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HAND DELIVERED

April 25, 2014

Letizia Tagliafierro
Executive Director
New York State Joint Commission on Public Ethics
540 Broadway
Albany, NY 12207

RE: Notice of Appeal of Denial of an Application for Exemption to Source of Funding
Regulation

Dear Ms. Tagliafierro:

Please be advised that our firm represents New York Women's Equality Coalition ("WEC") in connection with the appeal of the denial of an application for an exemption from source of funding regulations. WEC was informed by letter dated April 4, 2014 addressed to Ms. Ronnie Pawelko, WEC counsel, sent from Daniel J. Horwitz, chair of the New York State Joint Commission on Public Ethics ("JCOPE") and five additional members, that the application:

[D]id not present sufficient evidence demonstrating that compliance with the disclosure requirement would create a 'substantial likelihood' of harm to its sources of funding (including individuals and property associated with those sources). Rather the evidence presented was too remote and speculative to establish a substantial likelihood of harm.

Pursuant to 19 NYCRR 938.6, this letter serves as WEC's appeal of JCOPE's denial of the application for exemption. A central issue in this proceeding is the statutory

standard found in Legislative Law § 1-h which states as follows:

[A]ny corporation registered pursuant to article seven-A of the executive law that is qualified as an exempt organization by the United States Department of the Treasury under I.R.C. § 501(c)(4) and whose primary activities concern any area of public concern determined by the commission to create a substantial likelihood that application of this disclosure requirement would lead to harm, threats, harassment, or reprisals to a source of funding or to individuals or property affiliated with such source, including but not limited to the area of civil rights and civil liberties and any other area of public concern determined pursuant to regulations promulgated by the commission to form a proper basis for exemption on this basis from this disclosure requirement[.]

WEC also directs the Commission's attention to the Bill Jacket of the Public Integrity Reform Act of 2011 ("PIRA"), which provides guidance in determining the legislative intent of the statute. The Bill Jacket unambiguously states in the Introducer's Memorandum in Support that:

The bill expressly identifies the area of "civil rights and civil liberties" as one area in which organizations are expected to qualify for such an exemption in the Joint Commission's regulations. Among other issues included in this area, organizations whose primary activities focus on the question of abortion rights, family planning, discrimination or persecution based upon race, ethnicity, gender, sexual orientation or religion, immigrant rights, and the rights of certain criminal defendants are expected to be covered by such an exemption.

WEC submitted an application for exemption from disclosing sources of contributions on October 28, 2013. NARAL Pro-Choice New York, another 501(c)(4) organization that supports abortion rights, also submitted an application for exemption on May 1, 2013. What is most notable about WEC's application is that it cites to nearly identical evidence that was submitted by NARAL Pro-Choice New York; the only organization that was granted an exemption from JCOPE. For example, both the WEC and NARAL respective applications submitted compelling evidence by the National Abortion Federation ("NAF") which gave specific statistics and incidents of violence against abortion providers in the United States between 1977 and 2011. According to the NAF, since there has been at least 8 abortion-related murders, 4 cases of kidnapping, 530 cases of stalking and 426 death threats against abortion-providers since 1977 in the United States and Canada. As recognized by the dissenting JCOPE members:

The majority has not explained, nor can it, why these very similar applications have failed and NARAL's did not.

In light of the clear legislative intent of PIRA and applications submitted by other pro-choice organizations, the Majority's interpretation that "the evidence presented [by WEC] was too remote and speculative to establish a substantial likelihood of harm" is clearly erroneous after considering all of the evidence in the record. 19 NYCRR 938.7(c).

By way of background, WEC is a civil rights and civil liberties 501(c)(4) organization that supports abortion rights and access. It should also be noted that Planned Parenthood Advocates of New York, Family Planning Advocates of New York State, the New York Civil Liberties Union and NARAL Pro-Choice New York are all members of the WEC Steering Committee. Pursuant to the WEC Article of Organization §4.16, the WEC Board consults with steering committee members to "solicit their views on material matters being considered by the Board." See, Article of Organization attached hereto as Exhibit "A". As such, there are several reasons why the Majority's determination was erroneous.

First, JCOPE ignored and had no meaningful discussion of evidence set forth in the application proffered by WEC. Had JCOPE conducted a meaningful review of the application or had a meaningful dialogue with the applicant, JCOPE would have recognized that the majority of the evidence submitted by WEC was specific acts of "harms, threats, harassment or reprisals" to and against a steering committee member, Planned Parenthood Advocates of New York, Family Planning Advocates of New York State and NARAL, of their organization. Due to these well-documented direct threats at a steering committee member of WEC, it is clearly erroneous for the Majority to view the evidence as "too remote and speculative".

Second, the Majority's decision creates a subjective and inoperable framework in determining whether an applicant has demonstrated a "substantial likelihood" of harm to its sources of funding. Because it is beyond dispute that Planned Parenthood and other organizations that support abortions rights and access, have sustained a longstanding pattern of violence, it is highly likely that other threats of harm and harassment will only increase after the sources and members who support pro-choice organizations are disclosed and known to those capable of such acts.

Finally, the fact that numerous other tribunals have determined that other pro-choice organizations have demonstrated a clear and longstanding pattern of violence establishes a strong presumption that the Majority's determination was erroneous and there is a clear "substantial likelihood of [further] harms, threats, harassment or reprisals".

For example, as recognized in a recent March 17, 2014 letter from Jonathan Karmel, Department of Health Records Access Appeals Officer addressed to an individual attempting to gather information concerning abortion services in New York State, the Department of Health agreed that there is a possibility that disclosing

information concerning abortion providers would endanger the lives or safety of those individuals. See, NYS DOH FOIL Appeal letter attached hereto as Exhibit "B". In that letter, DOH, whom also considered the NAF statistics, specifically held that:

Recognizing the risk to life and safety, the Committee on Open Government has opined that DOH may withhold the names and addresses of physicians who perform abortions, "in view of the violence that has been committed in New York and elsewhere in relation to abortion providers." Advisory Opinion No. 11239; see also, American Broadcasting Companies v Siert, 110 Misc2d 744, 751 (Sup. Ct. N.Y. County 1981), holding that when disclosure would "expose [licensee] applicants and their families to danger to life or safety," POL 87(2)(f) is properly asserted. More recently, the NYS Appellate Division, First Department, has recognized the need to protect the identities of those involved in the manufacturing and marketing of RLJ-486 or Mifepristone (medical abortion pill) in a non-FOIL related matter, agreeing that they could be targeted for harassment or violence. Dance Laboratories v. Chemical Works of Ciedon Richter Limited, 274 AD2d 1,2,9 (NY App Div., 1st Dept. 2000).

