



NEW YORK STATE SENATOR

Robert G. Ortt

Senate GOP Leader Ortt Pens Letter To Attorney General Letitia James Requesting Expanded Investigation Into Cuomo Administration's Covid-19 Failures

ROBERT G. ORTT February 16, 2021

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“For the thousands of New Yorkers who lost a cherished loved one in a nursing home, the grocery store worker who can’t get a vaccine because of this governor’s tight-fisted yet incompetent administration of vaccines, and for the professionals who felt compelled to resign from a Department of Health driven not by science but by politics, justice must be served.”

New York State Senate Republican Leader Rob Ortt today penned a letter to Attorney General Letitia James respectfully requesting her office to formally broaden the scale and scope of its investigation into COVID-19 related nursing home deaths to also include an investigation into the clandestine February 10, 2021, meeting held between Members of the Senate and Assembly and top staff members from Governor Cuomo's Administration.

The letter was sent in response to the Governor's bizarre press conference yesterday, which left New Yorkers questioning what else the Governor's office and his Department of Health are secretly hiding. After refusing to apologize and incoherently trying to blame anybody but himself for the emotional turmoil wrought by his own disinformation surrounding nursing home deaths, the Governor added another layer of deception by falsely claiming his administration had notified both houses of the State Legislature regarding the U.S. Department of Justice inquiry into these deaths. The Senate Republican Conference was unequivocally never notified of this inquiry, not even after multiple attempts to get answers on nursing home deaths from the Cuomo Administration.

"This Governor has deceived and lied for months, and even when his Administration's deception comes crashing down around him he's powerless to do anything but continue to deceive and lie. We can no longer allow this Governor to get away with deceiving the people of New York State. There must be a full, top to bottom investigation of the Cuomo Administration's decisions on nursing homes, its subsequent and continuing coverup of those decisions, the mass exodus of Department of Health employees, and the current failures of this administration's vaccination efforts. Our Attorney General was elected to be the "People's lawyer." Our conference is asking the AG's office, acting as an independent state governmental entity, to undertake this investigation and prosecute if there is any criminal liability," said Leader Ortt.

Senate Democrats have rejected the Republican Conference's calls to rescind the Governor's emergency powers no less than fourteen times since last year, and they continue to reject motions to issue subpoenas in light of the Attorney General's report.

Leader Ortt concluded, "The Senate Democrats' very recent decision to apparently revoke the Governor's emergency powers, [as reported in today's Wall Street Journal](#), is no profile in courage. The decision to strip the Governor's executive authority should have been made months ago. The Senate Majority failed to see what is plain to millions of New Yorkers: that Governor Cuomo's dictatorial instincts are destructive to this state. They have been silent enablers in his megalomaniacal effort to dominate state government regardless of how many people get hurt. The ones who have suffered the most are the thousands of families who lost loved ones in nursing homes. Because the Senate and Assembly have failed so miserably in carrying out their constitutional duty to check this governor's executive authority, it is absolutely imperative that the U.S. Department of Justice and the New York State Attorney General carry out full investigations of the Governor's Office and the NYS Department of Health."

"For the thousands of New Yorkers who lost a cherished loved one in a nursing home, for the grocery store worker who can't get a vaccine because of this governor's tight-fisted yet incompetent administration of vaccines, and for the professionals who felt compelled to resign from a Department of Health driven not by science but by politics, justice must be served."

The letter (attached) also asks the Attorney General to immediately direct both the Executive Chamber and the Department of Health to preserve and retain any and all communications -- from March 2020 to present day -- related to the March 25 directive to nursing homes and the subsequent counting and public disclosure of COVID-related deaths. These documents are crucial to ensuring the integrity of any investigation.

A timeline of actions taken by the Senate Republican Conference since the beginning of January 2021

January 11, 2021 – Senate Republicans advance hostile amendment presented by Senator Pam Helming to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

January 12, 2021 - Senate Republicans advance hostile amendment presented by Senator Dan Stec to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

January 19, 2021 - Senate Republicans advance hostile amendment presented by Senator Patrick Gallivan to curtail the Governor’s emergency powers. Rejected by Senate Democrats.

January 20, 2021 - Senate Republicans advance hostile amendment presented by Senator Tom O’Mara to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

January 25, 2021 - Senate Republicans advance hostile amendment presented by Senator Anthony Palumbo to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

January 26, 2021 - Senate Republicans advance hostile amendment presented by Senator George Borrello to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

January 28, 2021 –Attorney General James releases report on nursing home deaths during the pandemic and estimates the state undercounted deaths by as much as 50%. Later that day, Health Commissioner Howard Zucker releases a statement revealing total of nursing home deaths is 12,473 when including residents’ deaths in hospitals. Leader Ortt calls for the resignation of Commissioner Zucker. Senators Serino and Jim Tedisco again call for the Senate Majority to issue subpoenas to compel the state to reveal the actual number of COVID-19 deaths in nursing homes in light of the release of Attorney General James’ report

on COVID-19 in Nursing Homes.

January 29, 2021 – Senate Republicans send letter to New York’s Congressional Delegation to obtain an update from the Civil Rights Division of the Department of Justice on its inquiry into the State’s handling of the COVID-19 crisis in nursing homes.

February 1, 2021 – Senator O’Mara makes a motion in the Senate Investigations and Government Operations Committee Meeting to issue a subpoena to DOH to provide nursing home data and communications related to nursing home COVID-19 deaths. Rejected by Senator James Skoufis, Chair of Senate Investigations and Government Operations.

February 1, 2021 - Senate Republicans advance hostile amendment presented by Senator O’Mara to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

February 2, 2021 - Senate Republicans advance hostile amendment presented by Senator Ed Rath to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

February 3, 2021 - Senate Republicans advance hostile amendment presented by Senator Stec to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

February 3, 2021 – Senator Serino and members of the conference host a virtual press conference to demand that Senate Democrats issue subpoenas to launch an investigation into the state’s handling of the COVID-19 crisis in nursing homes.

February 8, 2021 - Senate Republicans advance hostile amendment presented by Senator Daphne Jordan to rescind the Governor’s emergency powers. Rejected by Senate Democrats.

February 8, 2021 – Senators O’Mara and Gallivan call on Senate Finance Committee Chair, Liz Krueger, to schedule multiple Joint Legislative Budget Hearings on Health instead of a single one scheduled on February 25, 2021. “In the wake of the Attorney General’s scathing nursing

home report, mass resignations at the State Department of Health (DOH), and bipartisan calls for investigation into the Governor's administration, at least one of these hearings should be solely committed to questioning the embattled DOH Commissioner Howard Zucker." No response from Senate Democrats.

February 9, 2021 – Senator Serino makes a motion in the Senate Aging Committee Meeting to immediately launch a bipartisan investigation utilizing subpoena power into the COVID-19 nursing home scandal.

February 9, 2021 - Senate Republicans advance hostile amendment presented by Senator Serino to rescind the Governor's emergency powers. Rejected by Senate Democrats

February 10, 2021 - Senate Republicans advance hostile amendment presented by Senator Peter Oberacker to rescind the Governor's emergency powers. Rejected by Senate Democrats.

February 12, 2021 – The Senate Republican Conference calls for a special session to revoke the Governor's emergency powers in the wake of the admission by Melissa DeRosa of a cover-up regarding COVID-19 nursing home deaths and an immediate investigation into the administration. Additionally, Senators O'Mara and Serino call on Majority Leader Andrea Stewart-Cousins to Strip Committee Chair Positions from complicit Senators

February 13, 2021 – Janice Dean reports that Secretary to the Governor, Melissa DeRosa, lied when she said the administration was working to respond to the DOJ request stating she spoke to a senior DOJ official in December who said, "New York State has failed to provide any data as of their October request."

February 15, 2021 – Senator Serino submits FOIL request to the Governor's Administration for a full transcript and recording of the secret meeting held on February 10, 2021 between

top members of the Administration and members of the Senate Majority regarding the months-long cover-up of COVID-19 nursing home deaths.

February 16, 2021 - Republican Conference sends letter to New York State Attorney General James requesting further investigation into the Governor's intentional cover-up of COVID-19 nursing home fatality numbers.

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