully aware of the all too frequent phenomenon where those who are subject to abuse do not come forward and even deny the abuse they have endured, we think it is significant to note that Ms. Boylan only began raising complaints about her experience last year when she launched a Congressional campaign. And even then, she only

L

complained that the Governor's Office was an abusive environment (an assertion we dispute), the claim of sexual harassment for inappropriate comments was never mentioned. Indeed, the accusation did not occur until two days after she launched a new campaign for Manhattan Borough President.

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. 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.

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 Ms. Boylan's campaign team were offended and actually quit when they heard she and her campaign planned to make such claims for purely political advantage.

We each know Ms. Boylan personally; we served with her when she was an advisor to the Governor both in the Governor's Office and at Empire State Development Authority. It is likely that almost every interaction between the Governor and Ms. Boylan took place in either our presence or the presence of another Senior Staff member. Indeed, Ms. Boylan says as much herself. What we witnessed was a forceful and demanding Chief Executive requiring his staff do their best at all times. It was challenging work and at times it was hard both for men and women. In

other words, it is what you would expect in a high-pressure environment where the accomplishments matter and failures have consequences. It isn't for everyone. What we did not see was any kind of sexual harassment suggested by Ms. Boylan's summary and unsubstantiated assertion.

Unfortunately, we are also aware that during Ms. Boylan's relatively brief tenure, no less than six complaints were raised about her conduct. The complaints came from peers and subordinates, from men and women. We are not here to castigate Ms. Boylan. But it is relevant to assessing Ms. Boylan's claim, to understand that she left State employment after being formally confronted by repeated official complaints that she "treats [subordinates] like children" and made them feel like a "punching bag", was "degrading", "insulting", and "harassing". As a consequence of inappropriately firing a subordinate, Ms. Boylan was formally counseled about her conduct by Mr. David. In response, Ms. Boylan resigned. 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 attempted to contact the Governor, but Mr. David advised the Governor to not discuss the situation with Ms. Boylan as the complaints were outstanding.

Ms. Boylan suggests the Governor made comments about her looks. This is ironic because we know Ms. Boylan referred to the Governor as "handsome" and said she "loved" him to staff; which we do believe were inappropriate comments. As professional women, we also know her behavior to be inappropriately intimate with her coworkers in public, in the presence of other coworkers.

During her tenure, at the time of her departure and after her departure, no complaint – formal or informal – was ever raised about the Governor. In fact, Ms. Boylan praised the Governor and the staff for his work and accomplishments. Ms. Boylan tweeted six 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 also tweeted, after she left, "Governor Cuomo is the best choice for Governor".

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 weaponizing a claim of sexual harassment for personal political gain or to achieve notoriety cannot be tolerated. False claims demean the veracity of credible claims. Date: Wednesday, December 16 2020 01:57 PM

Subject: Re: read

From: Josh Vlasto @gmail.com>

To: Melissa DeRosa @gmail.com>;

CC: Steven Cohen @yahoo.com>; Linda Lacewell @gmail.com>; Judith Mogul @gmail.com>;

lots to go through here but I certainly wouldn't use the jumanee Williams piece

On Wed, Dec 16, 2020 at 1:36 PM Melissa DeRosa <u>@gmail.com</u>> wrote:
We are former senior staff members of Governor Andrew Cuomo's Office.
Collectively, we served for over 10 years with the Governor and worked at the highest level of State government.

We are writing in response to the claims made on twitter by Lindsay Boylan. We do so reluctantly. Each of us is a longtime and active supporter of civil rights and women's engagement. We believe women must be heard and that allegations of workforce misconduct must be taken seriously. However, when an accusation is unfounded and seemingly launched to gain a political advantage, standing by silently is not an option. To do otherwise, risks delegitimizing the rights of survivors of workplace abuse.

We each know Ms. Boylan personally; we served with her when she was an advisor to the Governor both in the Governor's Office and at Empire State Development Authority. It is likely that almost every interaction between the Governor and Ms. Boylan took place in either our presence or the presence of another Senior Staff member. Indeed, Ms. Boylan says as much herself. What we witnessed was a forceful and demanding Chief Executive requiring his staff do their best at all times. It was challenging work and at times it was hard for men and women. In other words, it is what you would expect in a high-pressure environment where the accomplishments matter and failures have consequences. It isn't for everyone. What we did not see was any kind of sexual harassment suggested by Ms. Boylan's summary and unsubstantiated assertion.

Unfortunately, we are also aware that during Ms. Boylan's relatively brief tenure, no less than six complaints were raised about her conduct. The complaints came from peers and subordinates, from men and women. We are not here to castigate Ms. Boylan. But it is relevant to assessing Ms. Boylan's claim, to understand that she left State employment after being formally confronted by repeated official complaints that she "treats [subordinates] like children" and made them feel like a "punching bag", was "degrading", "insulting", and "harassing". As a consequence of inappropriately firing a subordinate, Ms. Boylan was formally counseled about her conduct by Mr. David. In response, Ms. Boylan resigned. 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 attempted to contact the Governor, but Mr. David advised the Governor to not discuss the situation with Ms. Boylan as the complaints were outstanding.

Ms. Boylan suggests the Governor made comments about her looks. This is ironic as we know Ms. Boylan referred to the Governor as "handsome" and said she "loved" him to staff; which we believe was inappropriate behavior. As professional women, we also know her behavior to be inappropriately intimate with her coworkers in public, in the presence of other coworkers.

During her tenure, at the time of her departure and after her departure, no complaint – formal or informal – was ever raised about the Governor. In fact, Ms. Boylan praised the Governor and the staff for his work and accomplishments. Ms. Boylan tweeted six 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 also tweeted, after she left, "Governor Cuomo is the best choice for Governor".

And, while we are fully aware of the all too frequent phenomenon where those who are subject to abuse do not come forward and even deny the abuse they have endured, we think it is significant to note that Ms. Boylan only began raising complaints about her experience last year when she launched a Congressional campaign. And even then, she only complained that the Governor's Office was an abusive environment (an assertion we dispute), the claim of sexual harassment was never mentioned. Indeed, the accusation did not occur until two days after she launched a new campaign for Manhattan Borough President. We do not know Ms. Boylan's motivation but the timing is not lost on us.

Also, 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 Ms. Boylan's 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. 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 weaponizing a claim of sexual harassment for personal political gain or to achieve notoriety cannot be tolerated. False claims demean the veracity of credible claims.

From:	Executive Assistant #2	@exec.ny.gov]	
Sent:	12/16/2020 8:48:40 AM		
То:	DeRosa, Melissa (CHAMBER)	@exec.ny.gov]; Cohen, Steven (ESD)	@esd.ny.gov]; Azzopardi,
	Richard (CHAMBER)	Pexec.ny.gov]; Lacewell, Linda A (DFS)	@dfs.ny.gov];
	Ajemian, Peter (CHAMBER)	@exec.ny.gov] Executive Assistant #3	
	Executive Assistant #3 @exec.ny.gov]; Commisso, Brittany (CHAMBER)		@exec.ny.gov];
	@exec.ny.gov];		@exec.ny.gov];
		@dfs.ny.gov];	@dfs.ny.gov]
Subject:	MDR CALL NOW PLS -		

Rich Bamberger Josh Vlasto Dani Lever Steve Cohen Rich Azzopardi Linda Lacewell Peter Ajemian

EXHIBIT 20



Thu, Dec 17, 12:40 PM

What about RBC and see if there are complaints there? I think you and me offer less not more This letter is NUTS Redacted in original production **EXHIBIT** iMessage

















Date: Thursday, February 18 2021 01:38 PM

Subject: [SMS #567]

From: [Josh Vlasto]
To: [GAC];

- Let's talk about the events of the last few days. Politicization has taken over the facts Families of those who died deserve better and it's up to all of us to put a stop to it. I am the Governor and the buck stops with me. The political buck stops now. Speaker Heastie and Leader Stewart-Cousins are absolutely right. We need to take the temperature down and that is what I am urging everyone to do...including me. First, the March 25th order was the right thing to do. CDC agrees, hospitals agree...saved lives Second, we complied with the federal DOJ investigation. Period We should have gotten the information to the Senate and Assembly earlier. That was our mistake and we are going to work with the leaders on the path forward to make sure everyone has what they need. Dr. Zucker will be testifying next week and he has our full support.
- On Ron Kim. His attacks on this administration have been wrong on the facts, vicious and personal. That is why I reacted the way I did. The temperature has gotten way too hot and I should not have contributed to that. I should not have spoken to him in that way and I have since called him to tell him that. All the facts are out there to be debated and discussed and I welcome that discussion. I stand by our record 100 percent but we now need to stop the attacks and allow the oversight process to continue without the political overlay.
- Anyone who politicizes this issue is an insult to all the families who have been impacted by this terrible virus. I regret anything I have done to add to that confusion and noise but I promise that ends today. The pandemic is still happening, people need hope and path forward not politics as usual. We are getting shots in the arms, we are opening up the economy. We are going to pass a budget that is a spring board toward a future where we build back better and more fair...

