

MICHAEL M. BUCHMAN, ESQ.



January 28, 2008

Amy C. Karp, Esq.  
New York State Attorney General's Office  
The State Capitol  
Albany, New York 12224-0341

Re: In re FOIL 07448 (Bayside Cemetery)

Dear Ms. Karp:

This will acknowledge receipt of your denial of our Freedom Of Information Law ("FOIL") request concerning documents from Congregation Shaare Zedek and others regarding Bayside Cemetery.

As you are intimately familiar, your office must make available for public inspection and copying all records unless you can claim a specific exemption to disclosure. *See Public Officers Law § 87(2)*. Moreover, the exemptions are to be narrowly interpreted so that the public is granted maximum access to the records of government *Matter of Capital Newspapers v Whalen*, 69 NY2d 246, 252, 505 N.E.2d 932, 513 N.Y.S.2d 367 (1987).

We were surprised to learn that the Attorney General's Office now refuses to turn these documents over to us on the ground that disclosure could interfere with an on-going investigation.

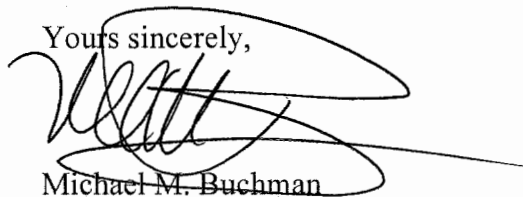
*First*, you may not be aware that these documents have already been disclosed to us as Assistant Attorney General Robert Piggott allowed us to review many of these documents in your office last spring. The simple fact that these documents, which were also carbon copied to private persons, have already been disclosed to us and others renders your objection most illogical.

*Second*, we have recently been informed that the investigation concerning this matter will likely conclude at the end of this month. Thus, if the investigation is virtually over it is hard to fathom how disclosure now will interfere with the investigation which purportedly has been on-going for many years.

We welcome the opportunity to speak with you in an effort to narrow our request and target only those documents we reviewed with Mr. Piggott. In the event, however, that we do not hear from you or receive a copy of the requested documents by February 29, 2008, we will be forced to seek judicial intervention.

Thank you for your anticipated cooperation in this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M. Buchman', with a long horizontal flourish extending to the right.

Michael M. Buchman

c: Deputy Attorney General James Rogers (Via E-Mail)  
Mr. John Lucker (Via E-Mail)