

REQUEST UNDER FLORIDA OPEN RECORDS LAW

March 21, 2019
City of Fort Lauderdale
City Clerk's Office
Attention: Jeff Modarelli
100 N. Andrews Avenue
Fort Lauderdale, FL 33101

BY ELECTRONIC MAIL: jmodarelli@fortlauderdale.gov

RE: Certain Public Records

Dear Sir or Madam:

On behalf of Energy Policy Advocates, a non-profit public interest group recognized as a 501(c)(3) by the Internal Revenue Service and with a practice area in government transparency, pursuant to Article 1, Section 24 of the Florida Constitution and Chapter 19, F.S., please provide within the statutory period of time copies of the public records described below, and its accompanying information¹, including also any attachments:

1) all *records* a) provided to (including also copying), i) Commissioner Ben Sorensen, ii) Commissioner Heather Moraitis, iii) Commissioner Robert McKinzie, iv) Commissioner Steve Glassman, v) Assistant to the Mayor Scott Wyman, and/or vi) Mayor Dean Trantalis, whether provided by regular mail, courier, hand delivery, or otherwise including, e.g., UPS, Fedex, Dropbox, Box, etc., which also b) are from and/or mention anywhere i) Jorge Mursuli, ii) Seth Platt, iii) Edling, iv) EarthRights, v) Social Transformation Project, and/or vi) Institute for Governance & Sustainable Development (IGSD), that are dated or were provided on any date from October 1, 2018 through the

¹ See discussion of SEC Data Delivery Standards, *infra*.

date you process this request, inclusive (for example, leave-behinds from the parties' meetings with several of the named parties in October, 2018, followup documents sent by courier, FedEx or otherwise, all are covered by this request); also

2) all billing records for mobile telephones provided by the City or any of its offices to i) Commissioner Ben Sorensen, ii) Commissioner Heather Moraitis, iii) Commissioner Robert McKinzie, iv) Commissioner Steve Glassman, v) Assistant to the Mayor Scott Wyman, and vi) Mayor Dean Trantalis dated from October 1, 2018 through the date you process this request.

These terms are not case sensitive. If there is any cost associated with the searching, copying or production of these records, however, please also notify me in writing promptly. Please provide an estimate of anticipated costs in the event that there are fees for processing this Request.

Energy Policy Advocates requests records on your system, e.g., its backend logs, and does not seek only those records which survive on an employee's own machine or account. We do not demand your Office produce requested information in any particular form, instead we request records in their native form, with specific reference to the U.S. Securities and Exchange Commission Data Delivery Standards.² The covered information we seek is electronic information, this includes electronic records, and other public information.

To quote the SEC Data Delivery Standards, "Electronic files must be produced in their native format, i.e. the format in which they are ordinarily used and maintained during the normal course of business. For example, an MS Excel file must be produced as an MS Excel file rather

² <https://www.sec.gov/divisions/enforce/datadeliverystandards.pdf>.

than an image of a spreadsheet. (Note: An Adobe PDF file is not considered a native file unless the document was initially created as a PDF.)” (emphases in original).

In many native-format productions, certain public information remains contained in the record (e.g., metadata). Under the same standards, to ensure production of all information requested, if your production will be de-duplicated it is vital that you 1) preserve any unique metadata associated with the duplicate files, for example, custodian name, and, 2) make that unique metadata part of your production.

Native file productions may be produced without load files. However, native file productions must maintain the integrity of the original meta data, and must be produced as they are maintained in the normal course of business and organized by custodian-named file folders. A separate folder should be provided for each custodian.

In the event that necessity requires your Office to produce a PDF file, due to your normal program for redacting certain information and such that native files cannot be produced as they are maintained in the normal course of business, in order to provide all requested information each PDF file should be produced in separate folders named by the custodian, and accompanied by a load file to ensure the requested information appropriate for that discrete record is associated with that record. The required fields and format of the data to be provided within the load file can be found in Addendum A of the above-cited SEC Data Standards. All produced PDFs must be text searchable.

We look forward to your timely response within a reasonable time, as required by law. If you have any questions, or would like to discuss this matter further, do not hesitate to contact me by email at MatthewDHardin@gmail.com.

Sincerely,

Matthew D. Hardin
Executive Director
Energy Policy Advocates