Additionally, the U.S. Court of Appeals, D.C. Circuit upheld the redaction of the names and addresses of individuals and businesses associated with the development, manufacturing, and FDA approval of Mifepristone, in light of abortion-related violence, under the Federal Freedom of Information Act ("FOIA"). Judicial Watch, Inc. v Food and Drug Administration, 449 F3d 141, 153 (U.S. District Ct., D.C. Cir. 2006). In that case the court held that:

[T]he FDA fairly asserted abortion-related violence as a privacy interest for both the name and addresses of persons and businesses associated with [M]ifepristone [the medical abortion pill], and that "evidence of abortion clinic bombings" and "websites that encourage readers to look for [M]ifepristone's manufacturing locations and then kill or kidnap employees," was sufficient to show a privacy interest in withholding the information under FOIA that outweighed the public interest in the names and addresses sought. Id.

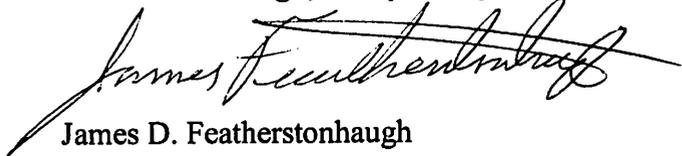
In the shared view of the determinations of numerous other tribunals, the aggregated applications seeking exemption from source of funding regulations, and the legislative intent of PIRA, the Majority's narrow interpretation of the source of funding regulation exemption requirements was erroneous and created an excessively burdensome standard for applicants to meet. Accordingly, WEC respectfully requests that the judicial hearing officer issues a written and final decision that reverses the Majority's determination and grants New York Women's

Letizia Tagliaferro
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Equality Coalition's application for an exemption to the Joint Commission on Public Ethics source of funding disclosure requirements.

Very truly yours,

Featherstonhaugh, Wiley & Clyne, LLP



James D. Featherstonhaugh

cc: Ronnie Pawelko

EXHIBIT A

NEW YORK WOMEN'S EQUALITY COALITION, INC.

BY-LAWS

(A New York Not-for-Profit Corporation)

ARTICLE I

PURPOSE

1.1 The purposes for which the Corporation is organized and operated (the "Corporate Purpose") are exclusively for the promotion of social welfare within the meaning of Section 501(c)(4) of the Code (as defined herein) and the Treasury Regulations promulgated thereunder. The specific Corporate Purpose shall be: to foster, encourage and promote equal opportunity for women under the laws of the State of New York to assure income equality for women; to protect and improve women's access to legal counsel and reproductive health care; to assure women's freedom from discrimination in housing and the workplace, human trafficking and domestic violence; advocacy for women's equality; and to support legislation aimed at advancing women's equality in the State of New York.

1.2 The Corporation shall further the Corporate Purpose by financing and organizing a statewide program to advocate and endorse programs and legislation aimed at advancing women's equality. The Corporation will solicit donations from interested individuals, organizations and foundations, and administer and expend such funds in furtherance of its Purpose; hold, conduct and organize meetings and discussions on issues relevant to the Purpose; work to help create an informed citizenry in the current debates regarding women's equality; liaise with policymakers on the facts and challenges facing women in the State of New York; aid, assist, cooperate and otherwise engage in concerted action with other similarly constituted groups dedicated to improving women's equality; and advocate and support legislation in furtherance of its Purpose.

1.3 The Corporation shall work with a coalition of organizations and individuals committed to women's equality. The Corporation and its Directors and Officers will engage with the Steering Committee (as defined herein) in accordance with Section 4.16 hereof to further the Corporate Purpose.

ARTICLE II

DEFINITIONS

As used in these By-laws, unless the context otherwise requires, the term:

2.1 "Board" means the board of directors of the Corporation.

2.2 "By-laws" means the by-laws of the Corporation, as amended from time to time.

2.3 "Certificate of Incorporation" means the certificate of incorporation of the Corporation, as amended, supplemented or restated from time to time.

2.4 "Chairperson" means the chairperson of the Corporation, if any.

2.5 "Code" means the Internal Revenue Code of 1986, as amended.

2.6 "Corporation" means New York Women's Equality Coalition, Inc.

2.7 "Directors" means the directors of the Corporation.

2.8 "Entire Board" means the total number of Directors entitled to vote. For the avoidance of doubt, the Entire Board shall consist of all current Directors, in addition to any vacancies created by the resignation or termination of any Director, which number of Directors is not required to equal the maximum total number of Directors permitted pursuant to Section 4.2 hereof.

2.9 "Executive Committee" means a committee of the Board, if any, established in accordance with Section 4.1.

2.10 "Not-for-Profit Corporation Law" means the Not-for-Profit Corporation Law of the State of New York, as amended from time to time.

2.11 "Office of the Corporation" means the executive office of the Corporation, anything in Section 102(a)(11) of the Not-for-Profit Corporation Law to the contrary notwithstanding.

2.12 "Officer" means any officer of the Corporation.

2.13 "Secretary" means the secretary of the Corporation.

2.14 "Steering Committee" means those organizations listed on Schedule A hereto with which the Board, the Executive Committee and the Officers intend to consult in accordance with Section 4.16 hereof. The Board shall have the authority to amend Schedule A from time to time.

2.15 "Treasurer" means the treasurer of the Corporation.

2.16 "Vice President" means a vice president of the Corporation, if any.

ARTICLE III

MEMBERS

The Corporation shall have no members.

ARTICLE IV

DIRECTORS

4.1 General Powers. The Board shall have general power to control and manage the affairs and property of the Corporation subject to applicable law and in accordance with the Corporate Purpose and limitations set forth in the Certificate of Incorporation and herein.

4.2 Number; Qualifications. The number of Directors constituting the Entire Board shall not be less than three nor more than twenty-five and, subject to such minimum and maximum, may be increased or decreased from time to time by a vote of a majority of the Entire Board or by an amendment to these By-laws and no decrease shall shorten the term of any incumbent Director. Each Director shall be at least eighteen years of age and be committed to the Corporate Purpose.

