

FAX COVER SHEET

TO: Shorewood Village Attorney Raymond Pollen

FROM: Geoff Davidian
4101 N. Prospect Ave.
Shorewood, WI. 53211

DATE: August 1, 2004

TOTAL PAGES: 2

Re: Public records request of July 22, 2004

I have received your letter of July 30, 2004, in which you assert that you do not possess and are not aware of any documents that provide guidance to public officials in determining who is "the press" for purposes such as providing free photocopies.

You also state you do not possess and are unaware of the existence of any documents that:

1. set a procedure for applying for free copies as "the press;"
2. set out an appeal process if one is denied such standing;
3. authorize an employee to decide who "the press" is;
4. establish the authority for providing free Photocopies to "the press," while denying copies of the same documents to others;
5. clearly define standards upon which the person, body or official bases the decision of who is or is not "the press;"
6. is the basis for providing "the press" with privileges that are not provided to or are withheld from other citizens;
7. establish any authority for providing services such as free Photocopies to persons who are not residents of the Village of Shorewood but withholding these services from Shorewood residents?

Instead, you admit that in the past, the *Shorewood Herald*, the *Journal Sentinel* and Time/Warner Cable have been given certain documents "without fee."

As you know, Photocopies are a thing of value and the machines that create them are public property.

You further state that in your official capacity "I assume the authority for making this decision comes from Section 5-704 and Statute §19.35," relying on the phrase, "the normal fees associated with public records photocopying may be waived or reduced when the official determines that it is in the public interest."

Mr. Pollen, this is a request for public records, pursuant to Wis. Stats. §19.35.

Please provide me with all documents in your possession or avail to you, pursuant to Wisconsin Public Records law, or direct me to records or laws regarding the following:

1. which Shorewood officials are authorized to waive or reduce fees on the basis of their determination that doing so is in the “public interest;”
2. the statute, ordinance or law articulating the definition of “public interest” for the purpose of waiving fees for photocopies;
3. the appeal process for a requesting party who is denied fee waiver;
4. any document that would arguably exempt a village official from the charge of exercising unfettered discretion in determining who does or does not get fee waivers in the “public interest.”
5. the empowerment of village employees, on a case by case basis, to use discretion, without a policy statement, in deciding when to use village equipment to provide a free service to a corporation from outside of Shorewood Village.