

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, September 3, 2020 1:38 PM
To: 'FOIL@suny.edu'
Cc: 'Trustees'; 'Morrison, Pamela'
Subject: FOIL pertaining to the SUNY Board of Trustees: (1) written guidelines/procedures for appointing new chancellor; (2) compliance with Public Officers Law §104 "public notice" -- Aug 17th, 18th, 21st meetings
Attachments: 8-14-20-confirmation-of-receipt.pdf

TO: SUNY System Administration – Records Access Officer Winnie Yu

Following a voice mail message I left at your indicated phone number, 518-320-1311, at 11:30 a.m. today, I am submitting – NOW directly to you – the FOIL request I had made by the below August 14th e-mail to the SUNY Board of Trustees. Board Coordinator Pamela Morrison had assured me, when I spoke with her on August 14th, before sending the e-mail, that its contained FOIL request would be appropriately routed and, additionally, that she would notify me of the e-mail's distribution to the trustees. That, of course, was before she knew their content. Subsequent to my sending the August 14th e-mail at 4:48 p.m., the only thing I received was an August 14th e-mail from Ms. Morrison at 6:15 p.m., acknowledging receipt. A pdf is above-attached.

The FOIL request, contained within the first section of my August 14th e-mail, is for "written guidelines and procedures...regulating how the Board of Trustees appoints the SUNY chancellor – including whether a specific salary is offered to the candidates – or whether the candidates compete as to the salary they would accept."

Additionally, I hereby initiate a further FOIL request, to wit, for records establishing that the Board of Trustees' meetings on August 17th and August 18th were "publicly noticed", as Chair Merryl Tisch announced at the outset of each of those meetings – and establishing that the Board's August 21st meeting was "publicly called and noticed", as Chair Tisch announced at the outset of that meeting. This would consist of records establishing compliance with Public Officers Law §104 entitled "Public notice" and, specifically, subsections 2, 4, 5, and 6. Most importantly:

- (1) records reflecting when each "public notice" was "electronically transmitted...to the news media" and "conspicuously posted in one or more designated public locations at a reasonable time prior [to the meeting]";
- (2) records reflecting which "news media" and which "designated public locations", including copies of the "electronic...transmit[als]" to them;
- (3) copies of each transmitted/posted "public notice"; and
- (4) records reflecting when and where each "public notice" was "conspicuously posted" on the SUNY Board of Trustees' website – and/or SUNY's website.

Pursuant to FOIL (Public Officers Law §89.3(a)), your response is required "within five business days". To assist you, I am also sending this e-mail to the Board of Trustees, both to its generic e-mail address and to the e-mail address of Board Coordinator Morrison.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)

www.judgewatch.org

914-421-1200

elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Monday, August 17, 2020 8:14 AM

To: 'Trustees' <Trustees@suny.edu>; 'Morrison, Pamela' <Pamela.Morrison@suny.edu>

Subject: (1) FOIL: SUNY's "confidential search" for a new chancellor; (2) NOTICE: "leading candidate" James Malatras is corrupt; (3) QUESTIONS: SUNY scholarship & teaching of the NYS Constitution, as written & applied; (4) SCHOLARSHIP: primary-source evidence

TO: SUNY BOARD OF TRUSTEES

I have corrected typographical errors and made mostly non-substantive clarifying changes to my below August 14, 2020 e-mail. Apologies for any inconvenience.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)

www.judgewatch.org

914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Friday, August 14, 2020 4:48 PM

To: 'trustees@suny.edu' <trustees@suny.edu>; 'pamela.morrison@suny.edu' <pamela.morrison@suny.edu>

Subject: (1) FOIL: SUNY's "confidential search" for a new chancellor; (2) NOTICE: "leading candidate" James Malatras is corrupt; (3) QUESTIONS: SUNY scholarship & teaching of the NYS Constitution, as written & applied; (4) SCHOLARSHIP: primary-source evidence

TO: SUNY BOARD OF TRUSTEES

RE: (1) FOIL: SUNY's "confidential search" for a new chancellor;
(2) NOTICE: "leading candidate" James Malatras is corrupt;
(3) QUESTIONS: SUNY scholarship & teaching of the NYS Constitution, *as written & applied*;
(4) SCHOLARSHIP: primary-source evidence

According to an [August 10, 2020 article in the New York Post](#), a member of the SUNY Board of Trustees who "requested anonymity" stated that James Malatras, a "top advisor to Gov. Andrew Cuomo", is "the leading candidate" to become SUNY chancellor in "the confidential search to replace former Chancellor Kristina Johnson".

Apparently, the so-called "confidential search" is so confidential that [SUNY's website](#) posts no information about it. The most I was able to find were two news releases from the Board of Trustees: a [June 2, 2020 news release](#) announcing Chancellor Johnson's departure pending appointment by the Board of Trustees of "an interim leadership structure", followed by a [June 29, 2020 news release](#) that the Board of Trustees had appointed "SUNY's Interim Leadership Team...led by Robert Megna, Senior Vice Chancellor and Chief Operating Officer, and Tod Laursen, Senior Vice Chancellor and Provost". Elsewhere on the SUNY website, I found a webpage entitled "[Building on SUNY's Legacy](#)" as to "The Search for SUNY's Future Leaders", stating: