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NEW YORK STATE  
COMMISSION ON LEGISLATIVE, JUDICIAL AND EXECUTIVE  
COMPENSATION

PUBLIC MEETING  
CONDUCTED BY CONFERENCE CALL

OCTOBER 14, 2020

10:00 A.M.

Appearances:

Michael A. Cardozo, Esq., Chair

Honorable Randall T. Eng (Retired)

Mitra Hormozi, Esq.

Dr. Seymour P. Lachman

Peter Madonia

Jim Malatras

Robert Megna

Reported By : Meredith A. Bonn, RPR, CRR, CSR  
Official Court Reporter

1 MR. CARDOZO: Let me officially start the  
2 commission meeting. So we are now live. This is the  
3 meeting of the commission on salaries for Executive,  
4 Legislative and Judicial salaries. Let me note at the  
5 outset that we are participating, the Commissioners  
6 are all participating by conference call.

7 We have a court reporter and the court  
8 reporter requests that each Commissioner who speaks  
9 first introduce himself or herself because this has no  
10 video. She will not otherwise be able to know who is  
11 speaking.

12 Let me also note that this meeting was  
13 called. We circulated questionnaires as to people's  
14 availability and those who responded, we all agreed  
15 this was the best date. I did not hear responses from  
16 everyone. I sent three -- I sent notices of meetings  
17 and, unfortunately, have not received back answers  
18 from I guess at least Mr. Malatras and Mr. Megna.

19 MR. MALATRAS: Well, this is Jim Malatras,  
20 Chair. I am on the call and Bob Megna is also on the  
21 call.

22 MR. CARDOZO: Oh, good. I apologize.

23 MR. MALATRAS: Jim Malatras, he was the one  
24 who didn't respond, but Malatras did respond.

25 DR. LACHMAN: This is Seymour Lachman. I am

1 now on the call.

2 MR. MEGNA: Bob Megna, I'm on the call.

3 MR. CARDOZO: Thank you, all. So we are all  
4 on the call. I apologize. I guessed others were not.

5 Let me just remind people to identify  
6 themselves before speaking. The court reporter needs  
7 to get your name.

8 And let me just, I think everyone knows it,  
9 but let me just say that we are dealing with the  
10 Statute that requires the Commission to report to the  
11 Governor and the Legislature by November 15th with  
12 respect to whether Legislative, Executive and this  
13 year Judicial salaries should be increased and so the  
14 question before us is whether we would recommend any  
15 increase given all the vagaries that are going on in  
16 the world and the economic situation that New York  
17 faces.

18 So does anyone on this call believe we  
19 should consider increasing the salaries of one or two  
20 or three branches of government?

21 MR. MALATRAS: Chair, this is Jim Malatras.  
22 I think it would be good maybe for the court reporter,  
23 given this is a public meeting, just to do a roll call  
24 of everyone to make sure that they are on and then we  
25 should maybe get to the task at hand.

1 MR. CARDOZO: That's a fair suggestion.  
2 Maybe I'll call, I think it might be easier if I call  
3 the roll.

4 Dr. Lachman, you are on?

5 DR. LACHMAN: I'm on, Seymour Lachman,  
6 right.

7 MR. CARDOZO: Mr. Malatras.

8 MR. MALATRAS: I'm on.

9 MR. CARDOZO: Ms. Hormozi.

10 MS. HORMOZI: Yes, I'm on.

11 MR. CARDOZO: Mr. Madonia.

12 MR. MADONIA: Here.

13 MR. CARDOZO: Judge Eng.

14 JUDGE RANDALL: Yes, I'm present.

15 MR. CARDOZO: And Mr. Megna.

16 MR. MEGNA: Yes, I'm here.

17 MR. CARDOZO: Very good. Thank you.

18 So any comments or suggestions with respect  
19 to whether we should recommend -- consider  
20 recommending an increase? Anyone want to suggest what  
21 we should do?

22 MR. MADONIA: Would it make sense to hand it  
23 back to the Legislature at this point?

24 MR. CARDOZO: What I would suggest, this is  
25 Michael Cardozo, is that I'll prepare a brief report

1 from the seven of us that would say we met, we  
2 considered, given all the vagaries of the present  
3 situation, we don't believe that it would be  
4 appropriate for this Commission to recommend any  
5 salary increases, compensation increases; and,  
6 therefore, we decline to make a recommendation and  
7 leave the issue to the Legislature.

8 MR. MALATRAS: Mr. Cardozo, Chairman, this  
9 is Jim Malatras. Given that this is our first call I  
10 think that it might be good to do it as a Zoom or  
11 something next time so we can have more interaction.  
12 I'm not prepared to do that today. This is our first  
13 meeting. If that is what is on the table I would like  
14 to consider that instead of just making a two-minute  
15 determination today.

16 DR. LACHMAN: This is Seymour Lachman. A  
17 two-minute determination of what, if it should go back  
18 to the Legislature without a recommendation of even a  
19 cost of living increase?

