

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, December 14, 2023 5:42 PM
To: 'NYS Salary Commission'
Subject: Appeal & Certification for CJA's Nov 2nd FOIL (#4) -- Records of the Commission's efforts to retrieve CJA's EVIDENTIARY submissions to the 2011 & 2015 compensation commissions & 2018 compensation committee
Attachments: [11-5-19-evidence-to-be-recovered.pdf](#)

TO: [2023 Commission on Legislative, Judicial & Executive Compensation](#)

Pursuant to [FOIL](#) – Public Officers Law §89.4(a) – I hereby appeal your below November 15th response to my below November 2nd FOIL #4 entitled “Records of the Commission's efforts to retrieve CJA's EVIDENTIARY submissions to the 2011 & 2015 compensation commissions & 2018 compensation committee”.

It purports – and not by any person identifying him/herself or who purports to be your FOIL records access officer, or who notifies me of my right to appeal, within 30 days – “the Commission has conducted a diligent search of available records and has not located any records responsive to your request”.

If, upon this appeal, “diligent search” does not locate responsive records, 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 11:38 AM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Subject: Re: FOIL REQUEST #4: Records of the Commission's efforts to retrieve CJA's EVIDENTIARY submissions to the 2011 & 2015 compensation commissions & 2018 compensation committee

The NYS Commission on Legislative, Judicial & Executive Compensation acknowledges receipt of your FOIL request dated 11/2/23, seeking:

records of the Commission's efforts to retrieve the EVIDENCE handed up to the 2011 and 2015 commissions and 2018 committee when Elena Sassower testified before each.

The Commission has conducted a diligent search of available records and has not located any records responsive to your request.

No records responsive to your request are withheld or redacted pursuant to any provision of FOIL, and your request is now considered closed.

On Thu, Nov 2, 2023 at 8:12 AM Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org> wrote:

TO: 2023 Commission on Legislative, Judicial & Executive Compensation

Following up [my October 12th letter to the Commission](#), this is to request, pursuant to FOIL, records of your efforts, *if any*, to retrieve “the EVIDENCE I handed up to the 2011 and 2015 commissions and 2018 committee when I testified before each” and as to which I furnished the 2019 commission with the above-attached inventory, which it posted on its [webpage of “Submissions on Judicial Compensation”](#) as a supposed “[Addendum](#)” to my “Nov 4” testimony.

Pursuant to Public Officers Law §89.3, your response is required “within five business days” of your receipt of this request. Please e-mail it to me at elena@judgewatch.org.

Thank you.

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