



May 21, 2021

Via Email: berguson@nysenate.gov

Senator Susan Serino
41st District
Legislative Office Building, Room 613
Albany, New York 12247

Dear Senator Serino:

This letter responds to your appeal dated May 6, 2021, wherein you seek review of the Executive Chamber's ("Chamber") determination of your Freedom of Information Law ("FOIL") request.

1. Background

On February 15, 2021, the Chamber received the below FOIL request from you which sought:

a copy of records, transcripts and/or recordings pertaining to the February 10, 2021 meeting held between members of the Governor's Administration, including Secretary to the Governor, Melissa DeRosa, officials of the Department of Health, including Dr. Howard Zucker and members of the legislature, including Senator Rachel May, Senator Gustavo Rivera, Senator James Skoufis, Assemblyman Richard Gottfried, Assemblyman John McDonald and Assemblyman Ron Kim.

Specifically, I request the full transcript of the meeting in a portable document format (PDF) and any recordings of the meeting.

The Chamber FOIL Counsel and Records Access Officer responded to your request on May 3, 2021, providing you a link to a copy of the transcript that you requested and denying the remainder of your request pursuant to Public Officer's Law § 87(2)(e)(i). You subsequently filed this appeal, alleging that the transcript that was provided to you was not a complete account

of what occurred in the February 10, 2021 meeting (“meeting”) referenced in your request. Specifically, because the transcript provided was labeled “rush transcript” you assert a “full recording of the meeting...would provide a more complete context for the meeting minutes in question.”

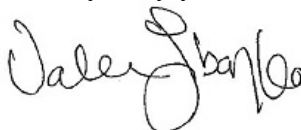
2. Analysis

Your argument that the transcript provided to you is not a complete or accurate account of the meeting because it is entitled “rush transcript” is misplaced. The notation of “rush” on the transcript is simply meant to take into account any spelling or grammatical errors that may be in the record. It does not indicate that the transcript is in any way incomplete or inaccurate. I have also confirmed that there is no other transcript of this meeting that is labeled “final”. The conclusory assertion that a recording or additional records would provide a more “complete context” of the meeting is not supported by anything contained in your appeal on in the record provided.

3. Determination

Based upon my review of the matter, I find that the Chamber’s determination was proper and is affirmed.

Very truly yours,



Valerie Lubanko
Assistant Counsel to the Governor
FOIL Appeals Officer

cc: Shoshanah Bewlay (via email)
Executive Director, NYS Committee on Open Government