

STATE OF NEW YORK
COURT OF CLAIMS

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MELISSA A. SAREN,

Claimant,

-against-

VERIFIED CLAIM

STATE OF NEW YORK,

Respondent.

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Claimant Melissa A. Saren (“Saren” or “Claimant”), by and through her counsel, Menken Simpson & Rozger LLP, for her Claim against the State of New York (“Respondent”), hereby states and alleges the following based upon personal knowledge or, where specifically indicated, upon information and belief:

INTRODUCTION

1. The State of New York, by its agency, the New York State Insurance Fund (“NYSIF”), summarily fired Claimant, its Ethics Officer, Chief Compliance Officer, and Investment Compliance Officer on October 12, 2021, in retaliation for the ethical concerns she raised with the State’s Joint Commission on Public Ethics (“JCOPE”) about questionable conduct by NYSIF’s then General Attorney, Tanisha Edwards.

2. Edwards, NYSIF’s General Attorney, who had previously worked as Assistant Counsel to Governor Andrew Cuomo for Taxation and Financial Services, sought to steer lucrative NYSIF business to a three-person law firm, Bradford Edwards & Varlack LLP (“the Bradford Edwards firm”).

3. Edwards surreptitiously went to great lengths to ensure that the Bradford Edwards firm would be awarded a contract to oversee and manage NYSIF's Investment Compliance Program despite being described by Edwards' own Deputy as "completely unqualified" for the job and despite NYSIF already having a successful and unchallenged Investment Compliance Department – headed by Saren -- performing that work.

4. Simply doing the job that she was hired to do as NYSIF's Ethics Officer – to report unethical behavior and/or activities – Saren was fired by Joseph Mullen, NYSIF's Deputy Executive Director and then Acting Executive Director. The formerly appointed Acting Executive Director, MaryBeth Woods, had been told to, and did, resign three days after instructing Saren to file the JCOPE complaint.

5. The abrupt, retaliatory termination of Saren's 35-year tenure working for the State of New York was executed with the knowledge and approval of Governor Kathleen Hochul's executive chamber. JCOPE initially refused even to investigate NYSIF's ethics concerns that Saren had filed, insisting that it would be "cleaner" if those concerns were filed with the State Inspector General.

6. Saren forwarded the concerns to the State Inspector General, who has entirely ignored them. The State Inspector General is appointed by and serves at the pleasure of Governor Hochul.

7. NYSIF retained the services of a private law firm, Jackson Lewis P.C., to conduct its own, private investigation.

8. The Jackson Lewis investigation, presumably paid for with NYSIF funds to investigate NYSIF, predictably concluded that Saren's allegations were unfounded. Neither Jackson Lewis nor NYSIF has ever released any findings from its investigation, let alone any

support or documentation for its conclusions dismissing Saren's allegations. During the course of the investigation, Edwards, the subject of Saren's complaint, resigned from her new nine year appointment as NYSIF's General Attorney.

9. Despite claiming to have found Saren's allegations unfounded, NYSIF offered to reinstate Saren to her former title as Associate Counsel while removing her former responsibilities. NYSIF's offer was not made in good faith as the "responsibilities" would have represented a demotion, and had nothing to do with Saren's skills, experience or employment history. If she had accepted that offer, Saren also would have been reporting indirectly to Joseph Mullen, the NYSIF official who fired her.

10. Saren seeks reinstatement to her prior position as Agency Ethics Officer, Chief Compliance Officer and Investment Compliance Officer and/or monetary damages to make her whole.

PARTIES

11. Claimant is an attorney admitted to the New York State Bar in 1983. She has been in good standing throughout her entire 38-year legal career.

12. Respondent New York State Insurance Fund ("NYSIF") is a New York State agency. It is self-supported as a carrier of workers' compensation and disability insurance that competes with private carriers. NYSIF receives premiums from its policy holders and invests the money it receives. As of October 12, 2021, Saren's last day with the agency, NYSIF had approximately twenty-one billion dollars (\$21 billion) in assets under management. NYSIF is administered by a Board of Commissioners led by its current Chairperson, Kenneth R. Theobalds.

