

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Director

BY FAX: 518-426-6890 (4 pages)
BY E-MAIL: FOIL@senate.state.ny.us

February 28, 2013

New York State Senate
State Capitol
Albany, New York

ATT: Francis W. Patience, Secretary of the Senate

RE: Did You Respond to CJA's December 11, 2012 Letter?
(1) Senate Violation of its Rule VIII, §4(d) & Rule XV, §1(a):
Annual Reports of the Senate's 33 Standing Committees
(2) FOIL Request:
Senate Finance Committee Annual Reports: 2012-2009
Senate Judiciary Committee Annual Report: 2010

Dear Mr. Patience:

Enclosed is my December 11, 2012 letter to you, to which I received no response. Did you respond?

I note that what was formerly Senate Rule VII, entitled "Standing Committees", is now Senate Rule VIII and its §4(d) identically reads:

"Each standing committee is required to file with the secretary of the senate an annual report, detailing its legislative and oversight activities. Such report shall be posted to the Senate web site."

Likewise, what was formerly Senate Rule XIV, entitled "Freedom of Information", is now Senate Rule XV. Its §1(a) identically states:

"Publication of records relating to Senate legislative and administrative records. Recognizing that legislative records available by request under the 'freedom of information law' are of important public interest, the Senate shall make available

through a searchable and sortable database on the Senate website: records of committees, agendas, votes, minutes, reports, attendance, fiscal notes, and records of the chamber including, active lists, votes, transcripts, calendars, the Senate payroll report and expenditure reports.”

Please advise where I may find the annual reports for the Senate Finance Committee, as I am unable to locate them on the Senate’s website. For starters, I would like to see the annual reports from 2012, going back to 2009.

As for the Senate Judiciary Committee’s annual reports, I was able to locate the annual report for 2012 and, thereafter, the annual report for 2009. I do not see the Senate Judiciary Committee’s 2011 annual report as having been posted – and, indeed, your December 10, 2012 letter enclosed a pdf, rather than a link to the Senate website. Please advise whether it is posted and, additionally, furnish me with either a link to, or pdf of, the Judiciary Committee’s 2010 annual report.

As you know, FOIL requires your response “within five business days” of your receipt of this request (Public Officers Law §89.3). I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)

Enclosure

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December 11, 2012

New York State Senate
State Capitol
Albany, New York

ATT: Francis W. Patience, Secretary of the Senate

RE: CJA's December 3, 2012 letter:
“(1) Senate Violation of its Rule VII, §4(d) & Rule XIV, §1(a):
Annual Reports of the Senate's 33 Standing Committees
(2) FOIL Request: Senate Judiciary Committee Annual Reports”

Dear Mr. Patience:

This responds to your December 10th letter, which does NOT answer our four questions pertaining to Senate compliance with its Rule VII, §4(d) and Rule XIV, §1(a) – the subject of most of our December 3rd letter.

Specifically, as to the Senate's 33 standing committees, our December 3rd letter asked –

- (1) where are the annual reports for the 33 standing committees posted on the Senate's website?
- (2) if the Senate's website has not posted the annual reports of its 33 standing committees, why not?
- (3) have each of the 33 standing committees filed an annual report with you for 2011?;
- (4) what is the date by which the 33 standing committees are required to file their annual reports with you for 2012?

We are still awaiting your reply.

Likewise, you have NOT answered the FOIL request that appears at the end of our December 3rd letter. It asked what annual reports the Senate has for its Judiciary Committee, other than for 2009.

If – as your December 10th letter implies – the only annual reports the Senate has for its Judiciary Committee are for 2009 and 2011, please advise how many years back you have looked.

Thank you.

Yours for a quality judiciary,

A handwritten signature in black ink, appearing to read "Elena Ruth Sassower", with a stylized flourish at the end.

ELENA RUTH SASSOWER, Director
Center for Judicial Accountability, Inc. (CJA)