



**Board of
Elections**

**Division of Election
Law Enforcement**

40 NORTH PEARL STREET, SUITE 10D
ALBANY, N.Y. 12207-2729
Phone: 518.486.7858

Michael L. Johnson
Chief Enforcement Counsel

March 15, 2023

Jennifer Wilson
Public Information Office
New York State Board of Elections
40 North Pearl Street, Suite 5
Albany, New York 12207

Re: FOIL No. F2023-005
FOIL submitted by Sam Mellins

Dear Ms. Wilson:

This is in response to the request made pursuant to New York State Freedom of Information Law by Sam Mellins seeking:

1. quarterly reports prepared by the enforcement counsel for quarters 2, 3, and 4 of 2022.

Attached, please find 5 pages of responsive records.


2. a list of all staff of the enforcement counsel's office, including names, length of employment, position, and salary.

3. a list of all vacancies at the enforcement counsel's office, including positions, salary or salary range, and length of vacancy.

4. the FY2023 budget for the enforcement counsel's office

These records were previously provided to you on March 2, 2023, by Human Resources.

Regards,

A handwritten signature in black ink that reads "Michael L. Johnson". The signature is written in a cursive style with a long, sweeping underline.

Michael L. Johnson
Chief Enforcement Counsel

Division of Election Law Enforcement Statistics - 2nd Quarter 2022	April	May	June
Complaints received (ALL) (EL 6203.4 a) - TOTAL	6	10	24
Still pending review	0	0	4
Referred to the commissioners for further action	0	0	0
Cases remaining open (6203.4a) - TOTAL	115	85	96
Cases closed (6203.4a) - TOTAL	4	24	0
Hearing Officer Proceedings (6203.4b)			
Failure to File	0	0	0
Failure to Cure a Deficiency	0	0	0
Other Matters	0	0	0
Settlement Agreements (6203.4c)			
Before Hearing Officer Proceeding	0	0	0
After Hearing Office Proceeding Initiated and before Determination Made	0	0	0
Amt collected	\$5,000	\$0	\$1,000
Special Proceedings Commenced Pursuant to Article 16 of EL (6203.4d)			
Failure to File	0	0	0
Failure to Cure Deficiency	0	0	0
Other Matters	0	0	0
Money Collected (6203.4e) -			
\$ from judgments entered prior to creation of DELE	\$0	\$0	\$0
\$ from judgments entered after creation of DELE	\$0	\$0	\$0
Deficiency Referrals Rec'd from CU (6203.4f)	77	0	0
Referred to Hearing Officer	0	0	0
No Hearing Officer Warranted (CEC)	0	0	0
Pending Review	0	0	0
Failure To File (Non-filers) (6203.4 g)	0	107	0
Referred to Hearing Officer	0	0	0
No Hearing Officer Warranted (CEC)	0	0	0
Pending Review	0	0	0
Subpoenas (6203.2)	0	0	0

Division of Election Law Enforcement Statistics - 3rd Quarter 2022	JULY	AUG	SEPT
Complaints received (ALL) (EL 6203.4 a) - TOTAL	13	15	13
Still pending review	0	0	0
Referred to the commissioners for further action	0	0	0
Cases remaining open (6203.4a) - TOTAL	92	99	112
Cases closed (6203.4a) - TOTAL	51	5	4
Hearing Officer Proceedings (6203.4b)			
Failure to File	0	0	0
Failure to Cure a Deficiency	0	0	0
Other Matters	0	0	0
Settlement Agreements (6203.4c)			
Before Hearing Officer Proceeding	\$10,000	\$203,000	\$2,500
After Hearing Office Proceeding Initiated and before Determination Made	\$13,000	\$4,000	\$0
Amt collected	\$23,000	\$207,000	\$2,500
Special Proceedings Commenced Pursuant to Article 16 of EL (6203.4d)			
Failure to File	0	0	0
Failure to Cure Deficiency	0	0	0
Other Matters	0	0	0
Money Collected (6203.4e) -			
\$ from judgments entered prior to creation of DELE	\$0	\$0	\$0
\$ from judgments entered after creation of DELE	\$0	\$0	\$0
Deficiency Referrals Rec'd from CU (6203.4f)	0	0	0
Referred to Hearing Officer	0	0	0
No Hearing Officer Warranted (CEC)	0	0	0
Pending Review	0	0	0
Failure To File (Non-filers letter/emails) (6203.4 g)	3842	2291	0
Referred to Hearing Officer	0	0	0
No Hearing Officer Warranted (CEC)	0	0	0
Pending Review	0	0	0
Subpoenas (6203.2)	0	0	0



