

THE LAW OFFICE OF
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June 10, 2008

VIA EMAIL & FACSIMILE

Lstelzer.ci.venice.fl.us

(941) 480-3031

Lori Stelzer, City Clerk
City of Venice
401 W. Venice Avenue
Venice, FL 34285

Dear Clerk:

This letter shall constitute a supplement to our request dated May 20, 2008, under section 119.07, Fla. Stat., for the following records:

1. All email communications to and from council members, including non-city account emails utilized by council members, for the period beginning July 1, 2005, through the date of receipt of this letter, including any email attachments.

For purposes of this request, the term "records" shall have the statutory definition set forth in section 119.011(11), Fla. Stat.

If you are contend that any record, or portion thereof, is exempt from inspection, please state in writing the basis for the exemption and include the applicable statutory exemption. See section 119.07(1)(e), Fla. Stat. Additionally, pursuant to the requirements of section 119.07(1)(f), Fla. Stat., we hereby request that you explain in writing and with particularity the reasons for your conclusion that the record is confidential or exempt.

We would direct your attention to the following statutory requirements set forth in section 119.07(1), Fla. Stat.:

(h) Even if an assertion is made by the custodian of public records that a requested record is not a public record subject to public inspection or copying under this subsection, the requested record shall, nevertheless, not be disposed of for a period of 30 days after the date on which a written request to inspect or copy the record was served on or otherwise made to the custodian of public records by the person seeking access to the record. If a civil action is instituted within the 30-day period to enforce the provisions of this section with respect to the requested record, the custodian of public records may not dispose of the record except by order of a court of competent jurisdiction after notice to all affected parties.

(i) The absence of a civil action instituted for the purpose stated in paragraph (g) does not relieve the custodian of public records of the duty to maintain the record as a public record if the record is in fact a public record subject to public inspection and copying under this subsection and does not otherwise excuse or exonerate the custodian of public records from any unauthorized or unlawful disposition of such record.

If any of the requested documents are maintained in a common-format electronic-medium, please provide these documents in such electronic medium and not in paper form. For purposes of this request, common electronic-formats include (1) American Standard Code for Information Interchange ("ASCII"), (2) email files formatted in Microsoft Outlook known as a .pst file; (3) files formatted in one of the Microsoft Office Suite, Corel Suite, OpenOffice Suite, or IBM's Lotus Suite applications (.doc, .xls, .ppt, .mdb, .wpd, etc.), (4) a text file (.txt), or (5) hypertext markup language (.html) or similar web page language. This is the preferred format. However, if any of the requested documents are only maintained or can only be produced as electronic images, for example a portable document format (.pdf), then as an alternative, we request this electronic-image format. *See* §119.01(2), Fla. Stat.

By copy of this letter to the City Attorney and all council members, we are requesting that all emails, including emails sent to and from non-city email accounts, be preserved.

If you have any questions about the nature or extent of this request, please do not hesitate to contact our office.

Very truly yours,



Andrea Flynn Mogensen

cc: Mayor Ed Martin (emartin.ci.venice.fl.us)
Sue Lang (slang.ci.venice.fl.us)
Vicki Noren (vnoren.ci.venice.fl.us)
Ernie Zavodnyik (ezavodnyik.ci.venice.fl.us)
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