STATEMENT OF FACTS

Saren's Long and Accomplished Legal Career

13. Claimant Melissa A. Saren has devoted her career to public service, nearly all of it for the State of New York. After having spent the first three years of her legal career working as a public defender, Saren has since worked in New York State government for 35 years. In 1986 she began her state career in the New York State Attorney General's Office, first in the Litigation Bureau and rising ultimately to the position of Deputy Bureau Chief of the Consumer Frauds and Protection Bureau. In 2005 she received the Louis J. Lefkowitz Memorial Award, the highest commendation given by the New York State Attorney General's Office for superior service by attorneys.

14. Throughout her time at the Attorney General's Office, serving five Attorneys General, Saren was held in high regard and enjoyed a reputation of being a person with integrity who told the truth.

15. In 2009, Saren was invited to join NYSIF and left the Attorney General's Office. She was brought in to work on agency compliance matters and reported to the NYSIF Deputy Executive Director.

16. In 2012, Saren was asked by the Executive Director to take on the role of Agency Ethics Officer. In addition to advising NYSIF Commissioners and staff, that position serves as a liaison to the New York State Joint Commission on Public Ethics ("JCOPE").

17. In 2015, Saren was asked by Executive Director Eric Madoff to take on the additional role of Investment Compliance Officer and was tasked with building a new Investment Compliance Department.

18. NYSIF's investment of the billions of dollars it manages is done by an Investment Department, headed by a Chief Investment Officer. Its investments are required to comply with a complex network of laws, regulations, internal policies, and Board-imposed mandates. To assure that NYSIF's investments comply with those requirements, the Investment Compliance Department independently monitors and reports on NYSIF's investment program. The Investment Compliance Department is overseen by an Investment Compliance Officer who, while Saren held the position, reported to the Executive staff and also to the Investment Committee of the Board.

19. The Investment Compliance Department, under Saren, was consistently praised by Madoff, the Chief Investment Officer and the Investment Committee. She received nothing but praise from inside and outside NYSIF and, in fact, her work and guidance as the Investment Compliance Officer was never questioned.

Proposed Independent Review of NYSIF's Investment Compliance Program

20. In 2019, Saren requested that NYSIF have an independent review conducted of the Investment Compliance Program to ensure that NYSIF was complying with all applicable laws, regulations and industry best practices. The review was conducted by an independent professional consultant, Duff & Phelps, which is a global financial- industry firm. Duff & Phelps issued a report to NYSIF in February 2020.

21. The Duff & Phelps report concluded that the Department's monitoring and reporting under Saren was "best in class." The report also made recommendations for improvement to various areas overseen by the Department, including NYSIF's Personal Trading Policy. The Policy at the time was approved by the Governor's Office in 2018, and applied only to Investment Department staff. Duff & Phelps recommended, "in line with best

practices,” that the Policy be expanded to apply to “any personnel that have access to NYSIF investment data.” At NYSIF, that would include the Executive, compliance, and accounting staff. The report also recommended that NYSIF automate the administration of the policy by using a third-party compliance platform.

22. In the following months, NYSIF’s Executive, legal, investment and compliance staff met to discuss expanding the Personal Trading Policy as recommended by Duff & Phelps. Discussions included the need to get agreement from CSEA and PEF, the Unions representing some NYSIF staff, before expanding the policy to Union-represented staff. Saren recommended and obtained Madoff’s approval for NYSIF to bring on a third-party platform to assist with expanding the policy.

23. In January 2021, Saren was asked by Madoff to take on the broader agency role of Chief Compliance Officer, a newly created position. In that position, Saren had four NYSIF departments reporting to her: Investment Compliance, Internal Audit, Internal Control, and Information Security. She also remained the Ethics Officer. In each of these roles, Saren reported to Madoff and his Chief of Staff.

24. Madoff left NYSIF in early 2021 when his term expired. He was replaced by Mary Beth Woods who became Acting Executive Director.

Edwards’ Suspicious Intervention in Investment Compliance

25. In June 2021, Tanisha Edwards, NYSIF’s then General Attorney, went to Woods and raised concerns that the Investment Compliance Department had not yet implemented the Duff & Phelps recommendation to expand the Personal Trading Policy. Edwards, as General Attorney, was in charge of the Legal Department and had no role or reason to be involved in the oversight of Investment Compliance.

