



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

JOHN W. McCONNELL
COUNSEL

December 21, 2016

Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, New York 10602

Via email to: elena@judgewatch.org

Dear Ms. Sassower:

This is in response to your seven Freedom of Information Law ("FOIL") requests dated October 6, October 7, October 13, October 14, October 17, November 1, and November 11, 2016, concerning the Commission on Legislative, Judicial and Executive Compensation ("Commission").

October 6, 2016 request

Attached are screenshots from the UCS Website System reflecting the dates the March, April, and May 2016 hearing notifications were posted on the Commission's website.

Regarding notifications to "journalists and media outlets" for the March, April, and May 2016 hearings, the Commission has no responsive records. Where the Communications Office typically handles communications with the media, enclosed please find copies of the existing responsive publications.

Regarding the request for media/journalist contact information lists prepared and utilized by the Communications Office, please be advised that any such lists are not subject to disclosure for personal privacy reasons. See Public Officers Law §§ 87(2)(b), 89(2)(b)).

October 7, 2016 request

Attached please find copies of the existing responsive records, as well as three separate PDF attachments, concerning communications with “academic institutions and/or scholars.”

Additional responsive records are available at the following links:

http://www.nyscommissiononcompensation.org/pdf/malhotra_testimony.pdf

<http://www.nyscommissiononcompensation.org/pdf/NY%20State%20testimony.pdf>

Please be advised that the email addresses and telephone numbers have been redacted for personal privacy reasons. See Public Officers Law §§ 87(2)(b), 89(2)(b).

October 13, 2016 request

The responsive records regarding the Rochester T.V. survey are available at the following links:

<http://www.nyscommissiononcompensation.org/pdf/Rochester-survey.pdf>

<http://www.nyscommissiononcompensation.org/pdf/PaySurveyCommentsRochester-without-names.pdf>

October 14, 2016 request

Invitation outreach to “legislators and other public officers” was emailed only for the March 23, 2016 hearing (copy enclosed); however, as referenced above and enclosed here are notifications via the website for additional dates.

In addition, the media advisory is available at:

<http://www.nyscommissiononcompensation.org/pdf/salarycommissionadvisorymar152016.pdf>

New York State Assembly and Senate email contact listings are publicly available at the following links:

<http://nyassembly.gov/mem/email/>

http://www.nyssba.org/clientuploads/nyssba_pdf/GR_NYS_Senate12.pdf

Existing records related to the Common Cause and Citizens Union submissions are available at:

http://www.nyscommissiononcompensation.org/pdf/NYS_Legislative_PayRaise.pdf
<http://www.nyscommissiononcompensation.org/pdf/DadeyTestimony.pdf>
http://www.nyscommissiononcompensation.org/pdf/CCNY_OutsideIncome_Dec2015.pdf

We have no responsive records concerning the “outreach to prospective witnesses” or “solicitations of their membership” performed by Common Cause or Citizens Union. You may wish to inquire directly with such organizations.

October 17, 2016 request

Enclosed please find copies of the existing correspondence sent by the Commission. Please be advised that all responses received are available at the following links:

<http://www.nyscommissiononcompensation.org/pdf/Speaker%20Compensation%20Commission%20Letter.pdf>

<http://www.nyscommissiononcompensation.org/pdf/SenatorPeraltaReportToConstituents2016-1.pdf>

[http://www.nyscommissiononcompensation.org/pdf/JRP-LetterToCommissionMembers10-11-2016\).pdf](http://www.nyscommissiononcompensation.org/pdf/JRP-LetterToCommissionMembers10-11-2016).pdf)

<http://www.nyscommissiononcompensation.org/pdf/CommissionersPay-letter101216.pdf>

An unsolicited response from Robert Mujica is available at the following link:
<http://www.nyscommissiononcompensation.org/pdf/Robert-Mujica2016.pdf>

November 1, 2016 request

Please be advised that there is no responsive existing “list of witnesses.” There were two individuals who requested to speak as of October 17, 2016: Roxanne Delgado and yourself.

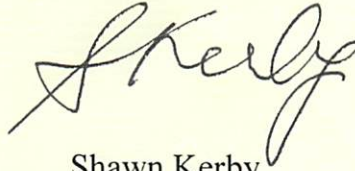
Enclosed please find copies of email records responsive to your remaining requests. Please be advised that the email addresses (other than your own) have been redacted for personal privacy reasons. See Public Officers Law §§ 87(2)(b), 89(2)(b).

November 11, 2016 request

We have no responsive records regarding the Governor's appointment of Robert Megna. You may wish to direct your inquiry to the Governor's Office.

For the 69 pages of records scanned and attached, which does not include the screen shots or the PDF testimony digitally provided here, please remit to me at the above address a check or money order, payable to the Office of Court Administration, in the amount of \$ (69 pages @ \$.25 per page). See Public Officers Law § 87(1)(b)(iii); 22 NYCRR § 124.8.

Very truly yours,

A handwritten signature in black ink, appearing to read 'S. Kerby', with a stylized flourish at the end.

Shawn Kerby
Assistant Deputy Counsel

Shawn Kerby

From: FOIL
To: Center for Judicial Accountability
Subject: FOIL requests
Attachments: 10-6-16-foil-hearings.pdf; 10-7-16-foil-academia.pdf

Dear Ms. Sassower:

Please be advised we will process your FOIL requests and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL

October 6, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL Request: The Commission's Public Hearings

Enclosed is a print-out of the Commission's webpage of its "Hearings on Legislative & Executive Compensation. It lists three – the most recent being a supposed hearing on September 22, 2016. In fact, this was a meeting – and it is so-identified on the Commission's webpage of its "Meetings on Legislative & Executive Compensation", which posts the substantiating notice, video, and transcript. The print-out of this further webpage is also enclosed.

With respect to the other two hearings, on March 10, 2016 in Manhattan and on March 23, 2016 in Albany, the Commission posts a "Notice of Public Hearing and Request for Written Submissions and Testimony" for each.

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], this is to request records establishing:

- (1) the date the Commission posted each of these two notices on its website;
- (2) the manner in which the Commission publicized the March 10, 2016 and March 23, 2016 hearings, apart from posting each notice on its website, specifically including copies of all e-mails to journalists and media outlets alerting them to each hearing and/or copies of records setting forth the names of the journalists and media outlets the Commission contacted to inform them of each hearing.

Curiously, the Commission's webpage of its hearings does not list the Commission's scheduled, but cancelled, April 23, 2016 hearing in Syracuse, which at the Commission's April 25, 2016 meeting, Chair Birnbaum announced had been "canceled because no one had signed up for it" (enclosed p. 2/transcript). Nor does the webpage list the Commission's scheduled, but cancelled, May 25, 2016 hearing in Rochester, as to which the Commission had posted a website notification, now gone, that

Commission on Legislative, Judicial & Executive Compensation
Page Two
October 6, 2016

“The May 25 Rochester public hearing has been cancelled due to the lack of witness testimony” (print-out enclosed).

Pursuant to Public Officers Law, Article VI [Freedom of Information Law: FOIL], this is to request:

- (1) the Commission’s “Notice of Public Hearing for Written Submissions and Testimony”, if any, for the April 23, 2016 Syracuse hearing and for the May 25, 2016 Rochester hearing – and, with respect thereto, records reflecting the date each notice was posted on the Commission’s website, if ever posted;
- (2) records establishing the manner in which the Commission publicized the April 23, 2016 and May 25, 2016 hearings, specifically including copies of all e-mails to journalists and media outlets alerting them to each hearing and/or copies of records setting forth the names of the journalists and media outlets the Commission contacted to inform them of each hearing; and
- (3) records reflecting the date each hearing was cancelled.

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

Thank you.

A handwritten signature in black ink, appearing to read "Elena R. [unclear]". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Enclosures (4)

NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, & EXECUTIVE

Hearings on LEGISLATIVE & EXECUTIVE COMPENSATION

Public Hearing – Sept. 22, 2016

- [Submissions](#)

Public Hearing – March 23, 2016

- [Notice of Public Hearing and Request for Written Submissions and Testimony](#)
- [Submissions](#)
- [List of Witnesses](#)
- [Video of Hearing](#) | [Transcript](#)

Public Hearing – March 10, 2016

- [Notice of Public Hearing and Request For Written Submissions and Testimony](#)
- [Submissions](#)
- [List of Witnesses](#)
- [Video of Hearing](#) | [Transcript](#)

www.nyscommissiononcompensation.org | Web page updated: September 26, 2016

NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, & EXECUTIVE

Meetings on LEGISLATIVE & EXECUTIVE COMPENSATION

Public Meeting – Sept. 22, 2016

- [Notice of Public Meeting](#)
- [Video of September 22 Meeting](#)
- [Transcript of September 22 Meeting](#)

Public Meeting: New York City Bar Association – July 26, 2016

- [Notice of Public Meeting](#)
- [Video of July 26 Meeting](#) (Chrome, Internet Explorer, or Safari browser required)
- [Transcript of July 26 Meeting](#)

Public Meeting: New York City Bar Association – June 28, 2016

- [Notice of Public Meeting](#)
- [Video of June 18 Meeting](#) (Chrome, Internet Explorer, or Safari browser required)
- [Transcript of June 18 Meeting](#)

