PROVIDED TO BAKER C.
ON 4/19/16
FOR MAILLING. SCASL

George Rivera, DC#033406
Baker Correctional Institution
20706 U.S. Hwy. 90 West
Sanderson, FL 32087

RECEIVED
APR 21 2016
Governor's Legal Office

April 18, 2016

Mr. Tim Cerio, General Counsel
Executive Office of the Governor
PL 04 The Capitol
400 South Monroe Street
Tallahassee, FL 32399-0001

Re: The Executive Office of the Governor and Office of Open Government Continuing Failure to Respond to Public Records Requests

Dear General Counsel Cerio:

This correspondence will serve as presuit notice of Ethics and Civil Action Complaints on the Executive Office of the Governor's (EOG) continuing failure (or refusal) to properly acknowledge or respond to the public records requests (PRR) referenced in the enclosed PRR.

The failure of EOG Office of Open Government Director Jack Reid to properly acknowledge or respond to the PRR's *and* correspondence referenced in the enclosed PRR addressed to the EOG Office of General Counsel, violates clearly established legal duties under Executive Orders, Florida Open Government laws, and Florida's Code of Ethics governing public officials.

An unlawful denial of access can occur in many different ways, including delay. *See* e.g., *Tribune Co. v. Cannella*, 458 So. 2d 1075, 1079 (Fla.1984) ("The only delay permitted by the [Public Records] Act is the limited reasonable time allowed the custodian to retrieve the record and delete those portions of the record the custodian assents are exempt."); *See also Barfield v. Town of Eatonville,* 675 So.2d 223 (Fla. 5th DCA 1996) ("An unjustified delay in complying with a public records requests amounts to an unlawful refusal under § 119.12, Florida Statutes.").

If there is a specific statutory or constitutional restriction prohibiting the release of the public records I have requested, that restriction should be properly identified. I am asking you to personally address this matter so that my PRR's may be properly processed by the EOG Office of Open Government without further delay and without having to pursue additional legal actions.

Sincerely,

George Rivera

George Rivera
Email:<ForGeorgeRivera@live.com>

Copy To:

Melissa Sellars, Chief of Staff
Executive Office the Governor

Enclosures/Attachments

EXECUTIVE OFFICE OF THE GOVERNOR
OFFICE OF THE GENERAL COUNSEL

In re: **PUBLIC RECORDS REQUEST**
(Office of Open Government)
(Office of the Chief Inspector General)

OOG/PRU# _____

Subject: Office of Open Government Failure to Respond To Public Records Requests
From: George Rivera, DC#033406 <forgeorgerivera@live.com>
Date: April 18, 2016
To: Tim Cerio, General Counsel
Executive Office of the Governor

Dear General Counsel Cerio:

Pursuant to Article 1, Section 24(a) of the Florida Constitution, I request copies of the Executive Office of the Governor (EOG) public records detailed below.

**** PUBLIC RECORDS REQUESTED ****

> All records received or generated by the Executive Office of the Governor (EOG) during the receipt, logging, review, response to and/or referral of the attached Public Records Requests (PRR) and correspondence addressed to EOG Chief Inspector General (Melinda Miguel) and to EOG Office of Open Government Director Jack Reid. This PRR includes all records, emails, interoffice memos, PRR File Numbers assigned to the attached PRR's, tracking sheets, etc., generated by EOG officials and staff after receipt of the referenced PRR's and correspondence.

I am willing to pay reasonable costs for the requested public records in original or reformatted medium. If necessary, please provide an itemized invoice of estimated costs and the name and title of the person designated to respond to this public records request.

George Rivera

George Rivera DC#033406
Baker Correctional Institution
20706 U.S. Highway 90 West
Sanderson, Fl. 32087

Copy To:

Melissa Sellers, Chief of Staff
Executive Office of the Governor

Melinda Miguel, CIG
Executive Office of the Governor

Jack Reid, Director
Office of Open Government

Enclosures/Attachments

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

RICK SCOTT
GOVERNOR

March 29, 2016

Mr. George Rivera, DC #033406
Baker Correctional Institution
20706 US Highway 90 West
Sanderson, FL 32087-2359

RE: Chief Inspector General Case # 201603020005

Dear Mr. Rivera:

The Office of the Chief Inspector General received your additional information on March 28, 2016, in which you expressed concerns about your public records request.

After having had the opportunity to review your continued concerns, by copy of this letter, we are forwarding your additional information to the Executive Office of the Governor, Office of Open Government for review and action deemed appropriate.

Thank you for bringing this matter to our attention. In the event that you have any further questions, please contact the Executive Office of the Governor, Office of Open Government by writing the following address:

Jack Reid, Director
Executive Office of the Governor
Office of Open Government
PL04 The Capitol
Tallahassee, FL 32399

Sincerely,

Heather Robinson
Operations Manager
Office of the Chief Inspector General

HR:sc

cc/enc: Jack Reid, Inspector General

PROVIDED TO BAKER CI
ON 3/25/16
FOR MAILLING. SC DOR

George Rivera, #033406
Baker Correctional Institution
20706 U.S. Highway 90 W
Sanderson, Fl. 32087

March 25, 2016

Mr. Jack Reid, Director
Office of Open Government
Executive Office of the Governor
PL 04, The Capitol
Tallahassee, Fl. 32399-0001

Re: Public Records Request Follow Up

Dear Mr. Reid:

On March 2, 2016 the Office of the Chief Inspector General, Executive Office of the Governor (CIG/EOG), referred to your office for timely response the attached Public Records Request (PRR) dated February 27, 2016, a copy of a CIG letter dated March 2, 2016, *and included* "the responsive records" requested from CIG/EOG.