4.3 Election and Term of Office. The initial Directors shall be the persons named in the Certificate of Incorporation. The initial Directors, and any Directors appointed as a result of an increase in the number of Directors constituting the Entire Board in accordance with Section 4.2 hereof, shall serve until the first annual meeting of the Board. The Directors shall hold office for a term of one year; provided, however, that any Director elected to fill an unexpired term (whether resulting from the death, resignation or removal of a Director or created by an increase in the number of Directors) shall hold office until the next election of Directors. Directors may be elected to any number of consecutive terms. To become a Director, a person shall be nominated by a Director and elected by a majority of the Board.

4.4 Newly Created Directorships and Vacancies. Newly created directorships resulting from an increase in the number of Directors and vacancies occurring in the Board for any reason may be filled by vote of a majority of the Directors then in office at any meeting of the Board. A Director elected to fill a vacancy shall hold office until the annual meeting next following his or her election at which the election of Directors is in the regular order of business and until his or her successor shall have been elected and shall qualify, or until his or her earlier death, resignation or removal.

4.5 Resignation. Any Director may resign from office at any time. Such resignation shall be made in writing, and shall take effect at the time therein specified, and if no time be specified, at the time of its receipt by the Corporation. The acceptance of such resignation by the Board shall not be necessary to make it effective, but no resignation shall discharge any accrued obligation or duty of a Director.

4.6 Removal. Any Director may be removed at any time for cause by a vote of two-thirds of the Entire Board at a regular meeting or special meeting of the Board called for that purpose; provided that at least one week's notice of the proposed action shall have been given to all of the Directors then in office.

4.7 Compensation. No compensation of any kind shall be paid to any Director for the performance of his or her duties as Director. The provisions of this section shall not in

any way limit the reimbursement of or payment for services provided to the Corporation by any organization with which a Director is affiliated.

4.8 Meetings of the Board; Annual Meeting. Meetings of the Board, regular or special, may be held in person at any place within or without the State of New York or telephonically as the Board, or the Secretary or the Chairperson of the Corporation, if any, may from time to time fix. The annual meeting of the Board shall be held at a time and place fixed by the Board. The annual meeting of the Board may be held at such time and place specified in a notice given as provided in Section 3.11 or in a waiver of notice thereof.

4.9 Regular Meetings. Regular meetings of the Board may be held in person or telephonically at such times and places as may be fixed from time to time by the Board, or the Chairperson of the Corporation, if any. Unless otherwise required by the Board, regular meetings of the Board established in accordance with this Section 4.9 may be held without notice as to any individual regular meeting.

4.10 Special Meetings. Special meetings of the Board shall be held whenever called by the Chairperson or the Secretary or by any two or more Directors, and shall be held upon notice.

4.11 Notice of Meetings. Notice of each annual and special meeting of the Board may be given by mail, facsimile, electronic mail, courier, telephone or similar means of communication, or be delivered to him or her personally, not later than the day before the date on which such meeting is to be held. Every such notice shall state the time and place and telephone conference access number of the meeting but need not state the purposes of the meeting, except to the extent required by law. Notices shall, if mailed, be addressed to each Director at his or her residence or usual place of business (or at such address as he or she may have designated in a written request filed with the Secretary at least four days before the day on which the meeting is to be held). If mailed, each notice shall be deemed given when deposited, with postage thereon prepaid, in a post office or official depository under the exclusive care and custody of the United States Postal Service. Such mailing shall be by first class mail.

4.12 Adjourned Meetings. A majority of the Directors present at any meeting of the Board, including an adjourned meeting, whether or not a quorum is present, may adjourn such meeting to another time and place. Any business may be transacted at any adjourned meeting that might have been transacted at the meeting as originally called.

4.13 Waivers of Notice of Meetings. Anything in these By-laws or in any resolution adopted by the Board to the contrary notwithstanding, notice of any meeting of the Board need not be given to any Director who submits a signed waiver of such notice, whether before or after such meeting, or who attends such meeting without protesting, prior thereto or at its commencement, the fact that notice was not given to him or her.

4.14 Quorum of Directors. The presence in person of a majority of the Entire Board shall be necessary and sufficient to constitute a quorum for the transaction of business at any meeting of the Board. Any one or more members of the Board or any committee thereof may participate in a meeting of the Board or such committee by means of a telephone conference

or similar communications equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

4.15 Action by the Board. All corporate action taken by the Board shall be taken at a meeting, in person or telephonic, of the Board; provided, however, that any action required or permitted to be taken by the Board or by any committee thereof may be taken without a meeting if all members of the Board or such committee consent in writing to the adoption of the resolution authorizing the action. A vote by any Director for any resolution of the Board may be authorized by email. Except as otherwise provided by the Not-for-Profit Corporation Law, the Certificate of Incorporation or these By-laws, the vote of a majority of the Directors present at the time of the vote, if a quorum is present at such time, shall be the act of the Board.

4.16 Consultation. The Board, or the Executive Committee or any other committee that the Board may designate pursuant to these By-laws, intends to consult with members of the Steering Committee to solicit their views on material matters being considered by the Board.

ARTICLE V

COMMITTEES OF THE BOARD

5.1 Special Committees. The Board may designate from time to time from among the Directors committees of the Board to perform specific functions in carrying on the work of the Corporation, including, without limitation, an executive committee, a development committee, a finance and budget committee and a governance committee. Such committees shall have only the lawful powers specifically delegated to them by the Board pursuant to a resolution of the Board, to the extent permitted by law. Nothing in this Section 5.1 shall preclude the Board from exercising its authority and powers with respect to any matter that the Board has delegated to any committee established by the Board.

5.2 Executive Committee. The Board may designate Directors to serve on the Executive Committee. The Executive Committee shall have the authority to administer and provide oversight for the financial, legal and day-to-day operations and reporting of the Corporation, including matters relating to any requisite filings that the Corporation may make with governmental and regulatory bodies, and matters relating to the Corporation's financial operations, records and insurance; provided, however, the Executive Committee shall not have the authority to determine the policy of the Corporation or to act on matters in respect thereof, to remove a director, or to amend these by-laws, unless specifically delegated such authority by the Board. The Executive Committee shall consist of the Officers of the Corporation and other Directors appointed by the Board.

5.3 General. Any committee designated by the Board pursuant to Section 5.1, and each of the members and alternate members thereof, shall serve at the pleasure of the Board. The Board may designate one or more Directors as alternate members of any such committee, who may replace any absent member or members at any meeting of such committee. Any

committee may adopt such rules and regulations, not inconsistent with the Certificate of Incorporation or these By-laws or applicable laws or the resolution of the Board designating such committee, as it may deem proper for the conduct of its meetings and the exercise by it of the authority of the Board conferred upon such committee by the resolution of the Board designating such committee.

