

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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BY E-MAIL

October 30, 2015

TO: FOIL/Records Access Officers of the Governor, Temporary Senate President, Assembly Speaker, and Chief Judge:
Mongthu Zago, FOIL Counsel/Records Access Officer/Executive Chamber
Secretary of the Senate Francis Patience
Assembly Records Access Officer Robin Marilla
Shawn Kerby/Records Access Officer/Office of Court Administration

FROM: Elena Sassower, Director/Center for Judicial Accountability, Inc. (CJA)

RE: FOIL/Records Request: Commission on Legislative, Judicial and Executive Compensation

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], Senate Rule XV ["Freedom of Information"], Assembly Rule VIII, ["Public Access to Records"] and §124 of the Chief Administrator's Rules, this is to request all publicly-available records that the Commission on Legislative, Judicial and Executive Compensation was established on June 1, 2015, as required by Part E of Budget Bill #S.4610-A/A.6721-A (Chapter 60 of the Laws of 2015) – and, specifically:

- (1) records establishing who are the three members of the Commission that the Governor was required to appoint and the dates of their appointments, including the Governor's signed/certified appointment letters and any public announcement or press release with respect thereto;
- (2) records establishing who is the one member of the Commission that the Temporary Senate President was required to appoint and the date of the appointment, including the Temporary Senate President's signed/certified appointment letter and any public announcement or press release with respect thereto;
- (3) records establishing that the Assembly Speaker appointed Roman Hedges as the one member he was required to appoint and the date of the appointment, including the Assembly Speaker's signed/certified appointment letter and any public announcement or press release with respect thereto;
- (4) records establishing the date on which the Chief Judge appointed Sheila Birnbaum and Barry Cozier to be the two members of the Commission he was required to appoint – including the Chief Judge's signed appointment letters;

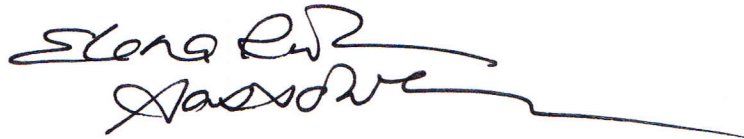
EX 5

- (5) records establishing that the Chief Judge's designation of Sheila Birnbaum as Commission chair is consistent with the statute, namely, that it vests him with the power to designate which of his two appointees "shall serve as chair", rather than vesting it in the seven appointed Commissioners – or all four of the Commission's appointing authorities;
- (6) records establishing that the Commission is operational and has funding, staff, an office, phone number, e-mail, and website for discharging its statutory duties.

For your convenience, a copy of the statute – Part E of Budget Bill #S.4610-A/A.6721-A (Chapter 60 of the Laws of 2015) – is enclosed.

Pursuant to Public Officers Law §89.3, your response is required "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgwatch.org.

Thank you.

A handwritten signature in black ink, appearing to read "Elena", with a long horizontal line extending to the right.

Enclosure

cc: Sheila Birnbaum, Esq.
Barry Cozier, Esq.
Roman Hedges, Ph.D
Committee on Open Government
The Public