To date, twenty-three (23) days later, I *have not* received the requested responsive public records provided to your office by CIG/EOG staff, nor have I received any response or acknowledgment from your office explaining the basis for such a delay.

Custodians of public records are required to make them available for inspection and copying under reasonable circumstances. § 119.07(1)(a), Florida Statutes. Requests must be acknowledged promptly and responded to in good faith. § 119.07(1)(c), Florida Statutes. An unlawful denial of access can occur in many different ways, including delay. *See* e.g., *Tribune Co. v. Canella*, 458 So.2d 1075, 1079 (Fla.1984) ("The only delay permitted by the Act is the limited reasonable time allowed the custodian to retrieve the record and delete the portions the custodian asserts are exempt."); *See* also *Barfield v. Town of Eatonville*, 675 So.2d 223 (Fla. 5th DCA 1996) ("An unjustified delay in complying with a public records request amounts to an unlawful refusal under §119.12(1), Florida Statutes.").

I am bringing this delay to your attention because similar delays in the recent past suggest that the Office of Open Government has adopted an unlawful "practice and pattern" of intentionally delaying the release of CIG/EOG public records *after* the responsive records requested are provided to your office by CIG staff. *See* *Attachment A* – (PRR's, correspondence to and from OOG and CIG staff documenting a six (6) month delay in 2015 by OOG staff).

I am now requesting that you provide the requested public records provided by CIG/EOG staff on March 2, 2016. If there is a legal or legitimate reason for further delay; please identify the specific legal basis for such delays.

NOTE: Also enclosed is a Public Records Request (PRR) that I am submitting to you directly for requested EOG Office of Citizen Services public records.

Thank you for your attention to and assistance in this matter.

Sincerely,

George Rivera

George Rivera, #033406
Email: ForGeorgeRivera@live.com

Copy To:

Tim Cerio, General Counsel
Executive Office of the Governor

Melinda Miguel, Chief Inspector General
Executive Office of the Governor

Enclosures/Attachments

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

RICK SCOTT
GOVERNOR

March 2, 2016

Mr. George Rivera, DC #033406
Reception and Medical Center
P.O. Box 628, Hwy. 231
Lake Butler, FL 32054-0628

RE: Chief Inspector General Case # 201603020005

Dear Mr. Rivera:

The Office of the Chief Inspector General received your public records request on March 2, 2016, in which you requested "an index of all [Chief Inspector General] case numbers on Florida Department of Corrections inmate George Rivera, DC #033406." You also copied this office on your public records request to the Department of Corrections in which you requested "all records received or generated by the Florida Department of Corrections (FDC) during the receipt, logging, review, investigation, response to, or referral of, TIPS/PREA hotline calls made from Baker Correctional Institution (BCI), Inmate telephone #4511."

After having the opportunity to review your request to this office, we are referring it, along with the responsive records, to the Executive Office of the Governor, Office of Open Government for review and handling. A representative from the Office of Open Government will contact you regarding your public records request. Your secondary request to the Department of Corrections is being forwarded to the Inspector General for the Department of Corrections for review and action deemed appropriate.

Thank you for bringing this matter to our attention. In the event that you have any further questions, please contact the Executive Office of the Governor, Office of Open Government, or the Inspector General's office for the Department of Corrections, by writing to the following addresses:

Jack Reid, Director
Executive Office of the Governor
Office of Open Government
PL04 The Capitol
Tallahassee, FL 32399

Jeffery T. Beasley, Inspector General
Department of Corrections
501 S. Calhoun St.
Tallahassee, FL 32399-2500

Sincerely,

Heather Robinson
Operations Manager
Office of the Chief Inspector General

HR:sc

cc/enc: Jack Reid, Director
Jeffery T. Beasley, Inspector General

(File Copy)

PROVIDED TO BAKER C.
ON 2/29/16
FOR MAILLING. SL

EXECUTIVE OFFICE OF THE GOVERNOR
OFFICE OF THE CHIEF INSPECTOR GENERAL
STATE OF FLORIDA

In re: PUBLIC RECORDS REQUEST

(Index of CIG Case Numbers Generated on
FDC Inmate George Rivera, DC#033406)

CIG Case No.: _____

Subject: PUBLIC RECORDS REQUEST

From: George Rivera, <ForGeorgeRivera@live.com>

Date: February 27, 2016

To: Melinda Miguel, Chief Inspector General
Executive Office of the Governor

Chief Inspector General Miguel:

Pursuant to Article I, Section 24, of the Florida Constitution, please provide the following public records:

****PUBLIC RECORDS REQUESTED****

Index of all CIG Case Numbers Generated on FDC Inmate George Rivera DC#033406

I am willing to pay reasonable costs for the public records requested. If necessary, please provide an itemized invoice of estimated costs and the name and title of the person designated to respond to this public records request. Your attention and assistance in this matter is appreciated.