METADATA	INFORMATION
Device Owner:	
Josh	Vlasto
ICCID:	

EXHIBIT 22

Date: Friday, February 19 2021 10:05 AM

Subject: [Chat #94171]

From: Joshua Vlasto

To: [Rich Bamberger];

Havent heard from them this am

Device Owner:
Josh Vlasto
ICCID:

EXHIBIT
23

Date: Friday, February 19 2021 10:05 AM

Subject: [Chat #94172]

From: Joshua Vlasto

To: [Rich Bamberger];

Which leads me to believe that he is off the reservation again

Device Owner:

Josh Vlasto
ICCID:

Date: Friday, February 19 2021 10:06 AM

Subject: [Chat#94173]

From: Rich Bamberger

To: @gmail.com [Joshua Vlasto (owner)]"; @gmail.com [Joshua Vlasto (owner)]";

Agreed. I spoke with Dani this morning and today is not gonna be good and it's not gonna get better until he figures it out until then there's nothing we can do except deal with our full-time daytime paying job

----METADATA INFORMATION- ---Device Owner:

Josh Vlasto

ICCID:

Date: Sunday, February 21 2021 06:08 PM Subject: Re: Lindsey. From: Josh Vlasto @gmail.com> To: Melissa DeRosa @exec.ny.gov>; Elkan Abramowitz @maglaw.com>; Judith Mogul @exec.ny.gov >; Linda A Lacewell CC: (dfs.ny.gov) @dfs.ny.gov >; Peter Ajemian @exec.ny.gov >; Richard Azzopardi @exec.ny.gov >; Steven Cohen (esd.ny.gov) @esd.ny.gov >; Please don't send this please please On Sun, Feb 21, 2021 at 6:03 PM Melissa DeRosa (@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 @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 Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

IMPORTANT: This e-mail message and any attachments contain information intended for the exclusive use of the individual(s) or entity to whom it is addressed and may contain information that is proprietary, privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any viewing, copying, disclosure or distribution of this information may be subject to legal restriction or sanction. Please immediately notify the sender by electronic mail or notify the System Administrator by telephone or e-mail acean.ng.gov) and delete the message. Thank you.

was not granted."

Message From: Josh Vlasto 2/24/2021 8:46:35 PM Sent: To: Jeff Pollock Peter Ajemian | Maggie Moran Maggie Moran Stephanie Benton Cell @kivvit,com];Linda Lacewell; Beth Garvey Rich Azzopardi Judy Mogul Lis Smith Melissa DeRosa ; Dani];Steve Cohen 2/24/2021 3:46:35 PM -05:00 : Josh Vlasto Subject: > -> [13 parties]

Robbie Kaplan is the best play right now

Message				
From:	Josh Vlasto			
Sent:	2/24/2021 8:46:45 PM	7.10.4		
To:	Maggie Moran	Judy Mogul	; Melissa DeRosa	Rich Azzopardi Stephanie
	Benton Cell	; BethGarvey	; Dani	; Maggie Moran
	@kivvit.com Steve Cohen ; Linda Lacewell Peter Ajemian Lis Smith []; Jeff Pollock [
Subject:	Z/24/2021 3:46:45 PM -05	:00 : Josh Vlasto	> -> [13 parties]	

Get it out and refer everything to that

Message From: Josh Vlasto Sent: 2/24/2021 8:47:11 PM @kivvit.com]; Lis Smith Linda Lacewell Maggie Moran]; Dani To:]; Melissa DeRosa []; Rich Azzopardi; Peter Ajemian Stephanie Benton Steve Cohen Maggie Moran Cell Judy Mogul Jeff Pollock 2/24/2021 3:47:11 PM -05:00 : Josh Vlasto Subject: -> [13 parties]

Facts are fact

Date: Wednesday, February 24 2021 10:29 AM

Subject: [Chat#66705]

From: Joshua Vlasto

To: [Maggie Moran];

We are back down the rabbit hole

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

ICCID:

EXHIBIT 26

Date: Wednesday, February 24 2021 10:29 AM

Subject: [Chat #66706]

From: Joshua Vlasto

To: [Maggie Moran];

Gov having fits on the radio

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

ICCID:

Date: Wednesday, February 24 2021 10:35 AM

Subject: [Chat #66707]

From: Maggie Moran

To: [Joshua Vlasto (owner)]";

Start asking him questions. Why didn't u say it at the time. U were being extorted?!

----METADATA INFORMATION- ---Device Owner:

Josh Vlasto ICCID:

Date: Wednesday, February 24 2021 10:41 AM

Subject: [Chat #66708]

From: Maggie Moran

To: [Joshua Vlasto (owner)]";

Ugh

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

ICCID:

Date: Wednesday, February 24 2021 10:41 AM

Subject: [Chat #66709]

From: Maggie Moran

To: [Joshua Vlasto (owner)]";

回口

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 10:41 AM

Subject: [Chat#66710]

From: Joshua Vlasto

To: [Maggie Moran];

This never ends

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 10:48 AM

Subject: [Chat#66711]

From: Joshua Vlasto

To: [Maggie Moran];

It really is bullshit

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 10:48 AM

Subject: [Chat#66712]

From: Joshua Vlasto < > > To: [Maggie Moran];

Lindsey asked me repeatedly to push her name for the job

----METADATA INFORMATION---Device Owner:
Josh Vlasto
ICCID:

Date: Wednesday, February 24 2021 10:48 AM

Subject: [Chat#66713]

From: Joshua Vlasto > To: [Maggie Moran];

In the chamber

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 11:08 AM

Subject: [Chat #66715]

From: Maggie Moran

To: [Joshua Vlasto (owner)]";

. Hopping off pls let them know if they search for me

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 11:37 AM

Subject: [Chat#66717]

From: Joshua Vlasto >
To: [Maggie Moran];

Gov and Melissa want us

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 11:37 AM

Subject: [Chat#66718]

From: Joshua Vlasto < > > To: [Maggie Moran];

On Boylan

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 11:40 AM

Subject: [Chat #66719]

From: Maggie Moran

To: [Joshua Vlasto (owner)]";

I can't

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 11:40 AM

Subject: [Chat #66720]

From: Joshua Vlasto < > > To: [Maggie Moran];

K

----METADATA INFORMATION----Device Owner:

Josh Vlasto ICCID:

Date: Wednesday, February 24 2021 01:21 PM

Subject: [Chat#66721]

From: Maggie Moran

To: [Joshua Vlasto (owner)]";

Are u on a call now with them?

----METADATA INFORMATION-----Device Owner:

Josh Vlasto

Date: Wednesday, February 24 2021 01:21 PM

Subject: [Chat#66723]

From: Joshua Vlasto < > > To: [Maggie Moran];

Will join after

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Message				
From:	Josh Vlasto			
Sent:	2/25/2021 7:09:14 PM			
То:	Maggie Moran	Maggie Moran	@kivvit.com];Judy Mogul	Stephanie Benton Cell
	; Jeff Pollo	ck []; Dani	; Melissa DeRosa]; Beth
	Garvey	Rich Azzopardi Linda Lacev	well Lis Smith];	Peter Ajemian
	Steve Cohen			
Subject:	Z/25/2021 2:09:14 PM -0	5:00 : Josh Vlasto	> -> [13 parties]	

Rich or Peter, one of you should reach out Wapo just to connect formally. I am talking to Josh again at 4

Date: Thursday, March 18 2021 09:44 AM

Subject: [Chat#66884]

From: Joshua Vlasto

To: [Maggie Moran];

Morning! Let me know if you have two mins this am. Nothing urgent or problematic. Just want to give an update on a few fronts.

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Thursday, March 18 2021 02:30 PM

Subject: [Chat #66885]

From: Joshua Vlasto

To: [Maggie Moran];

Ronan story still a moving target but most likely not until tomorrow it seems.

