

Request for copies of missing Flood 2016 Contracts from OCDDRU Flood Contract page



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Ensuring Transparency, Accountability, Efficiency and Open Public Communications is much more difficult with the state of Louisiana Department of Administration than you might think. No accountability even with their methods of asking for Public Records.

Louisiana Sample FOIA Request

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[Your Name]
[Street Address]
[City, ST ZIP Code]

5-29-2018

Commissioner of Administration
PO Box 94095
Baton Rouge, LA 70804-9095
Email: doapublicrecords@la.gov

Dear Louisiana DOA Records Custodian:

Under the Louisiana Public Records Act § 44:1 et seq., I am requesting an opportunity to inspect or obtain copies of missing public records that are shown under the Flood Contracts page of the Office of Community

Development - Disaster Recovery Unit website (<http://www.doa.la.gov/Pages/ocd-dru/Flood-Contracts.aspx>)
The following seven (7) companies have contracts with the state OCD-DRU department but the OCD-DRU has not made the contracts public via their 2016 Flood Contract page.

1. Franklin Associates, LLC Louisiana Housing Corporation 2/12/2016 6/30/2019 \$7,143,250 \$3,618,750 To perform environmental reviews and homeowner inspections. CDBG-DR funds represented are related to 2016 Flood Work. Other components of the contract funded through other sources.
2. Alpha Media and Public Relations (pending) NewCorp. 5/28/2016 7/7/2016 \$33,413 \$33,413 Restore LA Marketing and Outreach
3. GrantAnalyst.com, LLC 192237977 Louisiana Department of Agriculture & Forestry 3/16/2017 3/15/2018 \$6,100 \$6,100 Online grant application management system
Spears Consulting 837070833 TruFund Financial 5/15/2017 5/15/2018 \$40,000 \$40,000 Marketing/Public Relations spent as of 11.30.17
4. Start Corporation 859805285 Louisiana Department of Health and Hospitals 12/1/2015 6/30/2018 \$2,802,482 \$2,802,482 To provide support services required to help individuals rebuild their lives after homelessness, institutional care or other disruptions due to the Flood of 2016. (multiple sources of disaster funding)
5. Volunteers of America 0750049916 Louisiana Department of Health and Hospitals 12/1/2015 6/30/2018 \$49,999 \$49,999 To provide support services required to help individuals rebuild their lives after homelessness, institutional care or other disruptions due to the Flood of 2016. (multiple sources of disaster funding)
6. Westaff 788265564 TruFund Financial 5/4/2017 11/30/2017 \$25,686 \$25,686 Temp Services
7. Xerox Corporation 137644035 Louisiana Department of Agriculture & Forestry 10/16/2017 6/30/2018 \$988 \$988 Copy machine

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$_0.00_. However, I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the contracts and contractors hired by the state OCD-DRU group for the disaster recovery efforts DR-4277 and DR-4263. This information is not being sought for commercial purposes.

Section 44:32(D) of the Louisiana Public Records Act requires a response within three business days. If access to the records I am requesting will take longer than that time period, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request.

Sincerely,

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Resources & Additional:

TITLE 44
PUBLIC RECORDS AND RECORDERS
CHAPTER 1. PUBLIC RECORDS
PART I. SCOPE
<http://www.legis.la.gov/legis/Law.aspx?d=99632>

[Public Records Law FAQ for the state of Louisiana \(PDF\)](#)

Q.5. How should the Public Records Law be construed?

A.5. Louisiana's Public Records Law should be construed liberally, with any doubt resolved in favor of the right of access. First Commerce Title Co., Inc. v. Martin, 887 So.2d 716 (La. App. 2 Cir. 2004).

Q.12. Who is entitled to make a public records request? R.S. HTU44:31UT

A.12. Except as otherwise provided for by law, any person of the age of majority may inspect, copy, or reproduce any public record, and any person may obtain a copy or reproduction of any public record.

R.S. HTU44:31.1UTH limits the definition of person to exclude individuals in custody after sentencing following a felony conviction who has exhausted his appellate remedies if the request is not limited to grounds upon which the individual could file for post-conviction relief under Code of Criminal Procedure Article HTU930.3UTH.

The limitation of R.S. 44:31.1 does not extend to the attorney representing the incarcerated felon. Boren v. Taylor, 16-2078 (La. 6/29/17) – So.3d ---.

The number or length of records that an individual may request is unlimited, except that the record must be available. The individual's right is not impaired by use of the records to publish or distribute the information in a manner critical to the public body. AG Op. No. 93-482, AG Op. No. 09-0298.

Q.14. What must be included in a request for public records?

A.14. The request need not include specific name or type of document requested; it is sufficient that requester gives reasonable description of information sought.

Nungesser v. Brown 664 So.2d 132, (La. App. 1 Cir. 1995). * reversed on other grounds.

The request may be made in person during regular business hours or requested by letter. Elliot v. District Attorney of Baton Rouge, 664 So.2d 122 (La. App. 1 Cir. 1995).

Q.15. To whom should a request for public documents be made?

A.15. All requests for public documents should be directed to the custodian of the particular public record.

Q.16. What are the duties of the custodian? R.S. HTU44:31UTH, HTU44:32UTH, HTU44:33UT

A.16. R.S. HTU44:31HUT states that it is the responsibility and duty of the appointive or elective office of a custodian and his/her employees to provide access to public records.

R.S. HTU44:32UTH requires that the custodian present any public record to any person of the age of majority who so requests. Further, the custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person.

A custodian may make inquiries as to whether an individual falls within the exclusions of R.S. HTU44:31.1UT concerning requests from individuals in custody for a felony conviction who have exhausted their appellate remedies. The custodian can inquire as to whether the requestor is in custody for a felony conviction, has exhausted his appellate remedies, and

whether the request is limited to grounds for post-conviction relief under CCRP 930.3.

The custodian shall extend to the requestor all reasonable comfort and facility for the full exercise of the right granted under Chapter 2 of Title 44, provided that nothing prevents the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined.

If any record contains material that is not a public record, the custodian may separate the nonpublic record and make the public record available for examination.

For all public records, it is the duty of the custodian of the public records to provide copies to persons requesting.

No fee may be charged to any person to examine or review any public records, except as provided for under R.S. HTU44:32UTH(C), and no fee may be charged for examination or review to determine if a record is subject to disclosure, except as may be determined by a court of competent jurisdiction.

If a record is requested and the custodian raises a question regarding whether or not the requested record is a public record, the custodian must within three (3) days, exclusive of Saturdays, Sundays, and legal public holidays, of receipt of the request, notify in writing the person making the request of the custodian's determination and reasons therefor. The written notification shall contain a reference to the basis under the law that the custodian has determined exempts the record, or any part of the record, from inspection, copying, or reproduction.

Under R.S. HTU44:33UTH a custodian must segregate any requested public record from the other records under his/her custody so that the public can reasonably view the requested record.

If segregating the record would be unreasonably burdensome or expensive, or if the record requested is maintained in a fashion that makes it readily identifiable and renders further segregation unnecessary, the official shall so state in writing and shall state the location of the requested record.

See AG Op. No. 09-0298 for a discussion of the duties of the custodian.

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