

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Tuesday, February 4, 2025 8:20 AM  
**To:** 'Dorothy Powell'  
**Cc:** 'Senate Foil'; 'coog@dos.ny.gov'  
**Subject:** **CJA's Jan 30, 2025 FOIL APPEAL -- CJA's Jan 21, 2025 FOIL Request: "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3"**

**Attachments:** [1-21-25-foil-suny-cuny-sed.pdf](#);  
[1-28-25-senate-response.pdf](#);  
[1-29-25-appeal-senate.pdf](#);  
[2-3-25-from-senate.pdf](#)

**TO: Senate Majority Counsel Dorothy Powell**

This responds to your frivolous, time-delaying February 3<sup>rd</sup> denial of my January 30<sup>th</sup> appeal on grounds that “a copy of the denial and a copy of all other communications between the parties relating to the request” was not “attached” and your false assertion that my “appeal does not specify why [I] claim the underlying denial was erroneous”.

First, my appeal furnished you with the ORIGINAL January 28<sup>th</sup> denial and the ORIGINAL other communications – ALL on the e-mail chain beneath the appeal. Above are the requested “attached” “copies”, including of your February 3<sup>rd</sup> denial. The ORIGINALS are on the e-mail chain below.

Second, my appeal specified its grounds, as follows:

“The basis of the appeal is that if the Senate ‘does not have possession of such record(s) or that such record(s) cannot be found after diligent search’ – neither of which Secretary of the Senate Paulino states – I am entitled to a certification thereof (Public Officers Law §89.3(a) – and, additionally, to specification as to which Senate Rule would exempt the requested records from disclosure (Public Officers Law §87.2).”

I trust that review of my appeal can now proceed.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

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**From:** Dorothy Powell <[dpowell@nysenate.gov](mailto:dpowell@nysenate.gov)>  
**Sent:** Monday, February 3, 2025 5:21 PM

**To:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Cc:** Senate Foil <[foil@nysenate.gov](mailto:foil@nysenate.gov)>

**Subject: Re: FOIL APPEAL -- CJA's Jan 21, 2025 FOIL Request: "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3"**

Ms. Sassower:

Pursuant to § 9 of the Senate's Rules and Regulations Relating to Public Inspection and Copying of Legislative Records, an appeal of a denial "shall have attached to it a copy of the request, a copy of the denial and a copy of all other communications between the parties relating to the request. The appeal shall separately state each ground upon which it is claimed the denial was erroneous[.]"

Your appeal is incomplete, as I have yet to receive a copy of the denial and a copy of any communications between the parties regarding your request. Further, your appeal does not specify why you claim the underlying denial was erroneous.

Review of your appeal cannot begin until the above items are received.

Regards,

Dorothy F. Powell  
Counsel to the Majority  
New York State Senate Democratic Conference  
518-455-2711  
[dpowell@nysenate.gov](mailto:dpowell@nysenate.gov)

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Thursday, January 30, 2025 2:58 PM  
**To:** Foil Appeal <[foilappeal@nysenate.gov](mailto:foilappeal@nysenate.gov)>  
**Cc:** Senate Foil <[foil@nysenate.gov](mailto:foil@nysenate.gov)>; [coog@dos.ny.gov](mailto:coog@dos.ny.gov) <[coog@dos.ny.gov](mailto:coog@dos.ny.gov)>

**Subject: FOIL APPEAL -- CJA's Jan 21, 2025 FOIL Request: "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3"**

**TO: Senate FOIL Appeals Officer/Senate Majority Counsel**

I suggest the Senate's "[Rules and Regulations Relating to the Public Inspection and Copying of Records](#)" be revised to include your e-mail address for FOIL appeals – and the e-mail address for FOIL requests to the Senate, also not included.

Below is my FOIL appeal, with the above attached.

Thank you.

Elena Sassower  
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**From:** Senate Foil <[foil@nysenate.gov](mailto:foil@nysenate.gov)>  
**Sent:** Thursday, January 30, 2025 9:12 AM  
**To:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>; Senate Foil <[foil@nysenate.gov](mailto:foil@nysenate.gov)>  
**Cc:** Foil Appeal <[foilappeal@nysenate.gov](mailto:foilappeal@nysenate.gov)>

**Subject: Re: FOIL APPEAL -- CJA's Jan 21, 2025 FOIL Request: "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3"**

Ms. Sassower,

Appeals must be directed to Counsel to the Majority, at the email address [Foilappeal@nysenate.gov](mailto:Foilappeal@nysenate.gov). For your convenience, I have cc'd Counsel here.

Thank you,

*Senate Foil-JJ*  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Wednesday, January 29, 2025 10:54 AM  
**To:** Senate Foil <[foil@nysenate.gov](mailto:foil@nysenate.gov)>  
**Cc:** [coog@dos.ny.gov](mailto:coog@dos.ny.gov) <[coog@dos.ny.gov](mailto:coog@dos.ny.gov)>

**Subject: FOIL APPEAL -- CJA's Jan 21, 2025 FOIL Request: "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3"**

**TO: Senate FOIL Appeals Officer/Senate Majority Counsel**

Pursuant to §9 of the Senate's "[Rules and Regulations Relating to the Public Inspection and Copying of Records](#)", I hereby appeal from the below January 28, 2025 e-mail of Senate FOIL Officer/Secretary of the Senate Alejandra Paulino, ESQ., denying my [January 21, 2025 FOIL request](#) for "The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3" by purporting that the requested records "if the records even exist, are not subject to disclosure pursuant to Senate Rules".

The basis of the appeal is that if the Senate "does not have possession of such record(s) or that such record(s) cannot be found after diligent search" – neither of which Secretary of the Senate Paulino states – I am entitled to a certification thereof (Public Officers Law §89.3(a) – and, additionally, to specification as to which Senate Rule would exempt the requested records from disclosure (Public Officers Law §87.2).

Tellingly, Secretary of the Senate Paulino's e-mail does not inform me of my right of appeal, as is required by §7 of the Senate's "Rules and Regulations Relating to the Public Inspection and Copying of Records".

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

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**From:** Senate Foil <[foil@nyenate.gov](mailto:foil@nyenate.gov)>  
**Sent:** Tuesday, January 28, 2025 9:00 AM  
**To:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Subject: Re: FOIL Request: The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3**

Dear Ms. Sassower,

This is to acknowledge your request dated January 21, 2025, pursuant to the Freedom of Information Law. You are requesting ....."(1) records as to the number of salary plans SUNY, CUNY, and the Board of Regents respectively filed pursuant to Executive Law §169; (2) the first two salary plans of each; (3) the two most recent salary plans of each; (4) the salary plan, for each, that is chronologically between the first and most recent".

Please be advised the records you request, if the records even exist, are not subject to disclosure pursuant to Senate Rules.

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  
Secretary of the Senate

Senate Foil-BSR

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

**Sent:** Tuesday, January 21, 2025 9:18 AM

**To:** Senate Foil <[foil@nysenate.gov](mailto:foil@nysenate.gov)>; 'Fern Whyland' <[whylandfm@nyassembly.gov](mailto:whylandfm@nyassembly.gov)>

**Subject: FOIL Request: The Salary Plans of SUNY, CUNY, & the Board of Regents Pursuant to Executive Law §169.3**

**TO: Senate Records Access Officer/Secretary of the Senate Alejandra Paulino, Esq.  
Assembly Records Access Officer Fern Whyland**

Above-attached is CJA's above-entitled FOIL request of today's date, already sent to the Division of the Budget, *via* its electronic portal and assigned number R000004-012125.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)