Public Meeting: New York City Bar Association – April 25, 2016


- [Video of Apr. 25 Meeting](#)
- [Transcript of Apr. 25 Meeting](#)

Public Meeting: New York City Bar Association – February 22, 2016

- [Notice of Public Meeting](#)
- [Video of Feb. 22 Meeting](#)
- [Transcript of Feb. 22 Meeting](#)

April 25, 2016 Public Meeting
Commission on Legislative Judicial
+ Executive Compensation²
Proceedings

1
2 MS. BIRNBAUM: Good morning. This is going
3 to be a meeting of the Commission on Judicial Executive
4 and Legislative Compensation. This is a sort of
5 process procedural meeting to figure out what we have
6 already done and where we are going. All of the
7 commission members are here. Thank you all for your
8 prompt attention and attendance.

9 Just to bring everyone up to speed, we have
10 had hearings in New York and in Albany. We were
11  supposed to have a hearing in Syracuse, which was
12 canceled, because no one had signed up for it.

13 There's some suggestions, from a number of
14 people, that, they wanted us to have a hearing in
15 Rochester. We have been looking for a date for that
16 hearing so that we could get, at least, a substantial
17 number of the commission members there.

18 I think where we are is, we would like to
19 have that hearing in Rochester done by video, if we
20 can, because we think it would make it more efficient
21 and would not cause the taxpayer a lot of money in
22 travel. So, we will be announcing, on our website, a
23 date for the Rochester meeting, probably, in late May
24 or early June by video. And, we invite all of those in
25 Rochester, who would like to testify, to, please, sign
26 up to do so. So, we will post that date.

NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, &

Overview

The New York State Commission on Legislative, Judicial, & Executive Compensation is an independent body tasked with examining, evaluating and making recommendations with respect to compensation for New York State's judges, members of the state legislature, and state officials named in section 169 of the Executive Law. The recommendations take effect unless modified or abrogated by legislation prior to taking effect.

Every four years, beginning June 2015, the Commission is established with seven appointed members – three are designated by the Governor, one by the President Pro Tempore of the New York State Senate, one by the Speaker of the New York State Assembly, and two by the Chief Judge of the New York State Court of Appeals, one of whom serves as chair of the Commission.

Final Report on Judicial Compensation, December 24, 2015

Commissioners

- Sheila Birnbaum, Chair
- Hon. Barry A. Cozier (Ret.)
- Roman B. Hedges
- Mitra Hormozi
- Gary Johnson
- Hon. James J. Lack (Ret.)
- Fran Reiter

Notice of Public Meeting



The May 25 Rochester public hearing has been cancelled due to the lack of witness testimony.

The Commission will hold public meetings in New York City at a location to be announced on June 28, 2016 and July 26, 2016 at 11 a.m.

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
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E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL

October 7, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL Request: The Commission's Solicitations to Academia – & its Responses

Pursuant to Public Officers Law, Article VI [Freedom of Information Law /F.O.I.L.], request is made for:

- (1) all letters/e-mails that the Commission on Legislative, Judicial and Executive Compensation sent to academic institutions and/or scholars soliciting expert opinion on issues of compensation; and, if these were generic form letters/e-mails, all lists and other records showing the names of the academic institutions and scholars to whom they were sent and the dates;
- (2) all written responses received thereto, as well as in response to oral outreach.

The pertinent discussion about this, at the Commission's April 25, 2016 meeting, was as follows:

[transcript: pp. 6- 9]

Commissioner Hedges: ...one of the sets of issues that really is central here, particularly as it relates to the commissioners and their compensation is, we don't really have a proper framework. One of the places that we could go and I would recommend that we go, is to those places where we have experts in this field. The field of executive compensation in the public sector is well studied. All of the schools of public administration, public affairs throughout the country, look at it. We've got some very distinguished schools in the state that do that kind of thing. And, so, my recommendation there would be, let's go to the deans of the prominent schools and ask them either to personally or if not personally perhaps recommend someone on their faculty who is an expert to come and talk to us about what they see those issues as being.

