

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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October 2, 2019

TO: Records Access Officer – NYS Attorney General Letitia James

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

RE: FOIL REQUEST: “rules and regulations” promulgated by the Attorney General pursuant to Public Officers Law §17(3)(c)

Public Officers Law §17, entitled “Defense and indemnification of state officers and employees”, states as follows at subdivisions (3)(a) and (c):

“3(a) The state shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court, or in the amount of any settlement of a claim, or shall pay such judgment or settlement; provided, that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties; the duty to indemnify and save harmless or pay prescribed by this subdivision shall not arise where the injury or damage resulted from intentional wrongdoing on the part of the employee.

...

(c) Nothing in this subdivision shall authorize the state to indemnify or save harmless an employee with respect to fines or penalties, or money recovered from an employee pursuant to article seven-a of the state finance law; provided, however, that the state shall indemnify and save harmless its employees in the amount of any costs, attorneys’ fees, damages, fines or penalties which may be imposed by reason of an adjudication that an employee, acting within the scope of his public employment or duties, has, without willfulness or intent on his part, violated a prior order, judgment, consent decree or stipulation of settlement entered in any court of this state or of the United States. The attorney general shall promulgate such rules and regulations as are necessary to effectuate the purposes of this subdivision.” (underlining added).

Pursuant to Public Officers Law, Article VI [Freedom of Information Law (FOIL)], request is made for the “rules and regulations” promulgated by the Attorney General pursuant to Public Officers Law §17(3)(c).

Thank you.

