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Subject: § 132-6.2. Provisions for copies of public records; fees.

I have to thank Chip, a.k.a. Leon Killian, for rushing out after me at the end of Monday's County Commission meeting following the tumultuous thrashing I took from him, James Weaver "Kirk" Kirkpatrick III, Joel Mashburn and David Francis, and handing me a copy of § 132-6.2. of the North Carolina General Statutes regarding Public Records. He had scribbled some notes which he brought to my attention. See scribbled page following this page.

I searched the entire Statute § 132, and I found:

- There were seventeen (17) instances of the word "Custodian",
- There were zero (0) instances of the word "gatekeeper".

I continue to refer all of these people to Don Yelton's lawsuit with Wanda Greene (now under FBI investigation), where Joel Mashburn is being told to respond to all of my Requests for Public Records. He can't do that!

<http://haywoodtp.net/pubII/120803-99cvs03497.pdf>

It is interesting to follow the first paragraph (a) of this Statute, especially for Gatekeeper Mashburn and Administrative Project Evaluator, David Francis.

§ 132-6.2. Provisions for copies of public records; fees.

(a) Persons requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the custodian has made or prefers to make the public records available in another medium. The public agency may assess different fees for different media as prescribed by law.

We get the following from this paragraph:

- I am to address and receive copies of public records from the **Custodian**, not a gatekeeper.
- Mashburn and Francis continue to complain that they have to make copies of records, which I should be made to pay for, before they scan them, and send them to me at no charge. Not so.
- If the county does not have a paper copy of any record that I request, perhaps they ought to make a paper copy anyway, for their own use. You never know, they may have to produce these records to a Grand Jury, or some other entity from the County or State in the very near future.

Monroe A. Miller, Jr.
Haywood County Taxpayer

From Chipkellion

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not "public information" or explanations.

§ 132-6.2. Provisions for copies of public records; fees.

(a) Persons requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the custodian has made or prefers to make the public records available in another medium. The public agency may assess different fees for different media as prescribed by law.

(b) Persons requesting copies of public records may request that the copies be certified or uncertified. The fees for certifying copies of public records shall be as provided by law. Except as otherwise provided by law, no public agency shall charge a fee for an uncertified copy of a public record that exceeds the actual cost to the public agency of making the copy. For purposes of this subsection, "actual cost" is limited to direct, chargeable costs related to the reproduction of a public record as determined by generally accepted accounting principles and does not include costs that would have been incurred by the public agency if a request to reproduce a public record had not been made. Notwithstanding the provisions of this subsection, if the request is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or if producing the record in the medium requested results in a greater use of information technology resources than that established by the agency for reproduction of the volume of information requested, then the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the actual cost incurred for such extensive use of information technology resources or the labor costs of the personnel providing the services, or for a greater use of information technology resources that is actually incurred by the agency or attributable to the agency. If anyone requesting public information from any public agency is charged a fee that the requester believes to be unfair or unreasonable, the requester may ask the State Chief Information Officer or his designee to mediate the dispute.

(c) Persons requesting copies of computer databases may be required to make or submit such requests in writing. Custodians of public records shall respond to all such requests as promptly as possible. If the request is granted, the copies shall be provided as soon as reasonably possible. If the request is denied, the denial shall be accompanied by an explanation of the basis for the denial. If asked to do so, the person denying the request shall, as promptly as possible, reduce the explanation for the denial to writing.

(d) Nothing in this section shall be construed to require a public agency to respond to requests for copies of public records outside of its usual business hours.

(e) Nothing in this section shall be construed to require a public agency to respond to a request for a copy of a public record by creating or compiling a record that does not exist. If a public agency, as a service to the requester, voluntarily elects to create or compile a record, it may negotiate a reasonable charge for the service with the requester. Nothing in this section shall be construed to require a public agency to put into electronic medium a record that is not kept in electronic medium. (1995, c. 388, s. 3; 2004-129, s. 38.)

Usually, records are documents —
can also be correspondence. "
But ~~it~~ not "information" —
Public record - Not public information