20 MR. MALATRAS: Seymour, this is Jim Malatras  
21 again. This is our first call and the Chair is  
22 recommending that we basically submit a report of all  
23 of us, unanimous, saying we don't think we should  
24 consider anything. That may or may not be where we  
25 want to land. But I think we should consider it

1 besides having five minutes into a first meeting of  
2 this next round of making our determination right now.

3 JUDGE RANDALL: This is Randall Eng. Do we  
4 expect any of the circumstances to change between now  
5 and the next meeting? And, of course, we do have a  
6 time frame here. We have to report by mid-November.  
7 Do we anticipate [inaudible].

8 MR. MALATRAS: Well, it is October 14th. So  
9 we have some time. It would be good to [proceedings  
10 interrupted by the court reporter] -- this is Jim  
11 Malatras again. This is why we should do this by  
12 Zoom, not conference call. And you can even give us a  
13 week, but this is the first meeting. I think instead  
14 of making one decision without any thought we should  
15 then come back.

16 I don't know if things will change.  
17 Mr. Eng, it probably will get worse, like Mr. Megna  
18 and others have been saying [inaudible] even before  
19 Covid. But we hear -- I hear the proposal. I'm happy  
20 to defer to my colleagues, but I am not prepared to do  
21 today.

22 MR. CARDOZO: What do you propose to do  
23 today?

24 MR. MALATRAS: This is Jim Malatras again.  
25 I propose you put a proposal on the table, Chair. It

1 would be good for us to think about it and then we can  
2 come back to you with our determination. As opposed  
3 to five minutes into a conversation saying this is  
4 where we are going to be.

5 And we would prefer -- and if there are  
6 parameters of that, Mr. Chair, given that you posted  
7 the report last time before we had -- all of the  
8 Commissioners had a chance to review the final report,  
9 I would make at least a condition of our approval or  
10 not of said report to at least get final sign off  
11 before it is posted to the public. Because the public  
12 got it before the members of this Commission got it  
13 last time.

14 MR. CARDOZO: This is Michael Cardozo. The  
15 second point, Mr. Malatras, I believe that's an  
16 incorrect recitation of history.

17 MR. MALATRAS: It's not. It's not,  
18 Mr. Chairman. And it's Jim Malatras, thank you. I  
19 would appreciate if you would pronounce my name  
20 correctly after I said it. It isn't. But given that  
21 it did happen that way I just think before we make a  
22 decision it would be good to think about it, come  
23 back. We have a month. You could do it in a week if  
24 you would like to and then I think we should review  
25 what your report would be and as a condition of any

1 approval or not I think every Commissioner should sign  
2 off before it is then ultimately posted.

3 MR. CARDOZO: Well, I certainly don't think  
4 there's any dispute that we should not report before  
5 all members of the Commission have had an opportunity  
6 to review it and comment on it, we agree upon what the  
7 report should say, and we can -- I, therefore, suggest  
8 we could either have a meeting, if that's the  
9 consensus, then write a report, get people's comments  
10 or perhaps a better way to do it is to write a report  
11 now and have another meeting at which people would see  
12 whether what I have just suggested is what should be  
13 done.

14 In other words, issue a draft report and  
15 have another meeting where we could discuss whether  
16 there's something else to be done and also take a look  
17 at the report.

18 DR. LACHMAN: That other meeting would take  
19 place before November 15th, which I believe is our  
20 final day.

21 MR. CARDOZO: Does anyone else on the  
22 Commission believe that we should have a second  
23 meeting before we prepare a draft report?

24 MR. MEGNA: Well, this is Bob Megna. I  
25 would suggest though that if you are going to do that,

1 that, you know, a draft report be circulated before  
2 the second meeting so that if people have comments on  
3 it they have a chance to make it. I wouldn't want to  
4 discuss a draft report that the members haven't had a  
5 chance to go through and make comments on because we  
6 really, to Jim's point here, I think, you know, we  
7 haven't really had a chance to do that as a collective  
8 body.

9 So I think, you know, people may have  
10 different ways they want to discuss the issue given  
11 the crisis that we are in that may have kind of  
12 changed, you know, how they think about it. I don't  
13 know because I don't know what the other members  
14 really think. I know we think we are in a crisis  
15 situation, that part I get.

16 So I would be a little careful. But, if  
17 we -- if someone wants to put out something that says  
18 here's what I think a starting point is and let people  
19 react to that before we get together again, you know,  
20 maybe that's okay.

21 MR. CARDOZO: That's what I was suggesting  
22 that I would take it upon myself and welcome others to  
23 do the same if they want.

24 I would prepare a draft. I would circulate  
25 it a few days before the next meeting. We would then

1 have a meeting and we would -- if people have comments  
2 on the draft or people thought something else should  
3 be said we could then discuss it at that meeting and  
4 before the meeting I would circulate my proposed  
5 draft.