26. On July 2, 2021, Saren attended a meeting with Woods; Edwards; the Chief Investment Officer; and a Deputy General Attorney, George Tidona. Saren explained the causes for delay in expanding the Personal Trading Policy: The need to procure and implement software to automate the Policy, and the need to reach agreement with the Unions before extending the policy to Union-represented employees.

27. As a follow-up to the July 2, 2021, meeting, Woods decided to have Duff & Phelps return to perform an update of its review, covering the time from its 2020 report.

28. Theobalds, the Chairperson of NYSIF's Board, asked Woods to have the review done instead by a firm in the Minority and Women-Owned Business Enterprise ("MWBE") Program. Chairman Theobalds told Woods, without reason or rationale, that he thought Duff & Phelps was somehow "tainted."

29. Pursuant to Theobalds' request, Woods instructed the NYSIF Procurement Office to procure an MWBE firm for the review.

Edwards' Efforts to Steer NYSIF Business to the Bradford Edwards Firm

30. In late August 2021, Edwards had lunch at the Odeon restaurant in Tribeca with members of the law firm Bradford Edwards & Varlack LLP.¹ Her deputy, Tidona, also attended the lunch.

31. Shortly after the Odeon lunch, Tidona asked Saren, in her capacity as NYSIF's Ethics Officer, whether he was required to report the Odeon lunch in Project Sunlight. Project Sunlight is an online database established in the Public Integrity Reform Act of 2011 that

¹ Claimant has no information, and does not now allege, that there is any familial relationship between Tanisha Edwards and Denver G. Edwards, a named principal of the Bradford Edwards firm.

provides New Yorkers with transparency regarding the appearances made by individuals and entities before New York State government.

32. In the same conversation, Tidona told Saren that he was “uncomfortable” about the lunch and his follow-up discussions with Edwards, who was adamant about bringing in the Bradford Edwards law firm to work on investments at NYSIF. Tidona, who has a background in investment regulation, reported to Saren that he told Edwards that, based on the lunch discussion, the firm was “completely unqualified.” Tidona said Edwards “yelled” at him when he recommended hiring other firms that he believed were competent and she insisted that NYSIF would hire the Varlack firm. Tidona said the firm had been referred by “the Chairman.”

33. Upon information and belief, at that time the Bradford Edwards law firm was a three-person law firm that did commercial litigation, securities enforcement, insolvency and creditors’ rights, employment litigation and counseling, risk and crisis management and investigations and government enforcement defense.

34. Camille Varlack, one of the three principals of the firm, served in the New York Executive Chamber under then Governor Cuomo from January 2016 to April 2019. Edwards also worked in Governor Cuomo’s administration for much of the same period, serving in the Office of the Governor from June 2016 to August 2019. Varlack also served as JCOPE’s Chairperson from February to August 2021.

35. Upon information and belief, neither Varlack nor her two partners had any experience reviewing or analyzing investments or investment compliance programs or protocols.

36. In an email on September 10, Heather Baumann, NYSIF’s head of Procurement, emailed a group including Woods’ chief of staff, Edwards and Saren to report that Edwards had

reached out to her about the Investment Compliance review procurement and had said she would provide Baumann with a list of possible MWBE firms. Baumann discussed doing a Request For Information (“RFI”) to identify possible contractors, as had been done in similar circumstances in the past. Baumann suggested specifications for the review to be used in the RFI, drawn from those that had been used for the earlier Duff & Phelps engagement because it involved similar subject matter.

37. Edwards responded to the group that an “RFI is not needed” and that she would send a list of firms shortly. She did not suggest any changes to the specifications for the review.

38. On September 12, Edwards emailed NYSIF’s Chief Investment Officer about the proposed Investment Compliance review: “As far as MWBEs, I have Bradford, Edward, and LLC [*sic*]. I would like the names of at least 2 more MWBEs if possible so they can be included in [Baumann]’s search.”

39. On September 13, Edwards set up a meeting by email so the Chief Investment Officer could meet with the Bradford Edwards firm. The only subject given was “Follow-up.”

