

Center for Judicial Accountability, Inc. (CJA)

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, August 5, 2016 3:54 PM
To: 'dmorris@co.livingston.ny.us'
Cc: 'icoyle@co.livingston.ny.us'; 'msavino@co.livingston.ny.us'; 'ben@livingstonnews.com'
Subject: Is it your view that CJA's July 8, 2016 letter is not ESSENTIAL to the decision to be made by the Livingston County Board of Supervisors concerning D.A. McCaffrey's salary increase?
Attachments: 7-12-16-email-transmitting-7-8-16ltr-to-livingston-co.pdf; 7-8-16-ltr-to-counties-final-final.pdf; 7-14-16-email-transmitting-foil-request-to-counties.pdf; 7-14-16-foil-56-counties.pdf

Dear County Attorney Morris,

This responds to your below August 5th e-mail, to which neither Livingston County Administrator Ian Coyle nor Livingston County News Editor & General Manager Ben Beagle were indicated recipients.

My July 12th e-mail to you, which you acknowledged receiving, requested that IF you were not going to distribute CJA's July 8th letter to "all Livingston County's legislators, executive officers & the treasurer/comptroller" that you so-advise me.

I was not telling you what decision to make. I was asking that you give me the courtesy of apprising me of your decision so that, if you were not going to make distribution, I could do so myself – or through some other Livingston County official.

Is it your view that CJA's July 8th letter is garbage, not entitling me to that courtesy? Is this the role model example you set as president of the County Attorneys' Association of the State of New York when a citizen comes forward to provide county attorneys with game-changing information and EVIDENCE in furtherance of good government?

You state:

"I will not ensure that any county attorney will 'make findings of fact and conclusions of law with respect to the EVIDENCE presented by CJA's July 8th letter'. That is for each county attorney to decide for themselves."

Apparently, the decision you have made for yourself, as Livingston county attorney, is to make no findings of fact and conclusions of law with respect to the EVIDENCE presented by CJA's July 8th letter. Is that correct? If so, how will you be advising Livingston County legislators, executive officers, & the treasurer/comptroller as to their duty to the People of Livingston County concerning D.A. McCaffrey's salary increase resulting from the December 24, 2105 report of the Commission on Legislative, Judicial and Executive Compensation – about which legislators have been wallowing in confusion for months? And is it your judgment that D.A. McCaffrey should also not assist them with findings of fact and conclusions of law with respect to the EVIDENCE?

So that Livingston County legislators, executive officers & the treasurer/comptroller can make their own judgment as to whether your below e-mail to me is an appropriate response from someone paid by Livingston County to furnish them with legal advice – and who, by reason thereof, has risen to a

position of statewide leadership -- I ask that County Administrator Coyle make the distribution of CJA's July 8th letter that I asked of you – and, if not, that he so advise me. No fair and impartial examination of the letter would lead to any conclusion other than that it is ESSENTIAL to the decision to be made by the Livingston County Board of Supervisors as to what it should do about the state-mandated increase in D.A. McCaffrey's salary.

I point out that CJA's July 8th letter highlights (at pp. 3, 4) that the Board of Supervisors is empowered under County Law 700.1 and 501.3 to direct both D.A. McCaffrey and your to furnish it with findings of fact and conclusions of law with respect to the EVIDENCE laid out by the letter. That is precisely what Livingston County supervisors must vote to do at next week's meeting at which they are contemplating shifting funds that would enable the D.A. salary increase ("[Livingston County weighs shifting funds for D.A. salary mandate](#)", Livingston County News, August 3, 2016 (Ben Beagle)). Assumedly, you will be at that August 10th meeting – and perhaps D.A. McCaffrey, as well.

Finally, please consider this e-mail an additional FOIL request for information/records as to your (presumably full-time) yearly salary AND non-salary benefits for 2007 and for each year from 2011 to 2016.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200
www.judgewatch.org

From: DMorris@co.livingston.ny.us [mailto:DMorris@co.livingston.ny.us]
Sent: Friday, August 5, 2016 12:55 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Subject: Re: Did you also not receive CJA's July 8, 2016 Letter for "all Livingston County's legislators, executive officers & the treasurer/comptroller"

I am sorry you are troubled. I did receive your 7/12 email, but not your 7/14 email. As to what and to whom I distribute your correspondence, I will make that decision, not you. Furthermore, I will not ensure that any county attorney will "make findings of fact and conclusions of law with respect to the EVIDENCE presented by CJA's July 8th letter". That is for each county attorney to decide for themselves. This email will acknowledge receipt of you FOIL request dated July 14, 2016 and received on August 5, 2016. We will research this request and respond within 30 days.

David J. Morris
Livingston County Attorney

From: "Center for Judicial Accountability, Inc. (CJA)" <elena@judgewatch.org>
To: <DMorris@co.livingston.ny.us>, <dmorris@co.livingston.ny.us>
Cc: <icoyle@co.livingston.ny.us>, <ben@livingstonnews.com>
Date: 08/05/2016 12:36 PM
Subject: Did you also not receive CJA's July 8, 2016 Letter for "all Livingston County's legislators, executive officers & the treasurer/comptroller"

Dear County Attorney Morris,

I am most troubled by your below e-mail of yesterday's date in which you state that you "did not receive any FOIL request" from me. Attached is the Center for Judicial Accountability's July 14th e-mail transmitting the FOIL request to you at dmorris@co.livingston.ny.us. I did not receive a bounce back.