ARTICLE VI

OFFICERS

6.1 Officers. The Officers shall be a Treasurer and a Secretary, and, should the Board so determine, may also include a Chairperson, Vice Presidents, a General Counsel and such other Officers, if any, as the Board may from time to time appoint. One person may hold more than one office in the Corporation except that no one person may hold the offices of Chairperson and Secretary. No instrument required to be signed by more than one Officer may be signed by one person in more than one capacity.

6.2 Election and Term of Office. All Officers shall be elected or appointed to hold office until the meeting of the Board following the next annual meeting. Each Officer shall hold office for the term for which he or she is elected or appointed, and until his or her successor shall have been elected or appointed and qualified or until his or her death, his or her resignation or his or her removal in the manner provided in Section 6.3. All Officers as between themselves and the Corporation shall have such authority and perform such duties in the management of the Corporation as may be provided in these By-laws or as the Board may from time to time determine.

6.3 Removal of Officers. Any Officer elected or appointed by the Board may be removed by the Board with or without cause by a vote of the majority of the Entire Board.

6.4 Resignations. Any Officer may resign at any time in writing by notifying the Board or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at such later time as is therein specified, and, unless otherwise specified, the acceptance of such resignation shall not be necessary to make it effective. The resignation of an Officer shall be without prejudice to the contract rights of the Corporation, if any.

6.5 Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or any other cause may be filled for the unexpired portion of the term by the Board at any regular or special meeting of the Board.

6.6 Compensation. No Officer shall receive any compensation for services rendered to the Corporation.

6.7 Chairperson. The Chairperson shall be the chief executive officer of the Corporation and shall have general supervision over the business of the Corporation, subject, however, to the control of the Board and of any duly authorized committee of Directors. The Chairperson shall, if present, preside at all meetings of the Board and he or she may sign and execute in the name of the Corporation contracts, agreements, checks, drafts and other orders of payment of money out of the funds of the Corporation and other instruments, except in cases

where the signing and execution thereof shall be expressly delegated by the Board to some other Officer or agent of the Corporation, or shall be required by law otherwise to be signed or executed; and, in general, he or she shall perform all duties incident to the office of Chairperson and such other duties as from time to time may be assigned to him or her by the Board.

6.8 Vice Presidents. At the request of the Chairperson, or in his or her absence, at the request of the Board, the Vice Presidents shall (in such order as may be designated by the Board or in the absence of any such designation in order of seniority based on age) perform all of the duties of the Chairperson and so acting shall have all the powers of and be subject to all restrictions upon the Chairperson. Any Vice President may sign and execute in the name of the Corporation contracts, agreements or other instruments authorized by the Board, except in cases where the signing and execution thereof shall be expressly delegated by the Board to some other Officer or agent of the Corporation, or shall be required by law otherwise to be signed or executed; and shall perform such other duties as from time to time may be assigned to him or her by the Board or by the Chairperson.

6.9 Treasurer. The Treasurer shall have charge and custody of, and be responsible for, all funds, securities and notes of the Corporation; receive and give receipts for moneys due and payable to the Corporation from any sources whatsoever; deposit all such moneys or supervise the deposit of such moneys by agents or consultants of the Corporation, in the name of the Corporation in such banks, trust companies or other depositories as shall be selected in accordance with these By-laws; against proper vouchers, cause such funds to be disbursed by checks or drafts on the authorized depositories of the Corporation signed in such manner as shall be determined in accordance with any provisions of the By-laws, and be responsible for the accuracy of the amounts of all moneys so disbursed; he or she may sign and execute in the name of the Corporation checks, drafts and other orders of payment of money out of the funds of the Corporation and other instruments authorized by the Board or the Executive Committee, except in cases where the signing and execution thereof shall be expressly delegated by the Board to some other Officer or agent of the Corporation, or shall be required by law otherwise to be signed or executed; regularly enter or cause to be entered in books to be kept by him or her or under his or her direction a full and adequate account of all moneys received or paid by him or her for the account of the Corporation; have the right to require, from time to time, reports or statements giving such information as he or she may desire with respect to any and all financial transactions of the Corporation from the Officers or agents transacting the same; render to the Board, whenever the Board shall require him or her to do so, an account of the financial condition of the Corporation and of all his or her transactions as Treasurer; exhibit at all reasonable times his or her books of account and other records to any of the Directors upon application at the office of the Corporation where such books and records are kept; and, in general, perform all the duties incident to the office of Treasurer and such other duties as from time to time may be assigned to him or her by the Board or by the Executive Committee, if any.

6.10 Secretary. The Secretary shall keep the minutes of the annual meeting and all meetings of the Board in books provided for that purpose; and shall see that all notices required to be given by the Corporation are duly given and served; and shall be custodian of any seal of the Corporation and may seal documents with the seal of the Corporation, or a facsimile thereof, all documents the execution of which on behalf of the Corporation under its corporate seal are authorized in accordance with the provisions of these By-laws; and shall have charge of

the books, records and papers of the Corporation relating to its organization and management as a corporation, and shall see that the reports, statements and other documents required by law are properly kept and filed; and shall, in general, perform all the duties incident to the office of Secretary and such other duties as from time to time may be assigned to him or her by the Board or by the Executive Committee, if any. The Secretary may sign and execute in the name of the Corporation contracts, agreements, checks, drafts and other orders of payment of money out of the funds of the Corporation and other instruments authorized by the Board or the Executive Committee, except in cases where the signing and execution thereof shall be expressly delegated by the Board to some other Officer or agent of the Corporation, or shall be required by law otherwise to be signed or executed; and shall perform such other duties as from time to time may be assigned to him or her by the Board or the Executive Committee.

6.11 General Counsel. The General Counsel shall have charge of all legal matters applicable to the Corporation and he or she may sign and execute in the name of the Corporation contracts, agreements and other instruments, except in cases where the signing and execution thereof shall be expressly delegated by the Board to some other Officer or agent of the Corporation, or shall be required by law otherwise to be signed or executed; and, in general, he or she shall perform all duties incident to the office of General Counsel and such other duties as from time to time may be assigned to him or her by the Board.

ARTICLE VII

SOLICITATION, CONTRACTS, LOANS, CHECKS, DRAFTS, BANK ACCOUNTS, INVESTMENTS, ETC.

