

**From:** StJohn, Keith (ETHICS) <Keith.StJohn@ethics.ny.gov>  
**Sent:** Tuesday, February 4, 2025 4:30 PM  
**To:** elena@judgewidth.org  
**Cc:** ethics.sm.records; dos.sm.Coog.InetCoog; StJohn, Keith (ETHICS)

**Subject: Re: FOIL Appeal: CJA's Nov 15, 2024 FOIL Request: Cumulative Hourly Per Diems Paid -- Including as Supplemented, Retroactively, to April 1, 2024, as Voted by the Commissioners at their Oct 23, 2024 Meeting**

I have received and reviewed your January 21, 2025 Appeal of a December 23, 2024 response from the Records Access Officer for the Commission on Ethics and Lobbying in Government (the "Commission") concerning your FOIL request captioned above. In response to your original FOIL request for "any cumulative tally of the hourly per diems paid **to date** to the Commissioners—including as supplemented, retroactively, to April 1, 2024" (emphasis added), the Commission, by its Records Access Officer, provided you with documents responsive to your November 15, 2024 request, through the period you specified: April 1, 2024—November 15, 2024.

Insofar as your appeal does not challenge the legal sufficiency of the record production afforded you--per your written request--by the Commission's Records Access Officer but, instead, asks for **additional records outside of the period you initially requested**, I determine that your appeal should be dismissed, as the Commission's December 23, 2024 response to you did not constitute a denial of your November 15, 2024 FOIL request. Nor do you assert such a denial in your Appeal. Your remedy for accessing any additional documentation of hourly per diem payments made to members of the Commission, covering a period that extends beyond that of your initial records access request, is to submit a new FOIL request for the additional records you now seek that were not included in your description of records requested in your November 15, 2024 electronic correspondence.

This constitutes my determination of your January 21, 2025 Appeal.

**Keith C. St. John**  
General Counsel

**NYS Commission on Ethics and Lobbying in Government**  
540 Broadway, Albany, New York 12207  
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[keith.stjohn@ethics.ny.gov](mailto:keith.stjohn@ethics.ny.gov)

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, January 21, 2025 9:32 PM  
**To:** ethics.sm.records <[records@ethics.ny.gov](mailto:records@ethics.ny.gov)>  
**Cc:** [aayer@albanylaw.edu](mailto:aayer@albanylaw.edu); [m@michaelcardozo.com](mailto:m@michaelcardozo.com); [sjames@barketepstein.com](mailto:sjames@barketepstein.com);  
[ngroenwegen@gmail.com](mailto:ngroenwegen@gmail.com); [dolly@caramanlaw.com](mailto:dolly@caramanlaw.com); [claudialedwards2@gmail.com](mailto:claudialedwards2@gmail.com)

**Subject: FOIL Appeal: CJA's Nov 15, 2024 FOIL Request: Cumulative Hourly Per Diems Paid -- Including as Supplemented, Retroactively, to April 1, 2024, as Voted by the Commissioners at their Oct 23, 2024 Meeting**

TO: [COELIG FOIL Appeal Officer/COELIG General Counsel Keith St. John](#) –

I hereby appeal from COELIG’s December 23, 2024 response to my November 15, 2024 FOIL request pertaining to *per diems*. COELIG’s response and my FOIL request is below.

As best as I am able to discern from COELIG’s above [attachment](#) and below indicated [link](#), the cumulative amount of the *per diems* for 2022 (\$32,210.81), 2023 (\$216,037.83), and 2024 (\$146,853.90), paid to Commissioners as of November 6, 2024 and embodying the increases in judicial salary that took effect April 1, 2024, is \$395,132.54. Surely, you have some document cumulatively reflecting this – or, by now, reflecting additional payments, if any, to December 31, 2024 – and, if so, consistent with this appeal, I request it.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

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**From:** ethics.sm.records <[records@ethics.ny.gov](mailto:records@ethics.ny.gov)>  
**Sent:** Monday, December 23, 2024 11:47 AM  
**To:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Subject: RE: FOIL Request: Cumulative Hourly Per Diems Paid -- Including as Supplemented, Retroactively, to April 1, 2024, as Voted by the Commissioners at their Oct 23, 2024 Meeting**

Ms. Sassower,

Attached are the documents responsive to your November 15, 2024 for “any cumulative tally of the hourly per diems paid to date to the Commissioners – including as supplemented, retroactively, to April 1, 2024, to reflect the increase in Supreme Court justice salary resulting from the December 4, 2023 Report of the Commission on Legislative, Judicial and Executive Compensation – the subject of Resolution #2024-02, approved by the Commissioners at the October 23, 2024 meeting.”

