



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

October 3, 2018

**Via Email:** [mail@judgewatch.org](mailto:mail@judgewatch.org)  
Elena Ruth Sassower, Director  
Center for Judicial Accountability, Inc.  
Post Office Box 8101  
White Plains, New York 10602

Re: FOIL Request #2162

Dear Ms. Sassower:

This letter responds to your correspondence dated July 17, 2018, which pursuant to FOIL, requested:

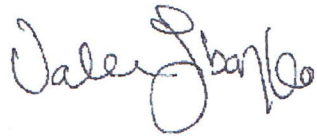
a memo from OCA counsel John McConnell "sent to the governor and legislative leaders" concerning "the five-member commission to consider imposing the first state level pay raise in 20 years" created by the "state budget passed in March" ... request is made for the referred-to memo and any correspondence responding and relating thereto.

The records that respond to your request are exempt from disclosure because they are "inter-agency or intra-agency materials which are not: statistical or factual tabulations or data; instructions to staff that affect the public; final agency policy or determinations; or external audits." Public Officers Law § 87(2)(g). Public Officers Law § 87(2)(a) also precludes access to records that are "specifically exempted from disclosure by state or federal statute." Accordingly, records that respond to your request are exempt from production pursuant to Civil Practice Law and Rules § 4503(a) because they constitute confidential communications made between an attorney and his or her client.

Pursuant to Public Officers Law § 89(4)(a), you have thirty (30) days to take a written appeal of this determination. You may appeal by writing: FOIL Appeals Officer, Executive Chamber, State Capitol, Albany, New York, 12224.

Very truly yours,

*Ex A-5d*

A handwritten signature in black ink, appearing to read "Valerie Lubanko". The signature is written in a cursive style with a large, looped initial "V".

Valerie Lubanko  
FOIL Counsel  
Records Access Officer