



NEW YORK STATE SENATOR

James Tedisco

## Tedisco & Jordan: “Cuomo Lied and New Yorkers Paid and Died”

SENATOR JIM TEDISCO February 15, 2021



As Governor Andrew Cuomo and his Administration face mounting questions over a cover-up of data related to the deaths of 15,000 nursing home residents and a related court decision on its violation of open government law which put taxpayers on the hook to pay legal fees, Senator Jim Tedisco (R,C-Glenville) and Senator Daphne Jordan (R,C-Halfmoon) today announced new legislation they are authoring to create a criminal penalty for violating New York’s open government and Freedom of Information Law (FOIL).

Senator Tedisco and Senator Jordan's new legislation would make it a criminal penalty and hold the Governor or his senior-level appointed decision makers personally liable to pay any judgments and fines and face potential jail time related to knowingly violating FOIL requests and the open government law in refusing to disclose public information. This legislation would eliminate indemnification for the Governor and senior state officials for violating the open government law. It also would prohibit the use of campaign finance dollars from paying the court-ordered fines.

Senator Tedisco and the Empire Center **won a lawsuit and FOIL request** to obtain data from the Cuomo Administration related to the deaths of nursing home residents who were transferred to hospitals last year and died from the coronavirus. In her ruling on the Empire Center and Tedisco's lawsuit, New York State Supreme Court Justice Kimberly A. O'Connor ordered the Administration to pay the Empire Center's legal fees for the case. Unfortunately, under current law, those costs will be paid by taxpayers and not at personal cost to the Governor, his senior deputy Melissa DeRosa, Health Department Commissioner Howard Zucker or any other senior official found derelict in their duties and responsible for the cover-up and violation of the open government law. Tedisco and Jordan's bill would change that and make public officials personally liable for such stonewalling and violation and face potential jail time.

"Governor Cuomo and his senior staff lied about the nursing homes and New Yorkers have paid and died. Justice Kimberly O'Connor should have been able to put the judgment and onus of paying legal fees and any other fines on the Governor and his senior staff and not taxpayers. Making taxpayers pay for Cuomo or any other governor's dereliction of duty throws salt into the wound they may create through lies and deception. This devastating loss of New Yorkers in our nursing homes and ensuing cover-up would be deemed a criminal act," said Senator Jim Tedisco.

“*Washington Post* journalist Bob Woodward has warned of secret government saying that ‘democracies die in darkness.’ Secrecy and a lack of respect for open government laws has been a hallmark of Cuomo’s reign. I’ve dealt with his Administration’s stonewalling previous to the nursing home issue in my efforts to FOIL for information related to the collapse of the St. Clare’s Hospital Pension Fund. There have been many stories chronicled in the media about FOIL requests to the Cuomo Administration that have been delayed months and even years. This is public information and people have a right to know what their government is doing on their behalf. No Governor or senior appointee should ever again be able to hide public information like the data related to the deaths of 15,000 nursing home residents without facing criminal penalties,” said Senator Tedisco.

“The Cuomo cover-up is more than just another Albany scandal — it’s a potentially massive crime as his administration, by their own admission, deliberately withheld pertinent information from federal and state authorities about the deaths of 15,000 of our fellow New Yorkers. It’s abundantly clear that in addition to writing a book, the Governor and his team were busy cooking the books, desperately trying to hide his administration’s complicity and culpability in the nation’s worst nursing home disaster during the COVID-19 pandemic. Any state official — whether it’s Governor Cuomo, Health Commissioner Zucker, Secretary Melissa DeRosa, or anyone else — who knowingly violates FOIL requests and our open government law by refusing to disclose public information should face jail time. We also need to remove their indemnification to ensure that taxpayers aren’t paying the legal bills for an official’s malfeasance and gross dereliction of duty. Now, more than ever, there must be a thorough, independent investigation into this growing scandal so families can finally learn the truth and we can ensure that such a tragedy never happens again,” Senator Daphne Jordan said.