



Division of Human Rights

ANDREW M. CUOMO
Governor

HELEN DIANE FOSTER
Commissioner

September 24, 2018

VIA EMAIL

Betsy Combier
315 East 65th Street, Apt. 4C
New York, NY 10065

Dear Ms. Combier:

This is in further response to your Freedom of Information Law (FOIL) request, received by the Division on July 20, 2018, in which you requested the following:

Names and Complaints of Absent Teacher Reserve (ATR) Complaints.

I request the names, Complaint filed by Attorney Glass, and individual Complaints, and individual Complaint case numbers of all 30 Complaints in the case filed with the Division of Human Rights (individual SDHR complaints). On or about May 3, 2018, the Complaint(s) was (were) hand-delivered to Executive Director William LaMot at 55 Hanson Place Room 304, Brooklyn N.Y. 11217. The Attorney on the case is Bryan Glass. I also request: 1. All Exhibits attached to the Complaint; 2. All Exhibits attached or sent as part of each and every individual Complainant; 3. All emails sent from any individual Complainant in this matter to the NYS Division of Human Rights. 4. All emails to or from the Division of Human Rights and any Complainant.

Please be advised that pursuant to the New York Public Officers Law, state agencies are not required to make records available where such records are specifically exempted from disclosure by statute. Public Officers Law § 87(2)(a). The Human Rights Law provides that: [n]o officer, agent or employee of the division shall make public with respect to a particular person without his consent information from reports obtained by the division except as necessary to the conduct of a proceeding under this section.” Executive Law § 297(8).

In addition, an agency may deny access to records where disclosure “would constitute an unwarranted invasion of personal privacy,” Public Officers Law § 87(2)(b); and to 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; iv. external audits, including but not limited to audits performed by the comptroller and the federal government.” Public Officers Law § 87(2)(g).

Based on the above, the Division is unable to provide to non-parties any documents other than the final agency determination.

After a diligent search of the Division’s Case Management System, the Division found twenty-four (24) complaints responsive to your request that have a final agency determination.

Please be advised that the Division is unable to provide a copy of the determinations for twelve (12) of those complaints, as the Division’s investigation files have been destroyed pursuant to N.Y. Arts & Cultural Affairs Law § 57.05. Attached please find an electronic copy of the determinations for the remaining complaints.

Any person denied access to a requested record may, within thirty (30) days of the denial, appeal the denial in writing by mail or fax to Caroline J. Downey, General Counsel, N.Y.S. Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458.

Very truly yours,

A handwritten signature in black ink, appearing to read "Siaka Paasewe".

Siaka Paasewe
FOIL Officer