

Center for Judicial Accountability, Inc. (CJA)

From: FOIL-BOL <FOIL-BOL@westchestergov.com>
Sent: Friday, December 29, 2017 5:15 PM
To: 'elena@judgewatch.org'
Cc: Vanderberg, Sunday; Vinci, Rose
Subject: RE: FOIL/Records Request: Westchester County Board of Ethics -- Board of Legislators' September 16, 2014 Newsroom release "BOL Appointments Committee Demands List of County Ethics Board Members"
Attachments: FW: Committee Info Request - Appointments (1.34 KB); Ethics Board Membership List 0516.pdf

Dear Ms. Sassower,

This shall be the Westchester County Board of Legislators formal response to your Freedom of Information Law (FOIL) request of Wednesday, November 22, 2017.

You asked for the following records:

1. all requests by the Board of Legislators, whether by its Appointments Committee, by any other committee, or by individual legislators, to the Astorino Administration for "a list of active members presently serving on the County Ethics Board" from the inception of the Astorino Administration to the present;
2. all responses thereto from the Astorino Administration;
3. all replies thereto whether by the Board of Legislators as a whole, or by any of its committees, or by individual legislators – including requests from any of them to the Westchester County Attorney or to any other counsel for a legal opinion with regard to the referred-to "court case regarding appointments of commissioners and deputy commissioners waiting for confirmation" and as to steps available to the Board of Legislators for securing what Westchester County Code Chapter 192 mandates: a functioning Westchester County Board of Ethics, with a full complement of 7 members, duly appointed and confirmed – including by instituting a mandamus/certiorari lawsuit against County Executive Astorino, pursuant to CPLR Article 78;
4. the monies for the operations of the Westchester County Board of Ethics appropriated by the Westchester County budget for each year from 2008 to 2017 – or expended by the Westchester County Board of Ethics for each of those years;
5. the monies for the operations of the Westchester County Board of Ethics appropriated by County Executive Astorino's just-released proposed Westchester County budget for 2018;
6. the list of current members of the Westchester County Board of Ethics;
7. current contact information for the Westchester County Board of Ethics.

Please be advised that your request for information has been granted in part and denied in part. I certify that after a diligent search of the Westchester County Board of Legislators, we have records that are responsive to your request which are in the possession of our office and required to be disclosed under FOIL. For your convenience, below is a link and the attached contain records which you requested, and are free of charge to you.

<http://westchesterlegislators.com/fy2017-budget-dashboard.html>

Your request for current contact information for the Westchester County Board of Ethics was denied in accordance with Section 89(2) of the New York State Public Officers Law requiring that an agency make available only records which are not an unwarranted invasion of personal privacy.

Any appeal from the foregoing determination should be addressed to:

Robert F. Meehan, Esq.
Westchester County Attorney
148 Martine Avenue - Room 600
White Plains, New York 10601
FOIL-Appeals@westchestergov.com

Please do not hesitate to contact me if you have any questions.

Steve Bass
Freedom of Information Officer
Westchester County Board of Legislators

From: FOIL-BOL
Sent: Friday, December 01, 2017 12:06 PM
To: 'elena@judgewatch.org'
Cc: Vanderberg, Sunday; Vinci, Rose
Subject: RE: FOIL/Records Request: Westchester County Board of Ethics -- Board of Legislators' September 16, 2014 Newsroom release "BOL Appointments Committee Demands List of County Ethics Board Members"

Dear Ms. Sassower,

Pursuant to Section 89(3) of the Public Officer's Law, commonly known as the Freedom of Information Law, this will constitute a written acknowledgement of your email dated Wednesday, November 22, 2017. Such acknowledgement is being made within five (5) business days of the request. Furthermore, this shall be a written statement of the approximate date when the request will be granted or denied which I estimate to be by Tuesday, January 2, 2018.

Although we will do everything we can to supply you with the information electronically, depending on the nature and extent of the records requested, there may be a fee of \$0.25 per page for the reproduction of such records and documents. You will be advised of the amount of any fee prior to the release of the documents or records.

Please be further advised that pursuant to Section 89(3) of the Public Officer's Law, if circumstances prevent the disclosure to the person who requests such records within twenty (20) business days from the date of this acknowledgement, the Board is required to state in writing both the reason for the inability to grant the request and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.

I trust the above is of assistance to you.

Steve Bass,
Freedom of Information Access Officer
Westchester County Board of Legislators

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

Sent: Wednesday, November 22, 2017 11:14 AM

To: Bass, Steven; bass@westchestergov.com

Subject: FOIL/Records Request: Westchester County Board of Ethics -- Board of Legislators' September 16, 2014 Newsroom release "BOL Appointments Committee Demands List of County Ethics Board Members"

TO: Steven Bass, FOIL/Records Access Officer for the Westchester County Board of Legislators & its Legislative Specialist & Coordinator for the Litigation Committee

On the Board of Legislators' website is a newsroom release bearing a date of September 16, 2014, entitled "*BOL Appointments Committee Demands List of County Ethics Board Members*":

<http://westchesterlegislators.com/newsroom/2545-bol-appointments-committee-demands-list-of-county-ethics-board-members.html?tmpl=component&print=1&page>, also attached. It begins, as follows:

"The Westchester County Board of Legislators (BOL) Appointments Committee, chaired by Legislator Ben Boykin (D-White Plains), demanded a list of active members presently serving on the County Ethics Board yesterday, having already requested the same information several times.

'I cannot understand why the Astorino Administration has ignored this simple request, unless there are issues which they are trying to hide or ignore,' said Boykin. 'To uphold the confidence the public puts in its elected officials, it's time for us all to know who is serving on the Ethics Board to monitor conflicts of interest for Westchester residents.'"

Pursuant to the Freedom of Information Law [Public Officers Law, VI], request is made for records reflecting:

1. all requests by the Board of Legislators, whether by its Appointments Committee, by any other committee, or by individual legislators, to the Astorino Administration for "a list of active members presently serving on the County Ethics Board" from the inception of the Astorino Administration to the present;
2. all responses thereto from the Astorino Administration;
3. all replies thereto whether by the Board of Legislators as a whole, or by any of its committees, or by individual legislators – including requests from any of them to the Westchester County Attorney or to any other counsel for a legal opinion with regard to the referred-to "court case regarding appointments of commissioners and deputy commissioners waiting for confirmation" and as to steps available to the Board of Legislators for securing what Westchester County Code Chapter 192 mandates: a functioning Westchester County Board of Ethics, with a full complement of 7 members, duly appointed and confirmed – including by instituting a mandamus/certiorari lawsuit against County Executive Astorino, pursuant to CPLR Article 78;
4. the monies for the operations of the Westchester County Board of Ethics appropriated by the Westchester County budget for each year from 2008 to 2017 – or expended by the Westchester County Board of Ethics for each of those years;
5. the monies for the operations of the Westchester County Board of Ethics appropriated by County Executive Astorino's just-released proposed Westchester County budget for 2018;
6. the list of current members of the Westchester County Board of Ethics;
7. current contact information for the Westchester County Board of Ethics.

Pursuant to FOIL (Public Officers Law §89.3), your response/acknowledgment is required "within five business days" of your receipt of this request. Kindly sent it to this e-mail: elena@judgewatch.org

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

914-421-1200

www.judgewatch.org