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CHARLES D. LAVINE
Assemblyman 13th District

CHAIR
Judiciary Committee

November 22, 2021

Honorable Carl E. Heastie
Speaker
New York State Assembly
LOB 932
Albany, New York 11248

Dear Speaker Heastie:

On March 19, 2021, you charged the Assembly Judiciary Committee with determining whether there was evidence to support a finding that Governor Andrew Cuomo had engaged in conduct, as governor, that would have constituted serious and corrupt conduct in office that may have justified articles of impeachment.

The Committee's task was to examine all credible allegations, including but not limited to allegations that the Governor:

- Used his office to sexually harass or assault women who were his employees;
- Directed his staff to unlawfully withhold or misrepresent information that was required to be reported to the State Legislature or other governmental entities regarding the effects of COVID-19 on populations of New Yorkers;
- Directed, or had knowledge of, executive personnel withholding information regarding safety concerns about New York State bridges; or
- Directed, or had knowledge of, executive personnel attempting to suppress related investigations.

The Committee retained the counsel of Davis, Polk & Wardwell LLP to lead the investigation. Although the Governor resigned from office in August, you directed the Committee to prepare a report on its findings.

During the course of this investigation, Davis Polk reviewed approximately 600,000 pages of documents, including photographs, text messages, BlackBerry PIN messages, emails, policies and procedures, recordings of phone calls, social media accounts, materials from prior litigation, video recordings, interview

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memos, transcripts and other relevant material. In addition, the firm interviewed, received proffers from, and/or reviewed interviews and/or deposition material from 212 individuals. Davis Polk also reviewed the statements and writings of the former Governor and his counsel throughout the investigation, including those made to the Office of the New York Attorney General in response to its Report of August 3, 2021.

Davis Polk has completed its work and issued a report to the members of the Committee, which I herewith transmit to you for your review. The report concludes that former Governor Cuomo:

- Engaged in multiple instances of sexual harassment, including by creating a hostile work environment and engaging in sexual misconduct;
- Utilized state resources and property, including work by Executive Chamber staff, to write, publish, and promote his Book regarding his handling of the COVID-19 crisis - a project for which he was guaranteed at least \$5.2 million in personal profit; and at the same time
- Was not fully transparent regarding the number of nursing home residents who died as a result of COVID-19.

I thank the members of the Committee for their diligence and hard work during this challenging time. I also commend the extraordinary attorneys and investigators at Davis Polk for their professionalism and expertise.

Sincerely,



Charles Lavine