

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, December 14, 2023 4:49 PM
To: 'NYS Salary Commission'
Subject: **Appeal & Certification for CJA's Oct 10th FOIL (#1) -- &, specifically, its item 4 for records as to why the Commission has a non-governmental .org website & an e-mail that is a g-mail**
Attachments: [Compensation Commission - Oaths of office and appointment letters Redacted.pdf](#)

TO: 2023 Commission on Legislative, Judicial & Executive Compensation

Pursuant to [FOIL](#) – Public Officers Law §89.4(a) – I hereby appeal the below November 15th response to my below October 10th FOIL request -- & specifically, as to item 4, for:

“4. records reflecting why the Commission on Legislative, Judicial and Executive Compensation has a non-governmental **.org** website, *to wit*, www.nyscommissiononcompensation.org, and a non-governmental [gmail.com](mailto:nyscompensation@gmail.com) e-mail address, *to wit*, nyscompensation@gmail.com.”

Your response, which is not by a person identifying him/herself or who purports to be your FOIL records access officer, is that “the Commission has conducted a diligent search of available records and has not located any records responsive to your request”.

If, upon this appeal, further “diligent search” does not locate records responsive to item 4, I request certification pursuant to Public Officers Law §89.3(a), which reads:

“...Upon payment of, or offer to pay, the fee prescribed therefor, the entity...shall certify that it does not have possession of such record or that such record cannot be found after diligent search.”

As I trust a certification will be by a person so-authorized on behalf of the “entity”, I hereby offer to make such payment.

Thank you.

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

From: NYS Salary Commission <nyscompensation@gmail.com>
Sent: Wednesday, November 15, 2023 11:33 AM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: Re: FOIL: Appointments & Oaths of Office of the 7 Commissioners of the Commission on Legislative, Judicial & Executive Compensation, as Required by Public Officers Law §8 & §10, & Website & Other Info

The NYS Commission on Legislative, Judicial & Executive Compensation acknowledges receipt of your FOIL request dated 10/10/23, seeking:

1. the commissions/writings appointing the commissioners and the filings thereof with the Secretary of State, required by [Public Officers Law §8](#);
2. the oaths of office taken by the commissioners – and the filings thereof with the Secretary of State, required by [Public Officers Law 10](#);
3. records of public announcements of the commissioner appointments, including on your websites and by notifications to the press;
4. records reflecting why the Commission on Legislative, Judicial and Executive Compensation has a non-governmental **.org** website, *to wit*, www.nyscommissiononcompensation.org, and a non-governmental [gmail.com](mailto:nyscompensation@gmail.com) e-mail address, *to wit*, nyscompensation@gmail.com.

In response to your first and second request, please see the attached document. Please be advised that portions of the records that respond to your request are redacted pursuant to Public Officers Law § 87(2)(b) because, if disclosed, would “constitute an unwarranted invasion of personal privacy.”

In response to your request for “filings thereof with the Secretary of State,” please be advised that the Commission does not maintain records of other state agencies and you may wish to submit a request to the Secretary of State for such records.

In response to your third and fourth request, the Commission has conducted a diligent search of available records and has not located any records responsive to your request.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may submit such appeal by email to: nyscompensation@gmail.com

On Tue, Oct 10, 2023 at 11:37 AM Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org> wrote:

TO: Governor Hochul, Chief Judge Wilson, Temporary Senate President Stewart-Cousins & Assembly Speaker Heastie -- & Commission on Legislative, Judicial & Executive Compensation

I am unable to find, on your websites, or by google search, any announcements of the appointments of the seven commissioners of the Commission on Legislative, Judicial and Executive Compensation, which, pursuant to budget statute [Part E, Chapter 60 of the Laws of 2015 \(§2.1\)](#), was required to have been established by June 1st.

Pursuant to FOIL (Public Officers Law, Article VI), §124 of the Chief Administrator’s Rules, Senate Rule XIV, and Assembly Rule VIII, this is to request:

1. the commissions/writings appointing the commissioners and the filings thereof with the Secretary of State, required by [Public Officers Law §8](#);
2. the oaths of office taken by the commissioners – and the filings thereof with the Secretary of State, required by [Public Officers Law 10](#);
3. records of public announcements of the commissioner appointments, including on your websites and by notifications to the press;
4. records reflecting why the Commission on Legislative, Judicial and Executive Compensation has a non-governmental **.org** website, *to wit*, www.nyscommissiononcompensation.org, and a non-governmental **gmail.com** e-mail address, *to wit*, nyscompensation@gmail.com.

Pursuant to Public Officers Law §89.3, your responses are required “within five business days” of receipt of this request.

Thank you.

Elena Sassower, Director
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