



May 12, 2022

**Via Overnight Mail and
Email (FOIL@suny.edu)**

Aaron Gladd
FOIL Appeals Officer
The State University of New York
H. Carl McCall SUNY Building
353 Broadway
Albany, NY 12246

Re: FOIL Appeal – Malatras Resignation and Separation

Dear Mr. Gladd:

On February 10, 2022, I requested public records relating to the resignation and separation of Dr. James Malatras from his chancellor position with the State University of New York. My requests including records relating to the law firm the SUNY Trustees consulted regarding the resignation and separation, claims Dr. Malatras had asserted against SUNY, and records relating to the decision of the SUNY Trustees to enter into the Separation Agreement and General Release with Dr. Malatras dated January 16, 2022.

On April 13, 2022, the SUNY System Administration Records Access Officer advised that SUNY “does not have possession of records responsive to your request and no responsive records can be found following a diligent search.”

That response is not consistent with statements made by a SUNY spokesperson at the time. Numerous news outlets reported a statement from SUNY spokesman Leo Rosales that “After a thorough review by outside counsel, the SUNY Board of Trustees have resolved and fulfilled its contractual obligations to former Chancellor Dr. Jim

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Malatras. Consistent with his initial contract, Dr. Malatras will be provided one-year study leave followed by a tenured faculty position at Empire State College. We believe this resolution is fair and equitable.”

It's obvious that SUNY's response to my Freedom of Information Law request is not consistent with prior statements made by SUNY about a thorough review by outside counsel and action taken by the SUNY Board of Trustees. Thus, I am appealing SUNY's denial of access to public records that must exist.

As you know, you have ten business days to respond to this appeal.

Yours truly,



Cameron Macdonald

Enclosure

Subject: Re: Contact Information for FOIL Request

Date: Wednesday, April 13, 2022 at 3:11:39 PM Eastern Daylight Time

From: Cam Macdonald

To: FOIL

Does SUNY System Administration otherwise possess records of the SUNY Trustees, or have I asked in the wrong place?

If I have the correct place, can you please provide an email address for directing a FOIL appeal?

From: FOIL <FOIL@suny.edu>

Date: Wednesday, April 13, 2022 at 2:56 PM

To: cam@govjustice.org <cam@govjustice.org>

Subject: RE: Contact Information for FOIL Request

Dear Cameron Macdonald,

I am writing in response to your FOIL request dated February 10, 2022 for:

1. *The retention agreement or engagement agreement with any law firm employed by the SUNY Trustees relating to the resignation and separation of Dr. James Malatras from his chancellor position with the State University of New York.*
2. *Any invoices for services received from any law firm employed by the SUNY Trustees relating to the resignation and separation of Dr. James Malatras from his chancellor position with the State University of New York.*
3. *Any records reflecting claims asserted by Malatras against SUNY that may be subject to the General Release and Covenant Not To Sue Malatras signed on January 16, 2022.*
4. *Any records, including but not limited to minutes, transcripts, or recordings reflecting the SUNY Board of Trustees discussions or deliberations regarding the Separation Agreement and General Release between SUNY and Malatras dated January 16, 2022.*

Please be advised that SUNY System Administration does not have possession of records responsive to your request and no responsive records can be found following a diligent search.

You may appeal this determination in writing within thirty (30) days to:

Aaron Gladd
FOIL Appeals Officer
The State University of New York
H. Carl McCall SUNY Building – 353 Broadway
Albany, NY 12246

Sincerely,

Ivy Poitras
SUNY System Administration Records Access Officer

From: cam@govjustice.org <cam@govjustice.org>

Sent: Thursday, February 10, 2022 10:51 AM

To: FOIL <FOIL@suny.edu>

Subject: Contact Information for FOIL Request

First Name: Cameron

Last Name: Macdonald

Email: cam@govjustice.org

IP: 96.236.19.138

Message Type: FOIL Request

Comments: Please provide via email electronic copies of records required to be disclosed under the Freedom of Information Law as follows: 1. The retention agreement or engagement agreement with any law firm employed by the SUNY Trustees relating to the resignation and separation of Dr. James Malatras from his chancellor position with the State University of New York. 2. Any invoices for services received from any law firm employed by the SUNY Trustees relating to the resignation and separation of Dr. James Malatras from his chancellor position with the State University of New York. 3. Any records reflecting claims asserted by Malatras against SUNY that may be subject to the General Release and Covenant Not To Sue Malatras signed on January 16, 2022. 4. Any records, including but not limited to minutes, transcripts, or recordings reflecting the SUNY Board of Trustees discussions or deliberations regarding the Separation Agreement and General Release between SUNY and Malatras dated January 16, 2022.

This e-mail was sent via [suny.edu's Contact Us page](#). If it appears to not be something your office would address, please forward it to PublicWebContent@suny.edu and we'll make sure it gets to the right place.