



To: Ross Palombo

From: Bridgette Thornton, Deputy City Attorney for the City of Coral Gables

Approved: Craig E. Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Public Records Request – Officer Parking

Date: February 11, 2014

I met with Officer Denham this morning regarding your below questions. To clarify, a custodian of records is not required to give out information from the records of his or her office. *See* Op. Att’y Gen. Fla. 80-57 (1980). Nor does the Public Records Act require a municipality to produce an employee to answer questions regarding its records. *See* Op. Att’y Gen. Fla. 92-38 (1992). Thus, because Chapter 119 does not impose a duty to answer questions about City records, the City will construe your below questions as additional public records requests; therefore, to the extent that there are records responsive to your requests they will be provided to you - as soon as practicable- after payment of the 50% deposit permitted under Chapter 119. As such, the City will be in contact with you to advise you of the amount required for the 50% deposit as well as to provide you with a timeline for production of the responsive records. Finally, please note that all payments must be made by ***certified check or money order not personal check***. Our Office accepted your last payment in the form of a personal check as a courtesy in light of your deadline, but City policy requires a certified check or money order - as outlined in the attached Optional Public Records Request Form. Please feel free contact our Office should you have any further questions or concerns.

Hernandez, Cristina

From: Thornton, Bridgette
Sent: Tuesday, February 11, 2014 5:22 PM
To: Hernandez, Cristina
Subject: Fwd: 2 11 2014 Chapter 119 Public Records Requests - IA Investigation into Ofc. Baluja's Parking
Attachments: Updated Optional Public Records Request Form 2014.pdf; ATT00001.htm

Please put into the opinion binder. Yaneris you and I should add these opinions to the end of the public records memo. That's searchable.

Begin forwarded message:

From: "Thornton, Bridgette" <bthornton@coralgables.com>
Date: February 11, 2014 at 4:52:14 PM EST
To: "'Palombo, Ross'" <rpalombo@wplg.com>
Cc: "Leen, Craig" <cleen@coralgables.com>, "Denham, Kelly" <kdenham@coralgables.com>, "Figueroa, Yaneris" <yfigueroa@coralgables.com>, "Hernandez, Cristina" <chernandez@coralgables.com>
Subject: 2 11 2014 Chapter 119 Public Records Requests - IA Investigation into Ofc. Baluja's Parking

Good Afternoon Mr. Palombo,

I met with Officer Denham this morning regarding your below questions. To clarify, a custodian of records is not required to give out information from the records of his or her office. *See Op. Att'y Gen. Fla. 80-57 (1980)*. Nor does the Public Records Act require a municipality to produce an employee to answer questions regarding its records. *See Op. Att'y Gen. Fla. 92-38 (1992)*. Thus, because Chapter 119 does not impose a duty to answer questions about City records, the City will construe your below questions as additional public records requests; therefore, to the extent that there are records responsive to your requests they will be provided to you – as soon as practicable – after payment of the 50% deposit permitted under Chapter 119. As such, the City will be in contact with you to advise you of the amount required for the 50% deposit as well as to provide you with a timeline for production of the responsive records. Finally, please note that all payments must be made by ***certified check or money order not personal check***. Our Office accepted your last payment in the form of a personal check as a courtesy in light of your deadline, but City policy requires a certified check or money order – as outlined in the attached Optional Public Records Request Form. Please feel free contact our Office should you have any further questions or concerns.

Thank you,

Bridgette N. Thornton
Deputy City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 460-5084

Cell: (305) 801-5797
Fax: (305) 476-7795

From: Palombo, Ross [mailto:rgalombo@wplg.com]
Sent: Tuesday, February 11, 2014 2:13 PM
To: Denham, Kelly
Cc: Leen, Craig; Thornton, Bridgette
Subject: Re: FOI - IA Investigation into Ofc. Baluja's Parking

Kelly,

Our purpose is to gain information that is in the public interest and that is available to us through the very state law that you are sworn to uphold.

If there are documents regarding any internal investigation or action or response to these allegations against Officer Baluja, you may consider it a formal public records request.

If the answer is simply, "No, there is nothing." then you may consider it a simple question.

We continue to be confused and, frankly, concerned about your inability to communicate any of this information to us without unreasonable delay. Your reasonable response is not only requested, but required by law.

Best,

Ross

WPLG | 310.975.4812 | ross@wplg.com | Bio | A Day in the Life

(Sent from my iPad)

On Feb 11, 2014, at 1:31 PM, "Denham, Kelly" <kdenham@coralgables.com> wrote:

Is this a public records request or question?

Best

Officer Kelly Denham

Community Affairs and Public Information Officer
Coral Gables Police Department
2801 Salzedo Street
Coral Gables Florida 33134
305-460-5403 work
786-586-2216 cekdenham@coralgables.com

From: Palombo, Ross [mailto:rgalombo@wplg.com]
Sent: Tuesday, February 11, 2014 11:56 AM
To: Denham, Kelly
Cc: Leen, Craig; Thornton, Bridgette
Subject: Fwd: FOI - IA Investigation into Ofc. Baluja's Parking

Kelly,

Would you update us on the status of this request?

Best,

Ross

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(Sent from my iPad)

Begin forwarded message:

From: "Palombo, Ross" <rpalombo@wplg.com>
Date: February 10, 2014 at 1:51:35 PM EST
To: Kelly Denham <kdenham@coralgables.com>
Subject: FOI - IA Investigation into Ofc. Baluja's Parking

Kelly,

What is the status of these allegations against your officer? Is there, was there, or will there be an internal investigation into this within Coral Gables Police Department? Was any action taken at all since we first brought this to your department's attention?

Best,

Ross

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(Sent from my iPad)

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Please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.