Device Owner:
Josh Vlasto
ICCID:

Date: Thursday, March 18 2021 02:31 PM

Subject: [Chat #66886]

From: Joshua Vlasto

To: [Maggie Moran];

Fact checker calling him shortly to close the loop.

Device Owner:
Josh Vlasto
ICCID:

Date: Thursday, March 18 2021 04:18 PM

Subject: [Chat #66887]

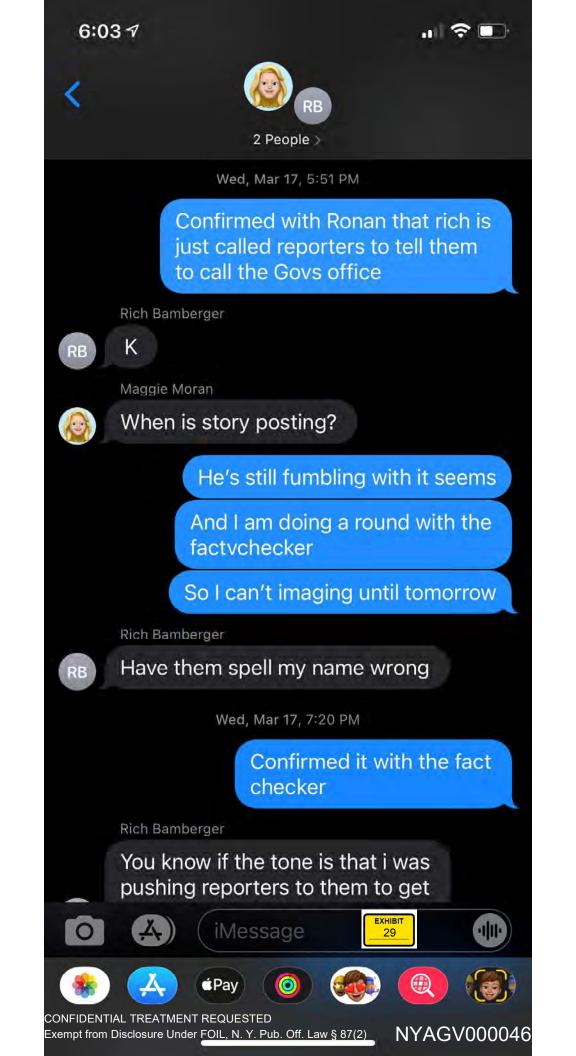
From: Maggie Moran

To: [Joshua Vlasto (owner)]";

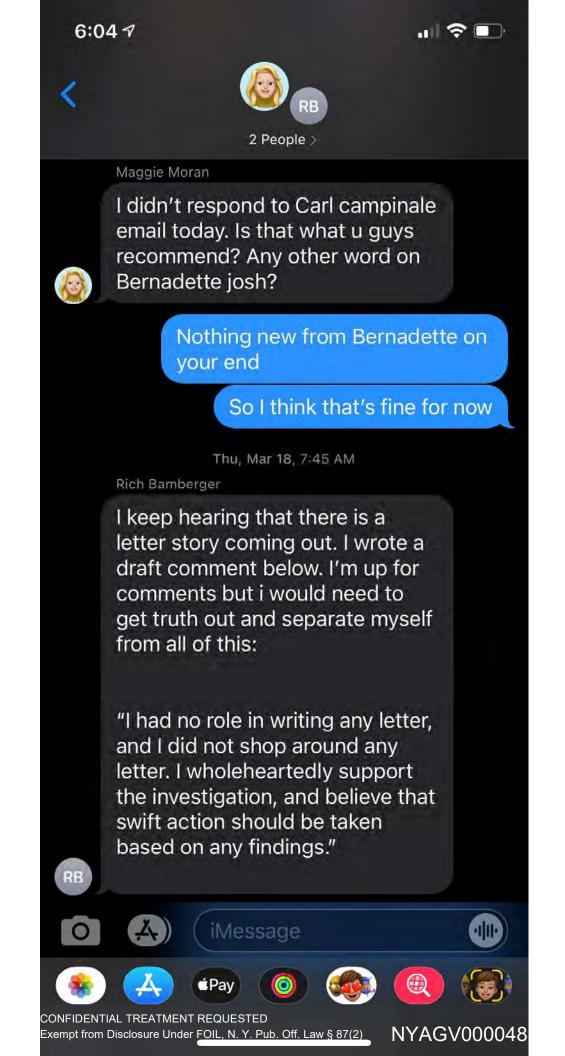
His instincts are bad right now we need to protect him from himself and for the firm. If u want me to explain give me a call.

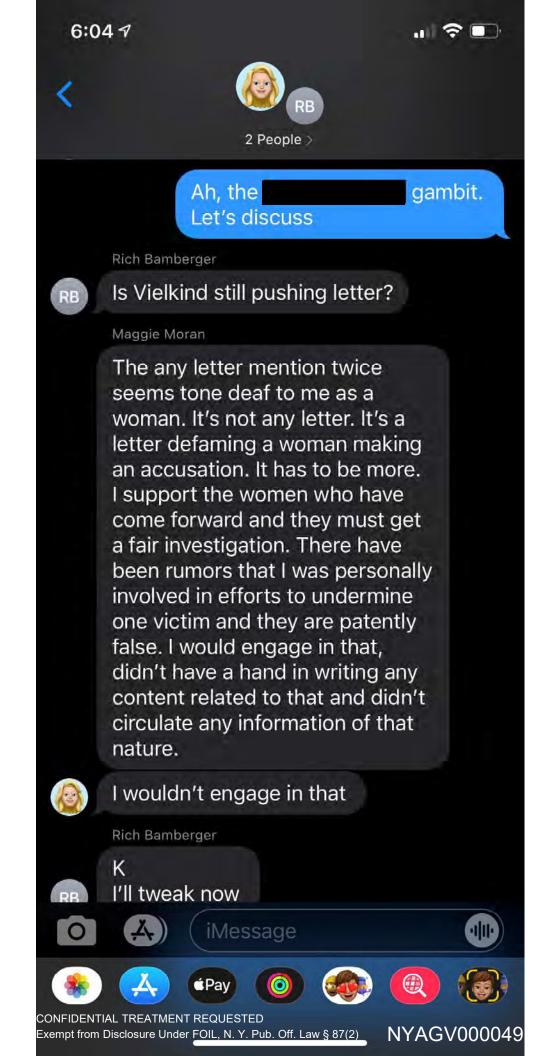
----METADATA INFORMATION----Device Owner:

