



1 Broadway Center, Schenectady, New York 12305

August 24, 2023

Sam Mellins
Senior Reporter, New York Focus
DEPT MR 149557
263 Huntington Avenue
Boston, Massachusetts 02115

Dear Reporter Mellins:

This correspondence serves as the determination of your August 21, 2023 communication, styled as an appeal from Commission Assistant Public Information Officer Siobhan Buskey. The underlying facts find you submitted a request we received on July 23, 2023 for:

1. Studies addressing the feasibility or economic impact of a new casino in the Rochester area
2. Records of nondisclosure agreements entered into by New York State employees related to a potential new casino in the Rochester area
3. presentations or memoranda prepared in 2023 concerning the potential economic impact of a new casino in the rochester area ¹

On August 16, 2023, Officer Buskey advised that "A diligent search of Commission records has been conducted, and no documents responsive to your request have been identified."²

In your FOIL Appeal, you wrote:

"I am appealing because I wish for a further search to be conducted for documents matching my request, particularly for "presentations or memoranda prepared in 2023 concerning the potential economic impact of a new casino in the Rochester area."

¹ See FOIL Records Request Reference Number R000111-072323, retrieved from FOIL Records Access Center portal, July 23, 2023.

² See Electronic correspondence of Commission Assistant Public Information Officer Siobhan Buskey to 149557-69609295@requests.muckrock.com, dated August 16, 2023.

The existence of records is not an appealable matter.³ Hence, your appeal is hereby denied.

Judicial review of this decision may be obtained pursuant to CPLR Article 78.

A handwritten signature in black ink, appearing to read "Robert Williams", followed by a long horizontal line extending to the right.

Robert Williams
Public Records Access Appeals Officer

Copies to:

Committee on Open Government
Lee Park, Deputy Executive Director
Siobhan Buskey, Assistant Public Information Officer

³ See N.Y. Public Officers Law § 89(3); N.Y.S. COOG, FOIL-AO-12690 (May 31, 2001).