

To Whom It May Concern:

Pursuant to the New York Freedom of Information Law, I hereby request the following records:

The complete personnel record of the retired and deceased Police Officer Gerard Benderoth, and all internal disciplinary records that identify Benderoth as a subject. For specificity and to rule out duplicates, the subject Benderoth birthdate was February 1, 1969. Benderoth was noted as a member of the town police force at the time of his death in 2017.

It is the requesting party's understanding that pursuant to legislation signed by the Governor of the State of New York, the law that prevented disclosure of this material (Civil Rights Law Section 50-a) has been repealed and all such records are now covered by the Freedom of Information Law.

In accordance with the Freedom of Information Law as it has been amended by aforementioned legislation, records that may be released include "the complaints, allegations, and charges against an employee; the name of the employee complained of or charged; the transcript of any disciplinary trial or hearing, including any exhibits introduced at such trial or hearing; the disposition of any disciplinary proceeding; and the final written opinion or memorandum supporting the disposition and discipline imposed including the agency's complete factual findings and its analysis of the conduct and appropriate discipline of the covered employee."

Under precedent, Freedom of Information Law uses a "balancing test" method of weighing privacy interests favoring redaction/denial against the public interest in favor of disclosure. This matter is of clear public interest for the following reasons: Benderoth was a public figure having been an amateur boxer in the Golden Gloves tournament and a competitor in World's Strongest Man competitions. The circumstances of his death was well-publicized, having occurred as he was sought by the Federal Bureau of Investigation in a quadruple homicide investigation.

As a deceased person, the privacy interests of Benderoth are diminished.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

T. McElwee