- Chair Birnbaum: ...
Is your thought to invite them to submit written material, invite them to show up at a hearing?
- Commissioner Hedges: I think it would behoove us to reach out to them and find out what they are willing to do. We're asking them for their help, so if written testimony is the way they would like to go, that's perfectly fine. We've certainly allowed that in other situations already. And, if any of them are willing to come and talk to us, that would be great.
I mean, the obvious candidates here are, you know, the dean of the Rockefeller College, in SUNY Albany, the dean at NYU Wagner School, the Dean at Syracuse Maxwell School, the dean of Public Affairs and International Affairs – I think that's the proper grouping – Columbia, the CUNY Graduate Center, Baruch. Those are the places that, in my own background, that, I was familiar with. I'm sure there are others. But, at the very least, those people.
And, what I would like to do is, reach out to them, see if we could persuade them to come talk to us or submit written testimony and be helpful here, because I think the issue set is part of it, I think the actual recommendation is part of it. They may feel more comfortable, as individuals, talking about the issue set and how to recommend sorting through it, than the specific facts. But, either way, they would be helpful and I think it would behoove us to make sure that we have done our best to make them comfortable in coming to talk to us.
- Chair Birnbaum: Roman, we'll draft an invitation letter. All commissioners can review it. And, if you have – anybody, have any other suggestions?
- Commissioner Lack: Yes, I would add on Wagner and the IMR school.
- Commissioner Hedges: I had forgotten about. Yes, absolutely.
- Chair Birnbaum: Okay. We'll do both. We'll give you a list of schools and if you have any additions, let us know and we'll also draft a letter if you have any suggestion.
- Commissioner Hedges: ...And, then, I guess to finish that big picture thought, I'm partly interested in their actual recommendation, but I'm just as interested in them helping us structure our thinking about what recommendation we make. And, particularly, the academics who study this in the public sector, that's something that that they work on very hard and I think that their recommendations and thoughts would be extremely valuable.

Chair Birnbaum: We'll definitely reach out. And, hopefully we can get further information. ...

At the Commission's next meeting, on June 28, 2016, there was further colloquy on the subject:

[transcript: pp. 3-5]

Commissioner Hedges: ...One small point as it relates to largely executive. We have tried to reach out to academics and not been terribly successful. From the correspondence that we've all been receiving, we do have a couple of recommendations for a couple of more academics to try and I understand that we have not yet reached out to try to get ahold of them.

I think it would be useful to make sure that we have at least done that outreach and found out whether they are willing or not. And to my way of thinking, the place where they're going to be most valuable is in how it thinks about the executive compensation.

So, I would like to make sure that we've allowed for time to make that outreach occur and whatever returns we're going to get we get. If we're not going to get any, we can certainly recognize that and move on but I'd like to at least conclude that if we could.

Commissioner Reiter: The only thing I can say is we've done a lot of outreach. We've all been disappointed with the lack of information that's been coming from academia. While there are certainly experts we can still try to reach out to, I don't know that I would allow that to delay our beginning a serious discussion of executive pay....

So, I'm fine with reaching out to the others. We can always allow that to inform final decisions but I certainly think we're at a point now with almost July 1st when it's time to sort of get moving and start to hear from people up here what they think about this and maybe at least put some parameters in place.

Chair Birnbaum: I agree with Fran's approach with this. We'll certainly reach out and see if we can do something on this timetable. Unfortunately, academics, the months of July and August don't go together very well with work but we will and we will tell them that there are short deadlines and see if we can get any more information...

At the Commission's July 26, 2016 meeting, the results were discussed in comment that included:

[transcript: p. 2]

Chair Birnbaum: ...we had asked again at our last meeting to see if we could get certain professors and others who are academics in the field to respond to our inquires and thanks to our staff – and we thank you for following up on that – we did get some responses which have been helpful.

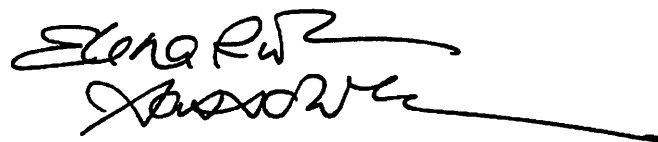
...

Commissioner Hedges: I am really pleased that Mindy was as diligent as anyone could be and rounded up a couple of people who had interesting things to say...

The “couple of people” appears to be literally two: Peverill Squire, Ph.D, from the University of Missouri, and Neil Malhotra, Ph.D., from the Stanford Graduate School of Business, whose written submissions to the Commission, dated July 22, 2016 and July 25, 2016, respectively, were the only ones discussed at the Commission's July 26, 2016 meeting and which then, as now, are the only ones from academia posted on the Commission's webpage of submissions.

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

Thank you.

A handwritten signature in black ink, appearing to read "Elena Ruz", with a long horizontal flourish extending to the right.

