

To Whom It May Concern:

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

The releasable personnel records of Joseph Bongiovanni, a former deputy in the county sheriff's office, as well as all disciplinary records that identify Bongiovanni as a subject. For specificity and to rule out duplicates, Bongiovanni was a deputy from approximately 1995 to 1998.

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of the State of New York, the law that prevented disclosure of this material (Civil Rights Law Section 50-a) has been repealed and all such records are now covered by the Freedom of Information Law.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: Bongiovanni is a

public figure who has been named in a federal indictment as a member of a narcotics conspiracy who monetized his position at the Drug Enforcement Administration to demand bribes in order to protect other members of the conspiracy.

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