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December 5, 2007

Gary O'Brien, Chair
Commission on Quality of Care and Advocacy
For Persons with Disabilities
401 State Street
Schenectady, NY 12305-2397

RE: Executive Compensation Survey of November 2007

Dear Chairman O'Brien:

We would like to express our concern with both the principle and the design of the Executive Compensation Survey issued to providers licensed by, or in contract with, the State Office of Mental Health (OMH) and/or the State Office of Mental Retardation and Developmental Disabilities (OMRDD). While we recognize the Commission's statutory authority to collect this information, we remain uncertain about the Commission's intent in doing so.

We question how the information gleaned from an exhaustive survey of not-for-profit providers is directly related to the "quality and care" of disabled New Yorkers seeking housing, care and treatment in these settings. It appears that the Commission infers that there is a direct correlation between the quality of care a consumer receives and the degree of executive compensation. If so, will the Commission be looking at both ends of the salary scale and will it recommend increases for grossly underpaid executives and care providers? With respect to executive compensation, the authority for determining them rests with Boards of Directors of agencies who should be guided by national and regional surveys.

We question how the information will account for those providers that are multi-service in design and derive funding from several Federal, State and/or City agencies in addition to OMH or OMRDD. We also question how the Commission will account for any philanthropic dollars that may be included in the executive compensation. Certainly the State has no say in how these privately-raised dollars are used.

Furthermore, we are very concerned that the web-based survey instrument does not allow providers to offer comments or questions with regard to the intent of the survey, or the specific nature of the particular not-for-profit agency. This method discourages relevant explanation and nuance. Why was this decision made?

Finally, since much of the sought information is available from public records (like 990's), why is the Commission seeking extraneous information like gender, which may in fact be discriminatory?

On behalf of the over 100 community-based not-for-profit providers that we represent, we would very much appreciate your response to our inquiries.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip A. Saperia", with a long horizontal line extending to the right.

Phillip A. Saperia
Executive Director