

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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April 2, 2013

TO: Justin C. Levin, Records Access Officer
& FOIL Counsel to Governor Andrew M. Cuomo

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

RE: FOIL REQUEST:

- (1) the Legislature's "General State Charges" for Fiscal Year 2013-2014, with Certifications of Temporary Senate President Skelos & Assembly Speaker Silver;
- (2) Records Pertaining to the Governor's Signing of S.2601-A/A.3001-A, if Signed by Him;
- (3) Video of the Commission on Judicial Compensation's July 20, 2011 Public Hearing in Albany;
- (4) Video, Audio, or Transcript of Commission on Judicial Compensation's July 11, 2011 Public Meeting.

This follows up CJA's March 30, 2013 e-mail entitled "NOTICE TO THE GOVERNOR: Do Not Sign Budget Bill S.2601-A/A-3001-A – Appropriations for the Judiciary & Legislature", a copy of which we sent you.

Attached is another copy of the March 29, 2013 letter to the Governor's Chief of Staff, Josh Vlasto, which that e-mail enclosed, as it is a FOIL request to you for the Legislature's "General State Charges" for fiscal year 2013-2014, including the certifications thereof signed by Temporary Senate President Skelos and Assembly Speaker Silver, which, pursuant to Article VII, §1 of the New York State Constitution, they would have been required to submit to the Governor on or before December 1, 2012.

As we have received no response from Chief of Staff Vlasto or anyone else on the Governor's behalf to our March 29, 2013 letter, we take this opportunity to request copies of all records establishing the date, time and witnesses to the Governor's signing of S.2601-A/A.3001-A, if, in fact, he did sign it, as well as a copy of the Governor's signature and official seal thereon.

* **Center for Judicial Accountability, Inc. (CJA)** is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

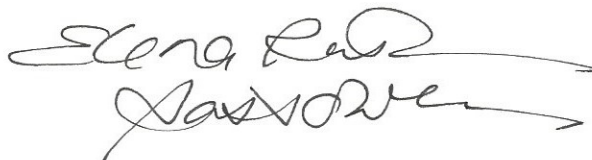
Finally, please be advised that the one and only public hearing of the Special Commission on Judicial Compensation, in Albany on July 20, 2011 – at which I, six other members of the public, and Budget Director Megna all testified in opposition to judicial pay raises – is NOT accessible from the Commission's website, <http://www.judicialcompensation.ny.gov>. Nor has it been accessible since shortly before the Commission issued its August 29, 2011 "Final" Report. [According to the message, "Windows Media Player cannot find the file. If you are trying to play, burn, or sync an item that is in your library, the item might point to a file that has been moved, renamed, or deleted."]

If the Governor's office, through which the Commission on Judicial Compensation operated, is not planning to restore the video of the July 20, 2011 hearing to the Commission's website, where it had been accessible for at least three weeks before being rendered inaccessible, we request to know why – and request a copy so that we may post it on our website, www.judgewatch.org. Indeed, since the summer of 2011, we have had a special webpage devoted to the July 20, 2011 hearing. Here's the direct link: <http://www.judgewatch.org/web-pages/judicial-compensation/7-20-11-commission-hearing.htm>.

Also, kindly confirm, in writing, that there is neither a transcript, video, or audio recording of the Commission's first public meeting, held on July 11, 2011 in New York City – as none of these were ever posted on the Commission's website.

Pursuant to FOIL (Public Officers Law §89.3), your response is required "within five business days" of your receipt of this request. Kindly e-mail it to me at elena@judgewatch.org.

Thank you.

Handwritten signature of Elena Riva in black ink.

Enclosure: March 29, 2013 letter to Chief of Staff Josh Vlasto

cc: Josh Vlasto, Chief of Staff to Governor Cuomo
Mylan Denerstein, Counsel to Governor Cuomo
Robert L. Megna, Budget Director to Governor Cuomo
Katie Sherwin, administrative staff to Governor Cuomo's judicial screening committees
& to the defunct 2011 Commission on Judicial Compensation
Robert Freeman, Executive Director, Committee on Open Government
The Public & The Press

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, April 02, 2013 2:07 PM
To: records.access@exec.ny.gov
Cc: lauren.mccabe@exec.ny.gov; deborah.dickson@exec.ny.gov;
'wendy.merton@exec.ny.gov'; 'budgetdirector@budget.ny.gov';
karen.mattison@budget.ny.gov; 'katie.sherwin@exec.ny.gov';
'robert.freeman@dos.state.ny.us'
Subject: FOIL REQUEST -- CJA's March 29, 2013 letter to Chief of Staff Vlasto, Etc.
Attachments: 4-2-13-foil-letter-governor.pdf

Please forward to Chief of Staff Vlasto & Counsel Denerstein, each indicated recipients of this letter to the Governor's Records Access Officer/FOIL Counsel Justin Levin.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-455-4373