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BRUCE F. DANIELS
OF COUNSEL

June 11, 2007

Mr. Edmund Wiatr, Jr.
2 Sylvan Glen Road
Utica, NY 13501

Re: New Hartford Central School District

Dear Mr. Wiatr:

The undersigned is general counsel to the New Hartford Central School District. Your letters of May and June, 2007 have been referred for comment and response.

We note your voluminous requests for information pursuant to Article 6 of the Public Officers Law. Towards that end, we also note the inappropriate threats contained therein. Rather than reject your requests as burdensome, not to mention the unreasonableness of the time frame afforded under the circumstances, the District fulfilled its obligations under Public Officers Law. Your interpretation of the law is inaccurate. The General provisions relating to the disclosure of information and access to records permit each entity subject to the provisions of the applicable articles of law to adopt reasonable policies and procedures relating to the disclosure of information. I am informed by the records access officer that you were provided copies of the applicable policies and procedures.

Agency records are, will be, and have always been available for inspection. However, the Freedom of Information Law provides that if, after inspection, a party desires copies, the applicant may be required to pay a fee for copies (see Comm. On Open Gov't FOIL - AO 4961). When a person requests copies and the agency is willing to produce them, but the applicant refuses to pay requisite fees, agencies need not accede to ensuing requests until applicant has paid requisite fees. (Comm. On Open Gov't FOIL- AO- 8343). Despite the fact that your requests are overly broad and burdensome, Superintendent Gilligan has attempted to make available all requisite information. Your demand that the same be reduced to electronic form is an attempt on your part to avoid the costs of reproducing the hundreds, if not thousands, of pages of documents required. The District

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has no obligation to do so. The District is not required to retrieve and transform information into an easily accessible and cost effective means for you to obtain the information requested. We are not required to create an electronic medium for your convenience (Comm. On Open Gov't FOIL - AO - 4876; see also AO- 4883).

We request you set up an appointment to review the requisite records during regular business hours. If a single day is insufficient for your review, we will provide additional opportunities. However, we reserve our rights to have someone present during the review and limit the time devoted so as not to take District employees away from their duties to the public. Thereafter, we will advise you as to the applicable fees and charges and, upon payment of the requisite costs, make the copies available. However, as suggested by Mr. Gilligan, the cost will be extensive. In fact, estimates will greatly exceed the hundreds of dollars initially anticipated.

In the event the following is not acceptable, you have a right to appeal and seek appropriate direction. We encourage you to follow applicable procedures to avoid an unnecessary waste of time on the part of the District and yourself. Alternatively, if you feel compelled to have the same resolved in a forum supervised by a Judge, you are entitled to do so. The District also reserves its rights under Public Officers Law and will seek appropriate remedies for any abuse of process.

Sincerely,

FELT EVANS, LLP

By: _____
Anthony G. Hallak

AGH/bmn

cc: Daniel Gilligan, Superintendent

Dictated but not read