

To: Supervisor of Records
Office of the Secretary of the Commonwealth, Division of Public Records
McCormack Building, Room 1719
One Ashburton Place
Boston, MA 02108

From: Greg Smith
89 Norwood Ave
Newton, MA 02460
gregsmithpm@gmail.com
617 584 9993

April, 19, 2013

Re: Appeal of

Dear Supervisor of Records,

Enclosed you will find public records requests from me and responses from the Law Department of the City of Newton. I arranged the correspondence in chronological order. Some pages are printed on both sides.

The City of Newton Law Department has failed to produce a single record of any kind related to education.

Based on comments by the City Solicitor at the 2012 Budget Review, I believe that documents do exist and should be made available. I have attached the relevant pages of the budget review. The complete record is available here: http://wiki.laptop.org/images/9/90/Budget_Reports_Complete.pdf

For example, the comments mention "One of our summer projects is to make a list of some things that we'd like to sort of refresh some of the principals and assistant principals"

If there are lists of training material, I believe that should be made available as a public record. Possibly it should be considered a "work product".

The City also failed to respond to the details of my request dated February 13 for records related to networking with other education attorneys; e-mails registration and calendar invitations to seminars or other records related to work on the law department.

In addition, I believe that the budget and finances used to fund special education litigation are public records. See Secretary of State's Public Records Division Case# SPR09/283 for a possible precedent.

Newton is different than most cities in that education attorneys are funded by the City and the Board of Aldermen, not by Newton Public Schools. The public schools and the city are separate legal entities and I'm not aware of any client agreement. That is one of the public records I am trying to get.

I am appealing the City Newton's denial of access to records requested on February 13th, 20th, 22, and March 12th (sent again on April 2).

I ask that you:

- Require the City of Newton Law Department produce the records that exist including but not limited to records which are attorney work product and all pleadings included in public court records

- Require the City of Newton law department to list all records with a point by point response to the requests and include citations of the exemptions for any records which are withheld
- Confirm that the City of Newton Law Department may reproduce titles and copyright information for copyrighted material
- Confirm that the City of Newton Law Department must share all records related to training in which they participate and training which they give to Newton Public School employees including but not limited to calendar entries, invitations and registrations

Contact me any time if you have questions or want more information. I hope you will accept this appeal and help me get any public records held by the City of Newton Law Department related to education.

Sincerely,

Greg Smith
89 Norwood Ave
Newton, MA 02460