

KATHY HOCHUL
Governor



ADRIENNE A. HARRIS
Superintendent

September 19, 2022

Transmitted by E mail to G@xny.io

Mr. Gunnar Larson
xNY.10
New York

Re: Freedom of Information Law Request # 2022-090440

Dear Mr. Larson:

I write in response to the Freedom of Information Law ("FOIL") request that you submitted to the New York State Department of Financial Services ("DFS"), which has been assigned the above-referenced tracking number and states:

We would like to receive any and all records related to New York State and NY-DFS' approach to enforcement of "Permission for Interlocking Directors and Officers" as per outlined here: https://www.dfs.ny.gov/apps_and_licensing/banks_and_trusts/other/Permission_for_Interlocking_Directors_and_Officers In addition, we would like to receive any and all records associated with filed permissions for interlocking directorates at the NAACP and Goldman Sachs, specific to Mr. Rose (<https://naacp.org/people/peter-rose>) and Mr. Ogunlesi (<https://www.goldmansachs.com/about-us/people-and-leadership/leadership/board-of-directors/adebayo-o-ogunlesi.html>). Finally, we would like to receive any and all records related to NY-DFS monitoring of Goldman Sachs' minority scholarship fund support in Africa (and how any non-approved interlocking directorates may be engaged in AML violations).

The request concerning DFS' "approach to enforcement" of 3 NYCRR Part 70 is vague and improper. Please note that FOIL is not a vehicle to request legal advice and N.Y. Public Officers Law § 89(3) does not require an agency to respond to such requests. Committee on Open Government, see FOIL Advisory Opinion #11637 (October 13, 1999); FOIL Advisory Opinion #11734 (August 18, 1999). While DFS is required by Public Officers Law Article 6 to make its records available for public disclosure, there is no statutory authority upon which the DFS is compelled to provide oral or written responses to general inquiries. See Newman v. Dinallo, 69 A.D. 3d 636 (2d Dep't 2010).

I have searched DFS records for Goldman Sachs Bank USA, the state-chartered bank supervised by the DFS ("GS Bank"), for the following: (1) records relating to Part 70 compliance for the listed individuals, and (2) references to Goldman Sachs' minority scholarship programs in Africa.


Neither Mr. Peter Rose nor Mr. Adebayo Ogunlesi are executive officers or directors of GS Bank, accordingly the provision cited in your request is not applicable to these persons.

Part 70 only applies where an officer or director at a DFS supervised bank or trust company seeks to serve as an officer or director at another bank or trust company. It does not apply to other affiliations at not-for-profit entities such as the NAACP.

Accordingly, the Department has no records responsive to your request regarding Mr. Rose and Mr. Ogunlesi, and no records concerning any minority scholarship programs in Africa sponsored by Goldman Sachs.

In accordance with Public Officers Law § 89(4), you may appeal this determination to withhold the records described above within 30 days by writing to: FOIL Appeals Officer, New York State Department of Financial Services, One State Street, New York, NY 10004, or by sending an email to FOIL.Appeals@dfs.ny.gov.

Sincerely,

A handwritten signature in cursive script that reads "George Bogdan". The signature is written in black ink and is positioned above the typed name.

George Bogdan, Esq.

Senior Attorney

Office of General Counsel