

Trevor J. DeSane, Esq.
10 River Road Unit #15G
New York, NY 10044

November 16, 2012

Mayor Kate Supron
Village of Cayuga Heights
Marcham Hall
836 Hanshaw Road
Ithaca, NY 14850

Re: Village Denial of Jenny Stein's FOIL Appeal

Dear Mayor Supron,

Ms. Stein and I are in receipt of your October 31 response to her Freedom of Information Law appeal, dated October 19, 2012. I disagree with the Village's determination to deny Ms. Stein's request on appeal and find the Village's attempt to invoke New York Public Officers Law Section 87(2)(f) to justify such denial improper. At this point, it seems likely that the Village's full compliance with the Freedom of Information Law may only be attained by judicial intervention, in the form of a proceeding under Article 78 of the New York Civil Practice Law and Rules.

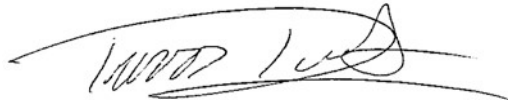
However, after carefully considering your response to Ms. Stein's FOIL appeal, it is evident that the Village's actions in this matter may at least be brought into partial compliance with state law without our commencing such a proceeding. The Village's response argues that "the denial of records that would reveal the identity of property owners who have given permission for culling operations to take place on their properties would endanger the life or safety of these persons" (Re: Jenny Stein's Freedom of Information Law Appeal, 10.31.12, p. 5) (Based on the statements in your letter preceding this conclusion, it seems that the word "denial" is erroneously used in place of "disclosure" in this sentence. I believe your denial should read, "the *disclosure* of records that would reveal the identity..."). Assuming, merely for the sake of argument, that disclosing the requested documents could endanger the life or safety of property owners because their identities would be revealed, then it certainly follows that disclosing the requested documents with any identifying information redacted would not endanger any party. No rational or legal basis exists to deny, pursuant to Section 87(2)(f) or any provision of FOIL, access to redacted copies of permission/release forms or other communications pertaining to deer management activities.

Therefore, I urge you to provide Ms. Stein with redacted copies of the documents sought in her FOIL request dated August 24, 2012 and her appeal dated October 19, 2012. If I do not receive a response from the Village by November 30, 2012, I will consider this a denial of the request.

This request does not constitute a waiver of any of Ms. Stein's legal rights, including her right pursuant to Article 6, Section 89(4b) of the Public Officers Law, to commence an Article 78 proceeding challenging the Village's denial of her FOIL appeal.

Thank you for your continued attention to this matter. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor DeSane", written over a horizontal line.

Trevor DeSane. Esq.