

Tony Berns <tonyb@lcdc.org>
To: "Bill McCrory" <wlmccrory@roadrunner.com>
Cc: "Danielle Quade" <dquade@hawleytroxell.com>
RE: LCDC public records request

December 4, 2014 10:55 AM

1 Attachment, 84 KB

Mr. McCrory – thanks for the email and your comments. Tony Berns

From: Bill McCrory [mailto:wlmccrory@roadrunner.com]
Sent: Thursday, December 04, 2014 8:16 AM
To: Tony Berns
Cc: Danielle Quade
Subject: Re: LCDC public records request

Mr. Berns,

I have printed and attached the form you requested, although I want to stress that my E-mail on December 3 is my request and is not superseded by any information on this form.



REQUEST FOR PUBLIC INFORMATION and/or PUBLIC RECORDS

- I request that the following public information questions be answered; or
- I request either to (please ☒ to indicate) examine____ , or have copies ____ of the following public records:

See attached E-mail request.

Name: William L. McCrory
Address: 6065 N. Harcourt Drive
Coeur d'Alene, ID 83815-8473

Signature: _____
Phone No.: 208-660-3119

PHONE NO.: 208 333 5775

Date of Request: December 3, 2014

Date Request Received: December 3, 2014 via E-mail Date Completed: _____

Information Provided By: _____

Cost: \$ _____

Payment Received: \$ _____ Date Received: _____

Email Request From to: tonyb@lcdc.org
Mail Request Form to: LCDC Executive Director
105 N. 1st Street, Suite 100
Coeur d'Alene, ID 83814

I'd urge the LCDC and its attorney please consider rewriting that **highlighted** portion of the [LCDC's public records policy](#) in Section III.A. which reads, "Requests must be made in writing **by completing and signing LCDC's public record request form...**"

The explanation in your December 3, 2014, email at 1:13 PM, and particularly your using the phrase "We have consistently asked..." is inconsistent with your stated policy above. "Asked" makes compliance optional; "must" strongly suggests compliance is mandatory and that the public record access sought is conditioned on compliance.

You further state the purpose of the form is "to help LCDC authenticate requests." "Authenticate?" A public records request is sufficiently "authenticated" when the submitted written request contains the information specified in the Public Records Law. Any further inquiry by the custodian of records is generally prohibited except as provided in Idaho Code § 9-338(5).

It makes good sense for the LCDC to have some sort of internal worksheet to administratively track the actions relating to a public records request from receipt through completion. However, the burden for creating and completing that internal worksheet rests solely on the LCDC and not the requestor. I'd suggest that LCDC consider creating an internal worksheet which it staples to each public records request when that request arrives. Should it then be necessary for the LCDC to defend its actions (or inaction) in the District Court, the LCDC will have a much more complete chronological record of its internal actions administering the request.

Thank you.

Bill McCrory

On Dec 3, 2014, at 1:13 PM, Tony Berns <tonyb@lcdc.org> wrote:

Mr. McCrory – LCDC has no intention of denying your public information request. We have consistently asked folks who submit public records requests to complete the LCDC public record request form to help LCDC authenticate requests and to facilitate record keeping. Would you be willing to fill out an LCDC public request form pertaining to your NIFG information request? Thanks. Tony Berns.

From: Bill McCrory [mailto:wlmccrory@roadrunner.com]
Sent: Wednesday, December 03, 2014 10:54 AM
To: Tony Berns
Cc: Danielle Quade
Subject: Re: re. LCDC public records request

Mr. Berns,

Please provide me with the statutory or case law authority which authorizes you to deny processing my lawful public records request until I supply the form you have requested.

Thank you.

Bill McCrory

On Dec 3, 2014, at 10:48 AM, "Tony Berns" <tonyb@lcdc.org> wrote:

Mr. McCrory – re. your LCDC public information request: please complete and sign the LCDC “public information request form” that is located on the LCDC website (www.lcdc.org) by clicking on the “documents” tab at the top of the home page. You can scan and email me this completed form, or send in the form via regular mail, or drop the form off at the CDA Chamber building. Tony Berns, LCDC Ex. Director.

Tony Berns
LCDC Executive Director
208-292-1630