DAVE FREUDENTHAL GOVERNOR



STATE CAPITOL CHEYENNE, WY 82002

## Office of the Governor

June 20, 2006

Drake D. Hill, Chairman Wyoming Republican Party P.O. Box 241 Casper, Wyoming 82602-0241

Re:

Public records request

Dear Mr. Hill:

You requested by letter dated June 9, 2006, pursuant to the Wyoming Public Records Act (Wyo. Stat. § 16-4-201 et seq.), the opportunity to inspect and potentially copy records dating from the present date back to January 1, 2003 from some 170 state agencies, departments, boards, and commissions.

Before responding to your request, I want to briefly describe its significance. Because in some agencies records that may be privileged are not completely segregated from public records under the Act and because in other agencies the record custodians may wish to sort through the records initially in order to assure the integrity of their vital records, compliance with your request will consume a huge amount of time. State agencies that are instrumental in their involvement with extremely pressing issues of public health and the scourge of methamphetamine, air and water quality, brucellosis, drought and forest and prairie fires, efficient permitting for production of energy resources, worker injuries, and so on will be spending vital time searching records in response to your request.

The individual records to be searched (some or many of which may be archived) may well number in the tens or hundreds of thousands.

Knowing the past and present tradition of outstanding leadership of many members of the Wyoming Republican Party, I have to assume that your request is made out of a surprising naiveté about, rather than a callous indifference to, the breadth and importance of the many, many activities of state government.

I've been asked by Governor Freudenthal to respond to the requests you've addressed to him and to the Aeronautics Division. In addition, since the State Auditor has forwarded your request for documents in his office to the Attorney General and to the Administration and Information Procurement Office, the Governor asked that I also respond to those requests. The following constitute the subject of your requests:

- 1. All documents and materials of any kind including but not limited to contracts, agreements, memoranda of understanding, and memoranda of agreement entered into between the State of Wyoming, or any of its agencies, departments, boards, or commissions, and the law firm of Davis & Cannon, any person employed by or associated with the law firm of Davis & Cannon, any client represented by the law firm of Davis & Cannon, and any client represented by any person employed by or associated with the law firm of Davis & Cannon.
- 2. All documents and materials of any kind whatsoever, including but not limited to contracts, agreements, memoranda of understanding, and memoranda of agreement entered into between the State of Wyoming, or any of its agencies, departments, boards, or commissions, and the law firm of Freudenthal, Salzburg & Bonds, P.C., any person employed by or associated with the law firm of Freudenthal, Salzburg & Bonds, P.C., and any client represented by the law firm of Freudenthal, Salzburg & Bonds, P.C., and any client represented by any person employed by or associated with the law firm of Freudenthal, Salzburg & Bonds, P.C.
- All documents and materials of any kind whatsoever, including but not limited to, documents related to First Lady Nancy Freudenthal's lobbying activities.
- All documents and materials of any kind whatsoever, including but not limited to, documents related to Steve Freudenthal's lobbying activities.
- 5. All documents and materials of any kind whatsoever, including but not limited to, log books, request forms, and mileage information related to circumstances under which any person employed by the Wyoming Highway Patrol or any state agency drove the First Lady to an event, meeting, conference, or activity, regardless of whether she was attending such event as the First Lady or as a private attorney on behalf of a client.
- 6. All documents and materials of any kind whatsoever that identify the number of times that Governor Freudenthal has used any of the airplanes currently or previously owned by the State of Wyoming, that quantify the costs incurred or associated with such use, that identify the agency or agencies that have paid for such use including the agency accounts identified by the source of funds, that identify the destination(s) and stops made during such use, that identify the reason for such use, that identify the passengers accompanying the Governor during such use.
- 7. All documents and materials of any kind whatsoever, including but not limited to contracts, agreements, memoranda of understanding, and memoranda of agreement related to the retention or use of outside legal assistance by the Governor's Office, by the Office of the Attorney General, and by all state agencies, departments, boards, and commissions.
- All documents and materials of any kind related to any sole source contracts entered into by the Governor's Office, by the Office of the Attorney General, and by all state agencies, departments, boards, and commissions.
- All documents and materials of any kind related to any contracts, agreements, memoranda of understanding, and memoranda of agreement entered into between the

Drake D. Hill, Chairman June 20, 2006 Page 3

Governor's Office, the Office of the Attorney General, and all state agencies, departments, boards, and commissions and Bill Sniffin, or any company, entity, business, or venture related in any way to Bill Sniffin.

In response to your request, I should note that the Governor will fully comply with the Wyoming Public Records Act. The Act clearly charges the "custodian" of the public records with the duty of compliance and clearly contemplates that each agency, department, board, and commission has its own custodian of its public records. By copy of this letter, the Governor has forwarded all of the above requests to all of the agencies, departments, boards, and commissions with his order that they fully comply with the Act. At the conclusion of the state entities' search for records, the individual entity will notify you that records responsive to your request are available for your inspection. Also be aware that the Governor has reported semi-annually to the public regarding his use of the state airplanes and will continue to do so.

As worded, the first five of your requests of the Governor for: "All documents and materials of any kind whatsoever, including but not limited to contracts, agreements, memoranda of understanding, and memoranda of agreement entered into between the State of Wyoming, or any of its agencies, departments, boards, or commissions. . ." (and one or the other of the two law firms, the First Lady, and/or Steve Freudenthal) could include literally every single document constituting a public record whether related or unrelated to either of the two law firms, the First Lady, and/or Steve Freudenthal. I must assume, however, that your requests are limited to the Governor's wife and brother and their law firms.

As I'm sure you are aware, Wyo. Stat. §§ 16-4-202 and 16-4-203 exempt from the right of inspection records involving certain specified matters. I assume your request does not involve such records. Also your requests for documents and materials involving the clients of the two law firms face several problems. First, the many custodians (including the Governor for the records in his office) have no access to client lists for the two firms. Obviously also implicated here are questions of client confidentiality for the two firms just as would be the case with client matters of your firm. Secondly, clients of one or the other of the two firms might have contracts, agreements, memoranda of understanding, or memoranda of agreement with agencies, departments, boards, and/or commissions on matters totally unrelated to the subject of their client relationship with either firm.

Your request for documents and materials related to the lobbying activities of the First Lady and Steve Freudenthal should be addressed to Secretary of State's office. Documents and materials provided by the First Lady and Steve Freudenthal to legislative committees and individual legislators must be requested from those entities and persons.

In order to protect the records, assure accountability, and prevent unnecessary interference with agency activities, before initiating its inspection of the public records, the Wyoming Republican Party should designate in writing the representatives authorized to conduct the inspections. In all cases, the inspections will be monitored by an official designated by the particular custodian. Additionally, in all cases, the designated representatives must arrange with each of the agencies, departments, boards, and commissions reasonable times for these inspections. Such arrangements will also expedite the inspection efforts of your representatives both in terms of efficient access and accommodations for the inspections.

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If the representatives desire copies of any of the public records, they should submit their request(s) in writing to the particular custodian of those records. The process of duplication and the cost of duplication of the requested records in paper form will be handled in accordance with Wyo. Stat. § 16-4-203. Wyo. Stat. § 16-4-202(d) will also apply when copies of electronic records are requested.

It should be noted that the Wyoming Public Records Act makes no provision for the documentation of the nonexistence of records by the various custodians or the Governor. The Governor and all of the custodians of the public records will make records available to your representatives for their inspection as required by the Act.

Given the number of agencies, departments, boards, and commissions, assuming that a search of the records of one of the smaller agencies may well involve twenty or so hours for each year and assuming that a search of the records of one of the larger agencies may take literally thousands of hours, you can see what your request means in terms of time spent away from the State's business. The Wyoming Public Records Act is unforgiving of less than a thorough effort to make the public's records public. While fulfilling their governmental responsibilities, the Governor's Office and the state agencies, departments, boards, and commissions will do their best to locate and provide for your inspection all of the documents and materials requested in a timely manner. Because there is a possibility that the search of the records may miss a document or documents, if after your review you think that relevant documents or materials have been overlooked, please inform me so that we can facilitate your review of a record you believe may exist.