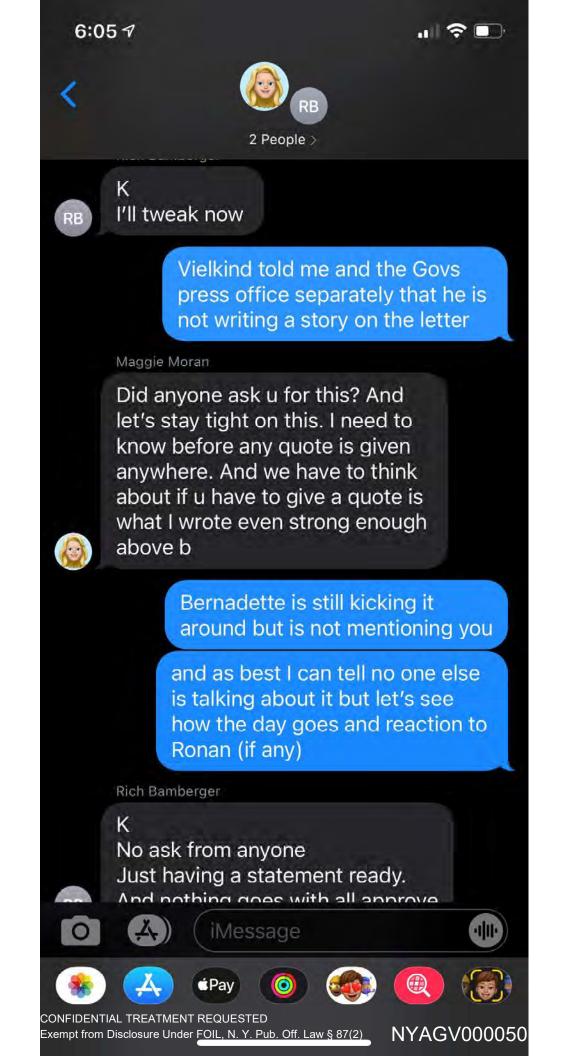
Josh Vlasto

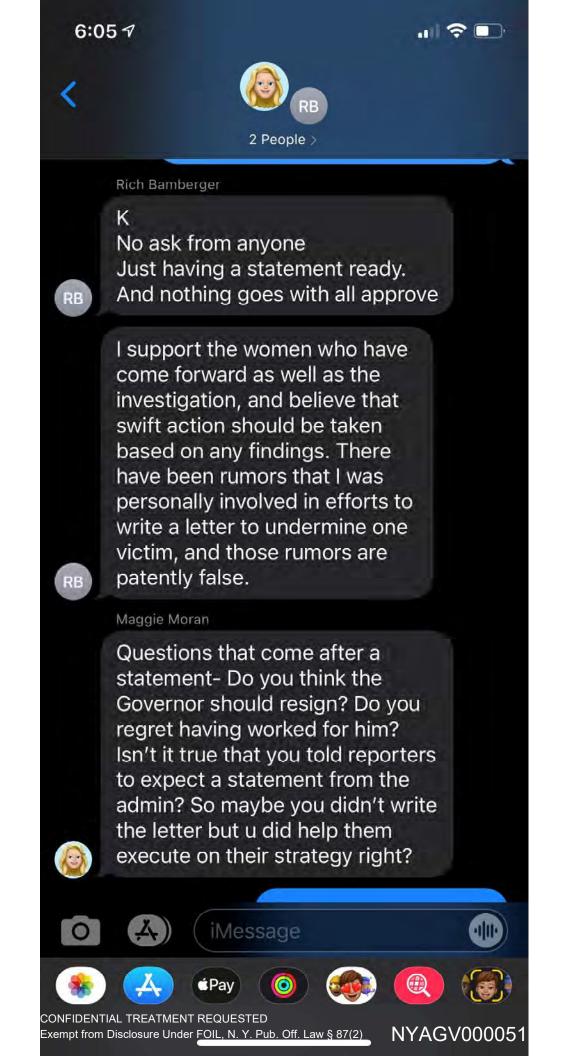


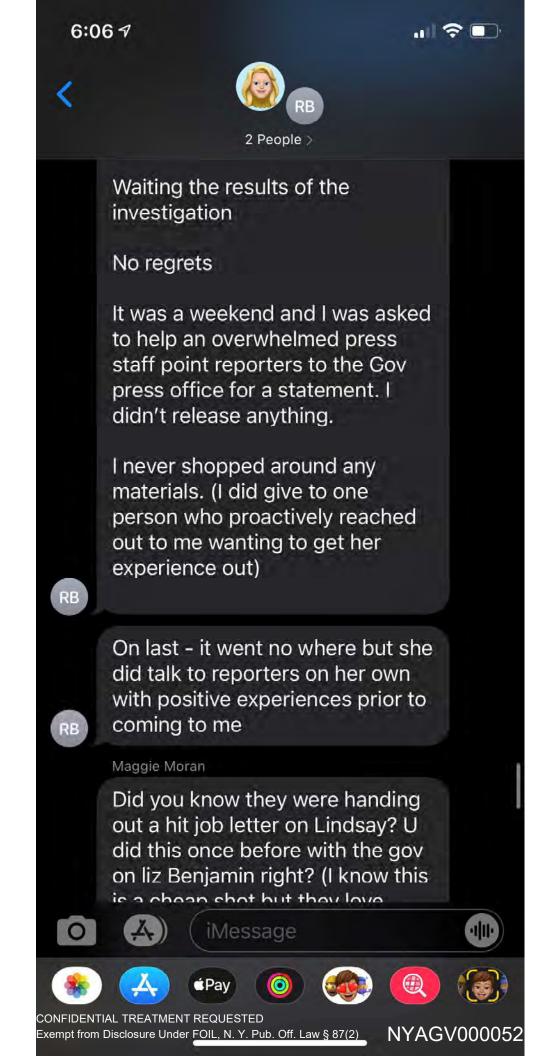


















2 People >

maggic moran

Did you know they were handing out a hit job letter on Lindsay? U did this once before with the gov on liz Benjamin right? (I know this is a cheap shot but they love trying to show patterns of behavior cuomo people at it again if they disagree with you they try and take u down)



Rich Bamberger

I did not know specifics of statement and did not see statement.

Good Q - Josh mentioned yesterday: The Liz thing was solely notes about content of stories. It was my job to debate content.

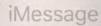


Thu, Mar 18, 10:45 AM















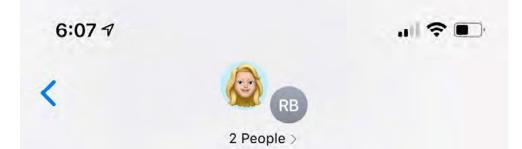












Thu, Mar 18, 10:45 AM



Reporter details 'uncomfortable' encounters with Gov. Cuomo nypost.com

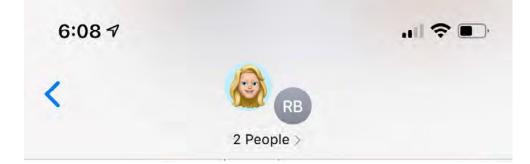


Women Reporters Faced Cuomo's Creepy Behavior, Too thedailybeast.com

Thu, Mar 18, 4:17 PM

Talked to Ronan. Nothing new on





Talked to Ronan. Nothing new on any front. Can't see the story running today.

Rich Bamberger

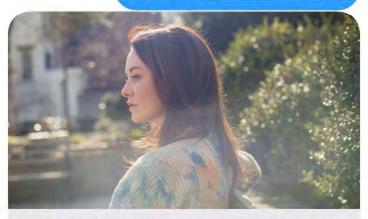


Running tonight

Thu, Mar 18, 10:01 PM

Ronan going live shortlt

He's on gma tomorrow



Cuomo's First Accuser Raises New Claims of Harassment and Retaliation

newyorker.com

Maggie Moran

Did he tell u the firm would be in the story? Let's watch Twitter and see if we now start getting





iMessage





















their reaction.

Rich it doesn't say that u didn't know what they were circulating



On the other line will call u back



Can u get the line fixed to create more clarity or no it's over?

he didnt

Maggie Moran



He didn't what?

Say he was mentioning the firm

Maggie Moran

Well it really fucking sucks. Rich I need to clear my head. I will call you back in the morning. will monitor our staff. And she will





iMessage







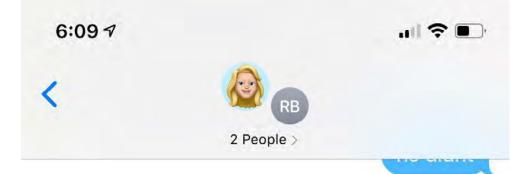












Maggie Moran



He didn't what?

Say he was mentioning the firm

Maggie Moran

Well it really fucking sucks. Rich I need to clear my head. I will call you back in the morning.

will monitor our staff. And she will make sure it's not in our internal clips. Let's see how badly we start getting trolled by activists ... and if Kivvit gets mentioned on GMA tomorrow morning I will lose my mind. So if there is a way to avoid that let's try and get that done.



Thu, Mar 18, 11:48 PM

Maggie Moran

is setting up trackers on mention of rich and Kivvit on social tomorrow. And we can use some tools to see how far the reach of article is and maybe even any focus on us.





iMessage

















Date: Sunday, February 28 2021 09:37 PM

Subject: [Chat#87795]

From:

To: [Joshua Vlasto (owner)]";

This ain't a knock out

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

ICCID:

EXHIBIT 30

Date: Sunday, February 28 2021 09:37 PM

Subject: [Chat#87796]

From:

To: [Joshua Vlasto (owner)]";

But u know there's a lot more like this

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

Date: Sunday, February 28 2021 09:39 PM

Subject: [Chat#87797]

From: Joshua Vlasto

To:

One day at a tone

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

Date: Sunday, February 28 2021 09:40 PM

Subject: [Chat#87798]

From:

To: [Joshua Vlasto (owner)]";

Yup

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Thursday, March 4 2021 12:57 PM

Subject: [Chat #2467]

From: Joshua Vlasto

To: [Melissa DeRosa];

Don't overreact on Nora

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Date: Thursday, March 4 2021 12:57 PM

Subject: [Chat #2468]

From: Joshua Vlasto

To: [Melissa DeRosa];

It doesn't sound like she has anything new

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

Date: Thursday, March 4 2021 12:57 PM

Subject: [Chat#2469]

From: Melissa DeRosa

To: [Joshua Vlasto (owner)]";

We are on right now

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Subject: [Chat#2470]

From: Melissa DeRosa

To: [Joshua Vlasto (owner)]";

Her new part is there are more women

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Subject: [Chat#2471]

From: Joshua Vlasto

To: [Melissa DeRosa];

Everyone knows that and thinks that

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Subject: [Chat #2472]

From: Melissa DeRosa

To: [Joshua Vlasto (owner)]";

Can u get on

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Subject: [Chat #2473]

From: Joshua Vlasto

To: [Melissa DeRosa];

Yes

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Message						
From:	Josh Vlasto					
Sent:	2/28/2021 2:35:51 AM					
To:	Beth Garvey]; Stephanie Benton Cell]; Linda Lacewell Rich Azzopardi Maggie		
	Moran @kívvit.c	om]; Steve Cohen Judy Mogul	; Dani	; Melissa DeRosa		
]; JeffPollock]; Lis Smith		Peter Ajemian Maggie Moran		
Subject:	2/27/2021 9:35:51 PM -05	5:00 : Josh Vlasto	-> [13 p	parties]		

Schumer spokesperson Allison Biasotti on the second Cuomo accusation: "Sen. Schumer has said many times that sexual harassment is never acceptable and must not be tolerated, and that any credible allegation should be thoroughly investigated."

