



NEW YORK CITY Board of Standards and Appeals

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F A C S I M I L E C O V E R S H E E T

Meenakshi Srinivasan
Chair/Commissioner

To: Alan D. Sugarman

From: Gregory Belcamino

Fax: 212-202-3524

Pages:

Phone:

Date: 5/10/2007

Re: Shearith Israel Project

CC:

<input type="checkbox"/> AS REQUESTED	<input type="checkbox"/> AS PER OUR CONVERSATION	<input type="checkbox"/> PLEASE COMMENT	<input type="checkbox"/> PLEASE REVIEW	<input type="checkbox"/> FOR YOUR INFORMATION
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Comments:

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Board of Standards and Appeals

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MEENAKSHI SRINIVASAN

Chair/Commissioner

May 10, 2007

BY TELECOPIER AND REGULAR MAIL

Alan D. Sugarman
17 West 70th Street
New York, New York 10023

Dear Mr. Sugarman:

This is the Board's response to your letter of April 26, 2007 by which you appeal BSA's denial of your request under the State's Freedom of Information Law ("FOIL"), dated April 12, 2007, for access to records of this agency relating to the application of Shearith Israel dated between November 27, 2006 and April 12, 2007. That denial was set forth in a determination by Jeff Mulligan, BSA's FOIL Access Officer, dated April 17, 2007.

Mr. Mulligan's determination of April 17 is hereby affirmed on the ground that the records of this agency relating to the application of Shearith Israel dated between November 27, 2006 and April 12, 2007 are exempt from disclosure under FOIL. Specifically, e-mails to and from the Board's counsel are subject to attorney-client privilege and therefore are exempt from disclosure under FOIL §87(2)(a) and sections 3101 and 4503 of the Civil Practice Law and Rules ("CPLR"). Further, e-mails between and among Board staff are exempt from disclosure pursuant to FOIL § 87(2)(g), which applies to materials that "are inter-agency or intra-agency materials which are not: i. statistical or factual tabulations or data; ii. instructions to staff that affect the public; iii. final agency policy or determinations; or iv. external audits, including but not limited to audits performed by the comptroller and the federal government." Finally, handwritten notes, to the extent they exist, are similarly exempt from disclosure under FOIL §87(2)(g).

Based on our review, there are no other documents responsive to your April 12 request that are not exempt.

This letter is a final determination of the Board with respect to the documents described above. You may seek judicial review of this determination pursuant to CPLR Article 78 and Public Officers Law § 89(4)(b).

Sincerely,

Gregory R. Belcamino
General Counsel/Records Appeal Officer

Cc: J. Mulligan

Robert J. Freeman