6 UNIDENTIFIED SPEAKER: This would all be in  
7 the strictest of confidence and not be made public.

8 MR. MALATRAS: This is Jim Malatras again  
9 for the court reporter. My only point was you were  
10 basically saying, Chairman, I'm going to write a  
11 report that says we are going to do one thing, does  
12 everybody agree with the one thing that we are going  
13 to do and I will circulate that report.

14 I think we should get a report what you  
15 think your position is, we should consider it and then  
16 we should reconvene before we make a predisposed  
17 approval or not of what your position is is my only  
18 point. It would be good to think about this before  
19 just backing it today after ten minutes.

20 MR. MEGNA: This is Bob Megna again. Yeah,  
21 that's the only thing I would add and I would think  
22 other people may have ideas they want to put in a  
23 draft and I know it's better to have one person  
24 circulate. But I would say I think as a starting  
25 point, that's fine. But other folks may have other

1 ways they want to approach it. That's all I'm  
2 suggesting.

3 MR. CARDOZO: This is Michael Cardozo again.  
4 So I will do that. I will prepare a draft of the  
5 meeting at which people can add their own views or  
6 suggest changes to my draft, but it would be helpful  
7 if -- and if anyone has any thoughts before they see  
8 my draft for you to send me, by email, your suggested  
9 comments so that perhaps I could incorporate them into  
10 my draft which might help.

11 Why don't we set up a meeting in two weeks  
12 if we are going to draft a report? You know, time is  
13 tight.

14 DR. LACHMAN: That would be the last week in  
15 October, this is Seymour Lachman, for the next  
16 meeting?

17 MR. CARDOZO: That's what I am just  
18 suggesting that.

19 DR. LACHMAN: Okay.

20 MR. CARDOZO: And someone suggested a Zoom  
21 meeting. We have mechanical difficulties. OCA uses  
22 Skype meetings. Is everyone comfortable having a  
23 Skype meeting, not a Zoom meeting?

24 MR. MALATRAS: This is Jim Malatras. I  
25 recommended it. I am neutral on the technology for

1 sure. But if people are more comfortable with Skype,  
2 I have Skype. I'm sure other Commissioners do too.  
3 If people wanted a Zoom meeting space I could offer  
4 that up and it could be recorded as well because State  
5 University of New York has that as well. So whatever  
6 technology I'm neutral on. Just I think the video  
7 would probably be better.

8 MR. CARDOZO: Okay. We will arrange that  
9 and so I think the -- is there a consensus that we  
10 should have a meeting the week of October 26, that  
11 before that meeting I will prepare a draft and  
12 circulate it and if anyone else has any suggested  
13 inclusions in a report it would be helpful to send  
14 them to me so I could include them or circulate them  
15 as well. Is that appropriate?

16 MR. MADONIA: This is Peter. I am okay with  
17 that.

18 [Simultaneous crosstalk not recorded by the court  
19 reporter.]

20 DR. LACHMAN: It's okay with me. Seymour  
21 Lachman.

22 MR. CARDOZO: So now we have to pick a  
23 meeting date. So can people do that now or should we  
24 try to do that by email? Everyone have their  
25 calendars that we can agree upon it now?

1 MR. MADONIA: This is Peter Madonia. How  
2 about two weeks from today, same time, same channel?

3 MR. CARDOZO: Two weeks from today the 28th?  
4 10 a.m. on October 28. How is that for everyone?

5 [Simultaneous crosstalk not recorded by the court  
6 reporter.]

7 MR. CARDOZO: Okay. Please advise, Michael  
8 again, if anyone disagrees we should have a meeting by  
9 Zoom or Skype October 28th at 10 a.m. Prior to that  
10 meeting I will circulate a proposed draft at the  
11 moment will only reflect what I have just said and it  
12 will be helpful if prior to that if people have other  
13 thoughts as to what should be said they should convey  
14 it to me so I could include it in the report or second  
15 alternative so we would have everything in front of  
16 us, have it available in front of us when we meet on  
17 October 28.

18 DR. LACHMAN: Okay. This is Seymour Lachman  
19 again. We will have this done within the next few  
20 days if everyone agrees for the October 28th meeting  
21 to discuss the situation and to discuss the  
22 recommended draft report?

23 MR. CARDOZO: I am not saying I will get the  
24 draft in two days, but I will get it substantially  
25 before October 28th.

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DR. LACHMAN: Good.

MR. CARDOZO: Anyone disagree with the suggested approach?

DR. LACHMAN: And this will be emailed to each of us?

MR. CARDOZO: Yes.

DR. LACHMAN: Okay.

MR. CARDOZO: Any other comments or suggestions?

Okay. In that event I think -- anyone have any other business they want to bring?

Okay. I think, in that event, the meeting is adjourned. I'll get my draft to you as quickly as possible and we will arrange the meeting for October 28 at 10 a.m. Thank you all very much.

Certified to be a true and accurate transcript.

*Meredith A. Bonn*

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Meredith A. Bonn, RPR, CRR, CSR

Official Court Reporter