

## N.L.C.O.G. AND GLOVER WITHHOLD DOCUMENTS IN VIOLATION OF LOUISIANA PUBLIC RECORDS ACT

April 19, 2012

The Finish 3132 Coalition today presented evidence to the Executive Committee of the Northwest Louisiana Council of Governments (NLCOG) that the organization has withheld documents lawfully requested under Louisiana's Public Records Act.

In responding to a December 26, 2011 public records request under Louisiana's Public Records Act, Kent Rogers, NLCOG Director, repeatedly contended that the group did not have e-mails older than one year. Acting on the group's behalf, its attorney, Jerry Jones, was repeatedly told the same by Rogers, passing such assertions to the Coalition as he received them from his client. After briefing the NLCOG Executive Committee by e-mail on December 21, 2011, Jones arranged for the hiring of a computer specialist to attempt to "retrieve" any older e-mails from the NLCOG server.

Originally estimating the cost to taxpayers of this effort at \$3,000 to \$6,000, Jones wrote the NLCOG response to the Coalition on February 17, 2012, saying in pertinent part:

"As noted in Kent Rogers'/NLCOG's January 4, 2012 response ("Response") to the Coalition's December 26, 2012 Restated Public Records Request ("PRR"), this law firm hired (name removed by Coalition) a computer forensic expert recognized as such by local state and federal courts, to provide his expert opinion as to 1) whether it is possible to access electronic data responsive to the PRR on NLCOG servers which NLCOG staff could not access with the equipment available to them; and 2) if accessible, is there data on those servers responsive to the PRR. ...

... In summary, the Response, along with the hard/paper copies we provided on December 21, 2011 in response to the Coalition's original December 15, 2011 Public Records Request, contains all the documents, electronic or otherwise, in the custody of NLCOG or Kent Rogers responsive to the Request.

Ultimately, the Coalition relied on these assertions, and therefore received no NLCOG e-mails on the subject of the 3132 Extension "older than one year." Many important actions by the group occurred much earlier, we know.

Subsequent to the Public Records Request to NLCOG, the Coalition has likewise requested documents from the Louisiana Department of Transportation & Development (LA DOTD), Shreveport city engineering, and Mayor Cedric Glover.

In the production of documents from another of these entities, the attached documents ([VIEW](#)) were received, evidence that Kent Rogers (NLCOG) - on June 21, 2011 - **attached to an e-mail he was writing to Mayor Cedric Glover other e-mails from August 4, 2009.** (The redactions are the Coalition's.)

**It seems clearly the case, therefore,** that NLCOG did in fact (and does in fact) have 3132 Extension-related e-mails in its electronic files which were/are "older than one year." The period between August 2009 and June 2011 is nearly two years.

**It is additionally important to note that although Mayor Glover was the person to whom Rogers wrote his June 21, 2011 e-mail, Glover did not produce this e-mail, either, in his Public Records Act response.** Glover delayed his response for over two months - five business days are allowed under the law - and when he finally did respond, he produced only 28 pages. Yesterday's hearing in Caddo District Court resulted in a one-week continuance order by Judge Leon Emmanuel, during which time Glover is to produce the requested documents. We will report back on that subject after the proceeds - if any - of Glover's PRR are produced by next Wednesday's deadline.

In today's NLCOG Executive Committee meeting, the Coalition was told it will receive a response on the subject presented - the deliberate withholding of public documents by a public body - by next Monday. Later today, Coalition attorney John Settle issued a PRR to Jerry Jones for documents detailing the total cost incurred by NLCOG, i.e., the taxpaying public, in the scouring of NLCOG computer servers for other e-mails.

Needless to say, if any other legitimate explanation for these facts is provided by NLCOG, the Coalition will inform you.

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*Elliott Stonecipher's reports, essays and commentaries are written strictly in the public interest. No compensation of any kind has been solicited, offered or accepted for this work.*

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