Sincenely,

Peter C. Maxfield

Counsel to the Governor

## PCM:pjb

Enclosures: Republican Party Public Records Request Enclosure A

Republican Party Public Records Request Enclosure B Republican Party Public Records Request Enclosure C Republican Party Public Records Request Enclosure D

cc: Joe Meyer, Secretary of State

Max Maxfield, State Auditor Cynthia Lummis, State Treasurer

Jim McBride, Superintendent of Public Instruction

Betty Abernethy Board of Barber Examiners, Cosmetology

Joe Ahern State Telecommunications Council

Marlene Aitchison State Banking Board Geri Allen Board of Geologists

Kerri Alley Early Intervention Council Susan Anderson Health Care Commission

Patrick Anderson Earl Atwood	Board of	
George Axlund	Wyoming	Public Safety Communications Commission Community Development Authority
Deborah Baumer		Administrative Hearings, Director
Mike Besson	Office of	Water Development Office, Director - Water
Wike Dessoil		Development Commission
Larry Biggio		Information Technology Policy Council
Rob Black		Education Commission of the States, Local
		Government Coordination Council
Lynne Boomgaarden	Office of State	Lands and Investments, Director
Ben Brandes		Brucellosis Task Force
Debra Bridges	Boards of	Chiropractic Examiners, Dental Examiners,
	201110002	Hearing Aid Specialists, Psychology, Speech
		Pathology and Audiology
Forrest Bright	Wyoming	Alliance for Drug Endangered Children
Marcia Britton		Humanities Council
Nanette Brown		Optometry Examiners, Physical Therapy,
		Podiatry, Radiologic Technologists, Veterinary
		Medicine
Tom Buchanan	UW	Board of Trustees, Energy Resources Council
Bob Budd		Wildlife and Natural Resource Trust Account
		Board
Bev Campbell		Child Care Certification Board, Early Childhood
		Development Council
James Carder	Board of	Pharmacy
Bil Carter		Correctional Industries Advisory Board
Rachel Chadderdon		Serve Wyoming Commission
Richard Chancellor		Land Quality Advisory Board
Dan Clark		Air Quality Small Business Compliance
		Advisory Panel
Terry Cleveland		Game and Fish, Director
Maureen Clifton		Children's Trust Fund Board
Connie Coleman		Game and Fish Commission
Carol Collins		on Judicial Conduct and Ethics
John Corra		Environmental Quality, Director
John Cox	Department of	Transportation, Director
Patrick Crank		Attorney General
Allan Cunningham	Board of	
Wendy Curran		Quality Child Care Task Force
J. D Danni		Occupational Health & Safety Commission
Carol Day		Mental Health Planning Council
Mark Doelger	D . 1 C	Natural Gas Pipeline Authority
Jennifer Duncan		Education
Kathy Emmons	Department of	Workforce Services, Director
John Etchepare		Agriculture, Director - Board of Agriculture,
Joe Evans	Waterin	Carbon Sequestration Advisory Committee
Don Ewing	w yoming	County Road Standards Committee Veterans' Affairs Commission
Tucker Fagan	Wyoming	Business Council
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Jason Feltner Wyoming Board of Geographic Names

Dean Finkenbinder Governor's Food Safety Council

Dave Finley Air Quality Advisory Board
Jane Flagg Board of Outfitters and Professional Guides

Mary Flanderka Coalbed Natural Gas Water Use Task Force

Brian Foster State Employee Compensation Commission

Izetta Foster Wyoming Senior Services Board

Dianne Frazer State Advisory Council for Innovative Education

Ginger Fuerstenberger Collection Agency Board

Mike Geesey Department of Audit, Director

Jo Grady Department of Health Advisory Council

Burke Grandjean Wyoming Criminal Justice Statistical Analysis Advisory

Board

Ruby Gregorio Judicial Nominating Commission Kimra Griffith Wheat Marketing Commission