George Rivera

George Rivera, DC#033406
Baker Correctional Institution
20706 U.S. Hwy. 90 West
Sanderson, FL 32087

PROVIDED TO BAKER C
ON 3/25/16
FOR MAILLING. SCAR

OFFICE OF OPEN GOVERNMENT
EXECUTIVE OFFICE OF THE GOVERNOR

In re: PUBLIC RECORDS REQUEST
(Office of Citizen Services)

OOG PRR# _____

Subject: Public Records Request

From: George Rivera [ForGeorgeRivera@live.com]

Date: March 25, 2016

To: Jack Reid, Director
Office of Open Government
Executive Office of the Governor
PL 04, The Capitol
Tallahassee, Fl. 32399-0001

Director Reid:

Pursuant to Article I, § 24(a), of the Florida Constitution, I request copies of the following public records.

*****Public Records Requested*****

All records (e.g., emails, letters, memo's, Postal Notifications (copy attached), inter-office tracking/ routing forms, etc.) received or generated by the Office of Citizen Services, Executive Office of the Governor, regarding Florida Department of Corrections (FDC) inmate George Rivera DC# 033406, between May 2013 and March 30, 2016.

I am willing to pay reasonable fees for the requested public records. If necessary, please provide an itemized invoice of costs and the name/title of the person designated to respond to this public records request.

Thank you for your attention to this request.

George Rivera, #033406
Baker Correctional Institution
20706 U.S. Highway 90 W
Sanderson, Fl. 32087

Email: [ForGeorge Rivera@live.com]

Copy To:

Tim Cerio, General Counsel
Executive Office of the Governor

Enclosures/Attachments

Postal Number: P12-263029

Category: Prisoner/Prisons

Status: Filed
Public Record

Summary: Re-log to DOC per Bo Winokur, 11/16/12. Relog per Connie Hill/COR. Forwarded to Legal for review and determination.

Assigned To

Section: Corrections (COR)
Coordinator: Connie Hill
Author: Connie Hill

Assignment Comments: Re-log to DOC per Bo Winokur, 11/16/12.

Letter Date	Assigned	Due	Reply	Filed
09/30/2012	11/19/2012	12/03/2012	12/12/2012	12/12/2012

From .. Mr. George Rivera

From **Mr. George Rivera**

Title: Mr.
Address: Apalachee Correctional Institution #033406
52 West Unit Drive
Sneads, Florida 32460 . . . County/Province: Jackson
Phone Number:
Email Address:

Business or Person Referenced: **Appointments**

General comments and related documents

Rivera, George.pdf

Modification History

Created: 10/22/2012 10:04:06 AM .. Christopher Hargrett
Last Edited: 12/12/2012 12:16:36 PM .. Christopher Hargrett

>>>> 10/22/2012 10:06: AM Christopher Hargrett
Subject changed from blank to Prisoner/Prisons. Status changed from Received to Assigned. Assignment changed from Warren Davis; Jennifer Britt to Barbara White. Letter date changed from blank to 09/30/2012.
>>>> 10/24/2012 07:43: AM Jennifer Britt
Assignment changed from Barbara White to Barbara Traylor.
10/24/2012 08:00 AM Assignment notification sent to BARBARA TRAYLOR
>>>> 11/06/2012 03:27: PM Barbara Traylor
Section changed from Citizen Services (CAS) to Legal Office (CLG). Coordinator changed from Warren Davis; Jennifer Britt to Ricky Moulton; Blair Keels. Assignment changed from Barbara Traylor to Ricky Moulton; Blair Keels. Assignment date changed from 10/22/2012 to 11/06/2012. Due date changed from 11/05/2012 to 11/20/2012.
11/06/2012 03:32 PM Assignment notification sent to RICKY MOULTON
>>>> 11/07/2012 10:26: AM Ricky Moulton
Coordinator changed from Ricky Moulton; Blair Keels to Bo Winokur. Assignment changed from Ricky Moulton; Blair Keels to Bo Winokur.
11/07/2012 10:31 AM Assignment notification sent to BO WINOKUR
>>>> 11/19/2012 12:14: PM Lauren Kirksey
Section changed from Legal Office (CLG) to Corrections (COR). Coordinator changed from Bo Winokur to Connie Hill. Assignment changed from Bo Winokur to Connie Hill. Assignment date changed from 11/06/2012 to 11/19/2012. Due date changed from 11/20/2012 to 12/03/2012.
11/19/2012 12:17 PM Assignment notification sent to CONNIE HILL
>>>> 12/12/2012 12:16: PM Christopher Hargrett
Status changed from Assigned to Filed. Reply date changed from blank to 12/12/2012. Filed date changed from blank to 12/12/2012.
>>>> 12/12/2012 08:00:11 PM Moved to Filed Correspondence