40. It is believed that neither Edwards nor anyone else acting on her behalf set up a meeting for any other prospective firm or consultant with NYSIF’s Chief Investment Officer concerning this proposed Investment Compliance work.

41. The same day, Edwards emailed NYSIF Commissioner Alexis E. Thomas with a new, expanded set of specifications she created for the Investment Compliance Review, completely outside of her role as NYSIF’s General Attorney. Edwards had not shared her changed specifications with Executive Director Woods or with Investment Compliance Officer Saren. Edwards asked Commissioner Thomas to provide the names of MWBE firms. Edwards did not copy Woods or Saren on this email, despite the fact that Woods was the Executive

Director and Saren was the Investment Compliance Officer and thus should have been directly involved in these decisions.

42. Edwards's new, secret and much expanded specifications were completely different from what had previously been discussed, which were limited to a review of the Investment Compliance Department. Instead, Edwards was now trying to have NYSIF seek a firm for full-blown and continuing oversight and management of the Investment Compliance Department, essentially outsourcing the work of the department to a private firm.

43. The review approved by NYSIF's Executive Director would likely have cost no more than \$50,000, the cost of the original Duff & Phelps contract it would have updated. The on-going, continuing management sought by Edwards's proposed unilateral procurement would likely cost considerably more every year, and was never seen, let alone approved, by NYSIF's Executive Department, which had the ultimate responsibility for NYSIF's investment compliance.

44. On September 16, Edwards emailed *her* specifications to NYSIF Procurement, insisting that the solicitation with her own new specifications go out "by COB" (close of business). Edwards listed three firms to which the solicitation should be sent, including the Bradford Edwards firm. Once again, Edwards did not send a copy of her email to either NYSIF's Acting Executive Director Woods or to Saren, NYSIF's Investment Compliance Officer.

45. NYSIF Procurement contacted Executive Director Woods to alert her to Edwards' unilateral directive.

46. Later on September 16, Woods directed Edwards to put a hold on the solicitation so Woods could review Edwards' revised and expanded specifications for the project. Woods

also told Edwards that she wanted the solicitation to go out to all eligible MWBE firms, not just to the three firms hand-picked by Edwards.

47. Edwards responded in an email to Woods: “The timeline for solicitation should be imminent. There are a lot of holes in investment compliance that currently exist that I am not comfortable with and should be addressed immediately.”

48. Edwards’ email to Woods continued: “There’s a list of firms (mwbe and non mwbe) that i believe procurement has ready to go. The board preference is mwbe so once the canvas is done for all, I’m hoping we can move on this swiftly as the need is dire, and we can right this ship.”

49. The same day, Woods responded to Edwards: “I am confused over your comments that there are a lot of holes and this is urgent. When we last spoke, I thought we agreed that the only real issue based on the Duff & Phelps review was the [Personal Trading Policy]. What has changed since then?”

50. Woods received a voicemail from Edwards that night saying that nothing had changed but that the review needed to get done.

Concerns About Edwards’ Actions and Saren’s Complaint to JCOPE, The Inspector General and Gov. Hochul

51. Given Edwards’ lack of any role in the oversight of investment compliance, Woods and Saren were concerned that Edwards’ aggressive championing of the Bradford Edwards firm (including lunch at the Odeon and escalating to her introducing the law firm to the Chief Investment Officer, then expanding the scope of the project, and then unilaterally insisting on issuing the procurement immediately and only to the three firms she herself had chosen, including Bradford Edwards) might constitute a use of her position to attempt to

improperly direct work to that firm, or the appearance that she had attempted to do so, in violation of NY Public Officers Law § 74.

52. Consequently, Woods directed Saren to write up and submit their good faith concerns to JCOPE. Following Executive Director Woods's instruction, Saren prepared a timeline and, on September 21, called the JCOPE Director of Investigations, with whom she had previously discussed issues in her capacity as NYSIF's Ethics Officer, to alert her that she would be sending a description of the events of concern. The Director of Investigations told Saren she would review the submission and call Saren the next day.

