

Carolyn Kearns

From: William Collins [collinsw@assembly.state.ny.us]
Sent: Tuesday, August 28, 2012 11:04 AM
To: 'Michael Whyland'; 'James Yates'; 'Carolyn Kearns'
Subject: FW: Statements to the press

We are under no legal obligation to acquiesce to Ms. Wang's request, however, the facts are as follows:
Before we could assemble what we felt we needed to go to turn the first situation over to the Ethics Committee we got a letter from Ms. Wang labeled "Privileged and Confidential For Settlement Purpose Only" with these components:

1. saying we could not talk to her clients,
2. asserting allegations of harassment and discrimination by the Assemblyman,
3. indicting that they would be able to seek redress in any of various forums, and
4. stating her clients desires to commence mediation, and
5. reserving their rights to seek monetary and equitable relief.

We took all of this to mean they wanted us to consider mediating a resolution as their entire "remedy". It is true that neither she nor the complainants never expressly, affirmatively "insisted" that this matter not be referred to the Ethics Committee. That was the reason for my suggestion that we say that it would be up to a complainant to interpose and pursue a complaint under the Assembly Sexual Harassment Policy; i.e., it requires their affirmative action which they seemed not to desire to undertake. These people did not affirmatively insist that we not refer these allegations to the Committee. That seems to be the thrust of Ms. Wang's position and it is not inaccurate.

From: Mariann Wang [mailto:mwang@chwillp.com]
Sent: Tuesday, August 28, 2012 10:34 AM
To: William Collins
Subject: Statements to the press

Bill:

The New York Times reported that Whyland made the statements below. As you know clearly from multiple communications that I made throughout January going forward -- by both email and on the phone -- this is a complete misrepresentation of the facts in this case. I expressed this as much yesterday to the Speaker's counsel on the phone. This is not a message that the Assembly should be repeating since it is completely inaccurate. Indeed, the proper course would be that Whyland correct it.

Mariann

Cuti Hecker Wang LLP

In a statement Monday, Michael Whyland, an Assembly spokesman, would not specifically discuss the settlement, but generally speaking, said: "The only instance in which a complaint would not be handled by the ethics committee would be if a victim insisted for reasons of personal privacy that it not go before the committee. The Assembly would only keep such a matter confidential at the express insistence of the victim."