

From: StJohn, Keith (ETHICS) <Keith.StJohn@ethics.ny.gov>
Sent: Monday, February 24, 2025 5:04 PM
To: elena@judgewidth.org
Cc: ethics.sm.records; dos.sm.Coog.InetCoog; StJohn, Keith (ETHICS)

Subject: **RE: FOIL APPEAL: CJA's Nov. 15, 2024 FOIL Request "COELIG's 2023 Annual Report -- & its Chart of 'matters incepted...in 2023"**

Attachments: [2023 chart2.pdf](#)

In response to your appeal of February 8, 2025, I am forwarding you a corrected chart of “matters incepted ... in 2023” that now includes information mistakenly omitted from the chart the Commission sent you by electronic mail on January 10, 2025, in response to your original November 15, 2024 FOIL request. For entries marked “N/A,” please note that the information requested is exempt from public access because either:

1. The Commission cannot confirm or deny the existence of an investigation: whether an investigation exists is deemed confidential under Executive Law § 94(11)(b). Thus, any record relating to an investigation is exempt from disclosure pursuant to Public Officers Law § 87(2)(a); or
2. The material sought is specifically exempted from disclosure by statute. Executive Law § 94(10)(m) prohibits the release of information of the kind you seek, as when “the Commission determines a complaint or referral lacks specific and credible evidence of a violation of the laws under its jurisdiction, or a matter is closed due to the allegations being unsubstantiated prior to a vote by the [C]ommission, such records and all related material shall be exempt from public disclosure under [A]rticle [S]ix of the [P]ublic [O]fficers [L]aw.”

In summary, the Freedom of Information Law provides that documents “specifically exempted from disclosure by state or federal statute” are not subject to its disclosure requirements. (See, Public Officers Law § 87(2)(a).)

I trust this clarification addresses the omissions in the initial chart the Commission’s Records Access Officer provided you that you noted in your appeal. To the extent any information has been withheld from public inspection and copying by the Commission in its response to your request, I determine that the Commission acted and continues to act appropriately and in accordance with the protections afforded under Section 87 of the Public Officers Law.

Keith C. St. John
General Counsel

NYS Commission on Ethics and Lobbying in Government
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From: StJohn, Keith (ETHICS)
Sent: Wednesday, February 12, 2025 10:19 AM
To: dos.sm.Coog.InetCoog <dosCOOG@dos.ny.gov>
Cc: ethics.sm.records <records@ethics.ny.gov>; StJohn, Keith (ETHICS) <Keith.StJohn@ethics.ny.gov>

Subject: FW: FOIL APPEAL: CJA's Nov. 15, 2024 FOIL Request "COELIG's 2023 Annual Report -- & its Chart of 'matters incepted...in 2023"

In accordance with the provisions of Public Officers Law § 89(4)(a), please find an appeal, received from Elena Sassower of the Center for Judicial Accountability, of the response made by the Commission on Ethics and Lobbying in Government, dated January 10, 2025, to a FOIL records request made by Ms. Sassower.

Keith C. St. John
General Counsel

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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Saturday, February 8, 2025 2:12 AM
To: ethics.sm.records <records@ethics.ny.gov>
Cc: dos.sm.Coog.InetCoog <dosCOOG@dos.ny.gov>

Subject: FOIL APPEAL: CJA's Nov. 15, 2024 FOIL Request "COELIG's 2023 Annual Report -- & its Chart of 'matters incepted...in 2023"

TO: COELIG APPEALS OFFICER – Presumably General Counsel Keith St. John

I hereby appeal from COELIG's below [January 10, 2025 FOIL response](#), with the above-attached [chart](#), to my [November 15, 2024 FOIL request](#) entitled "COELIG's 2023 Annual Report – & its Chart of 'matters incepted...in 2023".

The basis of the appeal is that the attached chart is not responsive, at all, to five of my six records requests – and as to the one it is responsive, request #3, it is incomplete and peculiar.

If, by the failure to address requests #1, #2, #4, #5, and #6, COELIG is implicitly denying me access to records I am seeking, I hereby appeal that denial, for which no explanation is given. If, on the other hand, COELIG is implying that it "does not have possession" of the requested records or that such records

“cannot be found after diligent search”, I request a certification of same pursuant to [Public Officers Law §89.3\(a\)](#).

As to your chart responding to request #3 for records reflecting “information pertaining to the missing 106 entries, *to wit*, ‘Reference ID’, ‘Agency’, ‘Law’, ‘Nature of Allegation’, ‘Status’, and ‘Closed Date’”, the new chart you have furnished:

- (1) peculiarly leaves blank the “Agency” field for the following “Reference ID” numbers: 23-003, 23-009, 23-020, 23-028, 23-034, 23-035, 23-036, 23-038, 23-039, 23-053, 23-064, 23-065, 23-066, 23-068, 23-069, 23-084, 23-096, 23-097, 23-098, 23-115, 23-116, 23-119, 23-122, 23-123, 23-125, 23-128, 23-133, 23-136, 23-137, 23-146, 23-148, 23-150;
- (2) peculiarly removes the “Agency” field for the following “Reference ID” numbers which had been identified in the chart from COELIG’s 2023 Annual Report: 23-008, 23-016, 23-025, 23-031, 23-040, 23-100, 23-106, 23-107, 23-108, 23-109, 23-113, 23-118;
- (3) peculiarly removes the designation “N/A” in the “Agency” field for the following “Reference ID” numbers that had appeared in the chart from COELIG’s 2023 Annual Report, leaving the field blank: 23-037, 23-049, 23-061, 23-062, 23-070, 23-072, 23-073, 23-076, 23-082, 23-088, 23-094, 23-103, 23-105;
- (4) changes the designation of the “Agency” field that had appeared in the chart from COELIG’s 2023 Annual Report for the following “Reference ID” numbers: 23-029 (changed to JCOPE from COELIG); 23-030 (changed to JCOPE from COELIG); 23-086 (changed to JCOPE from COELIG);
- (5) skips “Reference ID” number 23-017.

I am entitled to rectification of these deficiencies or clarification/certification with respect thereto.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: ethics.sm.records <records@ethics.ny.gov>
Sent: Friday, January 10, 2025 2:11 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Subject: Your Nov. 15, 2024 FOIL Request

Ms. Sassower,

Attached are the records responsive to your November 15, 2024 FOIL request for:

- “(1) why the last entry on the chart is #23-118, not #23-156 – representing another 38 entries;
- (2) why the above 68 numbers are missing from the chart;
- (3) the information pertaining to the missing 106 entries, to wit, “Reference ID”, “Agency”, “Law”, “Nature of Allegation”, “Status”, and “Closed Date”;
- (4) which of the “156 tips, complaints, referrals, and reports” were the 11 “elevated” by “15-day letters”;
- (5) why the chart does not identify which numbers are “tips”, which numbers are “complaints”, which numbers are “referrals”, and which numbers are “reports”;
- (6) what is the difference between “referrals” and “reports”.”

You have 30 days to appeal this response. You may send your appeal to:

Appeals Officer
540 Broadway
Albany, NY 12207
records@ethics.ny.gov

Sincerely,

Records Access Officer