53. Later that same day (September 21), Saren sent JCOPE a document entitled "NYSIF Concerns for JCOPE." A copy of the email, and its attached "Concerns" document, is attached to this Complaint as Exhibit 1. The JCOPE Director of Investigations did not call Saren the next day as she had promised.

54. On Friday, September 24, three days after Saren sent JCOPE the list of concerns about Edwards's conduct, Governor Hochul's Director of State Operations, Kathryn Garcia, instructed Woods to resign as NYSIF's Acting Executive Director. The only reason given was that her "services [we]re no longer needed."

55. When Saren had not heard back from JCOPE for several days, she emailed the JCOPE Director of Investigations to check the status of her referral. The Director of Investigations responded on Friday, September 24 – the same day that Woods was told to resign – that she would get back to Saren the following week because she had not "been able to consult with the team on this yet."

56. JCOPE's Director of Investigations finally called Saren back on Monday, September 27. With her on the call was JCOPE's General Counsel, Monica Stamm. In her 12

years as NYSIF's Ethics Officer, Saren had had many conversations with JCOPE staff but had never received a call from JCOPE's General Counsel.

57. Stamm advised Saren that since it was not clear to them that Edwards had violated ethics laws, and since Varlack had been a JCOPE Chairperson, JCOPE thought it would be "cleaner" if NYSIF referred its concerns to the New York State Inspector General.

58. On October 3, Edwards emailed Governor Hochul's Senior Advisor Shirley Paul that "NYSIF is in need of an Ethics Officer/Investment Compliance Officer/Chief Compliance Officer. Currently, the same person holds all titles." Claimant Saren, of course, was that "person [who] holds all [of those] titles." Saren had not resigned or otherwise given NYSIF notice of any intention to leave her position.

59. Edwards continued in her email to Ms. Paul that "NYSIF is in need of a well-experienced person in investment compliance matters, and I want to reach out to Chamber to see if you have a few candidates." The "candidates" Edwards sought from Governor Hochul's Chamber were plainly intended to replace Saren, an objectively impeccable state employee who had been at NYSIF for 12 years.

60. The following day (October 4), Edwards forwarded a copy of that email to Julia Kupiec. Kupiec was former Governor Andrew Cuomo's Ethics Counsel and, according to Kupiec's LinkedIn page, was appointed to the same position, full-time Ethics Counsel, by Governor Hochul (<https://www.linkedin.com/in/juliapinoverkupiec/>).

61. Kupiec replied to Edwards, almost immediately, "Tanisha- looping you to Sita [Fey] who is the assistant sec[retary] for appointments. She may have ideas on how to plug this hole for you quickly. So great to catch up as always! JPK". Saren was still employed by NYSIF, so there was no "hole" for Governor Hochul's office to "plug for [Edwards]".

62. On October 5, Saren wrote directly to Kupiec that she was “stunned to read that you are planning to fill my position. First, my position is not vacant, and I have not submitted either a resignation or a request for retirement. Further, my position reports to the Executive Director or his or her deputy (or currently chief of staff), not to the general attorney, and therefore Tanisha Edwards as NYSIF’s general attorney has no authority to fill my position. For the same reason, to the extent that Ms. Edwards would like my position to be vacant ... Ms. Edwards has no authority to terminate my employment.”

63. Saren continued in her October 5 email to Ethics Counsel Kupiec that “Edwards’ effort to dispose of me, despite my superior record, is purely in retaliation for my recently reporting her misconduct to JCOPE. Attached is the chronology I submitted to JCOPE, at the direction of NYSIF’s executive director (I am also NYSIF’s Ethics Officer), showing Ms. Edwards’ efforts to use her position to steer a contract to attorneys – called by her own deputy as ‘not qualified’ – rather than go through the proper procurement process.”

64. Kupiec – who had already referred Edwards to Governor Hochul’s assistant appointments secretary for “ideas on how to plug this hole for you quickly” (“So great to catch up as always!”) – responded to Saren that she had “no plans to do anything with respect to your position, nor would I have that authority in any event.” She recommended to Saren that “if you feel you are being retaliated against or otherwise discriminated against or harassed that you immediately report it to GOER (the Governor’s Office of Employee Relations).”