7.1 Solicitation. In accordance with the provisions of the Certificate of Incorporation and these By-laws, the Corporation may solicit contributions which are to be used to provide funding in furtherance of its Corporate Purposes as set forth in the Certificate of Incorporation for the specific purposes approved by the Board.

7.2 Execution of Contracts. The Board may authorize any Officer, employee or agent of the Corporation, in the name and on behalf of the Corporation, to enter into any contract or execute and satisfy any instrument, and any such authority may be general or confined to specific instances, or otherwise limited.

7.3 Purchase, Sale, Mortgage and Lease of Real Property. The Corporation may not purchase, sell, mortgage or lease real property unless authorized by the vote of two-thirds of the Entire Board.

7.4 Loans. The Board may authorize, and any Officer, employee or agent of the Corporation specifically authorized by the Board as to any individual loan, may effect, loans and advances at any time for the Corporation from any bank, trust company or other institution or from any firm, corporation or individual and for such loans and advances may make, execute and deliver promissory notes, bonds or other certificates or evidences of indebtedness of the Corporation, and when authorized so to do may pledge and hypothecate or transfer any securities or other property of the Corporation as security for any such loans or advances. Such authority conferred by the Board may be general or confined to specific instances or otherwise limited.

7.5 Prohibited Loans. No loans shall be made by the Corporation to any Director or to any Officer, or to any other corporation, firm, association or other entity in which one or more of the Directors or Officers of the Corporation are directors or officers or hold a substantial financial interest.

7.6 Checks, Drafts, Etc. All checks, drafts and other orders for the payment of money out of the funds of the Corporation and all notes or other evidences of indebtedness of the Corporation shall be signed on behalf of the Corporation in such manner as shall from time to time be determined by resolution of the Board.

7.7 Deposits. The funds of the Corporation not otherwise employed shall be deposited from time to time to the order of the Corporation in such banks, trust companies or other depositories as the Board may select or as may be selected by an Officer, employee or agent of the Corporation to whom such power may from time to time be delegated by the Board.

7.8 Investments. There shall be no obligation to invest the funds of the Corporation.

ARTICLE VIII

INDEMNIFICATION

8.1 The Corporation shall, to the fullest extent permitted by law, indemnify any person who is or was made, or threatened to be made, a party to any threatened, pending or completed, action, suit or proceeding, whether civil, criminal, administrative or investigative, including an action by or in the right of the Corporation to procure a judgment in its favor (hereinafter, a "Proceeding"), by reason of the fact that such person, or a person of whom such person is the legal representative, is or was a Director or Officer, or is or was serving in any capacity at the request of the Corporation for any other corporation, partnership, joint venture, trust, employee benefit plan or other enterprise, against judgments, fines, penalties, excise taxes, amounts paid in settlement (with the written consent of the Corporation, which shall not be unreasonably withheld) and costs, charges and expenses (including attorneys' fees and disbursements). Notwithstanding the foregoing, no indemnification shall be provided to or on behalf of any Director or Officer if a judgment or other final adjudication adverse to such Director or Officer establishes that (i) his or her acts were committed in bad faith or were the result of active and deliberate dishonesty and, in either case, were material to the cause of action so adjudicated, or (ii) he or she personally gained in fact a financial profit or other advantage to which he or she was not legally entitled. Persons who are not Directors or Officers may be similarly indemnified in respect of service to the Corporation or to another such entity at the request of the Corporation to the extent the Board at any time designates such person as entitled to the benefits of this Article 7.

8.2 The Corporation shall, from time to time, reimburse or advance to any Director or Officer entitled to indemnification hereunder the funds necessary for payment of expenses, including attorneys' fees and disbursements, incurred in connection with any Proceeding, in advance of the final disposition of such Proceeding; provided, however, that such expenses incurred by or on behalf of any Director or Officer may be paid in advance of the final

disposition of a Proceeding only upon receipt by the Corporation of an undertaking, by or on behalf of such Director or Officer, to repay any such amount so advanced if a judgment or other final adjudication adverse to the Director or Officer establishes that (i) his or her acts or omissions were committed in bad faith or were the result of active and deliberate dishonesty and, in either case, were material to the cause of action so adjudicated, or (ii) he or she personally gained in fact a financial advantage to which he or she was not legally entitled, or (iii) his or her acts violated Section 719 of the Not-for-Profit Corporation Law.

8.3 Any indemnification permitted hereunder (unless ordered by a court) shall be made by the Corporation only if authorized in the specific case upon a finding that the Director or Officer has met the standard of conduct set forth in Section 722 of the Not-for-Profit Corporation Law (or any successor section thereto) ("Section 722"). Such determination shall be made (i) by the Board of Directors of the Corporation by a majority vote of a quorum consisting of Directors who were not or are not parties to the Proceeding in question, or (ii) if such a quorum is not obtainable, or, even if obtainable, if a quorum of disinterested Directors so directs, by the Board upon the opinion in writing of independent legal counsel that indemnification is proper under the circumstances because the standard of conduct set forth in Section 722 has been met.

8.4 The right to indemnification and advancement of expenses provided by, or granted pursuant to, this Article 7 shall not be deemed exclusive of any other rights to which those seeking indemnification or advancement of expenses may have or hereafter be entitled under any law, by-law or agreement, or any vote of disinterested Directors or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office.

8.5 The indemnification and advancement of expenses provided by, or granted pursuant to, this Article 7 shall continue as to a person who has ceased to be a Director or Officer and shall inure to the benefit of the heirs, executors and administrators of such person.

8.6 The Corporation shall have the power to purchase and maintain insurance to indemnify (i) itself for any obligation which it incurs as a result of the indemnification of Directors and Officers under the provisions of this Article 7, or (ii) any Director or Officer in instances in which they may be indemnified under the provisions of this Article 7, against any liability asserted whether or not the Corporation would have the power to indemnify such person against such liability under the laws of the State of New York, subject to the limitations imposed under Section 726 of the Not-for-Profit Corporation Law (or any successor section).

8.7 To secure payment of any obligation of indemnification or advancement of expenses provided by, or granted pursuant to, this Article 7, the Corporation may create a trust fund, grant a security interest or use other means (including, without limitation, a letter of credit) to insure the payment of such sums as may become necessary to effect indemnification or advancement of expenses as provided herein.

