



United Union of Roofers Waterproofers, and Allied Workers

Roofers Local #20

6321 Blue Ridge Blvd., Suite 202, Raytown, MO 64133

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Affiliated with AFL-CIO and Building and Construction Trades Department

November 27, 2013

Springfield MO R-XII School Dist
Attn: Dr. Norman Ridder
1458 East Chestnut Expressway
Springfield, MO 64802



RE: FOIA Request for OSHA 10 Hour, E-Verify and Payroll Reports
Project: Doling Elementary
Location: 1423 W Atlanta St, Springfield Missouri
Contractor: JAJ Construction and all subcontractors

Dear Dr. Ridder,

As Business Representative for Roofers Local #20, I respectfully request all OSHA 10 hour training verification and E-Verify Affidavit of Compliance along with payroll reports with regard to the roofing work performed on the above referenced project by **JAJ Construction and all subcontractors**.

It is my understanding that under Sections 610.010 to 610.028 of the Sunshine Law that these records are available to the public upon request. Your assistance with regard to this matter would be greatly appreciated.

Thank you in advance for your cooperation on the above. If you have any questions, please feel free to call me at (816) 313-9420 or E-mail me at tom@rooferslocal20.com.

Sincerely,

Tom Cash
Business Agent
Roofers Local #20



Helping today's kids fill tomorrow's promise.

Norman F. Ridder, Ed.D.
Superintendent

December 6, 2013

Tom Cash
United Union of Roofers, Waterproofers and Allied Workers
Roofers Local #20
6321 Blue Ridge Blvd., Suite 202
Raytown, MO 64133

Dear Mr. Cash:

This is in response to your letter dated November 27, 2013, and received in our office on December 4, 2013. Your letter requests certain information pursuant to the Missouri Sunshine law, Section 610.010 *et seq.* RSMo. More specifically, your letter requests the following:

“...I respectfully request all OSHA 10 hour training verification and E-Verify Affidavit of Compliance along with payroll reports with regard to the roofing work performed on the above referenced project (Doling Elementary) **by JAJ Construction and all subcontractors .**”

In order to be subject to disclosure under the Missouri Sunshine Law, documents must constitute “public records” of the “public governmental body.” In the case of the School District of Springfield, R-12, the “public governmental body” is the Board of Education for the School District of Springfield, R-12. The term “public governmental body” also includes certain other defined entities, including:

“(e) Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above-named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the public governmental body’s governing board or its chief administrative officer, policy or policy revisions or expenditures of public funds . . .”

The term “public records” is defined in Section 610.010(6) RSMo. as follows:

(6) “Public record”, *any record*, whether written or electronically stored, *retained by or of any public governmental body* including any report, survey, memorandum, or other document or study *prepared and presented to the public*

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governmental body by a consultant or other professional service paid for in whole or in part by public funds; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. *The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting.*" [emphasis added]


Generally, the District will not provide you with any public documents which may be encompassed by your request and which are closed records under the Sunshine Law, Section 610.021 RSMo.

With this explanation in mind, the Board responds as follows to your request:

Per your conversation with Mr. Wendt, the District does not have the records for OSHA 10 Hour and E-Verify. The Payroll Reports for the Doling Elementary school project will be provided. At this time, the District is in the process of gathering these records and should be able to provide them to you shortly.

Thank you for your request.

Sincerely,



Kathy L. Looten
Executive Office Liaison/District Records Custodian

cc: Ransom A Ellis, III