



# AMERICANS FOR LIMITED GOVERNMENT

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April 22, 2013

Department of Labor, Licensing, and Regulation  
500 North Calvert Street #401  
Baltimore, MD 21202

Via fax to: 410.333.0853  
Hard copy via U.S. Mail

**Re: Public Information Act Request**

Dear Records Custodian:

Pursuant to the Maryland Public Information Act (Act), MD. CODE ANN., STATE GOVERNMENT § 10-611 et seq., I request on behalf of Americans for Limited Government (ALG) copies of the public records described below. Please provide all records that exist in the following category:

Records of communications and the communications themselves between Scott R. Jensen, Deputy Secretary, and any other person regarding the subject of the nomination of Tom Perez to be U.S. Secretary of Labor, including but not limited to all email from Deputy Secretary Jensen urging support for the confirmation of Tom Perez.

Please provide copies of all such records that were created on or after January 1, 2013.

**Further Definition of Records Sought**

The term "record" should be construed to mean any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone calls, meetings or other communications, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions,

alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, voicemails, microfiche, microfilm, videotape, recordings and motion pictures), and electronic and mechanical records or representations of any kind (including, without limitation, tapes, cassettes, disks, computer server files, computer hard drive files, CDs, DVDs, memory sticks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind of nature. A record bearing any notation not a part of the original text is to be considered a separate record. A draft of a non-identical copy is to be construed as a separate record.

The term “relating” and “regarding” with respect to any given subject, should be construed to mean anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.

The inclusion and description of particular records in this request should not be construed to eliminate other records that are not described in particular detail if they should exist in another format.

#### **Procedure Regarding Records Exempt from Disclosure**

Given the nature of the records requested, I anticipate that the vast majority of any responsive records will be of the type required to be released under the Act. However, in the event that records exist that the Act does not require to be released, I request that they be released regardless unless the failure to release such records can be justified based upon sound reasoning related to one of the statutory exemptions or exceptions in the Act, and there is a patently manifest danger of significant harm that would occur from release of such records, *e.g.*, danger to health or safety of an individual.

In the event that records are withheld, I request to be provided with the following information:

1. Reason each record is not being produced;
2. Type of record withheld;
3. Subject matter of record withheld; and
4. Date, author, and addressee, if applicable of the record.

Further, I request that the above information be indexed by individual record by providing information sufficient for a reasonable person to be able to ascertain whether the record sought is actually exempt from disclosure.

#### **Request for Waiver of Fees**

The information sought by ALG in this request will be used to better the public's understanding of how the Department is attempting to use outside groups to lobby the

U.S. Senate, seeking Senate action on the nomination of Tom Perez to be U.S. Secretary of Labor. As such, the public good that will occur in disclosing the information sought in and of itself weighs strongly in favor of a fee waiver. Further, the information sought is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. ALG regularly publishes information on the activities, structure, and operations of all levels of the government. This information is distributed to a large number of diverse individuals across the entire nation. The records sought are of the type which ALG regularly provides to the public through its publications and websites, [www.getliberty.org](http://www.getliberty.org) and [www.netrightdaily.com](http://www.netrightdaily.com). As such granting the request to waive fees is in the public interest. In the instant case the records sought will be used to further the public's understanding of the operations of the Department. The records sought will be disseminated widely to parties interested in the workings of the government and as such will not inure primarily to the benefit of the requestor. Therefore the request for waiver of fees should be granted pursuant to MD. CODE ANN., STATE GOVERNMENT § 10-621(e).

In the event that a fee waiver is not granted, please inform me before taking any action that would result in the incurrence of fees by ALG.

### **Conclusion**

I request that any records disclosed pursuant to this request be indexed, to the extent feasible, in such a way as to enable the reader to readily ascertain to which number listed above the responsive records relate. If reasonably possible, I request that responsive records be provided in electronic form on either unencrypted CDs or DVDs. If you have any questions as to the medium on which responsive records are to be provided, please contact me in advance to sending the medium.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

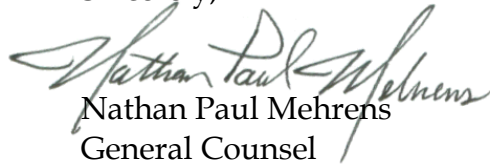
Please send the requested records to me at the following address:

Nathan Paul Mehrens  
General Counsel  
Americans for Limited Government  
9900 Main Street  
Suite 303  
Fairfax, VA 22031

If you have any questions regarding this request please contact me at 703.383.0880 or [nathan@getliberty.org](mailto:nathan@getliberty.org).

Thank you in advance for your assistance.

Sincerely,



Nathan Paul Mehrens  
General Counsel

Ref# ALGFOIA2013-023