

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

*P.O. Box 69, Gedney Station
White Plains, New York 10605-0069*

*Tel. (914) 421-1200
Fax (914) 428-4994*

*E-Mail: judgewatch@aol.com
Web site: judgewatch.org*

Elena Ruth Sassower, Coordinator

BY FAX & MAIL: 518-473-8940 (7 pages)

December 30, 2002

Shelly Brown, Records Access Officer
New York State Comptroller
110 State Street
Albany, New York 12236

RE: (1) FR #02-56: CJA's February 28, 2002 F.O.I.L.
Request;
(2) New CJA F.O.I.L. Request

Dear Ms. Brown:

This responds to your December 19, 2002 letter, advising that "all workpapers" have been destroyed pertaining to the State Comptroller's 1989 audit of the New York State Commission on Judicial Conduct (90-S-23).

Please advise what you mean by "workpapers". As may be seen from CJA's February 28, 2002 F.O.I.L. request, a duplicate of which is enclosed for your convenience, we sought inspection of:

"all publicly-available records relating to the New York State Comptroller's 1989 audit of the New York State Commission on Judicial Conduct, its report on the Commission's "financial records and procedures", the Commission's response thereto, and any subsequent recommendation by the Comptroller to the Governor and Legislature."

Surely you are not contending that the State Comptroller has not preserved its *own* finalized November 15, 1989 report on the NYS Commission on Judicial Conduct, the Commission's response thereto, and any subsequent recommendation by the Comptroller to the Governor and State Legislature – whether as paper documents or converted to microfilm, microfiche, etc.

In that regard, please identify the State Comptroller's records disposition policy applicable to that 1989 report – including whether the State Archives and Records Administration approved the destruction of “all workpapers”.

Additionally, and by way of a new F.O.I.L. request, request is hereby made to inspect any and all documents, in whatever format, pertaining to the State Comptroller's approval of the Commission on Judicial Conduct's 1994 request to the State Archives and Records Administration to destroy, after a five-year retention, the uninvestigated judicial misconduct complaints it had dismissed. For your convenience, enclosed is a copy of the State Archive's February 16, 1994 letter to Robert Campano, Chief of the State Comptroller's Bureau of State Accounting Systems, with the Commission's records disposition request.

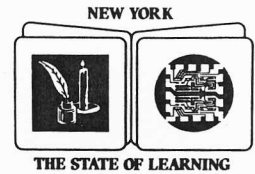
Pursuant to §89.3 of the Public Officers Law, your response is required within *five* business days of receipt of this written request.

Thank you and Happy New Year.

Yours for a quality judiciary,

ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12230

STATE ARCHIVES & RECORDS ADMINISTRATION
STATE GOVERNMENT RECORDS PROGRAMS

(518) 473-2969

Date: February 16, 1994

To: Robert Campano
Chief, Bureau of State Accounting Systems
Office of the State Comptroller
Alfred E. Smith Building
Albany, NY 12236

From: Bureau of Records Analysis and Disposition
State Archives and Records Administration
State Education Department
Cultural Education Center
Albany, NY

By: 

STATE ARCHIVES
& RECORDS ADMINISTRATION
FEB 25 1994

Attached is a Records Disposition Request from

Agency: Commission on Judicial Conduct


Program Unit: Albany, New York and Rochester Offices

Permission is requested to schedule the disposition of 1 Records Series, listed as Agency Nos. 21820.

This request is being forwarded for your consideration, in accordance with Section 57.05 of the Arts and Cultural Affairs Law. Please advise this office within thirty days after receipt of this notice if, in your opinion any records listed and described in the attached request should not be disposed as indicated, stating your reasons in writing.

Please initial below upon receipt and return this sheet to:

Bureau of Records Analysis and Disposition
State Archives and Records Administration
9C71 Cultural Education Center
Albany, NY 12230

Received By: 

Date _____

**STATE EDUCATION DEPARTMENT
STATE ARCHIVES AND RECORDS ADMINISTRATION
RECORDS DISPOSITION REQUEST
REC-3 (12/91)**

INSTRUCTIONS: Complete one form for each program unit. Complete items 1 through 8. Attach REC-4 and REC-5 or equivalents.

Send request to: **Bureau of Records Analysis and Disposition
State Archives and Records Administration
State Education Department
Albany, New York 12230**

