

From: Senate Foil <foil@nysenate.gov>
Sent: Monday, July 11, 2022 3:57 PM
To: Center for Judicial Accountability, Inc. (CJA)
Subject: **Re: FOIL/records request -- Your nominations to the Commission on Ethics & Lobbying in Government, whose operations are to begin tomorrow, July 8, 2022**
Attachments: [Rules and Regulations relating to Public Inspection and Copying of Legislative Records - January 2019 blue.pdf](#)

Ms. Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc.
www.judgewatch.org

Dear Ms. Sassower:

This is to acknowledge receipt of your email dated July 8th, 2022 pursuant to the Freedom of Information Law.

You are requesting, “(1) your formal nominations – and the dates they were made;
(2) where the nominations are “prominently posted” on your websites;
(3) the links on your websites for public comment about your “proposed nominee(s)” – and when you “published” their names;
(4) your “media advisor(ies)” – and the list of “media” to whom you sent the “advisories”, or where they are posted on your website ...”

Please be advised after a search, there are no documents/records responsive to your request (or match your request).

I have attached a copy of the Senate’s Rules and Regulations Relating to the Public Inspection and Copying of Legislative Records for your information.

Sincerely,

Alejandra N. Paulino, Esq.
Secretary of the Senate

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, July 7, 2022 2:18 PM
To: records.access@exec.ny.gov <records.access@exec.ny.gov>; Senate Foil <foil@nysenate.gov>;

marillar@nyassembly.gov <marillar@nyassembly.gov>; kleinft@nyassembly.gov
<kleinft@nyassembly.gov>; FOIL@osc.ny.gov <FOIL@osc.ny.gov>

Subject: FOIL/records request -- Your nominations to the Commission on Ethics & Lobbying in Government, whose operations are to begin tomorrow, July 8, 2022

“selection members” of the “ethics commission reform act of 2022”

Governor Kathy Hochul
Temporary Senate President Andrea Stewart-Cousins
Senate Minority Leader Robert Ort
Assembly Speaker Carl Heastie
Assembly Minority Leader William Barclay
Attorney General Letitia James
Comptroller DiNapoli

Pursuant to [Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the “ethics commission reform act of 2022”](#), you are the “selection members” whose nominations of the 11 members of the Commission on Ethics and Lobbying in Government are supposed to be vetted by the 15 law school deans comprising the “independent review committee”. The Governor has three nominations, the Temporary Senate President and Assembly Speaker each have two nominations, and the Senate and Assembly Minority Leaders, the Attorney General and Comptroller each have one nomination.

In pertinent part, the [procedures](#) promulgated by the “independent review committee”, which it [publicly announced on June 15th](#) and posted on its [website](#) state:

"•Prior to any nomination being sent to the IRC, the Selection Members shall publish the name(s) of the individual(s) they intend to nominate at least seven business days before making such formal nomination. This information shall, at a minimum, be prominently posted on the Selection Member’s website, provide a link by which the public may offer comments on the proposed nominee, and also be transmitted via a media advisory. At the time of publication, such information also shall be e-mailed directly to the IRC Chair.

• When making a formal nomination, each Selection Member shall provide to the IRC: the name(s) and contact information of those nominated to serve on the Commission, the background investigation findings reported to them by the State Police and OGS for each nominee, any written comments received by mail or electronically in support of or in opposition to the nomination, along with any written materials a nominee may have submitted to the Selection Members, including but not limited to a complete resume or curriculum vitae, and any written statements regarding a nominee’s qualifications from a Selection Member." (bold added).

The Commission on Ethics and Lobbying in Government is supposed to begin its operations tomorrow, July 8, 2022 – which is the 90th day after [Part QQ](#) became “a law”.

Have none of you yet formally nominated members to the Commission? I see nothing about your nominations on ANY of your websites, let alone “prominently posted” – and no “link by

which the public may offer comments” on your “proposed nominee(s)”, whose names you were required to “publish” “at least seven days before making such formal nomination(s)”.

As for the [“independent review committee” website](#), I see no information posted about any announced nominees, or links to your websites pertaining thereto and to your media advisories.

Pursuant to FOIL (Public Officers Law Article VI), Senate Rule XIV (“Freedom of Information”), and Assembly Rule VIII (“Public Access to Records”), please furnish ALL publicly available records pertaining to:

- (1) your formal nominations – and the dates they were made;
- (2) where the nominations are “prominently posted” on your websites;
- (3) the links on your websites for public comment about your “proposed nominee(s)” – and when you “published” their names;
- (4) your “media advisor(ies)” – and the list of “media” to whom you sent the “advisories”, or where they are posted on your websites.

Thank you.

Elena Sassower, Director
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