



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN
ATTORNEY GENERAL

MICHAEL JERRY
ASSISTANT ATTORNEY GENERAL
RECORDS ACCESS OFFICER

January 11, 2017

via e-mail: elena@judgewatch.org

Ms. Elena Sassower
Center for Judicial Accountability, Inc.
P.O. Box 8101
White Plains, NY 10602

RE: Freedom of Information Law (FOIL) Request # 160856

Dear Ms. Sassower:

This letter responds to your correspondence dated December 5, 2016, which, pursuant to FOIL, requested the following:

“[P]ublic 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

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shall promulgate such rules and regulations as are necessary to effectuate the purposes of this subdivision.'

Request is made for the 'rules and regulations' promulgated by the Attorney General pursuant to Public Officers Law §17(3)(c).

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

Please be advised that the Office of the Attorney General has conducted a diligent search and has located no records that respond to your request.

Accordingly, your FOIL request is closed.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jerry", with a long, sweeping flourish extending to the right.

Michael Jerry
Assistant Attorney General