

Thomas J. Parisi

Clay, NY 13041

07 May 2018

The Honorable Damian M. Ulatowski
Town Supervisor/FOIL Appeals Officer
Town of Clay
4401 State Route 31
Clay, NY 13041

RE: FOIL Appeal; Code Enforcement Site Visit Schedule

Dear Supervisor Ulatowski,

I hereby appeal the denial of access regarding my request, which was dated 23 April 2018 and sent to Ms. Jill Hageman-Clark, Records Access Officer, at the above address under New York Freedom of Information Law, N.Y. Pub. Off. Law §84 et seq.

The records that were denied include: **"The past and current schedule for 'complaints and violations' site visits dating back to April 03, 2017"** as well as associated records regarding the site visits. **THIS IS THE CODE ENFORCEMENT SCHEDULE THAT I WAS INFORMED IS USED TO PLAN SITE VISITS WHEN COMPLAINTS ARE RECEIVED. I WAS INFORMED OF THIS BY MR. GRISPINO AND MR. MARZOCCHI WHEN I ASKED HOW THE CODE ENFORCEMENT VIOLATION PROCESS WORKS AT MY COURT DATE ON 01/11/18.**

The reason cited for denying access to the records was that finding them would be like "finding a needle in a haystack", along with some verbiage about campers and a former FOIL request I filed, which have nothing to do with this. The letter further went on to discuss an "unwarranted invasion of personal privacy", but did not describe how. I will address both below:

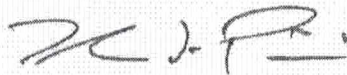
1. Since our town has very few, if not one, Code Enforcement Officers **charged with investigating "complaints and violations"**, the schedule for site visit investigations should not be very difficult to find, **since there is one**. I fail to see how locating Mr. Grispino's planned site visit schedule into the foreseeable future (as well as his schedule over the past year) is like trying to find "a needle in a haystack". If this is the case, then everyday when Mr. Grispino walks into the office, he'd have to search for the proverbial "needle in a haystack" to determine where he's going that day. This information is likely kept in calendar format, as most efficient people would tend to keep their schedules.
2. My request in no way poses an unwarranted invasion of personal privacy to Mr. Grispino (or any other Town Employee) who is a public official conducting his official duties investigating complaints and generating public records regarding them. Further, my request poses no unwarranted invasion of personal privacy to any of our residents as this is just a schedule of site visits. There is no reasonable expectation of privacy regarding the fact that Law Enforcement stopped at your house, as evidence by the fact that the truck says **CODE ENFORCEMENT** right across it and the code enforcement officer walks around the property, in uniform, in plain view of the public, taking pictures of alleged violations.

Lastly, there is certainly no reasonable expectation of privacy to violate a law, as evidence by the fact that the town of clay publishes alleged violations of codes to the world wide web (<http://townofclay.municipaladjournment.com/>) and requires all residents charged with code violations to attend a public hearing ("plead and pay by mail" is not an option for codes violations in Clay as it is in many others).

Hopefully the argument laid out above is sufficient to clear up any misunderstandings and results in the release of the requested site visit schedule and associated documentation. Please note that as required by the Freedom of Information Law, PBO §89-4(a), the head or governing body of an agency, or whomever is designated to determine appeals, is required to respond within 10 business days of the receipt of an appeal. If the records are denied on appeal, please explain the reasons for the denial fully in writing as required by law.

Please be advised that the Freedom of Information Law directs that all appeals and the determinations that follow be sent to the Committee on Open Government, Department of State, 41 State Street, Albany, New York, 12231.

Sincerely,



Thomas J. Parisi
Thomas241@gmail.com

cc: Jill Hageman-Clark
Robert George, Esq.

Attachments:

1. FOIL Request dated 23 APR 2018
2. FOIL Denial dated 03 MAY 2018

Sent via

Email: supervisor@townofclay.org
townclerk@townofclay.org
USPS Certified Mail