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January 26, 2023

Mr. Douglas A. Kellner
40 North Pearl Street
Albany, New York 12207

Mr. Anthony J. Casale
40 North Pearl Street
Albany, New York 12207

Kristin Zebrowski Stavisky
40 North Pearl Street
Albany, New York 12207

Mr. Andrew J. Spano
40 North Pearl Street
Albany, New York 12207

Mr. Peter Kosinski
40 North Pearl Street
Albany, New York 12207

Todd Valentine
40 North Pearl Street
Albany, New York 12207

**Division of Election Law Enforcement
New York State Board of Elections
4th Quarter 2022 Report**

Complaints submitted to the Division of Election Law Enforcement assert various violations of the Election Law that vary in nature, content, complexity, and scope, which warrants that they are handled accordingly. Given these circumstances, each complaint has its own timeline for the investigation, determination, and action.

New York State Election Law Rules and Regulations §6203.4 states, "The chief enforcement counsel shall provide a written report to the commissioners and co-executive directors at least once in each calendar quarter..." Pursuant to §6203.4, please find the Division of Election Law Enforcement's statistics for the 4th quarter of 2022 as follows.

(a) Total number of complaints received by the Enforcement Division by mail, email, phone, fax, or any other means, and the number of such complaints for the 4th quarter of 2022: **201**

- (1) examined and found on their face to not warrant any further investigation; **172**
- (2) still pending review; **0**
- (3) under active investigation; **29**
- (4) closed; **21**
- (5) Referred to commissioners for further action. **2**

*The number of cases closed and the number of referrals to the commissioners for further action for each reporting period will include cases that were opened prior to the reporting period.

(b) Total number of hearing officer proceedings initiated, and the number of such proceedings for the 4th quarter of 2022: **0**

- (1) For failure to file reports; **n/a**
- (2) For failure to cure a deficiency; **n/a**
- (3) Involving other matters. **n/a**

(c) Total number of settlements entered into, and the number of such settlements entered into for the 4th quarter of 2022: **0**

- (1) before any hearing officer proceeding is initiated; **0**
- (2) after a hearing officer proceeding but before a hearing officer's determinate is made; **n/a**
- (3) after a hearing officer determination. **n/a**

(d) Total number of special proceedings commenced pursuant to article 16 of the election law, and the number of such proceedings for the 4th quarter of 2022: **0**

- (1) Related to failure to file; **n/a**
- (2) Failure to cure deficiency; **n/a**
- (3) Other matters. **n/a**

(e) Total sum of money collected, and with respect to such sum, the amount derived from for the 4th quarter of 2022:

- (1) Judgments entered before the creation of the Division of Election Law Enforcement; **\$3,777.00**
- (2) Judgments entered after the creation of the Division of Election Law Enforcement settlements. **0**

(f) Total number of deficiency referrals from the Compliance Unit received and with respect to such referrals, the number for the 4th quarter of 2022: **0**

- (1) Referred to a hearing officer; **n/a**
- (2) Chief enforcement counsel determined not to refer to a hearing officer; **n/a**
- (3) Pending review; **n/a**
- (4) A decision has been made that no further action will be taken, and the reasons, therefore. **n/a**

(g) For failure to file required disclosures under article 14 of the election law, the number of such for the 4th quarter of 2022:

- (1) Referred to hearing officer; **n/a**
- (2) Chief enforcement counsel determined not to refer to hearing officer; **n/a**
- (3) Pending review; **n/a**
- (4) A decision has been made that no further action will be taken, and the reason, therefore. **n/a**

§6203.4 (b), (c), (d), and (g) actions remain **0** for the 4th quarter of 2022 based upon the ongoing discussions with the commissioners to revise and improve the hearing officer process.

§6203.4 (f). The Compliance Unit did not forward any deficiency referrals to the Division of Election Law Enforcement for the 4th quarter of 2022.

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