8.8 The right to indemnification and reimbursement and advancement of expenses provided in this Article 7 shall be enforceable by any person entitled to indemnification or advancement of expenses hereunder in any court of competent jurisdiction. The burden of

proving that indemnification or reimbursement and advancement of expenses are not appropriate shall be on the Corporation. Neither the failure of the Corporation (including its Board or independent legal counsel) to have made a determination prior to the commencement of such action that indemnification or advances are proper in the circumstances nor an actual determination by the Corporation (including its Board or independent legal counsel) that such person is not entitled to indemnification or to the reimbursement or advancement of expenses, shall constitute a defense to the action or create a presumption that such person is not so entitled. Such person shall also be indemnified for any expenses incurred in connection with successfully establishing his or her right to indemnification or advances, in whole or in part, in any such Proceeding.

8.9 Any person entitled to be indemnified or to the reimbursement or advancement of expenses as a matter of right pursuant to this Article 7 may elect to have the right to indemnification (or advancement of expenses) interpreted on the basis of the applicable law (including, without limitation, Section 722) in effect at the time of the occurrence of the event or events giving rise to the action or proceeding, to the extent permitted by law, or on the basis of the applicable law (including, without limitation, Section 722) in effect at the time indemnification is sought. Such election shall be made by a notice in writing to the Corporation at the time indemnification is sought; provided, that if no such notice is given, the right to indemnification shall be determined by the law in effect at the time indemnification is sought.

ARTICLE IX

BOOKS AND RECORDS

The Secretary, or a person designated by the Secretary, shall keep correct and complete books and records of account and shall keep minutes of the proceedings of the Board. Any of the foregoing books, minutes or records may be in written form or in any other form capable of being converted into written form within a reasonable time.

ARTICLE X

SEAL

The Board may adopt a corporate seal which shall be in the form of a circle and shall bear the full name of the Corporation and the year of its incorporation.

ARTICLE XI

FISCAL YEAR

The fiscal year of the Corporation shall be determined, and may be changed, by the Board.

ARTICLE XII

AMENDMENTS

These By-laws may be amended or repealed and new By-laws may be adopted by a majority vote of the Entire Board, except that any amendment which increases the quorum requirement or the proportion of votes necessary for the transaction of business or of any specified item of business, or which reduces the vote required to remove a Director must be authorized by a vote of two-thirds of the Entire Board.

ARTICLE XIII

NON-DISCRIMINATION

In all of its dealings, neither the Corporation nor its duly authorized agents shall discriminate against any individual or group for reasons of race, color, creed, sex, age, culture, national origin, marital status, sexual preference, or mental or physical handicap.

Steering Committee Members

1. A Better Balance
2. AAUW-NYS Public Policy
3. Family Planning Advocates of NYS
4. International Code Council
5. League of Women Voters NYS
6. Maria T. Vullo
7. NARAL Pro-Choice New York
8. National Organization of Women NYC
9. NY Women's Chamber of Commerce
10. New York Civil Liberties Union
11. NYS AFL-CIO
12. NYS Anti-Trafficking Coalition
13. NYS Pay Equity Coalition
14. NYS Coalition Against Domestic Violence
15. NYWA/Equal Pay Coalition NYC
16. Planned Parenthood Advocates of NY
17. Sanctuary For Families
18. YWCAs of New York State

EXHIBIT B

NEW YORK
state department of
HEALTH

Nirav R. Shah, M.D., M.P.H.
Commissioner

Sue Kelly
Executive Deputy Commissioner

March 17, 2014

Mr. John P. Margand
670 White Plains Road, Suite 322
Scarsdale, NY 10583

Re: 3rd FOIL Appeal # 13-04-213

Dear Mr. Margand:

This letter resolves your administrative appeal to the New York State Department of Health ("DOH") from its denial of Greg Pfundstein's request for certain records pursuant to the Freedom of Information Law ("FOIL"), Public Officers Law ("POL") Article 6.

On April 11, 2013, Mr. Pfundstein submitted a FOIL request, asking:

1. How many inspections have been conducted of Article 28 licensed diagnostic treatment centers that offer abortion services since January 1, 2000?
2. How many inspections have been conducted of facilities that offer abortion services but are not licensed under Article 28 since January 1, 2000?
3. Please provide all records of any violations that were found, and the corrective/enforcement action taken resulting from inspections of Article 28 licensed diagnostic treatment centers that offer abortion services since January 1, 2000 and resulting from inspections of facilities that offer abortion services but are not licensed under Article 28 since January 1, 2000.
4. Please provide any records relating to investigations or civil enforcement actions for operating a facility that performs abortion services, for failure to comply with the requirements of Public Health Law Section 2801-A.

On May 13, DOH received the first appeal for this FOIL request, which raised a constructive denial argument. On May 28, I denied the appeal. On August 19, DOH agreed to provide records on a rolling basis, and records partially responsive to this request were provided on September 30 and October 8. On October 23, DOH received the second appeal for this FOIL request, which raised another constructive denial argument and further argued that the redactions made to the documents provided on September 30 and October 8 were improper. On November 6, 2013, I denied that appeal. On February 5, 2014, DOH released its final batch of documents to Mr. Pfundstein, which completed DOH's response to this FOIL request. On

March 4, I received the third appeal in this matter, which was faxed to the Records Access Office ("RAO") on March 3 at 5:18 pm.

This third appeal makes the same arguments raised in the second appeal, and I will therefore reiterate the same reasons for denying the appeal that were contained in my November 6, 2013 denial.

First, DOH responded to your request in a timely and complete manner. Under POL § 89(3)(a), an agency is required to provide "a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied." Due to the large volume of documents released to Mr. Kahrman, DOH produced documents responsive to this request on a rolling basis as they were located and reviewed to ensure they could be released under the Personal Privacy Protection Law (POL Article 6-A) and that it was appropriate to release them under FOIL. The RAO estimated that DOH would complete its response to this FOIL request by February 5, 2014 and DOH fully complied with this deadline. RAO's response date was therefore reasonable under the circumstances of this request. See Matter of Data Tree v Romaine, 9 NY3d 454, 465; Matter of New York Times Co. v City of NY Police Dept., 103 AD3d 405, 406-407.

