



DEPARTMENT OF LAW
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April 13, 2009

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
Post Office Box 3002
Southampton, New York 11969

Re: Freedom of Information Law (FOIL) Request-
White Plains City Court Judge Brian Hansbury, *et al*

Dear Ms. Sassower:

This correspondence is a follow-up to my most recent letter to you dated April 3, 2009, in regard to your recent FOIL request in which you seek a number of documents pertaining to White Plains City Court Judge Brian Hansbury, the White Plains Judicial Screening Committee, and other White Plains City Court Judge candidates.

This Office is in receipt of your payment in the amount of \$8.25 for the thirty-three (33) pages of documents available under FOIL which you have requested. Enclosed please find a copy of the documents, which include the following:

- (1) Judge Hansbury's applications forms from December 1996 and February 2009 with accompanying resumes;
- (2) Written communications to and official proceedings of the White Plains Common Council dated May 13, 2003, June 2, 2003, February 5, 2007 and March 5, 2007 regarding Judge Hansbury's City Court appointments;
- (3) A copy, in blank, of the application form that Judge Hansbury was required to complete as a candidate for City Court Judge;
- (4) A copy of Section 2-1-15 of the City of White Plains Municipal Code governing the Judicial Review Committee, charged with reviewing the qualification of candidates for the position of City Court Judge and making recommendations to the Common Council;

(5) A copy of the current membership roster of the White Plains Judicial Screening Committee; and

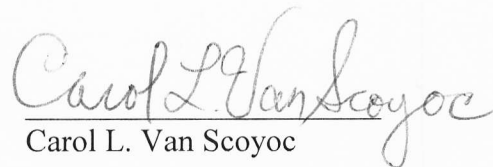
(6) A copy of the public notice published in the New York Law Journal on February 2, 2009, seeking applications for the position of City Court Judge in White Plains.

This Office is not in possession of any documents relating to public notices soliciting information and comment on Judge Hansbury's on-the-job performance as a White Plains City Court Judge. Insofar as your request for publicly-available documents reflecting the number of candidates, excluding Judge Hansbury, who have applied to fill the judicial vacancy, their names and qualifications, there are no such "publicly-available" documents. Section 89(7) of the Public Officers Law does not require the disclosure of the name or home address of an applicant for appointment to public employment. *See e.g.* N.Y. State Comm. Open Govt. AO 11112 (agencies are not required to disclose the names of applicants who were not hired for public employment).

You have a right to appeal my determination to the Corporation Counsel, Edward P. Dunphy, the City of White Plains' designated Records Access Appeals Officer. Mr. Dunphy is located at the following address:

Municipal Office Building
255 Main Street
White Plains, New York 10601

Very truly yours,


Carol L. Van Scoyoc

CLV:mn
Enclosures