



Co-Chairs

Kathleen Rice
Milton Williams, Jr.
William Fitzpatrick

**Moreland Commission to
Investigate Public Corruption**

Executive Director
Regina Calcaterra
Chief Counsel
Kelly Donovan
Legislative Director
John Amodeo
Chief of Investigations
Danya Perry

July 15, 2013

NYS Board of Elections
c/o James Walsh, Co-Chair
Douglas Kellner, Co-Chair
40 North Pearl Street, Suite 5
Albany, New York 12207

Dear Messrs. Walsh and Kellner:

Please be advised that the Moreland Commission on Public Corruption (“the Commission”) is charged by Gov. Cuomo’s Executive Order 106 (“the Executive Order”) issued on July 2, 2013 with investigating the management and affairs of the State Board of Elections (“the Board”). To that end, this letter directs the Board to preserve all documents relevant to the Commission’s charge as indicated in the enclosed Executive Order. The Board may possess hard copy documents or electronically stored information (ESI) and is obligated to preserve and not discard or otherwise destroy documents relevant to the subject matter of the Commission’s investigation.

Examples of ESI include, but are not limited to:

- E-mail, both sent and received (including attachments, history and usage, and header information)
- Text files (i.e., word processing documents, presentations, drafts- even where those drafts have been superseded by a final version)
- Spreadsheets and database information
- Electronic calendars
- Electronic versions of graphs, charts, and photographs
- Sound recordings
- Images
- Network access information, computer system activity logs, internet usage files, and other data or data compilations stored in any medium from which information can be obtained.

ESI can be found in/on desktop computers, laptop computers, e-mail servers, file servers, PDAs, BlackBerries, cell phones, CDs, DVDs, floppy disks, JAZ disks, zip drives, external USB pocket storage (also known as “thumb drives” or “flash drives”), digital cameras, printers, fax machines, etc.

Special Counsel: Robert Morgenthau; Special Advisors: Joseph D’Amico, Raymond Kelly, Barbara Bartoletti;
Commissioners: Patrick Barrett, Richard Briffault, Daniel Castleman, Derek Champagne, Eric Corngold, Kathleen Hogan, Nancy Hoppock, Seymour James, David Javdan, Robert Johnson, David R. Jones, Lance Liebman, Joanne Mahoney, Gerald Mollen, Makau Mutua, Benito Romano, Frank Sedita III, P. David Soares, Kristy Sprague, Betty Weinberg Ellerin, Peter Zimroth, Thomas P. Zugibe

Hard copy documents or ESI may not be altered, deleted, or otherwise modified. The Board must preserve hard copy documents and ESI in their native (original) format. It is not sufficient to print and save paper copies of ESI. Automatic deletion of e-mail or documents must be disabled.

If you have any questions about compliance with this preservation letter, please contact me by telephone at (212) 416-8058.

Sincerely,

Kelly Donovan 

Kelly Donovan
Chief Counsel

Enclosure

cc: Co-Chairs Kathleen Rice, William Fitzpatrick, Milton Williams, Jr.
Executive Director Regina Calcaterra