

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Tuesday, November 7, 2023 11:45 AM  
**To:** 'brendan.hughes@dos.ny.gov'  
**Cc:** 'kristy.mccann@dos.ny.gov'; 'NYS Salary Commission'

**Subject:** **Supervisory Oversight Required -- FOIL: Commissions & Oaths of Office of the 7 Commissioners of the Commission on Legislative, Judicial & Executive Compensation, as Required by Public Officers Law §8 & §10 -- & Website Info**

**TO: Executive Deputy Secretary of State Brendan Hughes**

Your supervisory oversight is required with respect to my below October 19, 2023 FOIL request to Assistant Records Access Officer McCann. As I received no response to it, I telephoned Ms. McCann a short time ago (518-486-9844). She stated that my FOIL request needed to be filed *via* the Department of State's FOIL web portal, notwithstanding she did not so-advise me on October 19<sup>th</sup> when I spoke with her – or at any point thereafter. Indeed, that such is NOT required for a FOIL request is evident from [your FOIL webpage](#) indicating that a written FOIL request may be mailed, faxed, or submitted in person.

Ms. McCann stated that you were not presently available, but that you would call me. I replied that I assumed your e-mail address followed the formula of her e-mail address and that I would meantime forward you my October 19<sup>th</sup> FOIL request, with a cc to her. This, I now do – further noting that the Department of State's website is unchanged from what I pointed out in the last sentence of my October 19<sup>th</sup> e-mail.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Thursday, October 19, 2023 12:11 PM  
**To:** 'kristy.mccann@dos.ny.gov' <[kristy.mccann@dos.ny.gov](mailto:kristy.mccann@dos.ny.gov)>  
**Cc:** 'NYS Salary Commission' <[nyscompensation@gmail.com](mailto:nyscompensation@gmail.com)>

**Subject:** **FOIL: Commissions & Oaths of Office of the 7 Commissioners of the Commission on Legislative, Judicial & Executive Compensation, as Required by Public Officers Law §8 & §10 -- & Website Info**

**TO: New York Department of State Assistant Records Access Officer Kristy McCann**

Following up our brief phone conversation this morning, below is my October 10, 2023 FOIL request to the Governor, Chief Judge, Temporary Senate President, and Assembly Speaker seeking, by #1, and #2,

the commissions and oaths of office for the seven commissioners of the Commission on Legislative, Judicial and Executive Compensation required to have been filed with the Department of State pursuant to [Public Officers Law §8](#) and [Public Officers Law §10](#).

Pursuant to FOIL, request is hereby made to you for the required filings and, additionally, with respect to #4, for “records reflecting why the Commission on Legislative, Judicial and Executive Compensation has a non-governmental .org website, to wit, [www.nyscommissiononcompensation.org](http://www.nyscommissiononcompensation.org), and a non-governmental gmail.com e-mail address, to wit, [nyscompensation@gmail.com](mailto:nyscompensation@gmail.com).”

Kindly respond “within five business days” of receipt of this request, as Public Officers Law §89.3 requires.

Also, as discussed, here’s the Department of State’s contact page -- <https://dos.ny.gov/form/contact-us> -- which, surprisingly, does not include a phone number (518-486-9844) or e-mail address for the Department of State’s FOIL. The [FOIL link](#) at the bottom of the contact webpage also contains no e-mail address and buries the phone number. As I mentioned, I obtained your phone number from the Committee on Open Government, listed on the contact webpage.

Thank you.

Elena Sassower, Director  
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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, October 10, 2023 11:37 AM  
**To:** 'records.access@exec.ny.gov' <[records.access@exec.ny.gov](mailto:records.access@exec.ny.gov)>; 'foil@nycourts.gov' <[foil@nycourts.gov](mailto:foil@nycourts.gov)>; 'foil@nysenate.gov' <[foil@nysenate.gov](mailto:foil@nysenate.gov)>; 'publicinfo@nyassembly.gov' <[publicinfo@nyassembly.gov](mailto:publicinfo@nyassembly.gov)>; 'nyscompensation@gmail.com' <[nyscompensation@gmail.com](mailto:nyscompensation@gmail.com)>

**Subject: FOIL: Appointments & Oaths of Office of the 7 Commissioners of the Commission on Legislative, Judicial & Executive Compensation, as Required by Public Officers Law §8 & §10, & Website & Other Info**

**TO: Governor Hochul, Chief Judge Wilson, Temporary Senate President Stewart-Cousins & Assembly Speaker Heastie -- & Commission on Legislative, Judicial & Executive Compensation**

I am unable to find, on your websites, or by google search, any announcements of the appointments of the seven commissioners of the Commission on Legislative, Judicial and Executive Compensation, which, pursuant to budget statute [Part E, Chapter 60 of the Laws of 2015 \(§2.1\)](#), was required to have been established by June 1st.

Pursuant to FOIL (Public Officers Law, Article VI), §124 of the Chief Administrator’s Rules, Senate Rule XIV, and Assembly Rule VIII, this is to request:

- (1) the commissions/writings appointing the commissioners and the filings thereof with the Secretary of State, required by [Public Officers Law §8](#);
- (2) the oaths of office taken by the commissioners – and the filings thereof with the Secretary of State, required by [Public Officers Law 10](#);
- (3) records of public announcements of the commissioner appointments, including on your websites and by notifications to the press;
- (4) records reflecting why the Commission on Legislative, Judicial and Executive Compensation has a non-governmental **.org** website, *to wit*, [www.nyscommissiononcompensation.org](http://www.nyscommissiononcompensation.org), and a non-governmental **gmail.com** e-mail address, *to wit*, [nyscompensation@gmail.com](mailto:nyscompensation@gmail.com).

Pursuant to Public Officers Law §89.3, your responses are required “within five business days” of receipt of this request.

Thank you.

Elena Sassower, Director  
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