

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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July 23, 2021

TO: Sanford N. Berland, Executive Director
Joint Commission on Public Ethics (JCOPE)

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

RE: FOIL/Records Request — Lawsuits against JCOPE

[On March 1, 2021, I made a FOIL request](#) for:

- “(1) any lists or other records identifying lawsuits against JCOPE, their index numbers, and status;
- (2) records of defense costs for these lawsuits, if defended by independent counsel;
- (3) the pages of JCOPE’s annual reports containing information about lawsuits against JCOPE, other than page 40 of JCOPE’s February 2015 Annual Report with its footnote 10 that ‘currently being litigated in New York State court’ is ‘the meaning’ of Executive Law §94.13(a) relative to the ‘new requirement...that a matter must be presented to JCOPE’s commissioners for a vote within 45 days’.”

[JCOPE’s response, on March 8, 2021](#), stated:

“The Commission is not subject to the Freedom of Information Law (FOIL). In accordance with Executive Law §94(19) and the Commission’s [regulations](#) for accessing publicly-available records, there are no publicly-available records at this time conforming to your request. Therefore, your request for records is denied.”

Yet, [on October 21, 2015, I made a somewhat comparable FOIL request](#) for:

“any lists or other records identifying lawsuits against JCOPE, their index numbers, and the status – and access to such lawsuit papers as are in JCOPE’s possession for purposes of inspection and copying.”

To this, [JCOPE’s October 28, 2015 response](#) had likewise cited to Executive Law §94(19) and its regulations, but, nonetheless, had supplied the requested information as to lawsuits against JCOPE, stating:

“With regard to your request for information about litigation, two lawsuits have been initiated against the Commission since its inception in 2011. One is the case referred to in your request. The other was filed in Supreme Court in Albany County by Maureen Koetz. The index number is 456-15. To the extent that you want additional information about these lawsuits, you may obtain them from the courts with which they were filed.”

The case to which my October 21, 2015 FOIL request referred, annexing the February 11, 2015 decision therein, was *Trump v. JCOPE* (Albany Co. #4134-14).

Please advise whether, consistent with JCOPE’s October 28, 2015 FOIL response, you will at least comparably answer my March 1, 2021 FOIL request – and, if not, the reason for the distinction.

For your convenience, my above two FOIL requests and JCOPE’s two FOIL responses have been hyperlinked. They are additionally posted on a dedicated webpage for CJA’s FOIL requests to JCOPE & LEC, here: <http://www.judgewatch.org/web-pages/searching-nys/jcope/foil-requests-to-jcope-lec.htm>. That is where this FOIL request is also posted.

Thank you.