

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL

June 10, 2019

TO: FOIL/Records Access Officers:
Executive Chamber Records Access Officer Valerie Lubanko
Secretary of the Senate Alejandra Paulino
Assembly Records Access Officer Robin Marilla
Office of Court Administration Records Access Officer Shawn Kerby

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

RE: FOIL/Records Request:
2019 Commission on Legislative, Judicial and Executive Compensation –
(Chapter 60, Part E, of the Laws of 2015)

Chapter 60, Part E, of the Laws of 2015 established – on June 1, 2019 – a Commission on Legislative, Judicial and Executive Compensation (§2.1).

This is to request¹ all publicly-available records reflecting that the Commission has been fully appointed (§2.1) and is operational – and, specifically:

- (1) records of Governor Andrew Cuomo's appointment of three commissioners – especially letters of appointment and public announcements or press releases with respect thereto;
- (2) records of Temporary Senate President Andrea Stewart-Cousins' appointment of one commissioner – especially a letter of appointment and public announcement or press release with respect thereto;
- (3) records reflecting Assembly Speaker Carl Heastie's appointment of one commissioner – especially a letter of appointment and public announcement or press release with respect thereto;

¹ Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], Senate Rule XIV ["Freedom of Information"], Assembly Rule VIII ["Public Access to Records"], and §124 of the Chief Administrator's Rules.

- (4) records establishing Chief Judge Janet DiFiore's appointment of two commissioners – especially letters of appointment and public announcements or press releases with respect thereto;
- (5) records establishing the interpretation intended by §3.1, *to wit*, whether the Commission's chair is to be designated by the Chief Judge from among her two appointees or whether such designation is to be made by the seven appointed commissioners or by the Commission's four appointing authorities;
- (6) records of the Commission's funding, staffing, office address, phone number, e-mail, and website for discharging its statutory duties.

For your convenience, a copy of Chapter 60, Part E, 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@judgewatch.org.

Thank you.

Enclosure

cc: The Public & Press, on its Behalf

Center for Judicial Accountability, Inc. (CJA)

From: Shawn Kerby <skerby@nycourts.gov>
Sent: Monday, June 10, 2019 9:28 AM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: FW: FOIL/Records Request: 2019 Commission on Legislative, Judicial and Executive Compensation -- Chapter 60, Part E, of the Laws of 2015
Attachments: 6-10-19-foil-leg-jud-exec-compensation-committee.pdf

Dear Ms. Sassower:

We will process the request and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>
Sent: Monday, June 10, 2019 9:22 AM
To: records.access@exec.ny.gov; 'Senate Foil' <foil@nysenate.gov>; 'Robin Marilla' <marillar@nyassembly.gov>; Shawn Kerby <skerby@nycourts.gov>
Subject: FOIL/Records Request: 2019 Commission on Legislative, Judicial and Executive Compensation -- Chapter 60, Part E, of the Laws of 2015

Attached is CJA's above-entitled FOIL/records request of today's date.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewidth.org
914-421-1200

Please be CAREFUL when clicking links or opening attachments from external senders.

Center for Judicial Accountability, Inc. (CJA)

From: Senate Foil <foil@nysenate.gov>
Sent: Monday, June 17, 2019 3:00 PM
To: elena@judgewatch.org
Subject: Fw: FOIL/Records Request: 2019 Commission on Legislative, Judicial and Executive Compensation -- Chapter 60, Part E, of the Laws of 2015
Attachments: Rules and Regulations relating to Public Inspection and Copying of Legislative Records - January 2019_blue.pdf; 6-10-19-foil-leg-jud-exec-compensation-committee.pdf

----- Forwarded by Senate Foil/senate on 06/17/2019 02:58 PM -----

From: Senate Foil/senate
To: mail@judgewatch.org
Date: 06/17/2019 02:55 PM
Subject: Re: FOIL/Records Request: 2019 Commission on Legislative, Judicial and Executive Compensation -- Chapter 60, Part E, of the Laws of 2015

June 17, 2019

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
www.judgewatch.org

Dear Ms. Sassower:

This is to acknowledge receipt of your email dated June 10, 2019 pursuant to the Freedom of Information Law.

You are requesting "all publicly available records reflecting that the Commission has been fully appointed (S2.1) and is operational..." .

Please be advised there are no records that match your request as stated.

I have attached a copy of the Senate's Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records for your information.

