

Davis, Debbie

From: Massachusetts <Massachusetts@openthebooks.com>
Sent: Tuesday, September 05, 2017 9:06 PM
To: Davis, Debbie
Subject: New Public Records Law - Town of Leicester submitted on 09/05/2017

Importance: High

09/05/2017

Dear Records Access Officer:

Pursuant to the Public Records Law, this is a request for a copy of the following records: an electronic copy of 'any' and 'all' vendor (transfer of property or services) payee payments for the year 2016. Production shall include the vendor name; vendor address; vendor city; vendor state name; vendor zip code; Check Date/ ACH Date; Check Number/ACH code; Check Amount/ ACH Amount; department; agency; type of payment (i.e. contract, grant, etc.) and description of products or services/ purpose of payment.

The principal purpose of this is to make this information more accessible to the public and to access and disseminate information regarding the health, safety, and welfare of the general public. This request is not principally for personal or commercial benefit. Our agency is just exercising the general rights of the public. For these reasons we are requesting a waiver of fees. If there is a charge for this service please obtain my approval in writing prior to proceeding with request.

All documents can be e-mailed to Massachusetts@openthebooks.com or mailed in electronic format (preferred format would be .csv or xls). If any documents are not provided in the format specified, please provide the state or federal statutes relied upon for that decision. If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, our agency would like to inspect the entire document. Under the Open Records Act/Freedom of Information Act, all non-exempt portions of any partially-exempt documents must be disclosed. If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the name of the individual responsible for the decision.

Thank you for your prompt consideration of my request. If you have any questions, or if I can be of any assistance, please e-mail me at Massachusetts@openthebooks.com

Sincerely,

Jackie Baker-Schupbach

American Transparency

P.O. Box 970999

Boca Raton, FL 33497-0999

Davis, Debbie

From: Davis, Debbie
Sent: Wednesday, September 06, 2017 9:20 AM
To: 'Massachusetts'
Subject: RE: New Public Records Law - Town of Leicester submitted on 09/05/2017

What dates are you looking for???

Calendar or fiscal year?

Debbie

Deborah K. Davis

Leicester Town Clerk, Notary, Burial Agent

3 Washburn Square

Leicester, MA 01524

Office Hours:

M,W,Th 8-5pm

Tue. 8-7pm

Closed Fridays

508-892-7011

508-892-7070 fax

From: Massachusetts [mailto:Massachusetts@openthebooks.com]
Sent: Tuesday, September 05, 2017 9:06 PM
To: Davis, Debbie <Davisd@leicesterma.org>
Subject: New Public Records Law - Town of Leicester submitted on 09/05/2017
Importance: High

09/05/2017

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Sincerely,

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American Transparency

P.O. Box 970999

Boca Raton, FL 33497-0999

Public Records

Davis, Debbie

From: Davis, Debbie
Sent: Wednesday, September 06, 2017 10:14 AM
To: 'Massachusetts'
Subject: RE: New Public Records Law - Town of Leicester submitted on 09/05/2017

Good Morning,
All departments are asking that you be specific in what information you are seeking your request is too broad. Please respond asap.

Debbie

Deborah K. Davis

Leicester Town Clerk, Notary, Burial Agent

3 Washburn Square

Leicester, MA 01524

Office Hours:

M,W,Th 8-5pm

Tue. 8-7pm

Closed Fridays

508-892-7011

508-892-7070 fax

RECEIVED
2017 SEP -6 PM 12:43
TOWN OF LEICESTER
MASSACHUSETTS

From: Massachusetts [mailto:Massachusetts@openthebooks.com]
Sent: Tuesday, September 05, 2017 9:06 PM
To: Davis, Debbie <Davisd@leicesterma.org>
Subject: New Public Records Law - Town of Leicester submitted on 09/05/2017
Importance: High

09/05/2017

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Sincerely,

Jackie Baker-Schupbach

American Transparency

P.O. Box 970999

Boca Raton, FL 33497-0999

Davis, Debbie

From: Davis, Debbie
Sent: Wednesday, September 06, 2017 10:05 AM
To: Hurley, James
Subject: RE: Public records request

Thank you.

From: Jim Hurley [mailto:hurleyj@leicesterpd.org]
Sent: Wednesday, September 06, 2017 10:00 AM
To: Davis, Debbie <Davisd@leicesterma.org>
Cc: James Purcell <PurcellJ@leicesterma.org>; Department Heads <DepartmentHeads@leicesterma.org>; Buck, Michelle <BuckM@leicesterma.org>; Buxton, Sandra <Buxtons@leicesterma.org>; Deborah Kristoff <kristoffd@leicesterma.org>; Hurley, James <hurleyj@leicesterpd.org>; Nowicki, Janice <nowickij@leicesterma.org>; OConnor, Darlene <OConnorD@leicesterma.org>; Prescott, John <jPrescott@leicesterma.org>; Reed, Bob <reedb@leicesterma.org>; rdjpw@aol.com; Sue Dubois <duboiss@leicesterma.org>; Taylor, Jeffrey <TaylorJ@leicesterma.org>; Hickey, Michael <HickeyM@leicesterma.org>; Wood, Tom <Woodt@leicesterma.org>
Subject: Public records request

Debbie –

Here are just a few of my thoughts on this.....

The LPD would have purchase orders, grant information, payment vouchers and bill submissions that would likely have potential information that they have requested. The cost of the production of these documents will exceed the \$10 limit set under the Massachusetts Public Records Law. The LPD will be citing the following exemptions in the production of the requested documents:

1. Exemption A - Statutory exemption
2. Exemption F – Investigatory Exemption
3. Exemption N – Disclosures likely to jeopardize public safety
4. Exemption O – Personal information of employees
5. 201 CMR 17.00 (all inclusive) and regulatory authority M.G.L Chapter 93H
6. Bougas v. Chief of Police of Lexington (1976)

This is a very broad request and I think asking for clarification would help us out. Are they looking for purchase orders, payment vouchers from each individual department, and detail billing on the LPD's end.

I would also bring to everyone's attention that ACH transfer information may be restricted by the law and exemption "A & O". I personally do not believe that the Public Records Law was established so that the voucher for a payment reimbursement to an employee would permit their banking information (ACH) to be provided to a third party entity. I would also be cautious in sending out vendor ACH information.

My preliminary estimate is that it will take the LPD approximately 5 hours to locate, copy, redact and refile the above referenced material. The cost is estimated to be 5 hours at \$18.00 per hour and not more than 150 pages @.05 each = \$97.50 (approximately for the LPD).

While the requestor has asked for vendor/payee payments including a long list of information the LPD will provide the documents as they stand in their present form. The Massachusetts Public Records law does not require that we create a records to meet their request.

While the requestor has asked that the records be e-mailed or mailed in electronic format the LPD maintains these records in paper format. We will gladly mail them the paper copies via USPS.

This might be a good one to send to town counsel. Based upon what counsel says I may need to adjust my estimate.

The LPD does not waive any fees to produce public records except for those exemptions that are statutorily established. To do so for one entity opens the door for others to request the same and if denied it may give them cause to claim that fees were assessed on an arbitrary and capricious basis.

These are just my thoughts.

Jim Hurley