

## Bob Ross

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**From:** Bob Ross [bob@therosscause.com] on behalf of Bob Ross  
**Sent:** Wednesday, August 13, 2008 8:20 AM  
**To:** William Schmitt  
**Cc:** Town Board; Charles Gibbs (townsupervisor@whitestown.net); Robert & Barbara Ross; Jamie Ross; Mary Finegan  
**Subject:** Town Attorney "Addressing" FOIL Requests?  
**Attachments:** 2008\_08-08 Schmitt Letter.pdf; FW: FOIL REQUEST#1 - Town Engineer's Standard Terms and Conditions (8-6-08); Finegan Email.pdf

Mr. Schmitt,

A couple days ago I received your letter (copy attached) stating, "As Town Attorney, **I provide opinions** to various Town Officials, including the Town Clerk who serves as Whitestown's Records Access Officer. In such a capacity, I do not deny FOIL requests **or take exceptions** thereto." You go on to call my assertions that you are offering something more than opinions **inaccurate** and **baseless**.

Yesterday I received an email from the Records Access Officer (copy attached) stating, "**I was informed by the Town Attorney** for the Town of Whitestown, **that he will be addressing** the meeting that you are referring to, I'm sure **he will be providing all the records of the meeting from Mr. Schrantz as well as any other Town Officials that were present**. I am confident that all the records of the meeting will be made available to either myself or directly to yourself in a timely manner."

You "**informed**" the Records Access Officer that you would be "**addressing**" and "**providing all the records**" for this meeting. This hardly seems consistent with your claim of providing opinions only. Therefore, my assertions are NOT **inaccurate** and **baseless**.

Furthermore,

In a 6-3-08 email I received from you, you stated, "The Town Board has appointed the Town Clerk as its Records Access Officer. This is consistent with her **statutory responsibilities under the Town Law and Arts and Cultural Affairs Law** that provide, among other things, that she has custody of all records of the Town. **As the Records Access Officer, she is responsible for coordinating the Town's response to your FOIL request (s).**"

In an 8-11-08 email (copy attached), Ms. Finegan stated to another party, "**I am the Records Access Officer, meaning I am the only person authorized to answer FOIL requests.**"

Given your earlier email and Ms. Finegan's stated conviction regarding her role, why have you usurped Ms. Finegan's "statutory responsibilities" as Records Access Officer? I'm particularly interested in hearing why you inserted yourself into this particular FOIL request?

Additionally, you made it clear to me in the past that you serve at the will of the Town Board. I look forward to being provided access to Records that include a directive for you to get involved in this specific FOIL request, and presumably will explain why...

Bob Ross  
 617-470-1407  
[www.therosscause.com](http://www.therosscause.com)

8/16/2008