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Website: www.judgewatch.org

BY E-MAIL

October 13, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL Request: Rochester TV survey

At the Commission's September 22, 2016 public meeting, Chair Birnbaum stated, as follows:

"This morning I was handed a survey, an unscientific survey, but a survey from the – I'm sorry, I lost the piece of paper, but it's a survey done by one of the TV stations up in Rochester. As you know, we canceled our Rochester meeting because of the fact that we had no one signed up to testify. And they have done a survey of their listeners and they have put together and just given me this morning the results of that survey, which included about 1,500 some-odd people, we will review it. None of the Commissioners have seen this yet, because I just got it this morning. We will put on our website the conclusions, but I don't think it proper, because there are names and e-mail addresses of people, to put the names and e-mail addresses of the people that submitted this to the survey to submit this to the TV station. So I will distribute this to our commissioners and [] they can take that into consideration as well." (transcript, pp. 2-3, underlining added).

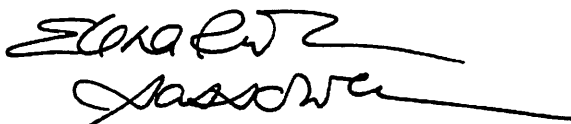
As reflected by the enclosed print-out of the Commission's webpage of submissions pertaining to legislative and executive compensation, the referred-to survey of the Rochester T.V. station has not been posted, redacted to its "conclusions" or otherwise.

Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], this is to request access to the unredacted Rochester T.V. survey. Alternatively, this is to request the redacted survey, presumably containing the full responses of each of the "1,500 some-odd people", but not their e-mail addresses and/or names.

Pursuant to Public Officers Law §89.3, your response is required "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

Enclosure



NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, & EXECUTIVE

Submissions on LEGISLATIVE & EXECUTIVE COMPENSATION

Reference Materials

- [Executive Law § 169](#)
- [Legislative Law § 5-a](#)
- [Legislature - Salaries and Allowances \(Comptroller\)](#)
- [Agency Head Compensation \(Executive Branch\)](#)
- [2016 National Survey – State Legislator Compensation \(National Conference of State Legislatures\)](#)
- [2015 National Survey – State Legislator Compensation \(National Conference of State Legislatures\)](#)
- [2015 Legislative Session Length \(National Conference of State Legislatures\)](#)

Mail/E-mail Submissions

- [Senator Jose Peralta](#)
- [Senator Jose Peralta](#)
- [Carl Heastie, Speaker of the Assembly](#)
- [Ellen Lerner](#)
- [Rochelle Coley](#)
- [Mary Coelho](#)
- [Robert Carroll](#)
- [Christopher Noun](#)
- [Jason Bare](#)
- [Jo Ann Stone](#)
- [Ken Zobel](#)
- Loe99sojo@gmail.com
- [Sharon Pease](#)
- [Lawrence Weir](#)
- [Stephen Richman](#)
- [Michael McQuade](#)
- [Wayne Kuhl](#)
- [Paul Melnik](#)
- [Francis Coleman](#)
- [Stan Tuttle](#)
- [Don Rechlin](#)
- [Ingrid Michael](#)
- [Marilyn Borkhuis](#)
- [Erik Bushart](#)
- [Joan Williamson](#)

- [Carol Duchesne](#)
- [raymondsa@nycap.rr.com](#)
- [James Coll](#)
- [Gary Miller](#)
- [Yuh-Line Niou](#)
- [Ischia Bravo](#)
- [Roland Keller](#)
- [State Senator George Amedore](#)
- [Katie Cucco](#)
- [Jenifer Rajkumar](#)
- [Paul Newell](#)
- [Micah Lasher](#)
- [Jane Stevens](#)
- [Marisol Alcantara](#)
- [Ryan Cronin](#)
- [Jim Gaughran](#)
- [Chris Eachus](#)
- [Adam Haber](#)
- [Jean Hayes](#)
- [Carolyn and Joseph Rynasko](#)
- [Sara Niccoli](#)
- [Richard and Jean Bradt](#)
- [Pat Buczkowski](#)
- [Jerry Moore](#)
- [Sheila Levo](#)
- [Barb Wallis](#)
- [Joan Brooks](#)
- [Barabara Sickler](#)
- [Cyoung10@nycap.rr.com](#)
- [David Bruns](#)
- [Christine DeMaria](#)
- [Samuel Feldman](#)
- [Bruce Pomeroy](#)
- [Dawn Farrar](#)
- [Margaret Moss](#)
- [Jane Slezak](#)
- [Evan A. Davis](#)
- [State Senator Tony Avella](#)
- [Averell Golub](#)

- [Suzanne Fryling](#)
- [Karen Watkins](#)
- [Shelley Lupe](#)
- [Larry](#) (lschwar3@nycap.rr.com)
- [Ron Anzalone](#)

September 22 Submissions

- [Robert Muiica, Director of the Budget](#)
- [Fran Reiter](#)
- [Assemblymember Rodneyse Bichotte](#)
- [Howard Vargas, Executive Counsel to the Speaker](#)