Message						
From:	Melissa DeRo	sa [
Sent:	2/28/2021 2:3	36:10 AM				
To:	Josh Vlasto	Josh Vlasto Maggie Moran		@kivvit.com]; Maggie Moran		
		Peter Ajemian Jeff Pollock	; Step	hanie Benton Cell	; Lis Smith	
		Linda Lacewell Steve Cohen	Beth Garvey	Rich Azzo	pardi Judy Mogul	
Subject:	2/27/2021 9:3	36:10 PM -05:00 : Melissa DeRosa		-> [13 parties]		

Good work josh

Date: Saturday, February 27 2021 11:32 AM Subject: Re: Sorry - most up to date for the 9am @gmail.com> From: Josh Vlasto To: Lis Smith @gmail.com>; Dani Lever @gmail.com>; Jefrey Pollock @globalstrategygroup.com>; Judith Mogul @exec.ny.gov >; Linda A Lacewell (dfs.ny.gov) l@dfs.ny.gov>; Melissa DeRosa CC: ı@exec.ny.gov>; Peter Ajemian @exec.ny.gov >; Richard Azzopardi @exec.ny.gov >; Stephanie Benton @exec.ny.gov >; Steven Cohen (esd.ny.gov) @esd.ny.gov >;

Her meaning the independent counsel

On Sat, Feb 27, 2021 at 11:21 AM Lis Smith @gmail.com > wrote: WY to much I

And who is her team?

On Sat, Feb 27, 2021 at 10:49 AM Josh Vlasto @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 @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: Jefrey 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: Jefrey 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: Jefrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Richard Azzopardi; Stephanie

Benton; Steven Cohen (esd.ny.gov)

Subject: priv configuration - pls review this draft for the call is putting on

_		. 1		
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: Jefrey 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 @gmail.com > Sent: Saturday, February 27, 2021 7:58 AM

To: Peter Ajemian

Cc: Jefrey 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 @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); Jefrey 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); Jefrey 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.

C	On Sat, Feb 27, 2021 at 12:39 AM Lis Smith @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 @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,
distanta di sala di sa	Plus Chris Cuomo
violatiototototototototot	Sent from my iPhone

Date: Saturday, February 27 2021 01:10 PM

Subject: Re: latest draft

From: Peter Ajemian @exec.ny.gov >

To: Richard Azzopardi @exec.ny.gov >; Josh Vlasto @gmail.com >; Melissa DeRosa

@exec.ny.gov>;

Jefrey Pollock @globalstrategygroup.com>; Judith Mogul @exec.ny.gov>; Linda A

Lacewell (dfs.ny.gov) @dfs.ny.gov>; Lis Smith @gmail.com>; Stephanie Benton
@exec.ny.gov>; Steven Cohen (esd.ny.gov) @esd.ny.gov>; Christopher

Cuomo @gmail.com>;

And I agree w Rich on outside vs independent.

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

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

From: Peter Ajemian

Sent: Saturday, February 27, 2021 1:01 PM **To:** Richard Azzopardi; Josh Vlasto; Melissa DeRosa

Cc: Jefrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Stephanie Benton; Steven Cohen (esd.ny.gov);

Christopher Cuomo **Subject:** Re: latest draft

So everyone knows - Jesse said the only additional quote is this: At one juncture, Ms. Bennett says the governor also noted that he felt "anyone above the age of 22 is fine, he's fine with anyone above the age of 22," a point that arose after they had discussed a speech she made at Hamilton [College], on her 25th birthday. And yes Lindsey Boylan is mentioned in the story as context - this is on the heels of etc

From: Richard Azzopardi

Sent: Saturday, February 27, 2021 12:55 PM

To: Josh Vlasto; Melissa DeRosa

Cc: Peter Ajemian; Jefrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Stephanie Benton; Steven Cohen

(esd.ny.gov); Christopher Cuomo

Subject: Re: latest draft

Fwiw I prefer outside investigation to independent. I feel like the press will be set off by that word. Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Josh Vlasto

Sent: Saturday, February 27, 2021 12:51 PM

To: Melissa DeRosa

Cc: Peter Ajemian; Jefrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Richard Azzopardi; Stephanie

Benton; Steven Cohen (esd.ny.gov); Christopher Cuomo

Subject: latest draft

Ms. Bennett has every right to speak out.

Let me be clear, I have never made sexual advances toward women in the workplace.

Ms. Bennett 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, I tried to be supportive and helpful. The last thing I would ever have wanted was her to feel any of the things that are being reported.



This situation should not and cannot be resolved in the press so I believe the best way to get to the truth is through a full, thorough and independent investigation. I have asked XYZ to lead this investigation and I am directing all state employees to comply with her team.

On Sat, Feb 27, 2021 at 12:37 PM Josh Vlasto < gmail.com > wrote: Ms. Bennett has every right to speak out.

Let me be clear, I have never made sexual advances toward women in the workplace.

Ms. Bennett has been a hardworking and valued member of our team during COVID. I appreciate and respect the work she has done for us. When she came to me and opened up about being a sexual assault survivor and how it shaped her, I tried to be supportive. I never intended to be anything but supportive and helpful and the last thing I would ever have wanted was her to feel any of the things that are being reported.

This situation should not and cannot be resolved in the press so I believe the best way to get to the truth is through a full, thorough and independent investigation. I have asked XYZ to lead this investigation and I am directing all state employees to comply with her team.

On Sat, Feb 27, 2021 at 12:23 PM Josh Vlasto @gmail.com > wrote: apologies use this verison

Recent claims that I made sexual advances toward women in the workplace are untrue.

When Ms. Bennett came to me and opened up about being a sexual assault victim and how it shaped her, I tried to be supportive and relate to her sharing struggles in my own life. I never intended 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 absolutely respect a woman's right to speak out.

This situation should not and cannot be resolved in the press. I believe the best way to get to the truth is through a full, thorough and independent investigation to review these matters. I have asked XYZ to conduct this

investigation and I am directing all state employees to comply with her team.

On Sat, Feb 27, 2021 at 12:21 PM Josh Vlasto @gmail.com > wrote:

Recent claims that I made sexual advances toward women in the workplace are untrue.

When Ms. Bennett came to me and opened up about being a sexual assault victim and how it shaped her, I tried to relate and be supportive, including sharing struggles in my own life. I never intended 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 absolutely respect a woman's right to speak out.

This situation should not and cannot be resolved in the press. I believe the best way to get to the truth is through a full, thorough and independent investigation to review these matters. I have asked XYZ to conduct this investigation and I am directing all state employees to comply with her team.