65. Governor Hochul’s Ethics Counsel Kupiec studiously ignored Saren’s report to her of NYSIF’s ethics concerns about Edwards’ conduct.

66. Friday, October 8, was the effective date of Woods’s resignation as acting executive director. Monday, October 11, was a state holiday and NYSIF was closed.

Retaliatory Firing of Claimant Saren for her Good Faith Complaints

67. At about 10:00 AM on the morning of Tuesday, October 12, shortly after NYSIF reopened from the long weekend, Deputy Executive Director Joseph Mullen called Claimant Saren, identified himself as the new NYSIF Acting Executive Director and told her he had been “directed” to inform her that, effective immediately, her “services [we]re no longer needed.” Mullen also sent Saren a letter to the same effect. Exhibit 2 is a copy of Mullen’s letter.

68. At no time did Mullen or anyone employed by, affiliated with or representing NYSIF tell Saren why her long-tenured employment was abruptly ended. To date, five months later, no one has given Saren any reason for her firing.

69. The New York State Inspector General had resigned in September 2021. On October 13, following JCOPE’s instructions, Saren forwarded NYSIF’s “Concerns” document to the Deputy New York State Inspector General for the Downstate Regional Office, Jessica Silver. In her transmittal email, Saren wrote: “As the former ethics officer at the New York State Insurance Fund (‘NYSIF’), I would like to report to the Inspector General improper and possibly illegal conduct at NYSIF. I tried to report this to JCOPE but JCOPE instructed me that it would be ‘cleaner’ to report it to the IG and declined to act on the filing.”

70. The following day, October 14, Deputy State Inspector General Silver responded, “Thank you for your email. Your email and its attached correspondence will be processed accordingly by our complaint unit.”

71. Five months later, Saren has still not heard a single word from the State Inspector General’s Office since the ethics complaint was “processed accordingly.”

72. In late October, NYSIF retained the services of Jackson Lewis P.C., a nationwide employment law firm, to investigate Saren’s allegations. In order to accommodate its

“investigation”, NYSIF agreed to restore Saren to the payroll but only in an administrative leave capacity.

73. According to Kupiec’s LinkedIn page, Kupiec left the Governor’s office in January 2022.

74. Toward the end of Jackson Lewis’s investigation, in early February 2022, Tanisha Edwards resigned from her nine year appointment as NYSIF’s General Attorney.

75. In mid-February 2022, Jackson Lewis concluded its investigation and reported only that Saren’s complaint was “not corroborated” and “not substantiated,” despite Saren’s knowledge that many witnesses questioned during the investigation supported Saren and attested to her credibility and integrity. Jackson Lewis declined to release any report of the investigation or provide any substantiation for its conclusion.

76. On March 8, 2022, NYSIF offered to reinstate Saren to Associate Counsel but did not offer to reinstate her to her prior position as Agency Ethics Officer, Investment Compliance Officer and Chief Compliance Officer, jobs she held for many years without criticism while reporting to and being considered as a member of NYSIF’s executive team. At the same time, NYSIF informed Saren that her administrative leave would end effective March 11, three days later.

77. Saren is a young sixty-four years old and wishes to keep working at a job in which she took great pleasure, but because of NYSIF’s actions she now finds herself without a job, unlikely to ever obtain reemployment and suffering monetary damages. Before her termination, Saren had intended to work until at least January 6, 2024, at which time she will be 66 years and 6 months old, her “normal retirement age” according to the United States Social Security Administration and the age at which she would first become eligible to receive her full retirement benefit.

CAUSE OF ACTION

(Violation of NY Civil Service Law § 75-b)

78. Claimant Melissa A. Saren repeats and realleges each and every allegation contained in the above paragraphs as if fully set forth herein.

79. New York Civil Service Law § 75-b prohibits retaliatory action by public employers such as NYSIF.

80. New York Civil Service Law § 75-b(2)(a)(ii) prohibits public employers like NYSIF from terminating the employment of a public employee like Claimant Melissa A. Saren because she discloses information she reasonably believes is true and reasonably believes constitutes improper governmental action.