Another document responsive to your request is available on the Commission's website:  
<https://ethics.ny.gov/attachment-d-november-20-2024-diem-paid-11-6-24>.

Regards,

Records Access Officer  
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**From:** ethics.sm.records

**Sent:** Friday, November 22, 2024 9:55 AM

**To:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Subject: FW: FOIL Request: Cumulative Hourly Per Diems Paid -- Including as Supplemented, Retroactively, to April 1, 2024, as Voted by the Commissioners at their Oct 23, 2024 Meeting**

Ms. Sassower,

The Commission has received your November 15, 2024 request seeking:

**any cumulative tally of the hourly *per diems* paid to date to the Commissioners – including as supplemented, retroactively, to April 1, 2024, to reflect the increase in Supreme Court justice salary resulting from the December 4, 2023 Report of the Commission on Legislative, Judicial and Executive Compensation – the subject of [Resolution #2024-02](#), approved by the Commissioners at the [October 23, 2024 meeting](#).**

The Commission expects to respond to your request on or before December 23, 2024.

Sincerely,

Records Access Officer  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Sent:** Friday, November 15, 2024 4:42 PM

**To:** ethics.sm.records <[records@ethics.ny.gov](mailto:records@ethics.ny.gov)>

**Cc:** [ayer@albanylaw.edu](mailto:ayer@albanylaw.edu); [m@michaelcardozo.com](mailto:m@michaelcardozo.com); [sjames@barketepstein.com](mailto:sjames@barketepstein.com); [ngroenwegen@gmail.com](mailto:ngroenwegen@gmail.com); [dolly@caramanlaw.com](mailto:dolly@caramanlaw.com); [claudialedwards2@gmail.com](mailto:claudialedwards2@gmail.com)

**Subject:** FOIL Request: Cumulative Hourly Per Diems Paid -- Including as Supplemented, Retroactively, to April 1, 2024, as Voted by the Commissioners at their Oct 23, 2024 Meeting

**[TO: Commission on Ethics and Lobbying in Government](#)**

ATT: FOIL Records Access Officer Emily DeSantis

Your [2023 Annual Report](#), released on [June 24, 2024](#), states that among COELIG's "Accomplishments" and "significant milestones" is "Posting Commissioner Per Diem Allowances" (at p. 22). It does not

provide any figures, but instead furnishes a [link to where they are posted on COELIG's "Pressroom" website](#). From the nine entries currently posted, it is impossible to ascertain the cumulative figure either for hourly *per diem* payments made in 2023 or of work done in 2023, for which hourly *per diem* payments were made. These nine entries are: .

<a href="#">"Oct 2023-Mar 2024 Commissioner Per Diems"</a> (Paid-May 22, 2024).....	\$15,976.35
<a href="#">"Oct. 2023 – March 2024 Commissioner Per Diems"</a> (Paid-May 22, 2024).....	\$15,976.61
<a href="#">"Jan – April 2024 Commissioner Per Diems"</a> (Paid-April 10, 2024).....	\$36,240.20
<a href="#">"Nov 2023- March 2024 Commissioner Per Diems"</a> (estimated).....	\$8,371.56
<a href="#">"Oct – Dec 2023 Commissioner Per Diems"</a> (Paid-Dec 20, 2023).....	\$37,895.82
<a href="#">"Sept – Nov 2023 Commissioner Per Diems"</a> (Paid-Nov 2023).....	\$23,612.95
<a href="#">"July – September 2023 Commissioner Per Diems"</a> .....	\$18,340.76
<a href="#">"Apr – June 2023 Commissioner Per Diems"</a> .....	\$45,982.09
<a href="#">"FY 2022-23 Commissioner Per Diems"</a> (Paid-FY 2022-23).....	\$83,946.11

It appears from this tally – and omitting what appears to be a redundant entry (differing by 26 cents) and an estimated entry, that the amount is: \$261,994.54.

Pursuant to FOIL, this is to request any cumulative tally of the hourly *per diems* paid to date to the Commissioners – including as supplemented, retroactively, to April 1, 2024, to reflect the increase in Supreme Court justice salary resulting from the December 4, 2023 Report of the Commission on Legislative, Judicial and Executive Compensation – the subject of [Resolution #2024-02](#), approved by the Commissioners at the [October 23, 2024 meeting](#).

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)