On Sat,	Feb 27,	2021	at 8:40	AM	Melissa	DeRosa		@e	exec.ny	gov	>	wro	te:
---------	---------	------	---------	----	---------	--------	--	----	---------	-----	---	-----	-----

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 'mentormentee' 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. 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 affirm the truth on 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: Jefrey Pollock; Judith Mogul; Linda A Lacewell (dfs.ny.gov); Lis Smith; Richard Azzopardi; Stephanie Benton; Steven

Cohen (esd.ny.gov)

Subject: priv confiential - pls review this draft for the call is 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 'mentormentee' 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: Jefrey 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 'mentormentee' 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 'mentormentee' 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 @gmail.com > Sent: Saturday, February 27, 2021 7:58 AM

To: Peter Ajemian

Cc: Jefrey 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 <u>@exec.ny.gov</u> > 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); Jefrey

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); Jefrey

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 @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 @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, @exec.ny.gov > wrote:

Plus Chris Cuomo

Sent from my iPhone

To: Peter Ajemian	.ny.gov]; Richard Azzopardi	@exec.ny.gov]; Linda A Lace	ewell (dfs.ny.gov)	@dfs.ny.gov]; Josh Vlasto
@gmail.com]		-		
Cc: Melissa DeRosa @exec.ny	gov]; Christopher Cuomo	@gmail.com]; Dani Lever		@globalstrategygroup.com];
Lis Smith @gmail.com]	; Stephanie Bentor	ec.ny.gov]; Steven Cohen (esd.ny.	gov) @esd.ny.gov]
From: Judith Mogul[/O=NYEC/OU=EXC	HANGE ADMINISTRATIVE GROUP (FY	DIBOHF23SPDLT)/CN=RECIPIEN	IS/CN=5DA2632596FB4016A2F	FACBD65E5C9CEB-JUDITH
MOGUL]				
Sent: Sat 2/27/2021 4:00:49 PM Eastern	Standard Time			
Subject: Re: Current Statement				
***************************************			***************************************	
actual answer should be - but ne	ed to clear this - that we will set n	o limits on the scope of the r	eview and that Judge Jone	es will determine the

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; Jefrey Pollock; Judith Mogul; Lis Smith; Stephanie Benton; Steven Cohen (esd.ny.gov)

Subject: Re: Current Statement

appropriate scope of the review

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; Jefrey 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; Jefrey 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 @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 @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





FEBRUARY 27, 2021 Albany, NY

Statement From Governor Andrew M. Cuomo

Statement From Governor Andrew M. Cuomo

"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 intend to act 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; 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 ask all New Yorkers

to await the findings of the review so that they know the facts before making any judgements. I will have no

further comment until the review has concluded."

STATEMENT FROM BETH GARVEY, SPECIAL COUNSEL AND SENIOR ADVISOR TO THE GOVERNOR

"Ms. Bennett's concerns were treated with sensitivity and respect and in accordance with applicable law and policy.

"The matter was promptly escalated to special counsel. Ms. Bennett received the transfer she requested to a position

in which she had expressed a long-standing interest, and was thoroughly debriefed on the facts which did not include

a claim of physical contact or inappropriate sexual conduct. She was consulted regarding the resolution, and

expressed satisfaction and appreciation for the way in which it was handled.

"The determination reached based on the information Ms Bennett provided was that no further action was required

which was consistent with Ms Bennett's wishes.

"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."

Contact the Governor's Press Office

Contact us

Albany: (518) 474 - 8418

New York City: (212) 681 - 4640

Contact us by

email: Pres

Press.Office@exec.ny.gov

EXHIBIT

Date: Sunday, February 28 2021 01:27 PM

Subject: [Chat #94342]

From: Joshua Vlasto

To: [Rich Bamberger];

It's over

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

ICCID:

EXHIBIT 37

Date: Sunday, February 28 2021 01:28 PM

Subject: [Chat #94343]

From: Rich Bamberger

To: @gmail.com [Joshua Vlasto (owner)]";

What u hearing?

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Sunday, February 28 2021 01:28 PM

Subject: [Chat #94344]

From: Joshua Vlasto

To: [Rich Bamberger];

On with them

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Sunday, February 28 2021 03:05 PM

Subject: [Chat #94345]

From: Rich Bamberger

To: @gmail.com [Joshua Vlasto (owner)]";

When is the next story coming out?

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Date: Sunday, February 28 2021 03:06 PM

Subject: [Chat #94346]

From: Joshua Vlasto

To: [Rich Bamberger];

Unclear

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

Date: Sunday, February 28 2021 03:40 PM

Subject: [Chat #94347]

From: Rich Bamberger

To: @gmail.com [Joshua Vlasto (owner)]";

Call when can

----METADATA INFORMATION- ---

Device Owner:

Josh Vlasto

The New Hork Times

https://www.nytimes.com/2021/03/01/nyregion/cuomo-harassment-anna-ruch.html

Cuomo Accused of Unwanted Advance at a Wedding: 'Can I Kiss You?'

The young woman's account follows two separate accusations that Gov. Andrew Cuomo sexually harassed two female state employees.





By Matt Flegenheimer and Jesse McKinley

Published March 1, 2021 Updated March 16, 2021

Anna Ruch had never met Gov. Andrew M. Cuomo before encountering him at a crowded New York City wedding reception in September 2019. Her first impression was positive enough.

The governor was working the room after toasting the newlyweds, and when he came upon Ms. Ruch, now 33, she thanked him for his kind words about her friends. But what happened next instantly unsettled her: Mr. Cuomo put his hand on Ms. Ruch's bare lower back, she said in an interview on Monday.

When she removed his hand with her own, Ms. Ruch recalled, the governor remarked that she seemed "aggressive" and placed his hands on her cheeks. He asked if he could kiss her, loudly enough for a friend standing nearby to hear. Ms. Ruch was bewildered by the entreaty, she said, and pulled away as the governor drew closer.

"I was so confused and shocked and embarrassed," said Ms. Ruch, whose recollection was corroborated by the friend, contemporaneous text messages and photographs from the event. "I turned my head away and didn't have words in that moment."



Anna Ruch said she felt "uncomfortable and embarrassed" when Mr. Cuomo placed his hands on her face and asked to kiss her.

Ms. Ruch's account comes after two former aides accused Mr. Cuomo of sexual harassment in the workplace, plunging his third term into turmoil as the governor's defenders and Mr. Cuomo himself strain to explain his behavior.

A spokesman for the governor did not directly address Ms. Ruch's account, referring to a general statement that Mr. Cuomo released on Sunday night in which he acknowledged that some things he had said "have been misinterpreted as an unwanted flirtation."

"To the extent anyone felt that way, I am truly sorry about that," the statement said.



Ms. Ruch's example is distinct from those of the former aides: A former member of the Obama administration and the 2020 Biden campaign, Ms. Ruch has never been employed by the governor or the state. But her experience reinforces the escalating concerns and accusations about Mr. Cuomo's personal conduct — a pattern of words and actions that have, at minimum, made three women who are decades his junior feel deeply uncomfortable, in their collective telling.

Exactly a year after the state's first confirmed coronavirus case — the dawn of a crisis that eventually propelled Mr. Cuomo to national Democratic stardom — the governor was silent on Monday, even as the fallout continued to shadow his beleaguered administration.

His accusers were not quiet, however: Charlotte Bennett, a former aide who accused Mr. Cuomo of sexual harassment, issued her first public statement since outlining her claims in a New York Times article, saying that the apology and attempted explanation issued by the governor on Sunday night was woefully inadequate.

"These are not the actions of someone who simply feels misunderstood," Ms. Bennett wrote. "They are the actions of an individual who wields his power to avoid justice."

Ms. Bennett also called on other women, if they had similar stories about Mr. Cuomo, to come forward. "If you choose to speak your truth, we will be standing with you," she said. "I promise."

At the same time, the initial stages of a pending investigation into Mr. Cuomo's actions were underway inside the offices of the state attorney general, Letitia James, who was evaluating options for an outside investigator.

In the statement released on Sunday evening, Mr. Cuomo addressed his behavior, including "some of my past interactions with people in the office," saying that he had often teased and bantered with his underlings, "being playful" in what he called "a very serious business."

That, he suggested, had been misconstrued.

"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," he said.

A lawyer for Ms. Bennett, Debra S. Katz, cast doubt on the governor's initial suggestion, released in a statement on Saturday night, that his relationship to Ms. Bennett was of a mentor to his employee, nearly four decades his junior.

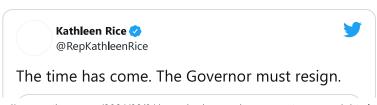
"He was not acting as a mentor, and his remarks were not misunderstood by Ms. Bennett," said Ms. Katz, who specializes in harassment and employment discrimination and represented Christine Blasey Ford in the Supreme Court confirmation hearings of Brett M. Kavanaugh.

"He was abusing his power over her for sex," Ms. Katz said. "This is textbook sexual harassment."

Indeed, on Monday, Mr. Cuomo's contrition — a rarity in his decade-long tenure — was rejected by some other New York Democrats, including Mayor Bill de Blasio of New York, who said that the governor's statement was "not an apology."

