

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., 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.
3. All documents and materials of any kind whatsoever, including but not limited to, documents related to First Lady Nancy Freudenthal's lobbying activities.
4. 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.
8. 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.
9. All documents and materials of any kind related to any contracts, agreements, memoranda of understanding, and memoranda of agreement entered into between the

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.

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.

Sincerely,



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	Board of Parole
Earl Atwood	Public Safety Communications Commission
George Axlund	Wyoming Community Development Authority
Deborah Baumer	Office of Administrative Hearings, Director
Mike Besson	Water Development Office, Director - Water 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, Hearing Aid Specialists, Psychology, Speech Pathology and Audiology
Forrest Bright	Wyoming Alliance for Drug Endangered Children
Marcia Britton	Wyoming Humanities Council
Nanette Brown	Boards of 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	Wyoming Game and Fish Commission
Carol Collins	Commission on Judicial Conduct and Ethics
John Corra	Department of Environmental Quality, Director
John Cox	Department of Transportation, Director
Patrick Crank	Attorney General
Allan Cunningham	Board of Control
Wendy Curran	Quality Child Care Task Force
J. D Danni	Occupational Health & Safety Commission
Carol Day	Mental Health Planning Council
Mark Doelger	Natural Gas Pipeline Authority
Jennifer Duncan	Board of Education
Kathy Emmons	Department of Workforce Services, Director
John Etchepare	Agriculture, Director - Board of Agriculture, Carbon Sequestration Advisory Committee
Joe Evans	Wyoming County Road Standards Committee
Don Ewing	Veterans' Affairs Commission
Tucker Fagan	Wyoming Business Council

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

Ronald Surdam
Julie Tennant-Caine
Christine Turk
Patrick Tyrrell

Hank Uhden
Richard Vincent

Kenneth Vines
Steve Waddington
John Wagner
Stephanie Wagoner

Harry Wales
Tracy Williams
Ann Wittman
Edward Wright

Commission
Geological Survey Board
Governor's Domestic Violence Elimination Council
Board of Reg. for Engineers and Professional Land Surveyors
Bear River Commission, Colorado River Basin
Salinity Control Advisory Council, State
Engineer
Animal Damage Management Board
Governor's Planning Council on Physical Fitness And
Sports
Insurance Commissioner
Wyoming Infrastructure Authority
Water and Waste Advisory Board
Wyoming Electrical Board, Fire Prevention Electrical
Safety & Energy Efficiency in Buildings
Volunteer Firemen's Pension Fund Board
Trails Council
Wyoming Beef Council
Adjutant General