

# *Office of the Attorney General*

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February 6, 2018

Drake D. Hill  
2616 Carey Avenue  
Cheyenne, WY 82001

***RE: Public Records Request of American Transparency (Openthebooks.com) and  
the Equality State Taxpayers' Association***

Dear Mr. Hill:

We are in receipt of your letter to the Wyoming State Auditor dated January 25, 2018 regarding public records requests of American Transparency (Openthebooks.com) and the Equality State Taxpayers' Association wherein you make demand for the release of all information responsive to their requests.

As background, on August 25, 2015, Craig Mijares of American Transparency requested an electronic copy of any and all vendor (transfer of property or services) payee payments for the years 2008-2015 broken down by year and including the vendor name, vendor address, vendor city, vendor state name, vendor zip code, check date/ACH date, check number/ACH code, check amount/ACH amount, department, agency, type of payment, and description of products or services/purpose of payment. After an initial email response on August 31, 2015, the State Auditor's Office responded by letter dated September 2, 2015 stating that the request encompasses almost eight years of payments and about 14 million separate vendor payments. Further, the letter stated that the records did not currently exist in document form and thus the State Auditor's Office

would need to construct a software program to extract all of the information fields identified and run 14 million records through the program and review each to ensure no confidential information was included. The letter stated that the Auditor's Office estimated it would take a full time employee at least four months, working solely on the request, to compile the information and that it would take an untold number of months, perhaps years, for that information to be properly reviewed before it was released. Ultimately, the State Auditor's Office, under Wyoming Statute § 16-4-202(d)(iii), declined to provide the requested electronic public records because it would impair the State Auditor's Office's ability to discharge its duties to the citizens of Wyoming. That statute states that "[a]n agency shall not be required to compile data, extract data or create a new document to comply with an electronic record request if doing so would impair the agency's ability to discharge its duties[.]"

On August 16, 2016, Steven Schupbach of American Transparency requested an electronic copy of any and all vendor (transfer of property or services) payee payments for 2016 broken down by year and including the vendor name, vendor address, vendor city, vendor state name, vendor zip code, check date/ACH date, check number/ACH code/warrant number, check amount/ACH amount, department, agency, type of payment, and description of products or services/purpose of payment. After an initial email response on September 8, 2016, the State Auditor's Office responded on September 9, 2016 and attached to the email the denial letter previously sent to American Transparency in 2015. The September 9, 2016 email explained that the request encompassed over 1.8 million transactions and over 100,000 vendors. Further, the records would have to be sorted and those results manually reviewed to ensure no confidential information was included. The email also clarified that some of the requested records are not public, such as any warrants for payment of public benefits due to medical disability of individual persons, descriptions of products or services/ purpose of payment, payments of public benefits due to medial reasons or services, and public employee addresses. Further, the Check Date/ ACH Date, Check Number/ACH code/Warrant Number, and Check Amount/ ACH Amount could not be disclosed because it would subject payees to potential unauthorized duplication of the check and potential substitution of the payee name. The State Auditor's Office, under Wyoming Statute § 16-4-202(d)(iii), declined to provide the records because it would impair the State Auditor's Office's ability to discharge its duties to the citizens of Wyoming.

On June 25, 2017, Justin Kramer of American Transparency requested an electronic copy of any and all employee records for 2016 containing the employer name, employer zip code, year of compensation, first name, middle initial, last name, hire date, base salary amount, bonus amount, overtime amount, gross annual wages, and position title broken down by employer, employee and year. Via an email dated June 30, 2017, the State Auditor's Office responded with a letter dated June 30, 2017 responding to the public records request. The June 30, 2017 letter stated that the request covered approximately 50,000 payroll transactions a month for over 9,900 state employees. Further, the letter stated that the records did not currently exist in document form and thus the State Auditor's Office would need to construct a software program to extract the information and run the records through the program then conduct an extensive review of each document to ensure no confidential information was included. The letter stated that the Auditor's Office estimated it

would take an untold number of months to compile the information and perhaps years for that information to be properly reviewed before it was released. Ultimately, the State Auditor's Office declined to provide the information because it would impair the State Auditor's Office's ability to discharge its duties to the citizens of Wyoming under Wyoming Statute § 16-4-202(d)(iii).

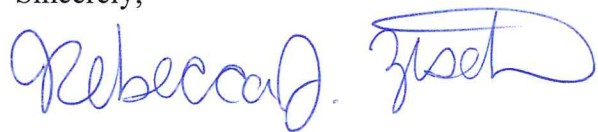
On January 23, 2018, the State Auditor's Office received a new public records request from the Equality State Taxpayers' Association requesting the checkbook data for the State of Wyoming for calendar year 2017, and requesting that for all transactions, the State Auditor's Office provide the date, type, total, line amount, vendor name, invoice, agency, description, contact, and document. The State Auditor's Office responded to the Equality State Taxpayers' Association's January 23, 2018 public records request by providing a letter on January 30, 2018. In that letter, the State Auditor's Office explained that it will produce and construct the requested electronic public records once the Equality State Taxpayers' Association complies with the Auditor's January 30, 2018 letter by paying the required costs to produce and construct the electronic public records.

Notably, your letter states that American Transparency has attempted to restructure its requests to make them easier for the Auditor's Office to comply with by reducing the original request to what is produced on the State Auditor's vendor payment website. However, only the Equality State Taxpayers' Association's January 23, 2018 request includes any restructuring or a request aligning with what is produced on the vendor payment website.

The State Auditor's Office has complied with its legal obligations under the public records act in responding to all public records requests of American Transparency and the Equality State Taxpayers' Association. Should American Transparency wish to restructure its request to align with what is produced on the vendor payment website, it must submit a new public records request and the State Auditor's Office will respond appropriately.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca J. Zisch". The signature is fluid and cursive, with a large loop at the end.

Rebecca J. Zisch  
Assistant Attorney General

CC: Wyoming State Auditor's Office