

Entry/CC#: **MP-011915-12** Date: **12/07/2012** Time: **13:00** Tour: **2** Desk Officer:

Call Type.....: **MATTER OF RECORD** Priority...: How Received: **WALK IN**

Caller.....: **BERG, HEATHER E**

Bus. Name...: **DBA VIL/ MONTICELLO TREASURER**

Address....: **2 PLEASANT ST**

City/St/Zip: **MONTICELLO, NY 12701-**

Call Back #: **()**

Location of Assignment: **2 PLEASANT ST, MONTICELLO**

Cross Street.....:

Business Name.....: **VILLAGE OF MONTICELLO**

Description.....: **PUBLIC RECORDS**

Disposition.....: **CLOSED**

Post: Dispatched: **Y** Dispatched Date: **12/06/2012** Call Taker: **CHIEF**

OFFICERS INVOLVED

Serial #: **CHIEF** Rank: **CHF** Name: **ROBERT J MIR**

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....: **RUE, CARMEN** DOB: / /

Address.....: **2 PLEASANT ST**

City/State/Zip: **MONTICELLO, NY 12701-**

Phone Number..:

Sex.....: **F** Race:

Person Type...: **PERSON INTERVIEWED**

Name.....: **BERG, HEATHER E** DOB: / /

Address.....: **2 PLEASANT ST**

City/State/Zip: **MONTICELLO, NY 12701-**

Phone Number..: **()**

Sex.....: **F** Race: **UNK**

Person Type...: **PERSON INTERVIEWED**

NARRATIVE

Complainant called this officer and met to report that, allegedly Village Trustee Rue had posted her (Berg's) letter of resignation and village ordinance violation letter on the internet. Complainant produced copies of said records that had been downloaded from a Facebook site. Complainant stated she was fearful because her home address was on those documents and she felt vulnerable to mischief or other retaliation. Ms. Berg further stated that she had spoken to the Village Mayor/Manager and the Village Board's counsel, Atty. Dennis Lynch. Counsel advised her to report this incident to Monticello Police and commence action against Rue.

This officer examined the documents and determined that no criminal violation had occurred and charges would not be entertained by this agency, as (1) the documents are public records, (2) no threats were made, and (3) Rue is constitutionally protected under the First Amendment. Ms. Berg

advised that she did not want her address being publicized, as she doesn't give out her physical home address. This officer offered to call Trustee Rue and request that the address be removed from the website. Ms. Berg agreed, and was informed that she was poorly advised because had there been a violation, this agency would not entertain charges as it would be a conflict of interest, given the professional relationship of all parties involved. This officer suggested Ms. Berg speak to the NY State Police BCI and get their opinion if she did not feel satisfied.

Trustee Rue was contacted by phone, and pointed out that although she was not required to, she agreed to promptly remove the address from the web.

Matter resolved.

Upon further investigation, this officer found the complainant's home address listed in the phone book and online for public viewing.