

CENTER *for* JUDICIAL ACCOUNTABILITY, INC.

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January 23, 2018

TO: Secretary of the Senate Francis Patience
Assembly Records Access Officer Robin Marilla
Comptroller DiNapoli's FOIL/Records Access Officer Jane Hall
Division of the Budget FOIL/Records Access Officer Alan Lebowitz

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

RE: RECORDS REQUEST/FOIL: The Legislature's fiscal year 2018-2019 budget narrative pertaining to the Audit Committee function of the chairs and ranking members of the Senate Finance Committee and Assembly Ways and Means Committee

The Legislature's budget narrative for fiscal year 2018-2019, transmitted by the December 1, 2017 letter of Temporary Senate President Flanagan and Assembly Speaker Heastie, states as follows under the heading "FISCAL COMMITTEES" at page 3:

"...the Chairmen and ranking Minority Members of the Senate Finance Committee and the Assembly Ways and Means Committee function as an Audit Committee, in order receive (sic) the results of each independent audit of the state's annual financial statement required pursuant to section eight of the State Finance Law."

This significantly changes the description that had appeared in previous years under the heading "FISCAL COMMITTEES", including in the Legislature's budget narrative for fiscal year 2017-2018, transmitted by the December 1, 2016 letter of Temporary Senate President Flanagan and Assembly Speaker Heastie, which, at page 3, had stated:

"...the Chairmen and ranking Minority Members of the Senate Finance Committee and the Assembly Ways and Means Committee function as an Audit Committee, with the responsibility to select an independent certified accountant to conduct an audit of the state's annual financial statements, receive the results of such independent audit, and submit the resulting audit certification to the State Comptroller for the State's Comprehensive Annual Financial Report."

Thus the current budget narrative removes the language that had identified the responsibility of the chairs and ranking members of the Senate and Assembly fiscal committees to:

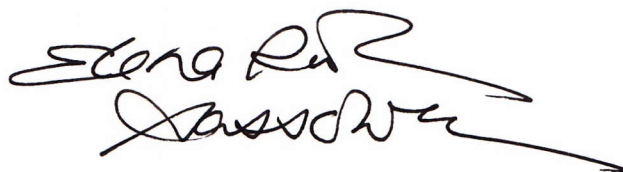
- (1) "select an independent certified accountant to conduct an audit of the state's annual financial statements"; and
- (2) "submit the resulting audit certification to the State Comptroller for the State's Comprehensive Annual Financial Report."

Pursuant to Senate Rule XV, "Freedom of Information", Assembly Rule VIII, "Public Access to Records", and Public Officers Law, Article VI [Freedom of Information Law (F.O.I.L.)], request is made for records reflecting:

- (1) the reason for the change;
- (2) who selects "the independent certified accountant to conduct an audit of the state's annual financial statements"
- (3) "the independent certified accountant" selected to audit "the state's annual financial statements" for each fiscal year since and including fiscal year 2012-2013;
- (4) who "submit(s) the resulting audit certification to the State Comptroller for the State's Comprehensive Annual Financial Report";
- (5) the "resulting audit certification" for each fiscal year since and including fiscal year 2012-2013.

Public Officers Law §89.3 requires your response "within five business days" of receipt of this request. I would appreciate if you e-mailed it to me at elena@judgewatch.org.

Thank you.

A handwritten signature in black ink, appearing to read "Elena R. Lassova". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.