81. New York Civil Service Law § 75-b(2)(a)(ii) defines improper governmental action “as any action by a public employer or employee ..., whether or not such action is within the scope of his employment, and which is in violation of any federal, state or local law, rule or regulation.”

82. Claimant Saren reasonably believed that NYSIF’s General Attorney Tanisha Edwards engaged in improper governmental action while performing her official duties by violating the Code of Ethics Standards as expressly written in New York Public Officers Law §§ 74(d), (f) and (h).

83. Claimant Saren reasonably believed that NYSIF’s General Attorney Tanisha Edwards engaged in improper governmental action by using or attempting to use her official position to secure unwarranted privileges or exemptions for herself or others in violation of New York Public Officers Law § 74(3)(d).

84. Claimant Saren reasonably believed that NYSIF's General Attorney Tanisha Edwards engaged in improper governmental action by engaging in conduct that would give a reasonable basis to believe that any person can improperly influence her or unduly enjoy her favor in the performance of her official duties, or that she is affected by kinship, rank, position or influence of any person in violation of New York Public Officers Law § 74(3)(f).

85. Claimant Saren reasonably believed that NYSIF's General Attorney Tanisha Edwards pursued a course of conduct that would raise suspicion among the public that she is likely to be engaged in acts that are in violation of her trust in violation of New York Public Officers Law § 74(3)(h).

86. Claimant Saren engaged in activity protected by New York Civil Service Law § 75-b when, at the direction of the NYSIF Acting Executive Director, she provided to JCOPE on September 21, 2021, the document "NYSIF Concerns for JCOPE" regarding what she reasonably believed to be the improper governmental actions of NYSIF's General Attorney Tanisha Edwards.

87. Claimant Saren engaged in activity protected by New York Civil Service Law § 75-b when she emailed Governor Hochul's Ethics Counsel, Julia Kupiec, on October 5, 2021, about NYSIF's General Attorney Tanisha Edwards' improper governmental actions attempting to steer lucrative government work to the Bradford Edwards firm and to terminate her employment in retaliation for her good faith complaints.

88. The State of New York, by and through the actions and inactions of NYSIF, Governor Hochul's Ethics Counsel Julia Kupiec, then- NYSIF Acting Executive Director Joseph Mullen and then General Attorney Tanisha Edwards breached Claimant's rights to be free from retaliation in violation of New York Civil Service Law § 75-b when it terminated her

employment on October 12, 2021, because she disclosed and complained about the improper governmental action by NYSIF's General Attorney Tanisha Edwards.

89. New York Public Officers Law § 74(4) provides for penalties such as fines (up to \$10,000 plus the value of the benefit), suspension or removal from office or employment if a state employee knowingly and intentionally violates § 74(3)(d).

90. As a result of Respondent's retaliatory actions, Claimant Saren has suffered lost employment, back pay and front pay damages, lost employment benefits, attorney's fees and interest. Claimant estimates her damages to be \$700,000 exclusive of attorney's fees and interest.

PRAYER FOR RELIEF

WHEREFORE, Claimant Melissa A. Saren prays for relief as follows:

- a. For reinstatement to her position as Agency Ethics Officer, Investment Compliance Officer and Chief Compliance Officer, with full back pay, front pay and lost employment benefits, including full fringe benefits and seniority rights in an amount estimated to be \$700,000; and,
- b. For such other relief as is just and proper including reasonable costs, disbursements, attorney's fees and interest as afforded by the NYCPLR and Civil Service Law § 75-b.

Dated: March 15, 2022
New York, New York

s/Bruce E. Menken

Menken Simpson & Rozger LLP
80 Pine Street, 33rd Fl.
New York, New York 10005

Attorneys for Claimant Melissa A. Saren

VERIFICATION

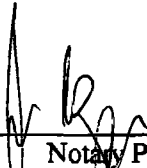
STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

I, Melissa A. Saren, am the Claimant in the above-entitled action. I have read the foregoing Claim and know the contents thereof. The contents are true to my own knowledge except as to matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.



Melissa A. Saren

Sworn to before me on this
day of March 15, 2022.



Notary Public
JASON J. ROZGER
Notary Public, State of New York
No. 02RO6003531
Qualified in Queens County
Commission Expires March 18, 2022