Sincerely,

Alejandra N. Paulino, Esq.
Secretary of the Senate

From: "Center for Judicial Accountability, Inc.\(CJA)" <elena@judgewatch.org>
To: <records.access@exec.ny.gov>, "Senate Foil" <foil@nysenate.gov>, "Robin Marilla" <marillar@nyassembly.gov>,



**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

Public Information Office
Robin Marilla
Records Access Officer

Room 202
Legislative Office
Building
Albany, New York 12248
(518) 455-4218

June 17, 2019

Dear Ms. Sassower:

On June 10, 2019, we received your FOIL request for records relating to the 2019 Commission on Legislative, Judicial, and Executive Compensation.

The Assembly maintains no responsive records to your request.

If you have any questions or if I can be of any further assistance, please let me know.

Sincerely,
Robin L. Marilla



June 17, 2019

Via Email: mail@judicialwatch.org

Elena Sassower
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

FOIL Request: #2509

Dear Ms. Sassower:

The Executive Chamber acknowledges receipt of your FOIL request dated June 10, 2019, seeking:

all publicly-available records reflecting that the Commission has been fully appointed (§2.1) and is operational- and, specifically:

- (1) records of Governor Andrew Cuomo's appointment of three commissioners-especially letters of appointment and public announcements or press releases with respect thereto;
- (2) records of Temporary Senate President Andrea Stewart-Cousins' appointment of one commissioner - especially a letter of appointment and public announcement or press release with respect thereto;
- (3) records reflecting Assembly Speaker Carl Heastie's appointment of one commissioner - especially a letter of appointment and public announcement or press release with respect thereto;
- (4) records establishing Chief Judge Janet DiFiore's appointment of two commissioners - especially letters of appointment and public announcements or press releases with respect thereto;
- (5) records establishing the interpretation intended by §3.1, to wit, whether the Commission's chair is to be designated by the Chief Judge from among her two appointees or whether such designation is to be made by the seven appointed commissioners or by the Commission's four appointing authorities;

(6) records of the Commission's funding, staffing, office address, phone number, e-mail, and website for discharging its statutory duties.

We are conducting a search for records that respond to your request and, if applicable, will review them for appropriate exemptions under FOIL. We will provide you with a status update on or before July 16, 2019.

If any documents are located that respond to your request, you will be charged \$.25 per page for photocopies. If the response to your request will be provided in another media, we will notify you of any charges.

Very truly yours,

A handwritten signature in cursive script that reads "Valerie Lubanko".

Valerie Lubanko
FOIL Counsel
Records Access Officer



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

July 16, 2019

Via Email: elena@judgewidth.org
Elena Sassower
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

FOIL Requests: #2509 & #2510

Dear Ms. Sassower:

Please be advised that we require additional time to complete our response to your FOIL requests dated June 10, 2019. We will provide you with a status update on or before August 13, 2019, if we have not completed our response by then.

Thank you for your courtesy in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Valerie Lubanko".

Valerie Lubanko
FOIL Counsel
Records Access Officer



August 13, 2019

Via Email: elena@judgewatch.org

Elena Sassower
Center for Judicial Accountability, Inc.
PO Box 8101
White Plains, NY 10602

FOIL Request: #2509

Dear Elena Sassower:

This letter responds to your correspondence dated June 10, 2019, which pursuant to FOIL, requested:

all publicly-available records reflecting that the Commission has been fully appointed (§2.1) and is operational- and, specifically:

- (1) records of Governor Andrew Cuomo' s appointment of three commissioners-especially letters of appointment and public announcements or press releases with respect thereto;
- (2) records of Temporary Senate President Andrea Stewart-Cousins' appointment of one commissioner - especially a letter of appointment and public announcement or press release with respect thereto;
- (3) records reflecting Assembly Speaker Carl Heastie's appointment of one commissioner - especially a letter of appointment and public announcement or press release with respect thereto;
- (4) records establishing Chief Judge Janet DiFiore's appointment of two commissioners - especially letters of appointment and public announcements or press releases with respect thereto;
- (5) records establishing the interpretation intended by §3.1, to wit, whether the Commission's chair is to be designated by the Chief Judge from among her two appointees or whether such designation is to be made by the seven appointed commissioners or by the Commission's four appointing authorities;

(6) records of the Commission's funding, staffing, office address, phone number, e-mail, and website for discharging its statutory duties.

As of the date of your request, the Governor has not yet appointed any members to the Commission on Legislative, Judicial and Executive Compensation. Accordingly, the New York State Executive Chamber does not have any records responsive to your request.

Please also keep in mind that the Executive Chamber does not possess or maintain records of other State agencies, including the New York State Judiciary, the New York State Assembly and the New York State Senate.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Valerie Lubanko".

Valerie Lubanko
FOIL Counsel
Records Access Officer