

# EXECUTIVE ORDERS

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## **Executive Order No. 21: Providing for Investigation Into the Deaths of Arlene Tankleff and Seymour Tankleff and Prosecution of Offenses in Connection Therewith.**

TO: THE HONORABLE ANDREW M. CUOMO  
THE ATTORNEY GENERAL OF THE STATE OF NEW YORK  
STATE CAPITOL  
ALBANY, NEW YORK 12224

WHEREAS, Martin Tankleff was convicted in 1990 of murdering his parents, Seymour and Arlene Tankleff; and

WHEREAS, on December 18, 2007, the Appellate Division of the Supreme Court, Second Department, granted Martin Tankleff's motion to vacate the judgments against him, and the sentences imposed thereon, and remitted the matter for a new trial, holding that newly discovered evidence was "of such character as to create a probability that had such evidence been received at the trial the verdict would have been more favorable to the defendant"; and

WHEREAS, the District Attorney of the County of Suffolk, and others, have requested that I exercise my powers under the law to allow a new and independent investigation and prosecution in this matter;

NOW, THEREFORE, I, ELIOT SPITZER, Governor of the State of New York, by virtue of the authority vested in me by article IV, section three of the Constitution of the State of New York, the provisions of subdivisions two and three of section 63 of the Executive Law, and the statutes and law in such case made and provided, do hereby: (a) request that you, the Attorney General of this State, investigate the alleged commission of any indictable offense or offenses in violation of the law relating to the death of Arlene Tankleff in September 1988, or relating to the death of Seymour Tankleff in October 1988, and to prosecute the person or persons believed to have committed the same and any crime or offense arising out of such investigation or both, including but not limited to appearing before and presenting all such matters to a grand jury; and (b) require that you, the Attorney General of this State, attend in person, or by one or more of your assistants or deputies, a term or terms of the Supreme Court to be held in and for the County of Suffolk, for the purpose of managing and conducting in said court the criminal actions entitled:

*People v. Martin Tankleff*, Indictment No. 1290-88,

*People v. Martin Tankleff*, Indictment No. 1535-88,

and any and all inquiries, examinations, and proceedings which may be had or taken by or before any grand jury or grand juries of said court concerning or relating to any and all alleged unlawful acts or omissions by any person arising out of, relating to or in any way connected with the subject matter of such criminal actions, and such other proper actions and proceedings relating thereto as may come before a court, and that you conduct, manage, prosecute and handle all trials at said court of any and all indictments which may be found and which may hereafter be tried, pursuant to or in connection with this

requirement, and in the event of any appeals or other proceedings connected therewith, that you manage, prosecute, conduct and handle the same; and that in person or by your assistants or deputies you, as of the date hereof, supersede and in the place and stead of the District Attorney of the County of Suffolk exercise all the powers and perform all the duties conferred upon you by the statutes and law in such case made and provided and this requirement made hereunder. In such proceedings and actions the District Attorney of the County of Suffolk shall exercise only such powers and perform such duties as are required of him by you or your assistants or deputies so attending. All expenses incurred by the Attorney General pursuant to subdivision two of section 63 of the Executive Law in relation to the investigation and prosecution of the proceedings enumerated herein, including the salary or other compensation of all deputies and assistants employed, shall be a charge upon the County of Suffolk.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this eleventh day of January in the year two thousand eight.

*BY THE GOVERNOR*

/S/ Eliot Spitzer

/s/ Richard S. Baum

*Secretary to the Governor*

## **Executive Order No. 22: Appointing the New York State Commission on Property Tax Relief.**

WHEREAS, high local property taxes impose a tremendous burden on New York taxpayers, including forcing seniors out of their homes, driving our young people out of our state, and discouraging the formation and expansion of businesses; and

WHEREAS, New York's per capita local tax burden is the highest in the nation, and is more than twice the national average; and

WHEREAS, school district property taxes account for 61% of the property taxes paid by New Yorkers outside of New York City, and these taxes have been growing by an average of 7.3% annually; and

WHEREAS, local property taxes have continued to rise, despite last year's historic increase in state education funding and numerous State efforts to relieve the property tax burden; and

WHEREAS, there is a need to uncover the root causes of high property taxes, with particular examination of unfunded mandates on both school districts and municipalities;

WHEREAS, the State's annual investment of \$5 billion to lessen the impact of property taxes through the School Tax Relief (STAR) program has not mitigated the need for school districts to raise taxes over the past few years; and

WHEREAS, consideration must be given to the implementation of a fair and effective cap on school district property taxes while maintaining educational quality; and

NOW, THEREFORE, I, Eliot Spitzer, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and laws of the State of New York, including section six of the Executive Law, do hereby establish the New York State commission on Property Tax Relief, with the following membership, responsibilities and powers:

1. The Commission shall be comprised of the following seven members: Thomas R. Suozzi, who shall be the Chair, Shirley Strum Kenny, Basil A. Paterson, Nicholas J. Pirro, Michael A. Solomon, Merryl H. Tisch, and Paul A. Tokasz.

2. The Commission shall examine and investigate the management and affairs of any and all departments, boards, bureaus or commissions of the State of New York with respect to the issue of local property taxes, including, but not limited to:

(a) the root causes of New York's high property tax burden, including the expenditures of local governments and school districts, unfunded mandates imposed by the State, and other factors driving the growth of local property tax levies;

(b) the impact of increased state financial support and state taxpayer relief and rebate programs on local school district budgets and tax levies;

(c) the extent of public involvement in the development and approval of school and other local government budgets;

(d) the effectiveness of the various state mechanisms to provide property tax relief to different classes of taxpayers;

(e) the effectiveness of property tax caps as a mechanism to control growth in school district tax levies, the experience of other states in implementing such caps, and the potential impact of such caps on educational achievement; and

(f) the most effective approach to imposing a limit on local school property tax growth in New York State without adversely impacting the ability of school districts to provide a quality education to all students.

3. The Commission is hereby empowered to subpoena and enforce the attendance of witnesses, to administer oaths or affirmations and examine witnesses under oath, to require the production of any books, records or papers deemed relevant or material, and to perform any other functions that are necessary or appropriate to fulfill its duties and responsibilities, and I hereby give and grant to the Commissioners all powers and authorities that may be given or granted to persons appointed by me for such purpose under authority of section six of the Executive Law.

4. The Commission shall be assisted by an Executive Director and such other staff as shall be designated by the Governor, including but not limited to staff from the Office of Real Property Services, the Governor's Office of Regulatory Review, the Division of the Budget and the Department of State.

5. A majority of the total members of the Commission shall constitute a quorum, and all recommendations of the Commission shall require approval of a majority of the total members of the Commission. Members of the Commission shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their duties. No member of the Commission shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment by virtue of his or her appointment hereunder.

6. Every agency, department, office, division, public authority or political subdivision of the State shall cooperate with the Commission and furnish such information and assistance as the Commission determines is reasonably necessary to accomplish its purposes.

7. The Commission shall issue a final report no later than December 1, 2008, setting forth its findings and conclusions and making such recommendations as it shall deem necessary and proper. In addition, the Commission shall issue such interim reports as it shall deem necessary, including an interim report no later than May 15, 2008 setting forth the Commission's recommendations with respect to a statutory school property tax cap.

(L.S.)

GIVEN under my hand and the Privy Seal of the State in the City of Albany, this twenty-third day of January in the year two thousand eight.

*BY THE GOVERNOR*

/S/ Eliot Spitzer

/s/ Richard S. Baum

*Secretary to the Governor*