David Gruver Education Merit Scholarship Committee

Patricia Guzman Health Benefits Plan Committee
Randy Hopper Unemployment Insurance Commission

Earl Kabeiseman Department of Administration and Information, Director

Robert Kelley Western Interstate Commission for Higher Ed

Cheryl Koski Board of Nursing

Kenneth Koski State Public Defender

Frank Lamb Pari-Mutuel Commission
Bob Lampert Department of Corrections, Director

Ed Leake State Miners' Hospital Board
Kim Lee State Emergency Response Commission

Tony Lewis Family Services Advisory Council
Don Likwartz Oil and Gas Conservation Commission

Lisa Lindemann State Board of Examining Water Well Drilling Contractors &

Water Well Pump Installation Contractors,

Ground Water Advisory Committee Environmental Quality Council

Terri Lorenzon Environmental Quality Cour Carol Luckenbach Wyoming Search and Rescue Council

Larry Majerus Homeland Security Act Coordinators

Thomas Mann Wyoming Retirement System Board

Jim Mayberry Emergency Medical Services Advisory

Committee

Jim McBride State Advisory Council for Innovative Education Rodger McDaniel Department of Family Services, Director, Interagency

Children's Collaborative

Jim McIntosh State Independent Living Council, Rehabilitation

Council, Telecommunications Relay System

Adv Committee

Harold Meier Uniform State Laws Commission

Richard Miller Excellence in Higher Education Endowment

Committee

Erin Moore Wyoming Workforce Development Council, Workforce

State Youth Council

Peggy Morgando Board of Certified Public Accountants

Diane Moser Geri Nalder James Narva Sara Needles  Phillip Noble Dwayne Oldham Lesley Osen Brenda Oswald Stephen Oxley Todd Parfitt Marilyn Patton  Cynthia Pomeroy Lorrie Pozarik Les Pozsgi Mary Randolph Shelly Reams Roy Reichenbach Donna Rice  Elizabeth Robison  James Rose Elizabeth Robison James Rose Elizabeth Robison James Rose Elizabeth Robison James Rose Carole Shotwell Milward Simpson Veronica Skoranski  Donald Stauffenberg Junenil Justice Advisory Council Governor's Developmental Disabilities Planning Council Department of Employment, Director Governor's Council on Impaired Driving Wyoming Council for Interstate Adult Offender Supervision Wyoming Main Street Advisory Board Aeronautics Commission Environmental Department of Revenue, Director Wyoming Substance Authority Wyoming Council Department of Health, Director Wyoming Transporation Commission Department of Health, Director Wyoming Tourism Board Board of Insurance Agents' Examiners State Fire Marshal Historic Context Developmenta Steering Committee Parks and Cultural Resources Commission Developmental Disabilities Planning Council Industrial Siting Council Industrial Siting Council Children and Families Initiative Advisory Committee Agriculture and Natural Resource Mediation Board of Coroner Standards, Peace Officers Standards & Training Commission Department of Employment, Director Governor's Council on Impaired Driving Wyoming Main Street Advisory Board Aeronautics Commission Environmental Pesticide Control Board of Certification Real Estate Appraisers Board, Real Estate Commission Department of Revenue, Director Wyoming Transportation Commission Department of Health, Director Wyoming Tourism Board Board of Medicine Wyoming Tourism Board Wyoming Tourism Board Board of Medicine Wyoming School Facilities Commission Department of Equalization Board, Architects and Landscape Architects, Embalming, Mental Health Professions Licensing Board, Respiratory Care Non Point Source Task Force Workers' Compensation Medical Commission Boards of Nursing Home Adminis	Diane Moser	Council on	Waman'a Isanas