"He seemed to be saying, 'Aw, I was just kidding around," Mr. de Blasio said. "Sexual harassment isn't funny. It's serious and it has to be taken seriously."

On Monday night, Representative Kathleen Rice, a former Nassau County district attorney, became the first Democrat in New York's congressional delegation to call for Mr. Cuomo to resign.





The political woes of Mr. Cuomo — already under fire for his handling of nursing homes in the pandemic and his abrasive approach to governance — deepened last week when Lindsey Boylan, a former top economic development official, posted a lengthy essay outlining a workplace environment where "sexual harassment and bullying is so pervasive that it is not only condoned but expected."

She described a series of uncomfortable interactions with Mr. Cuomo, including an unsolicited kiss in 2018, which the governor has strenuously denied.

Then, on Saturday, Ms. Bennett recalled her own encounters with Mr. Cuomo in the spring, when she said the governor asked her personal questions, including whether she had slept with older men, whether she was monogamous, and whether she thought age mattered in relationships. Ms. Bennett is 25; the governor is 63.

The interactions, which Ms. Bennett described in a series of interviews with The Times, left her certain that the governor was suggesting a sexual relationship.

"I understood that the governor wanted to sleep with me," Ms. Bennett told The Times, saying she felt scared and upset. "And was wondering how I was going to get out of it."

For Ms. Ruch, the circumstances were different, her exchange with the governor taking place at a well-attended celebration far from any official setting. In fact, the episode's highly visible nature made it all the more jarring, she suggested. She recalled Mr. Cuomo moving his hand to the small of her back — exposed in an open-back dress — within moments of their being introduced and shaking hands at the reception.

Ms. Ruch said that touch, on her bare skin, discomfited her. "I promptly removed his hand with my hand, which I would have thought was a clear enough indicator that I was not wanting him to touch me," she said.

Instead, Ms. Ruch said, Mr. Cuomo called her "aggressive" and placed his hands on her cheeks.

"He said, 'Can I kiss you?'" Ms. Ruch said. "I felt so uncomfortable and embarrassed when really he is the one who should have been embarrassed." (A friend captured the exchange in a series of photographs taken on Ms. Ruch's cellphone.)

Shaken, Ms. Ruch said, she later had to ask a friend if Mr. Cuomo's lips had made contact with her face as she pulled away. The governor had kissed her cheek, she was told.

"It's the act of impunity that strikes me," Ms. Ruch said. "I didn't have a choice in that matter. I didn't have a choice in his physical dominance over me at that moment. And that's what infuriates me. And even with what I could do, removing his hand from my lower back, even doing that was not clear enough."

Unnerved and baffled, Ms. Ruch said, she posed for a photograph with Mr. Cuomo afterward. Once the governor walked away, Ms. Ruch's friend approached her with a look of alarm.

"It was when my friend looked at me and said 'Are you OK?' with such genuine concern in her face that I realized how obviously inappropriate it was," Ms. Ruch said, "not only to me but to those around me as well."

In a text message a day or so later to the friend, Ms. Ruch wrote "I'm so pissed," referring to the governor as "this guy," with an epithet in that description.

After collecting herself later that night, Ms. Ruch said, she had hoped to speak with the governor before he left the reception and confront him about his behavior.

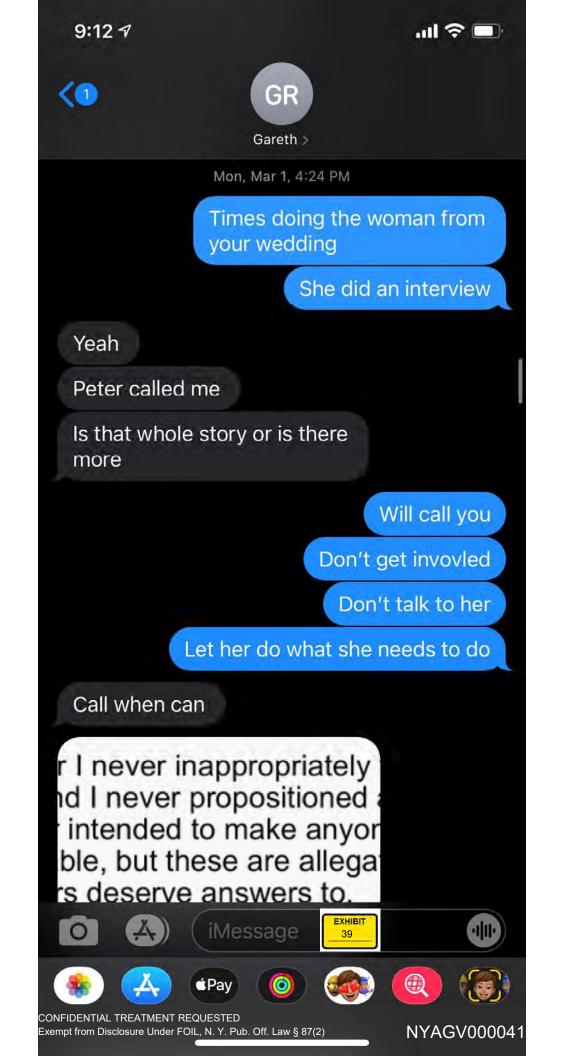
But by then, she said, she could not find him.

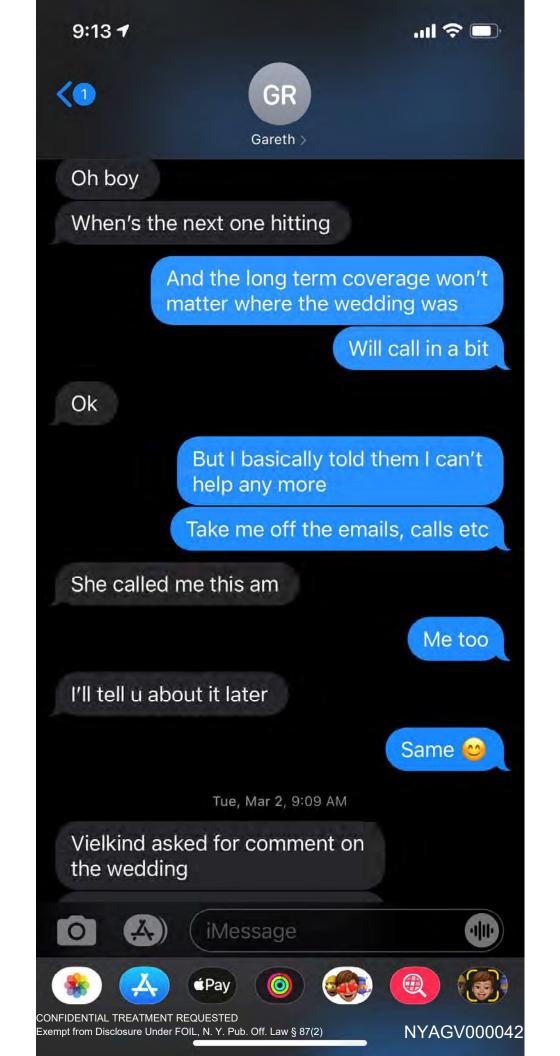
"I would have rather just said it that night," she said. "I wanted to say, 'That wasn't OK."

Matt Flegenheimer is a reporter covering national politics. He started at The Times in 2011 on the Metro desk covering transit, City Hall and campaigns. @mattfleg

Jesse McKinley is the Albany bureau chief. He was previously the San Francisco bureau chief, and a theater columnist and Broadway reporter for the Culture desk. @jessemckinley

A version of this article appears in print on , Section A, Page 1 of the New York edition with the headline: Wedding Guest Asserts Cuomo Unsettled Her





Date: Monday, March 1 2021 05:28 PM

Subject: [Chat #87812]

From:

To: [Joshua Vlasto (owner)]";

Attachments: IMG_2662.jpeg

Going to make this statement harder to justify w that photo

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

ICCID:

EXHIBIT40

uncomfortable, but these are allegations that anybody and I never propositioned anybody "To be clear I never inappropriately touched and I never intended to make anyone feel New Yorkers deserve answers to. Date: Monday, March 1 2021 06:31 PM

Subject: [Chat #87814]

From: Joshua Vlasto

To:

I told jef that was a big mistake

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Monday, March 1 2021 06:31 PM

Subject: [Chat #87815]

From: Joshua Vlasto

To:

And to stop going on the record

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Monday, March 1 2021 06:31 PM

Subject: [Chat#87816]

From: Joshua Vlasto

To:

I certainly have

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Monday, March 1 2021 08:31 PM

Subject: [Chat #35477]

From: Josh @s.whatsapp.net>

Construction of the control of the c

There is another one out there likely to pop

----METADATA INFORMATION- ---Device Owner:

Josh Vlasto

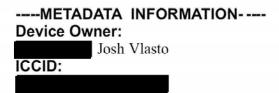
These harrasment claims all seem like bs

Date: Monday, March 1 2021 08:32 PM

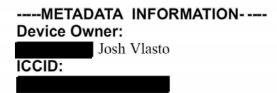
Subject: [Chat #35479]

From: Josh @s.whatsapp.net | ; @s.whatsapp.ne

If it reads like I think



It's curtains



Date: Saturday, March 6 2021 04:51 PM

Subject: [Chat #37328]

From: Josh Vlasto

To: Richard Bamberger |"; [Maggie Moran];

Flirty and handsy but will likely force Andrea to do something

----METADATA INFORMATION----

Device Owner:

Bamberger, Rich

ICCID:

EXHIBIT 42 Date: Tuesday, March 9 2021 12:21 PM

Subject: [Chat #15333]

From: Maggie Moran

To: [Joshua Vlasto (owner)]"; [Rich Bamberger];

Who is the new allegation from?