← TAB SETTINGS

SECTION A	IDENTIFICATION OF PROGRAM UNIT AND CONTACT PERSONS	
1. AGENCY Commission on Judicial Conduct	2. MAJOR DIVISION	
3. SUBDIVISION	4. PROGRAM UNIT Albany, New York and Rochester Offices	
5. RECORDS OFFICER (name) Diane B. Eckert		(telephone) (518) 474-5617
SECTION B	PROGRAM UNIT MISSION AND FUNCTION	
6. DESCRIBE PROGRAM UNIT MISSION AND FUNCTION To investigate and litigate complaints of judicial misconduct.		
SECTION C	ACTION REQUESTED	
7. AUTHORIZATION IS REQUESTED TO:		
<input checked="" type="checkbox"/> ESTABLISH SCHEDULE		
<input type="checkbox"/> ADD ITEMS TO EXISTING SCHEDULE		
<input type="checkbox"/> REVISE DISPOSITION AUTHORIZATION NUMBERS _____		
<input type="checkbox"/> OTHER (Specify) _____		
8. RECORDS OFFICER		
<u>Diane B. Eckert</u>		<u>1-25-94</u>
<small>SIGNATURE</small>		<small>DATE</small>
SECTION D	SUMMARY OF ACTION TAKEN (SED Use Only)	
SUMMARY OF ACTION TAKEN: <u>Sent out for review 2/16/94.</u>		
STATE ARCHIVES & RECORDS ADMINISTRATION FEB 04 1994		
<u>I issued authorization for agency no 21820 on 4/6/94.</u>		
SECTION E	AUTHORIZING SIGNATURE	
The action in Section B is authorized by the Commissioner of Education pursuant to Sec. 57.05 of the Arts and Cultural Affairs Law.		
By:	<u>[Signature]</u>	<u>3-30-94</u>
	<small>(SIGNATURE) DIRECTOR, STATE ARCHIVES AND RECORDS ADMINISTRATION</small>	<small>DATE</small>

STATE EDUCATION DEPARTMENT
STATE ARCHIVES AND RECORDS ADMINISTRATION
RETENTION AND DISPOSITION SCHEDULE
REC-4 (11/87)

INSTRUCTIONS: Complete one form for each Program Unit. List series title and recommended retention and disposition for all existing record series in the program unit. Fill in Disposition Authorization Number only if approved authorization number should remain in effect. (Computer generated listing in similar format may be substituted for REC-4.)

← TAB SETTINGS

AGENCY Commission on Judicial Conduct		PROGRAM UNIT Albany, New York and Rochester Offices	
AGENCY NUMBER	DISPOSITION AUTHORIZATION NUMBER	SERIES TITLE	
21820	18630	Case File: Dismissed (no investigation)	
		RECOMMENDED RETENTION AND DISPOSITION	
		Retain in originating office for 5 years and then destroy.	
AGENCY NUMBER	DISPOSITION AUTHORIZATION NUMBER	SERIES TITLE	
		RECOMMENDED RETENTION AND DISPOSITION	
AGENCY NUMBER	DISPOSITION AUTHORIZATION NUMBER	SERIES TITLE	
		RECOMMENDED RETENTION AND DISPOSITION	
AGENCY NUMBER	DISPOSITION AUTHORIZATION NUMBER	SERIES TITLE	
		RECOMMENDED RETENTION AND DISPOSITION	
AGENCY NUMBER	DISPOSITION AUTHORIZATION NUMBER	SERIES TITLE	
		RECOMMENDED RETENTION AND DISPOSITION	

STATE EDUCATION DEPARTMENT
 STATE ARCHIVES AND RECORDS ADMINISTRATION
RECORD SERIES DESCRIPTION
 REC-5 (11/87)

AGENCY NUMBER	DISPOSITION AUTHORIZATION NUMBER (LEAVE BLANK)
21820	18630

Instructions: Complete one form for each records series where new records disposition authorization is requested. Computer generated listing in similar format may be substituted for REC-5.

← TAB SETTINGS	
1. AGENCY Commission on Judicial Conduct	2. PROGRAM UNIT
3. RECORD SERIES TITLE Case File: Dismissed (no investigation)	
4. DESCRIPTION OF RECORD SERIES Correspondence and staff recommendation to Commission pertaining to complaints against judges that were dismissed after initial review and never investigated.	
5. BEGINNING DATE 1975	6. ENDING DATE (If series is ongoing, use current) Current
7. VOLUME OF EXISTING RECORDS BY RECORD TYPE	
PAPER RECORDS: 208 CU. FT.	COMPUTER READABLE: 0 ITEMS
MICROFICHE: 0 ITEMS	AUDIO-VISUAL: 0 ITEMS
MICROFILM: 0 ROLLS	OTHER:
8. ESTIMATED ANNUAL GROWTH (Paper Records Only) 14 cubic feet	
9. EVENT THAT CAUSES RECORDS TO BECOME INACTIVE (If any) Case is dismissed by the Commission.	
10. FILES MANAGEMENT ACTION TO SEPARATE INACTIVE RECORDS FROM ACTIVE RECORDS (If any) Dismissed case files are moved from the open case files to dead case files.	
11. PROPOSED RETENTION PERIOD AFTER RECORDS BECOME INACTIVE, TO BE IMPLEMENTED AS FOLLOWS	
<input checked="" type="checkbox"/> RETAIN IN PROGRAM OFFICE SPACE FOR	YEARS MONTHS
<input type="checkbox"/> RETAIN IN AGENCY STORAGE SPACE FOR	5
<input type="checkbox"/> RETAIN IN STATE RECORDS CENTER FOR	
<input type="checkbox"/> REFORMAT (How and When)	
<input type="checkbox"/> OTHER	
12. FINAL DISPOSITION	
<input checked="" type="checkbox"/> DESTROY	<input type="checkbox"/> TRANSFER TO STATE ARCHIVES <input type="checkbox"/> OTHER, SPECIFY
13. REASONS FOR PROPOSED RETENTION AND DISPOSITION For reference purposes.	
14. MODIFICATION TO RETENTION AND DISPOSITION INFORMATION	