July 26 Submissions

- [Management/Confidential Increases – Governor's Office of Employee Relations](#)
- [Neil Malhotra, Ph.D.](#)
- [Peverill Squire, Ph.D.](#)

March 23 Submissions

- [Adirondack Park Agency](#)
- [NYPIRG](#)
- [Fritz Schwarz - 2015 NYC Quadrennial Commission](#)
- [Fritz Schwarz – Brennan Center – NY State Legislative Process](#)

March 10 Submissions

- [Susan Lerner – Common Cause](#)
- [Citizens Union of the City of New York](#)
- [Common Cause/NY](#)

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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White Plains, New York 10602

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October 14, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL: Your Invitations to Legislators – & the Invitations of Common Cause
& Citizens Union, Including to their Membership

At the Commission's March 10, 2016 hearing in Manhattan, the only two witnesses testifying were Susan Lerner, Executive Director of Common Cause-NY, and Dick Dadey, Executive Director of Citizens Union. Each commented upon the lack of witnesses. Their colloquy with Chair Birnbaum included the following:

Transcript, at p. 14-16

Witness Lerner: And that's, basically, our position on this issue. And we will commit to trying to turn out people for your Albany and your Syracuse hearings. We will also let our [grass-roots] members across the state know that they have the ability to comment through your website and see if we can get them, because they are concerned about these issues; to chime in not only through our organization but directly to you. And I would also urge you – since we will assist with social media as well, but I would also suggest to you that it might be useful to issue actual invitations directly to each legislator to let them know when you're going to be in Albany and to invite them to appear and testify or at least to submit comments. ...

Chair Birnbaum: Thank you so much. I really appreciate the fact that you're going to reach out to your membership and other good government and bad government groups [depending] on your point of view, I guess, to appear at our other hearings or to e-mail us or send us information or factual information. We look forward to reading your comments. But your suggestions are incredibly useful. Thank you for your testimony."

Transcript, at pp. 42-44

Chair Birnbaum: ...As I said, we didn't have a lot of quantity today, but we certainly had quality. And we look forward to reading your written remarks and Ms. Lerner's written remarks. And if you want to drum up business for us in Albany, we[d] appreciate it. ...

Witness Dadey: If I can just -- one thing in terms of notification: being I was in Albany in the last couple of weeks talking to state legislators about the effort to deal with corruption and talking about compensation issues, none of them knew that you were holding public hearings. Everyone I talked to said, Oh, I would love to testify, when is it. And I've actually sent the schedule. So there is a breakdown in communication with the legislature.

Chair Birnbaum: But we'll definitely -- and I think Ms. Lerner made that comment as well. We will invite them to our hearings in Albany and, hopefully, we will get some of them to testify.
...The next hearing of the Commission is going to be in Albany on March 23rd. We will continue to invite people and try to extend the number of people we have testifying. And we are scheduled to have a hearing on April 23rd in Syracuse. So if you can reach out to members, et cetera, we would be appreciative of hearing from them as well."

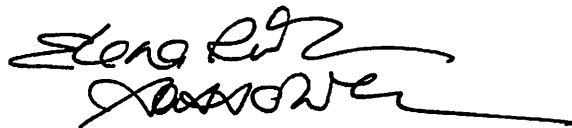
How surprising then that at the Commission's March 23rd hearing in Albany, there were only four witnesses testifying -- Assemblyman William Nojay, Assemblyman Phil Steck, Fritz Schwarz, chair of the New York City Quadrennial Advisory Commission, and Blair Horner, executive director of NYPIRG.

As for the April 23rd hearing in Syracuse, it was "canceled because no one had signed up for it". (April 25, 2016 transcript, p. 2). Similarly, the Commission's subsequently scheduled May 25th hearing in Rochester was "canceled...because...no one signed up to testify" (September 22, 2016 transcript, p. 2).

Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], this is to request:

- (1) all records establishing the Commission's outreach to legislators and other public officers, inviting them to testify at the March 23rd hearing in Albany, the April 23rd hearing in Syracuse -- or, thereafter, at the May 25th hearing in Rochester;
- (2) all records that Common Cause and Citizens Union furnished the Commission reflecting their outreach to prospective witnesses, including through "social media" and by solicitations of their membership.

Thank you.


A handwritten signature in black ink, appearing to read "David R. Lerner", with a stylized flourish at the end.

Enclosures: 2 transcript pages

April 25, 2016 Public Meeting
Commission on Legislative Judicial
*+ Executive Compensation*²

Proceedings

1
2 MS. BIRNBAUM: Good morning. This is going
3 to be a meeting of the Commission on Judicial Executive
4 and Legislative Compensation. This is a sort of
5 process procedural meeting to figure out what we have
6 already done and where we are going. All of the
7 commission members are here. Thank you all for your
8 prompt attention and attendance.