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Tuesday, March 9 2021 12:26 PM

Subject: [Chat #15334]

From: Joshua Vlasto

To: [Maggie Moran]; [Rich Bamberger];

A briefer

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Tuesday, March 9 2021 12:26 PM

Subject: [Chat #15335]

From: Joshua Vlasto

To: [Maggie Moran]; [Rich Bamberger];

I don't know the same

----METADATA INFORMATION- ----

Device Owner:

Josh Vlasto

Date: Tuesday, March 9 2021 12:27 PM

Subject: [Chat #15336]

From: Joshua Vlasto

To: [Maggie Moran]; [Rich Bamberger];

But its not good. Physical, etc...

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Saturday, March 13 2021 09:16 AM **Subject:** [Chat #35574]

From: Josh @s.whatsapp.net>

The problem is there are just more stories to come and he's in denial

----METADATA INFORMATION- ---Device Owner:
Josh Vlasto
ICCID:

EXHIBIT 44 Date: Saturday, March 6 2021 07:08 PM

Subject: [Chat#87913]

From:

To: [Joshua Vlasto (owner)]";

Is the Ana Liss one real?

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

ICCID:

EXHIBIT45

Date: Saturday, March 6 2021 07:35 PM

Subject: [Chat#87914]

From: Joshua Vlasto

To:

Medium

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date:
Saturday, March 13 2021 09:32 AM

Subject:
[Chat #35579]

From:
@s.whatsapp.net

@s.whatsapp.net
:@s.whatsapp.net [Josh (owner)]";

To:
@s.whatsapp.net

@s.whatsapp.net
:@s.whatsapp.net

@s.whatsapp.net
:@s.whatsapp.net;

Is the groping stuff all bs?

----METADATA INFORMATION- ---Device Owner:
Josh Vlasto
ICCID:

EXHIBIT 46

Date: Saturday, March 13 2021 03:58 PM

Subject: [Chat #35580]

From: Josh @s.whatsapp.net>

@s.whatsapp.net g; @s.whatsapp.net; @s.whatsapp.net g.

Depends how you define bs

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date:
Saturday, March 13 2021 04:32 PM

Subject:
[Chat #35581]

From:
@s.whatsapp.net

@s.whatsapp.net
]; @s.whatsapp.net

[Josh (owner)]";

To:
@s.whatsapp.net

@s.whatsapp.net
; @s.whatsapp.net

@s.whatsapp.net
; @s.whatsapp.net

Under the shirt is legit.

Date: Sunday, February 21 2021 05:30 PM

Subject: [SMS #513]

From: [Josh Vlasto]

To: [GAC];

Hi Gov, Melissa asked me to call you on this quote for the times. It's a dumb story that's been written a thousand times.

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 05:31 PM

Subject: [SMS #512]

From: [Josh Vlasto]

To: [GAC];

You're quite just confirms all the bad parts of it. An alternative:

----METADATA INFORMATION- ---Device Owner:
Josh Vlasto

Date: Sunday, February 21 2021 05:31 PM

Subject: [SMS #511]

From: [Josh Vlasto]

To: [GAC];

"The people of this state have known and given me their trust for the last 14 years. Yes, they have seen me get impatient with pettiness, partisan politics and disingenuous attacks, and I think New Yorkers feel the same way. "If you want to get things done, if you want to pass marriage equality or the safe act, raise the minimum wage and pass paid family leave, if you want to build a train hall, if you want to crush the curve, sometimes you need to be tough and blunt and sometimes people may feel bruised. Talking about getting things done is good enough for some. Not us and we do whatever it takes to deliver for New York.

Date: Sunday, February 21 2021 05:42 PM

Subject: [SMS #509]

From: [GAC]
To: [Josh Vlasto];

I sent her a response and we agreed to it but I told her to add a line. The governor is ny tough.

----METADATA INFORMATION----Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 05:56 PM

Subject: [SMS #506]

From: [GAC]
To: [Josh Vlasto];

Yes what's ur quote

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 06:00 PM

Subject: [SMS #505]

From: [Josh Vlasto]

To: [GAC];

"The people of this state have known and given me their trust for the last 14 years. Yes, they have seen me get impatient with pettiness, partisan politics and disingenuous attacks, and I think New Yorkers feel the same way. "If you want to get things done, if you want to pass marriage equality or the safe act, raise the minimum wage and pass paid family leave, if you want to build a train hall, if you want to crush the curve, sometimes you need to be tough and blunt and sometimes people may feel bruised. Talking about getting things done is good enough for some. Not us and we do whatever it takes to deliver for New York.

Date: Sunday, February 21 2021 06:00 PM

Subject: [SMS #504]

From: [Josh Vlasto]
To: [GAC];

And we can add ny tough

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 06:41 PM

Subject: [SMS #500]

From: [Josh Vlasto]
To: [GAC];

Would just drop the WFP thing and have a straight denial

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 06:41 PM

Subject: [SMS #499]

From: [Josh Vlasto]
To: [GAC];

No need to repeat the charge

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 06:41 PM

Subject: [SMS #498]

From: [Josh Vlasto]
To: [GAC];

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. 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 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. "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 governor, it's a silly premise. "Your enemies don't like you, no kidding. "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."

Date: Sunday, February 21 2021 06:43 PM

Subject: [SMS #496]

From: [Josh Vlasto]
To: [GAC];

No need to repeat the charge. Rich will give as a separate response denying that specific line

----METADATA INFORMATION----Device Owner:
Josh Vlasto

Date: Sunday, February 21 2021 06:44 PM

Subject: [SMS #495]

From: [GAC]

To: [Josh Vlasto];

And hinton line

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 06:44 PM

Subject: [SMS #494]

From: [Josh Vlasto]
To: [GAC];

Also denying directly

----METADATA INFORMATION-----

Device Owner:

Josh Vlasto

Date: Sunday, February 21 2021 06:58 PM

Subject: [SMS #489]

From: [GAC]
To: [Josh Vlasto];

Y with hinton and wFP line about ask them

----METADATA INFORMATION----

Device Owner:

Josh Vlasto

Date: Friday, March 12 2021 02:28 PM

Subject: [Chat #35561]

From: Josh @s.whatsapp.net>

The odd part about these workplace stories

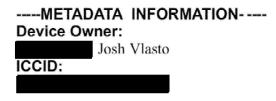


Date:
Friday, March 12 2021 02:28 PM

Subject:
[Chat #35562]

From:
Josh @s.whatsapp.net > @s.whatsapp.net | @s.wha

It's not even close to what it was really like to work there-day to day



Date: Friday, March 12 2021 02:28 PM **Subject:** [Chat #35563]

From: Josh @s.whatsapp.net>

It was so much worse

Date:
Friday, March 12 2021 02:29 PM

Subject:
[Chat #35564]

From:
@s.whatsapp.net [Josh (owner)]";

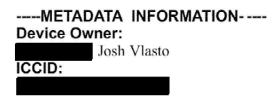
@s.whatsapp.net [@s.whatsapp.net []@s.whatsapp.net []@s.whatsa

How so?

Date: Friday, March 12 2021 02:29 PM **Subject:** [Chat #35565]

From: Josh @s.whatsapp.net>

The abuse and mind games



But for me it never really bothered me. It was part of the deal

