

From: NYS Salary Commission <nyscompensation@gmail.com>
Sent: Wednesday, November 8, 2023 1:46 PM
To: Center for Judicial Accountability, Inc. (CJA)

Subject: Re: FOIL #5: The OCA "detailed report" & other "submissions on judicial compensation" that you have not posted -- & the VIDEO & transcript of your Oct 31st hearing

The NYS Commission on Legislative, Judicial & Executive Compensation acknowledges receipt of your FOIL request dated 10/6/23, seeking:

Where is the OCA's "detailed report"? It is not posted on your "[Submissions on Judicial Compensation](#)" webpage.

If you are not planning to post it, I request same, pursuant to FOIL – and any other submissions you received for the October 13th hearing and have not been posted, other than from me. Also, when did you plan to post the submissions you received for the October 31st hearing?

Please note, it has long been established that FOIL does not require responses to specific questions, but instead governs release of government records. See Public Officers Law § 89(3)(a) (indicating that an agency is not required to create a record in response to a request). "There is nothing in the Freedom of Information Law or the Open Meetings Law that requires that government officers or employees respond to questions, supply information in response to questions or offer explanations for their governmental activities." However, all documents have been posted and are available at: [Submissions: New York State Commission on Legislative, Judicial, and Executive Compensation \(nyscommissiononcompensation.org\)](#)

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may submit such appeal by email to: nyscompensation@gmail.com.

On Mon, Nov 6, 2023 at 8:41 AM Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org> wrote:

TO: 2023 Commission on Legislative, Judicial & Executive Compensation

Chief Administrative Judge Zayas stated, at the outset of his testimony at the Commission's October 13, 2023 hearing:

"Next week we plan to submit a detailed report to the Commission that expands on the points that I'll be making today." ([VIDEO, at 3mins/30secs](#); [Tr. p. 4](#)).

Where is the OCA's "detailed report"? It is not posted on your "[Submissions on Judicial Compensation](#)" webpage.

If you are not planning to post it, I request same, pursuant to FOIL – and any other submissions you received for the October 13th hearing and have not been posted, other than from me.

Also, when did you plan to post the submissions you received for the October 31st hearing? As yet, you have posted none, nor the VIDEO of the October 31st hearing, nor any transcript. Please deem this FOIL request to cover these, as well.

Pursuant to Public Officers Law §89.3, your response is required "within five business days" of your receipt of this request. Please e-mail it to me at elena@judgewatch.org.

Thank you.

Elena Sassower, Director

Center for Judicial Accountability, Inc. (CJA)

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