

Center for Judicial Accountability, Inc. (CJA)

From: Barrett, Jessica <Jessica.Barrett@albanycountyny.gov>
Sent: Tuesday, August 23, 2016 3:26 PM
To: 'elena@judgewatch.org'
Subject: FW: FOIL REQUEST 16-263
Attachments: 8-8-16-foil-state-aid-counties.pdf; 16-263.pdf

Elena,

The Albany county District Attorney has replied to your request. Attached is a copy of the reply. Thank You.

Jessica Barnett

**SECRETARY TO THE COUNTY CLERK
AND PUBLIC INFORMATION OFFICER.
(518) 487-5110**

From: Barrett, Jessica
Sent: Thursday, August 11, 2016 9:19 AM
To: Rozak, Mary; Neal, Jeff; Kane, Sue; Conners, Michael
Cc: Reilly, David
Subject: FW: FOIL REQUEST 16-263

Attached is a public information request under the Freedom of Information Law (FOIL) for records from your department.

In accordance with FOIL, the County must respond within five working days. This initial response may (1) grant the request, (2) deny the request (with an explanation), or (3) furnish a written acknowledgment of the receipt of such request and stating of the approximate date when such request will be granted or denied, which shall be reasonable under the circumstances. If circumstances prevent disclosure within twenty business days from receipt of a request, you must state, in writing, both the reason for the delay, and, a date certain, within a reasonable period, when the request will be answered.

If you are unable to immediately choose (1) or (2) above, you should respond with a statement as described in (3).

If you decide to grant the request, and if the requested records exist in electronic form, please attach said records to your e-mail reply to my message. Please do not respond directly to the requester, but instead direct your reply to this office. We will follow up this message by telephone if necessary as the deadline nears. Please feel free to contact Jessica Barrett of this office at 487-5110 if there are any questions on this matter, and thank you for your assistance

Jessica Barnett

**SECRETARY TO THE COUNTY CLERK
AND PUBLIC INFORMATION OFFICER.
(518) 487-5110**



P. DAVID SOARES
DISTRICT ATTORNEY

COUNTY OF ALBANY
OFFICE OF THE DISTRICT ATTORNEY
ALBANY COUNTY JUDICIAL CENTER
6 LODGE STREET
ALBANY, NEW YORK 12207
(518) 487-5460 - FAX: (518) 487-5093

DAVID M. ROSSI
CHIEF ASSISTANT DISTRICT ATTORNEY
CHRISTOPHER D. HORN
SPECIAL COUNSEL

August 17, 2016

Hon. Bruce Hidley
Albany County Clerk
Albany County Courthouse
16 Eagle Street, Room 128
Albany, New York 12207

Re: Public Information Request # 16-263

Dear Mr. Hidley:

The requestor, Elena Sassower, seeks (1) Albany County's calculations as to the dollar amount of state aid for the district attorney's salary due to it under the law, (2) the dollar amounts the county received as state aid for the district attorney's salary pursuant to County Law 700.10 and 70.11, (3) the dollar amounts the county received as state aid for the district attorney's salary pursuant to other law, (4) a copy of the comptroller's payment for 2016, and (5) the written request for state aid for 2017.

Said request was forwarded to this Office by the county clerk.

As regard to request (1), if such a document exists, it is not generated by or in the possession of the Albany County District Attorney's Office. The request for that document is therefore denied.

As to requests (2) and (3), that information is publicly available in the county budget. This office does not maintain said budgets. They are available online at <http://www.albanycounty.com/Government/CountyBudget.aspx>.

In response to request (4), attached please find a letter dated July 26, 2016, from DCJS.

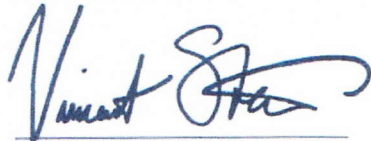
Request (5) is denied because this Office is not in possession of any such record. To the extent that the request seeks a record that has not yet been created, it is denied and the requestor is advised to seek it after its creation (*see Pennington v McMahon*, 234 AD2d 624 [3d Dep't 1996]; *Allen v Strojnowski*, 129 AD2d 700 [2d Dep't 1987]).

Be advised, however, that this Office does not anticipate generating any documents that would be responsive to that request in the future.

If I can be of further assistance, do not hesitate to contact me.

Very truly yours,

P. DAVID SOARES
DISTRICT ATTORNEY

A handwritten signature in black ink, appearing to read "Vincent Stark", written over a horizontal line.

Vincent Stark
Assistant District Attorney



Division of Criminal
Justice Services

ANDREW M. CUOMO
Governor

MICHAEL C. GREEN
Executive Deputy Commissioner

July 26, 2016

Mr. Philip Calderone
Deputy County Executive
Albany County
112 State Street, Room 835
Albany, NY 12207

Re: District Attorney Salary Aid Program Awards

Dear Mr. Calderone:

I am pleased to advise you that Albany County will receive \$78,514 under the District Attorney Salary Aid Program for State Fiscal Year (SFY) 2016-17. Your 2016-17 program award is unchanged from the amount awarded in 2015-16, consistent with the appropriation amounts enacted for this purpose in the state budget. This funding assistance is being provided to help offset salary costs that your county has and will incur for the period April 1, 2016 through March 31, 2017.

To streamline processing and facilitate timely distribution of funds, DCJS' Office of Financial Services will initiate payments directly to your county during the month of September. Should you have any questions regarding the DA Salary Aid Program, please contact Holly Stefaniak, DCJS Finance Office at (518) 485-0916 or Holly.Stefaniak@dcjs.ny.gov.

We are pleased to provide funding assistance to your county and look forward to working with your office throughout this year.

Very truly yours,

Michael C. Green
Executive Deputy Commissioner

cc: David Soares, Albany County District Attorney