

May 14, 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 E. Vermijo, Suite 415
Colorado Springs, CO 80903

Dear Mr. Thirkell:

Thank you for your letter of May 10th. As you know, I turned down some of the documents that you offered to me by phone on April 19th following your receipt of the Colorado Open Records Act request made to Director Bengtsson on March 9th. Unfortunately, after receiving your letter of April 21st and the documents I requested, I had already mailed the second request to Director Bengtsson which was also dated April 19th. I acknowledged this in my letter of April 27th. Please know his mailing address was previously noted. And according to my calculation, April 27th to May 5th is 8 days. And 10 (the date of your letter) minus 5 (the day my letter hit your inbox) is not 3.

As most attorneys, half truths are acceptable to you based on the facts you want considered. For example, I was not insulted by the request to pay for copying expenses. I was insulted that after the Office of the El Paso County Attorney failed on two distinctly separate occasions, i.e. the request for the contract of John Paul Lyle and the request for records from the El Paso County DHS, that you unabashedly asked for \$11.25 when you were non-compliant with CORA. Therefore, this is my formal complaint that the Office of the El Paso County Attorney has willfully violated CORA and should be subjected to the penalties imposed by C.R.S. § 24-72-206.

And pursuant to C.R.S. § 24-72-205.5, I will pay the County's copying-related expenses in the manner you requested. However, I do not want the documents mailed. I will personally pick them up to avoid the unnecessary costs to taxpayers of mailing such a large collection of documents, and at a time convenient to me during normal business hours. Upon receipt of payment, I may be contacted by phone at 719-640-2155.

I think the problems I have experienced with CORA compliance at the local level indicate the County Attorney needs to develop an action plan to prevent future violations, especially since his office has the primary duty of responding to CORA requests. To help the County Attorney succeed in CORA compliance, the County government agencies and departments that route CORA requests to his office should adhere to a central policy that demonstrates El Paso County's commitment to CORA as well as have "unit" procedures in place that successfully implement that policy. At present, CORA compliance is a joke at both the local and state level.

Sincerely,

R. Wayne Johnson

Cc: County Attorney Wm. H. Louis