



July 20, 2023

**VIA ONLINE PORTAL**

Rockland County Executive  
Allison-Parris County Office Building  
11 New Hempstead Rd.  
New City, NY 10956

**Re: Freedom of Information Law Request**

Dear Records Access Officer:

Pursuant to the Freedom of Information Law (FOIL), N.Y. Pub. Off. Law §§ 84-90, American Oversight makes the following request for records.

Rockland County Executive Ed Day declared a state of emergency in May 2023 blocking asylum seekers from accessing hotels or other shelter in response to New York City Mayor Eric Adams sending asylum seekers upstate.<sup>1</sup> American Oversight is seeking records related to Day's decision to declare a state of emergency.

**Requested Records**

American Oversight requests that the Office of the Rockland County Executive produce the following records within five business days:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) between (a) Rockland County Executive Ed Day and (b) any of the external entities or individuals listed below or anyone communicating on behalf of any of the entities listed below (including, but not limited to, at the listed email addresses and/or domains).

External Entities or Individuals:

- a. America First Legal (aflegal.org)
- b. America First Policy Institute (americafirstpolicy.com)
- c. Americans for Legal Immigration (ALIPAC) (alipac.us)
- d. Assemblymember Brian Maher ([maherb@nyassembly.gov](mailto:maherb@nyassembly.gov)), or anyone communicating on his behalf
- e. Center for Immigration Studies (CIS) (cis.org)

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<sup>1</sup> Annie McDonough, *Which Counties Are Closing Their Doors to Asylum-Seekers?*, City & State New York (May 12, 2023), <https://www.cityandstateny.com/policy/2023/05/which-counties-are-closing-their-doors-asylum-seekers/386314/>.



- f. Center for Renewing America (americarenewing.com)
- g. Citizens for Renewing America (citizensrenewingamerica.com)
- h. Conservative Partnership Institute (conservativepartnership.org)
- i. Federation for American Immigration Reform (FAIR) (fairus.org)
- j. Immigration Reform Law Institute (IRLI) (irli.org)
- k. Lee Zeldin
- l. Numbers USA (numbersusa.com)
- m. Office of Florida Governor Ron DeSantis (eog.myflorida.com)
- n. Office of Texas Governor Greg Abbott (gov.texas.gov)
- o. Representative Mike Lawler, or anyone communicating on his behalf
- p. Representative Elise Stefanik, or anyone communicating on her behalf
- q. Sharon Toney-Finch, or anyone from the Yerik Israel Toney Foundation (yitfoundation.org)

For this request, please note that American Oversight does not seek, and that this request specifically excludes, the initial mailing of news clips or other mass-distribution emails. However, subsequent communications forwarding such emails are responsive to this request. In other words, for example, if Day received a mass-distribution news clip email from America First Legal, that initial email would not be responsive to this request. However, if they forwarded that email to another individual with their own commentary, that subsequent message would be responsive to this request and should be produced.

Please provide all responsive records from March 1, 2023, through the date the search is conducted.

### **Fee Waiver Request**

American Oversight requests that your agency consider waiving any fees associated with processing this request for records pursuant to 21 NYCRR § 1401.8(g). American Oversight is a 501(c)(3) nonprofit with the mission to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses information gathered through research and public records requests, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>2</sup>

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<sup>2</sup> American Oversight currently has approximately 16,000 followers on Facebook and 112,800 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited July 14, 2023); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited July 14, 2023).

The public has a significant interest in the state of emergency declaration blocking shelter for asylum seekers.<sup>3</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of operations of the Rockland County government, including whether and to what extent the County Executive communicated with external entities or individuals to declare a state of emergency over asylum seekers.

Accordingly, American Oversight respectfully requests a fee waiver.

To the extent your agency anticipates charging any fees in connection with this request for records, American Oversight requests that you inform us in advance of doing so.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of

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<sup>3</sup> Annie McDonough, *Which Counties Are Closing Their Doors to Asylum-Seekers?*, City & State New York (May 12, 2023), <https://www.cityandstateny.com/policy/2023/05/which-counties-are-closing-their-doors-asylum-seekers/386314/>.

the requested records. If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.

- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Emma Lewis at [records@americanoversight.org](mailto:records@americanoversight.org) or 202.919.6303. Also, if American Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

*/s/ Emma Lewis*  
Emma Lewis  
on behalf of  
American Oversight