Second, DOH has already provided Mr. Pfundstein with thousands of pages of records responsive to this FOIL request. The records that have been released are: 1) a spreadsheet providing the number of routine inspections that have been conducted of 25 Article 28 licensed diagnostic and treatment centers and ambulatory surgery centers which have "abortion services" listed on their operating certificate, responsive to Item 1 of the request; 2) Statements of Deficiencies ("SODs") prepared by the Department in connection with inspections of Article 28 licensed diagnostic treatment centers whose operating certificates indicate that they provide abortion services, and corresponding Plans of Correction ("POCs") prepared by inspected centers, responsive to Item 2 of the request; and 3) Records related to the civil enforcement action concerning one of the twenty-five Article 28 licensed diagnostic and treatment centers, responsive to Item 4 of the request. Although you have only indicated that you are appealing the effective denial of "Item 3 of the Foundation's April 11, 2013 request for records," this appeal decision addresses the types of FOIL exemptions you are challenging in your appeal, in regards to all four items of your original FOIL request. These exemptions include: 1) material that, if disclosed, would be an unwarranted invasion of personal privacy under POL § 87(2)(b); 2) material that if disclosed, could endanger the life and safety of individuals, under POL § 87(2)(f); and 3) quality assurance material that is exempt from disclosure by statute pursuant to POL § 87(2)(a), under Public Health Law ("PHL") § 2805-m and Education Law § 6527(3).

Unwarranted Invasion of Personal Privacy

FOIL expressly exempts from disclosure records and portions of records that, if disclosed, would constitute an "unwarranted invasion of personal privacy." POL § 87(2)(b). POL § 89(2)(b) defines the "unwarranted invasion of personal privacy" to include, among other things, the disclosure of information contained in medical histories and medical records, where that information can be attributed to an identifiable individual. POL § 89(2)(b)(i) and (ii). Disclosure of

such information does not constitute an unwarranted invasion of personal privacy if "identifying details" are redacted, thereby preventing the attribution of the information to an identifiable individual. POL § 89(2)(c)(i). Agencies are authorized to delete such identifying details when they disclose records in response to FOIL requests. POL § 89(2)(a).

In determining whether information is "identifying," the standards for de-identification set forth in the federal regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") are instructive here. These standards recognize that identifying details may include not only directly identifying information such as name or social security number, but also information that indirectly identifies a patient, such as age, location, or date of medical service. See 45 CFR § 164.514. Likewise, HIPAA forbids the release of information that "could be used alone or in combination with other information to identify an individual who is a subject of the information." 45 CFR 164.514(b)(2)(ii).

The records that have been released contain information about patients' medical condition, as well as information that could be used to identify a particular patient whose care was examined in the course of the inspection. See 45 CFR § 164.514(a), (b) and (c). Such material is properly redacted under POL § 89(2)(b)(ii). Although you argue that the "foundation's FOIL request by its very terms does not seek private medical information," the only records responsive to your third request nevertheless contain such private medical information, which may be redacted.

Endanger the Life or Safety of Any Person

You are correct that in the records that have been provided to you, DOH has redacted the identities of facilities that provide abortion services. Under POL § 87(2)(f), an agency may deny records that "if disclosed could endanger the life or safety of any person." To establish that records fall under this exception, an agency is not "required to prove that a danger to a person's life or safety will occur if the information is made public. . . . Rather, there need only be a possibility that such information would endanger the lives or safety of individuals." Stronza v Hoke, 148 AD2d 900, 901 (emphasis added). The possibility of such danger was expressly acknowledged by Congress in its enactment of the Freedom of Access to Clinic Entrances Act of 1994 ("FACE"), 18 U.S.C. § 248 et seq., which established "[f]ederal criminal penalties and civil remedies for certain violent . . . conduct that is intended to injure, intimidate, or interfere with persons seeking to obtain or provide reproductive health services."

In enacting FACE, Congress made the following significant specific findings:

that there was '[a] nationwide campaign of anti-abortion blockades' and violence that was 'barring access to facilities that provided abortion services,' (citing S. Rep. No. 117, 103d Cong., 1st Sess. 3 (1993); H.R. Rep. No. 306, 103d Cong., 1st Sess. 6 (1993)) that abortion opponents had committed at least 36 bombings, 81 arsons, 131 death threats, 84 assaults, 2 kidnappings, 327 clinic invasions, 71 chemical attacks, and the murder of Dr.

David Gunn, a physician who had performed abortions in Florida and several neighboring states; (citing S. Rep. at 3, 6; H.R. Rep. at 6-7; Conf. Rep., Findings and Purpose, *supra*, at 15, no.2). . . . that 'the avowed purpose of this conduct was to eliminate . . . abortion services by closing clinics and intimidating doctors; (citing S. Rep. at 11) . . . and that state and local law enforcement authorities have proved unable or unwilling to address effectively 'the systemic and nationwide assault that is being waged against health care providers and patients.' (citing S. Rep. at 7, 14; H.R. Rep. at 6). U.S. v McMillan, 946 FSupp. 1254, 1261 (1995).

The need to protect the identities of abortion providers is further demonstrated by the many cases of extreme violence that have occurred against abortion providers, as noted above. According to the National Abortion Federation ("NAF"), since 1977, in the United States and Canada, there have been at least 8 abortion-related murders, 4 cases of kidnapping, 530 cases of stalking and 426 death threats against abortion-providers. Examples of violent crimes that have taken place in the United States, against providers who perform abortions include:

- Dr. David Gunn, who was shot to death at a protest in Pensacola, Florida on March 10, 1993.
- Dr. John Britton, who was murdered outside an abortion facility in Pensacola, Florida on July 29, 1994.
- An unnamed doctor and abortion provider was shot at in his home in Perinton, New York on October 28, 1997.
- Dr. Barnett Slepian, who was killed at his home in Amherst, New York on October 23, 1998.
- Dr. George Tiller, who was shot to death in Wichita, Kansas on May 31, 2009.

The violence is not necessarily directed at specific physicians, but threatens anyone working in or around facilities that perform abortions, such as:

- James Barrett, a clinic escort who was killed on July 29, 1994.
- Shannon Lowney and Lee Ann Nichols, clinic receptionists, who were murdered on December 30, 1994. (During these two consecutive attacks on abortion clinics, five other employees were wounded).
- Robert Sanderson, an off-duty police officer who worked as a security guard at an abortion clinic, died in a bombing of an abortion clinic on January 29, 1998, and a nurse was severely injured.

