

From: elena@judgewatch.org
Sent: Saturday, February 28, 2026 9:43 PM
To: 'Records.Access@exec.ny.gov'

Subject: **FOIL Appeal: CJA's Feb 4, 2026 FOIL Request -- Salary Increases Pursuant to the November 14, 2024 Report of the Commission on Legislative, Judicial & Executive Compensation -- R001900-020526**

TO: [Executive Chamber FOIL Appeals Officer Bella Satra](#)

Pursuant to Public Officers Law §89(4)(a), I hereby appeal the below February 9, 2026 response to my here-linked [February 4, 2026 FOIL request](#), misstated as “dated February 05, 2026”.

The response – which does not identify the person who rendered it, as, for instance, [Executive Chamber FOIL Counsel/Records Access Officer Christopher Ritchey](#) – is both disingenuous and nonresponsive, stating: “It has long been established that FOIL does not require responses to specific questions but instead governs release of government records”.

As is obvious from my FOIL request, I did not request “responses to specific questions”. Rather, I requested “records as to” – and the response does not state that the Executive Chamber “does not have possession” of the requested records or that such records “cannot be found after diligent search”.

Needless to say, if that is the case for the “records” requested, I am entitled to a certification of same pursuant to [Public Officers Law §89.3\(a\)](#).

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
www.judgewatch.org
914-421-1200
elena@judgewatch.org

From: NYS Executive Chamber Records Access Office <governorny@govqa.us>
Sent: Monday, February 9, 2026 11:11 AM
To: elena@judgewatch.org
Subject: FOIL Records Request :: R001900-020526

--- Please respond above this line ---



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

RE: FOIL Records Request of February 05, 2026., Reference # R001900-020526.

Dear Elena Sassower,

This letter responds to your request dated February 05, 2026, which pursuant to FOIL, requested:

The November 14, 2024 Report of the Commission on Legislative, Judicial and Executive Compensation (at pp. 11-13) recommended, effective January 1, 2025, salary increases for “Executive Law §169 Commissioners”, with a chart indicating the number as 52, which is plainly incorrect, as it does not include the numbers of members of commissions and boards within the ambit of Executive Law §169. Calculating them, the number appears to be 85, assuming that the chart (at p. 13) “2024 Compensation Commission Proposal -- Executive Law §169 Positions” is not, by its use of the word “Positions” expanding the number to give subordinate personnel, such as deputy commissioners, the benefit of salary increases. Pursuant to FOIL (Public Information Law Article VI), this is to request records as to: (1) the number of positions/persons covered by the chart – and receiving increases, effective January 1, 2025; (2) the cost of the salary increases for these positions/persons; (3) the cost of the concomitant salary-based “other compensation and non-salary benefits” for these positions/persons.

It has long been established that FOIL does not require responses to specific questions, but instead governs release of government records. See Public Officers Law § 89(3)(a) (indicating that an agency is not required to create a record in response to a request). “There is nothing in the Freedom of Information Law or the Open Meetings Law that requires that government officers or employees respond to questions, supply information in response to questions or offer explanations for their governmental activities. New York State Committee On Open Government Advisory Opinion 16632a (June 18, 2007).

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224; or by email at Records.Access@exec.ny.gov.

Sincerely,

New York State Executive Chamber Records Access Office

To monitor the progress or update this request please log into the [Records Access Center](#)