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Elizabeth Robison  Elizabeth Robison  Governor's Substance Abuse and Violent Crime Advisory Board  James Rose  Wyoming Community College Commission, Higher Education Assistance Authority  Public Television Council  Department of Revenue, Director Wyoming Transportation Commission  Department of Health, Director  Wyoming School Facilities Commission  Wyoming Tourism Board  Board of Medicine  Wyoming Arts Council, Cultural Trust Fund Board  Wyoming Animal Euthanasia Technician Certification  Board, Architects and Landscape Architects, Embalming, Mental Health Professions Licensing Board, Respiratory Care  Non Point Source Task Force  Workers' Compensation Medical Commission  Board of Equalization  Vickie Spires  Commission  Wyoming Tourism Board  Animal Euthanasia Technician Certification  Board, Architects and Landscape Architects, Embalming, Mental Health Professions Licensing Board, Respiratory Care  Non Point Source Task Force  Workers' Compensation Medical Commission  Board of Equalization  Nursing Home Administrators, Occupational Therapy  State Mine Inspector, Mining Council		Environmental	
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James Rose  Board  Wyoming Community College Commission, Higher Education Assistance Authority  Dan Schiedel Edmund Schmidt Sandy Scott Brent Sherard Jim "Bubba" Shivler Diane Shober Carole Shotwell Milward Simpson Veronica Skoranski  Jack Smith Scott Smith Wendy Soto Vickie Spires  Board Wyoming Community College Commission, Higher Education Assistance Authority Wyoming Public Television Council Department of Revenue, Director Wyoming Transportation Commission Department of Health, Director Wyoming School Facilities Commission Wyoming Tourism Board Board of Medicine Wyoming Arts Council, Cultural Trust Fund Board Wyoming Animal Euthanasia Technician Certification Board, Architects and Landscape Architects, Embalming, Mental Health Professions Licensing Board, Respiratory Care Non Point Source Task Force Workers' Compensation Medical Commission Board of Equalization Board of Nursing Home Administrators, Occupational Therapy State Mine Inspector, Mining Council		120	
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Veronica Skoranski  Wyoming Animal Euthanasia Technician Certification Board, Architects and Landscape Architects, Embalming, Mental Health Professions Licensing Board, Respiratory Care  Non Point Source Task Force Scott Smith Workers' Compensation Medical Commission Wendy Soto Wickie Spires Board of Equalization Vickie Spires Boards of Nursing Home Administrators, Occupational Therapy State Mine Inspector, Mining Council			
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Vickie Spires  Boards of Nursing Home Administrators, Occupational Therapy Donald Stauffenberg  State Mine Inspector, Mining Council			Workers' Compensation Medical Commission
Donald Stauffenberg State Mine Inspector, Mining Council	•	Board of	Equalization
Donald Stauffenberg State Mine Inspector, Mining Council	Vickie Spires	Boards of	Nursing Home Administrators, Occupational
Jim Steidtmann Enhanced and Improved Oil Recovery		State	
	Jim Steidtmann		Enhanced and Improved Oil Recovery

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Commission

Ronald Surdam Geological Survey Board

Julie Tennant-Caine Governor's Domestic Violence Elimination Council

Christine Turk
Patrick Tyrrell
Board of Reg. for Engineers and Professional Land Surveyors
Bear River Commission, Colorado River Basin

Bear River Commission, Colorado River Basin Salinity Control Advisory Council, State

Engineer

Hank Uhden Animal Damage Management Board

Richard Vincent Governor's Planning Council on Physical Fitness And

Sports

Kenneth Vines Insurance Commissioner Steve Waddington Wyoming Infrastructure Authority

John Wagner Water and Waste Advisory Board

Stephanie Wagoner Wyoming Electrical Board, Fire Prevention Electrical

Safety & Energy Efficiency in Buildings Volunteer Firemen's Pension Fund Board

Harry Wales Volunteer Firet Tracy Williams Trails Council Ann Wittman Wyoming Beef Council

Edward Wright Adjutant General