

EXHIBIT "X"

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From: **Felix Procacci** <[felixguyprocacci@gmail.com](mailto:felixguyprocacci@gmail.com)>  
Date: Wed, Nov 2, 2022 at 8:41 AM  
Subject: 1st Appeal of FOIL #2022105832  
To: Donald Derham <[donader@tohmail.org](mailto:donader@tohmail.org)>  
Cc: John Maccarone <[johnmac@hempsteadny.gov](mailto:johnmac@hempsteadny.gov)>

Mr. Derham,

Please process the attached FOIL appeal.

<b>NOTE: It is required by FOIL, PBO §89(4)(a), that the Town immediately submit all FOIL appeals and their determinations to the Committee on Open Government.</b>
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Felix Procacci  
516-233-1562

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November 2, 2022

Town of Hempstead  
FOIL Appeals Officer  
Donald Derham  
donader@tohmail.org  
cc: johnmac@hempsteadny.gov

**Re: Appeal of FOIL #2022105832-Moody's Presentation dated August 22, 2022 11AM.**

Mr. Derham,

Pursuant to the Freedom of Information Law, I am appealing the implicit denial of FOIL #2022105832.

**Background Information**

This FOIL request was submitted to the Town's FOIL Officer Marie Jerome on Sept. 6, 2022. On Oct. 24th I received a partial response. The records provided did not include the document referred to as the *"Reference Document"* in the presentation. When I notified Ms. Jerome about this, on Oct 25th she provided me with just page 3, and that page was dated Oct. 25th. *She should have provided me with the entire document as it existed on Aug. 22nd*, the date of the presentation. On Oct. 25th I emailed Ms. Jerome asking for all the pages of the *"Reference Document"*.

<p><b>NOTE: It is required by FOIL, PBO §89(4)(a), that the Town immediately submit all FOIL appeals and their determinations to the Committee on Open Government.</b></p>
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I request that the records be provided to me in a pdf document format. If there are a large number of documents (that will take over 2 hours to scan), I ask that I be given time to view the records.

The Freedom of Information Law requires that an agency respond to a FOIL appeal within 10 business days of receipt of a request, and agencies must accept requests and transmit records requested via email in the format requested when they have the ability to do so. If you have any questions regarding this request, please let me know. If the cost to process this request will exceed \$0.00, please contact me via phone or email prior to processing this request.

Sincerely,  
Felix Procacci  
1165 Barnes Street  
Franklin Square, New York, 11010  
felixguyprocacci@gmail.com  
516-233-1562