Moreover, there is a history of property-based violence against facilities that offer abortion services. According to the NAF, since 1977 in the United States and Canada, additional property-based crimes committed against abortion providers include 42 bombings, 181 cases of arson, 99 cases of attempted bombings or arsons, 1,490 instances of vandalism, 2,218 cases of trespassing, 100 butyric acid (stink bomb) attacks, 663 anthrax and bioterrorism threats, and 183 cases of burglary. Less violent attacks include 15,479 cases of hate mail and

harassing phone calls, 177 reports of suspicious packages, 657 bomb threats, and since 2012, 79 cases of obstruction. There have also been 775 reports of clinic blockades, with 33,838 related arrests. Some of the more recent property-based crimes have occurred as recently as 2007.

Recognizing the risk to life and safety, the Committee on Open Government has opined that DOH may withhold the names and addresses of physicians who perform abortions, "in view of the violence that has been committed in New York and elsewhere in relation to abortion providers." Advisory Opinion No. 11239; see also American Broadcasting Companies v Siebert, 110 Misc2d 744, 751 (Sup. Ct. N.Y. County 1981), holding that when disclosure would "expose [licensee] applicants and their families to danger to life or safety," POL 87(2)(f) is properly asserted. More recently, the NYS Appellate Division, First Department, has recognized the need to protect the identities of those involved in the manufacturing and marketing of RU-486 or Mifepristone (medical abortion pill) in a non-FOIL related matter, agreeing that they could be targeted for harassment or violence. Danco Laboratories v. Chemical Works of Gedon Richter Limited, 274 AD2d 1, 2, 9 (NY App Div., 1st Dept. 2000).

In 2006, the U.S. Court of Appeals, D.C. Circuit upheld the redaction of the names and addresses of individuals and businesses associated with the development, manufacturing, and FDA approval of Mifepristone, in light of abortion-related violence, under the Federal Freedom of Information Act ("FOIA"). Judicial Watch, Inc. v Food and Drug Administration, 449 F3d 141, 153 (U.S. District Ct., D.C. Cir. 2006). The court held that:

[T]he FDA fairly asserted abortion-related violence as a privacy interest for both the name and addresses of persons and businesses associated with [M]ifepristone [the medical abortion pill]. The privacy interest extends to all such employees, and the FDA need not 'justify the withholding of names on an individual by individual basis under FOIA Exemption 6.' Id.

The court held that "evidence of abortion clinic bombings" and "websites that encourage readers to look for [M]ifepristone's manufacturing locations and then kill or kidnap employees," was sufficient to show a privacy interest in withholding the information under FOIA that outweighed the public interest in the names and addresses sought. Id.

In your appeal letter you argue that "abortion providers go to great lengths to publicize and promote their services, locations and identities to the general public. They advertise widely on the Internet and in local publications, and have done so for many years." Therefore, you argue that revealing the results of State inspections for these well-known providers will not endanger the safety of anyone. While it is certainly true that some abortion providers advertise this particular service, others do not and are not going to "great lengths to publicize and promote their [abortion] services." DOH is not in a position to determine which health care providers publicize and promote abortion services and which do not. Also, regardless of whether providers advertise that they perform abortion services and possibly endanger their own lives or safety, I agree with RAO that there is a possibility that it would endanger the lives or safety of individuals if DOH publicizes which health care providers are providing abortions.

This includes not only the lives of physicians, but also nurses, maintenance staff, receptionists, security guards, patients, and contractors of the facilities. Thus, I believe FOIL permits DOH to redact information that identifies the names of abortion facilities to which these incidents/complaints relate.

Exempted From Disclosure by State or Federal Statute

Under POL § 87(2)(a), DOH is prohibited from disclosing records or portions of records that are specifically exempt from disclosure under state or federal statute. In this matter, DOH is prohibited from disclosing records that are confidential under PHL § 2805-m and Education Law § 6527(3). The SODs and POCs which have been produced have been redacted to remove information deemed confidential under New York State Education Law § 6527(3), which protects the proceedings and records relating to performance of a medical or quality assurance review function or a medical malpractice prevention program. For the same reason, the documents have been redacted in accordance with PHL § 2805-m, which assures the confidentiality of any documents, records or committee actions the facility is required to collect and maintain in connection with a quality assurance review function or medical malpractice prevention program pursuant to § 2805-j or as part of the facility's required incident reporting to DOH pursuant to § 2805-l.

The NYS Court of Appeals has emphasized that the quality assurance privilege

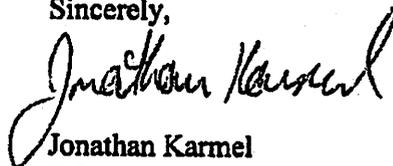
ensure[s] the proper delivery of services and the maintenance and improvement in quality of care. . . . [This] privilege . . . attaches to the proceedings and work product of the hospital quality assurance committees [in order to] 'promote[] the quality of care through self-review without fear of legal reprisal.' Furthermore, such protections 'enhance the objectivity of the review process' and ensure that the committees 'may frankly and objectively analyze the quality of health services rendered.' The cloak of confidentiality covering quality assurance procedures and materials 'is designed to encourage thorough and candid peer review . . . and thereby improve the quality of . . . care.' Matter of Subpoena Duces Tecum, 99 NY2d 434, 439 (2003) (citing Katherine F. v State of NY, 94 NY2d 200, 205 (1999); Logue v Velez, 92 NY2d 13, 17 (1998)).

In Smith v Delago, a complaint was made against a hospital, and DOH investigated the complaint and reviewed the medical care provided. 2 AD3d 1259, 1260-61 (3d Dept. 2003). The court held that under FOIL, DOH was required to disclose its SODs, redacted to remove information that is confidential under PHL § 2805-m. The Court held that other documents regarding the complaint were found to be privileged under PHL § 2805-m, including the circumstances pertaining to the patient's care that the hospital was required to and did report to DOH, and all interviews and documents made available to DOH in furtherance of the hospital's internal quality assurance review obligations under PHL Article 28. Id. at 1261. The purpose of

this statutory protection is “to promote the quality of health care through self-review without fear of legal repercussions by assuring confidentiality to those performing the review.” Id. at 1261.

For the reasons stated above, your appeal is denied in its entirety. This final appeal determination applies to all of the Department’s productions in this matter, and therefore encompasses my prior appeal decision of November 6, 2013. Therefore, judicial review of this final determination, which includes my prior November 6, 2013 appeal determination, may be obtained pursuant to CPLR Article 78.

Sincerely,



Jonathan Karmel
DOH Records Access Appeals Officer

cc: James P. O’Hare, Acting DOH Records Access Officer
Robert J. Freeman, Executive Director, NYS Committee on Open Government
James E. Dering, DOH General Counsel