

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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November 16, 2017

TO: Division of the Budget Director Robert Mujica
ATT: Records Access Officer Alan Lebowitz

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

RE: Follow-Up/Appeal: May 19, 2017 FOIL/RECORDS REQUEST: Certificates of approval issued by the Director of the Budget, filed with the Comptroller, Senate Finance Committee Chair, & Assembly Ways and Means Committee Chair for:

- (1) State Operations Budget Bill #S.2000-D/A.3000-D;
- (2) Aid to Localities Budget Bill #S.2003-D/A.3003-D;
- (3) Capital Projects Budget Bill #S.2004-D/A.3004-D.

This responds to your November 10, 2017 letter which, after a delay of nearly six months, purports that my May 19, 2017 FOIL request is “overly broad and is not reasonably described as required by Public Officers Law (‘POL’) Section 89(3)(a)” – and gives me only six days to “submit a revised request in writing...that comports with POL Section 89(3)(a)”, as otherwise you will “consider [the] request to be withdrawn”.

Outrageous. There nothing “overly broad” and “not reasonably described” by my May 19, 2017 FOIL/records request, which, as clear as a bell, including by its “RE” clause, seeks production of what §1(d) of enacted State Operations Budget Bill #S.2000-D/A.3000-D; enacted Aid to Localities Budget Bill #S.2003-D/A.3003-D; and enacted Capital Projects Budget Bill #S.2004-D/A.3004-D each expressly require before any appropriated moneys “shall be available for payment”, *to wit*:

“a certificate of approval...issued by the director of the budget, who shall file such certificate with the department of audit and control, the chairperson of the senate finance committee and the chairperson of the assembly ways and committee.”

Indeed, none of the other recipients of the May 19, 2017 FOIL/records request – the Comptroller, the Secretary of the Senate, the Assembly’s Records Access Officer – asserted any difficulty in understanding what was being requested and responding thereto.

Moreover, by a second November 10, 2017 letter, you purported to provide “records responsive” to a comparable request: my September 1, 2016 FOIL/records request for a “certificate of approval” for Aid to Localities Budget Bill #S.6403-d/A.9003-d, not purporting it to be “overly broad” or “not reasonably described” – and notifying me that, with respect to your production, I had “thirty (30) days to submit a written appeal” to the “designated Appeals Officer, Sandra Beattie, at foil@budget.ny.gov”.

Inasmuch as my May 19, 2017 FOIL/records request already “comports” with POL 89(3)(a), there is nothing to revise. Consequently, absent your compliance with same, please deem this my appeal of your bad-faith, bogus determination.

Thank you.