9 Just to bring everyone up to speed, we have
10 had hearings in New York and in Albany. We were
11  supposed to have a hearing in Syracuse, which was
12 canceled, because no one had signed up for it.

13 There's some suggestions, from a number of
14 people, that, they wanted us to have a hearing in
15 Rochester. We have been looking for a date for that
16 hearing so that we could get, at least, a substantial
17 number of the commission members there.

18 I think where we are is, we would like to
19 have that hearing in Rochester done by video, if we
20 can, because we think it would make it more efficient
21 and would not cause the taxpayer a lot of money in
22 travel. So, we will be announcing, on our website, a
23 date for the Rochester meeting, probably, in late May
24 or early June by video. And, we invite all of those in
25 Rochester, who would like to testify, to, please, sign
26 up to do so. So, we will post that date.

September 22, 2016 Public Meeting
Commission on Legislative Judicial
+ Executive Compensation

2

Proceedings

CHAIRWOMAN BIRNBAUM: We're about to bring the meeting to order. This is the September meeting of the Commission on Compensation. We are going to continue today some discussions we had at our last meeting.

I'd just like to make some comments. That is, first, we've had numbers of people sending letters, e-mails, et cetera since our last meeting. All of that information has been useful. It has all been distributed to all of the commissioners. And one in particular I'd like to make reference to, which is on our website, from one of the members of the New York State Assembly that just came in last week, and I hope I don't butcher your name, Rodneyse Bichotte, which was a very interesting take on some of the issues we're talking about. The Commissioners have read that with interest, and there have been a number of other people from the Assembly or the Senate who have contacted us. So we are reviewing all of that material.

This morning I was handed a survey, an unscientific survey, but a survey from the -- I'm sorry, I lost the piece of paper, but it's a survey done by one of the TV stations up in Rochester. As you know, we canceled our Rochester meeting because of the fact that we had no one signed up to testify. And they have done a survey of their listeners and they have put together and just given me this morning the results of that survey, which included about 1,500 some-odd

Shawn Kerby

From: FOIL
Sent: Monday, October 17, 2016 2:34 PM
To: 'Center for Judicial Accountability'
Subject: FOIL requests
Attachments: 10-13-16-foil-rochester-tv-survey.pdf; 10-14-16-foil-invites-to-leg-cc-citizen-union.pdf;
10-17-16-file-post-sept22-requests.pdf

Dear Ms. Sassower:

We are processing these three additional FOIL requests, along with the prior two FOIL requests you directed to the Commission, and we expect to be able to respond to them within 20 business days.

For timeliness in responding and efficiency in processing the FOIL requests, as in the past please continue to direct your FOIL requests to me at the above email address, rather than the Commission.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL

October 17, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL: The Commission's Follow-Up to its September 22, 2016 Public Meeting: Correspondence with Legislative Leaders – and Rank-and-File Legislators, the Attorney General, Comptroller, Budget Director Mujica – and Executive Law §169 Commissioners

At the Commission's September 22, 2016 public meeting, there was discussion about holding a further hearing to allow legislators the opportunity to testify. It concluded with Chair Birnbaum stating, as follows:

“So I think there's a majority of the commission that wants to invite the leaders of the assembly and the senate to respond. I think, as Barry made very clear, the fact that they do or don't will not in the end affect our decision mostly, some people it might. But with that caveat, I think that we have a majority, and we will get out a request as soon as possible and invite them to attend the next meeting if they'd like or to respond in writing.

That sort of reflects the majority? I think it does.” (at p. 29)

Thereafter, the Commission posted on its webpage of submissions relating to legislative and executive compensation, an October 5, 2016 letter from Assembly Speaker Heastie whose first sentence reads:

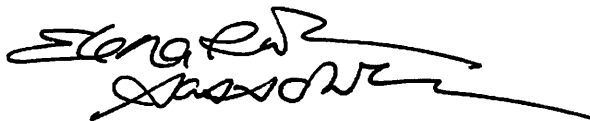
“Please accept this letter as a reply to the request set forth in your letter dated September 26, 2016 for comment on the question of legislative salaries.”

Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], this is to request the Commission's referred-to September 26, 2016 letter to Assembly Speaker Heasti. Also, its letters to other legislative leaders – and documents reflecting their responses, if any.

Additionally, request is made for the Commission's correspondence, if any, to the Legislature's rank-and-file, to the Attorney General, to the Comptroller, as well as to Budget Director Robert Mujica and Executive Law §169 commissioners, inviting their comment and/or testimony – and their responses thereto.

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

Thank you.



