



April 27, 2020

VIA ONLINE PORTAL

Jillian Cringle
Acting FOIL Counsel & Records Access Officer
Executive Chamber
State Capitol
Albany, NY 12224
records.access@exec.ny.gov

Re: Freedom of Information Law Request

Dear Records Access Officer:

Pursuant to the Freedom of Information Law, N.Y. Pub. Off. Law §§ 84-90 (FOIL), American Oversight makes the following request for records.

Requested Records

American Oversight requests that your agency produce the following within five business days:

All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (1) any of the government officials listed below and (2) anyone representing or employed by the Trump Organization or within the Executive Office of the President. This includes, but is not limited to, anyone communicating from an email address ending with trumporg.com, trump.com, trumphotels.com, ijkfamily.com, or eop.gov.

- a. Governor Andrew M. Cuomo
- b. Lieutenant Governor Kathy Hochul
- c. Secretary to the Governor Melissa DeRosa
- d. Counsel to the Governor Kumiki Gibson
- e. Chief of Staff Jill DesRosiers
- f. Senior Advisor to the Governor Richard Azzopardi
- g. Senior Advisor to the Governor John Maggione
- h. Special Counselor to the Governor Judith Mogul
- i. Deputy Secretary, Health & Human Services Paul Francis
- j. Chief of Staff to the Director of State Operations Timothy Ellis
- k. Deputy Secretary, Health & Human Services Paul Francis



Please provide all responsive records from January 30, 2020, to the date the search is conducted.

Fee Waiver Request

American Oversight requests that your agency consider waiving any fees associated with processing this request for records pursuant to 21 NYCRR § 1401.8(g). American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹ The public has a significant interest in whether the Trump Organization or the federal administration has asked for any pandemic-related special favors concerning Trump properties within New York state, and the requested records have the potential to contribute to public understanding of this matter.

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

Guidance Regarding the Search & Processing of Requested Records

American Oversight insists that your agency use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. American Oversight is available to work with you to craft appropriate search terms. **However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.**

In the event some portions of the requested records are properly exempt from disclosure pursuant to N.Y. Pub. Off. Law § 87(2), please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

¹ American Oversight currently has approximately 15,480 page likes on Facebook and 102,200 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Apr. 21, 2020); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Apr. 21, 2020).

You should institute a preservation hold on information responsive to this request. American Oversight intends to pursue all legal avenues to enforce its right of access under FOIL, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and you can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis. Please consult with American Oversight on any fees the agency expects it may assess.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Katherine Anthony at records@americanoversight.org or (202) 897-3918.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Austin R. Evers
Executive Director
American Oversight