

April 27, 2010

R. Wayne Johnson
P.O. Box 75162
Colorado Springs, CO 80970

Office of the El Paso County Attorney
Human Services Division
Chief Deputy County Attorney John A. Thirkell
105 N. Spruce St., Third Floor
Colorado Springs, CO 80903

Dear Mr. Thirkell:

Thank you for your phone call on April 19 and your written responses of April 19 and April 21, 2010 on behalf of the El Paso County DHS and Director Bengtsson.

Unfortunately, my second request for the information requested of Director Bengtsson on March 9, 2010 was mailed prior to your phone call of April 19th and to the same public address for Director Bengtsson obtained online on March 9th. Thank you for providing his mailing address. I have noted it as being the same as yours.

Your attempt to persuade me that the mailing address issue contributed to your untimely response was not received well. I have no doubt the letter to Director Bengtsson mailed to the Fountain office was expedited to his attention because of his status as director of the El Paso County DHS.

Moreover, I was insulted, as would be any ordinary citizen, by your request for \$11.25 when the Colorado Open Records Act (CORA) specifically provides the penalty of \$100 and up to 90 days in jail for failing to comply with CORA. Had the information I requested been provided to me from three to seven days after March 9th, I would have happily paid the County's copying expenses. Instead, I paid the bill yesterday with reservation and did so only out of respect for taxpayers, of which I have been one for more than three decades.

In a separate but related matter, I also contacted County Attorney Howell on March 9th for information pertaining to a contract with attorney John Paul Lyle. The faxed letter is copied at the end of this letter. You should know I received a personal phone call on April 8th apologizing for the untimely response on the same date District Administrator Victoria Villalobos at the Harris Judicial Complex prepared and mailed the copied contract to me. Once again, the County's response and failure to respond in writing was grossly non-compliant with CORA.

I feel confident my interest in Policy Studies, Inc. (PSI) is known to you by now. As Assistant County Attorney Cara Nord is aware, I have been engaged in a dispute with the El Paso County Child Support Enforcement Unit (CSEU), a private enterprise operated by PSI using one of its registered trade names, since October 2008 and am currently engaged in a legal dispute with Belveal Eigel Rumans & Fredrickson, attorneys for PSI and Ms. Nord's former employer. I

therefore have no doubt Ms. Nord has a personal and professional interest in the outcome of my case as a former member of the prosecutorial team. And I believe she provides your division with a unique insight into the operation of the State's Child Support Enforcement Program through PSI in Colorado Springs. I hope her short period of employment with them is indicative of greater aspirations on several levels.

Please know I do not intend to burden the El Paso County DHS unnecessarily. Should I need the information they were unable to provide, I will contact the Colorado Department of Human Services. However, the CDHS also received a second request under CORA for information I requested on March 9th. The second request followed a phone call made earlier from the CDHS to set up a convenient time to review and copy the requested information. I made the second request to ask that the CDHS respond in writing as required by CORA.

From my experience with CORA compliance, government officials do not respect the legislation or the intent of it and are not deterred by the seemingly meaningless penalties. I raised this issue with the American Civil Liberties Union in Denver several days ago and will direct it elsewhere when time permits.

Finally, I realize you offered to make other information related to the base contract available and I declined. But I need to request specific copies of the appendices to the contract executed December 22, 2005 now as follows: Appendices A and B, Appendix D – professional liability insurance certificate only, and Appendix E.

Sincerely,

R. Wayne Johnson

Cc: County Attorney William H. Louis

March 9, 2010

R. Wayne Johnson
P.O. Box 75162
Colorado Springs, CO 80970

Office of the County Attorney
William H. Louis
27 E. Vermijo Avenue
Colorado Springs, CO 80903-2208

Fax: (719) 520-6487

RE: 96DR1112

Dear Mr. Louis:

Pursuant to the Colorado Open Records Act, SS24-72-201 et seq., will you please make available for inspection and copying the following public records: The El Paso County contract with former District Court Magistrate John Paul Lyle.

If these records are not in your custody or control, please notify me accordingly and state in detail to the best of your knowledge the reason for the absence of the records, their location, and what person or persons has custody or control of the records, as required by SS24-72-203(2),C.R.S.

Please set a date and hour within three working days at which time the records will be available for inspection, pursuant to SS24-72-203(3). My cell phone number is: (719) 640-2155.

If you deny access to any of the above public records, please provide a written statement of the grounds for the denial, citing the law or regulation under which access is denied, as required by SS24-72-204(4).

Sincerely,

R. Wayne Johnson