Shawn Kerby

From: FOIL
To: Center for Judicial Accountability, Inc. (CJA)
Subject: RE: (6th) FOIL Request: The Commission's "List of Witnesses" for its Oct. 18, 2016 Public Hearing -- & Records Pertaining to its Decision to Cancel the Hearing

Dear Ms. Sassower:

We will process your request and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Tuesday, November 01, 2016 10:38 AM
To: 'NYS Salary Commission' <nyscompensation@gmail.com>
Cc: FOIL <FOIL@nycourts.gov>
Subject: (6th) FOIL Request: The Commission's "List of Witnesses" for its Oct. 18, 2016 Public Hearing -- & Records Pertaining to its Decision to Cancel the Hearing

Attached is the Center for Judicial Accountability's above-entitled FOIL request of today's date.

Thank you.

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

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL

November 1, 2016

TO: Commission on Legislative, Judicial and Executive Compensation

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

RE: FOIL: The Commission's "List of Witnesses" for its October 18, 2016 Public Hearing – & Records Pertaining to its Decision to Cancel the Hearing

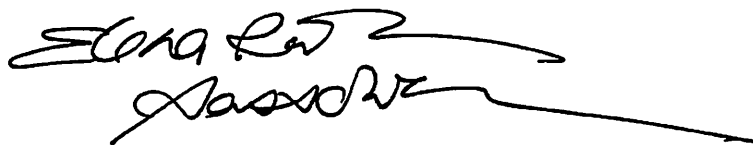
On October 12, 2016, in response to my request to testify at the Commission's October 18, 2016 public hearing that had been scheduled for 1 p.m. in New York City, the Commission sent me an e-mail as to its New York City location – followed by the sentence: "You are on the list of witnesses."

Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], this is to request a copy of that "list of witnesses" and/or the "list of witnesses" as of October 17, 2016, when the Commission cancelled its October 18, 2016 hearing.

Additionally, this is to request a copy of all records pertaining to the Commission's decision to cancel the October 18, 2016 hearing – and, especially, records of Assemblywoman Rodneyse Bichotte's withdrawal of her request to testify, if in fact, she withdrew her request to testify.

Public Officers Law §89.3 requires your response "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

A handwritten signature in black ink, appearing to read "Elena Sassower", with a long horizontal flourish extending to the right.

Shawn Kerby

From: FOIL
To: Center for Judicial Accountability, Inc. (CJA)
Subject: RE: FOIL: Gov. Cuomo's appointment of Robert Megna to the Commission on Legislative, Judicial & Executive Compensation

Dear Ms. Sassower:

We will process your FOIL request and expect to respond within 20 business days.

Very truly yours,
Shawn Kerby
Assistant Deputy Counsel

From: Center for Judicial Accountability, Inc. (CJA) [mailto:elena@judgewatch.org]
Sent: Friday, November 11, 2016 9:55 AM
To: records.access@exec.ny.gov; 'NYS Salary Commission' <nyscompensation@gmail.com>; FOIL <FOIL@nycourts.gov>
Subject: FOIL: Gov. Cuomo's appointment of Robert Megna to the Commission on Legislative, Judicial & Executive Compensation

Attached is the Center for Judicial Accountability's above-entitled FOIL request of today's date.

Thank you.

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

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

BY E-MAIL

November 11, 2016

TO: Governor Andrew M. Cuomo
ATT: FOIL Counsel/Records Access Officer Lauren Grasso
Commission on Legislative, Judicial and Executive Compensation
ATT: Shawn Kerby/Records Access Officer-Unified Court System

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

RE: FOIL: Governor Cuomo's appointment of Robert Megna to the Commission on Legislative, Judicial & Executive Compensation

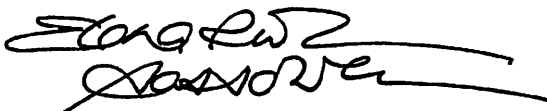
According to the November 9, 2016 Capitol Confidential blog entry "*Pay Commission is postponed again and Megna is poised to join*",¹ Governor Cuomo has appointed his former budget director, Robert Megna, to the Commission on Legislative, Judicial and Executive Compensation, replacing Gary Johnson, who stepped down.

However, such appointment is not reflected on the Commission's website – and I am unable to locate any press release of the appointment on the Governor's website.

Pursuant to Public Officers Law Article VI [Freedom of Information Law (F.O.I.L.)], this is to request a copy of all records reflecting the Governor's appointment of Mr. Megna to the Commission, such as the Governor's signed/certified appointment letter and any public announcement or press release with respect thereto.

Public Officers Law §89.3 requires your response "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.



¹ <http://blog.timesunion.com/capitol/archives/269290/pay-commission-is-postponed-again-and-megna-poised-to-join/>.