



# NEW YORK STATE COMMISSION ON LEGISLATIVE, JUDICIAL, & EXECUTIVE COMPENSATION

## COMMISSIONERS

EUGENE M. FAHEY, CHAIR  
HELENE E. BLANK  
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VICTOR KOVNER  
ROBERT L. MEGNA  
JEREMY S. WEINSTEIN

December 21, 2023

Director Elena Sassower  
Center for Judicial Accountability, Inc.  
elena@judgewatch.org

Dear Ms. Sassower,

This is in response to your Freedom of Information Law (“FOIL”) appeal, dated December 14, 2023, received via e-mail, concerning your October 10, 2023 request, described herein.

### 1. Background

On October 10, 2023 you submitted a FOIL request seeking “records reflecting why the Commission on Legislative, Judicial and Executive Compensation (“Commission”) has a non-governmental.org website, to wit, [www.nyscommissiononcompensation.org](http://www.nyscommissiononcompensation.org), and a non-governmental [gmail.com](mailto:nyscompensation@gmail.com) e-mail address, to wit, [nyscompensation@gmail.com](mailto:nyscompensation@gmail.com).”

On November 15, 2023, the Records Access Officer (“RAO”) for the Commission responded to your FOIL request, stating that the Commission conducted a diligent search of available records and has not located any records responsive to your request.

By email, dated December 14, 2023, you appealed the RAO’s November 15 determination. You requested certification pursuant to Public Officers Law § 89.3(a). You did not give any other reason for your appeal.



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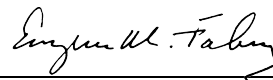
On December 19, 2023, Mindy Jeng, the RAO for the Commission, sent you a certification stating that the records you requested could not be found after a diligent search.

**2. Determination on Appeal**

In my review of the matter, I deny your appeal and uphold the RAO's determination. The right to appeal a determination of a FOIL request is limited to challenging an agency's denial of a request or its withholding of documents (or redacting parts thereof) deemed exempt from disclosure pursuant to statute. *See*, POL § 89(4)(a). Your appeal is denied as non-appealable because there were no responsive records found.

Your appeal of the Commission's November 15, 2023, determination and response to your FOIL request is denied in accordance with the reasoning herein.

Very truly yours,



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Hon. Eugene M. Fahey (Ret.)  
Chair, Commission on Legislative,  
Judicial and Executive Compensation

cc: Committee on Open Government