



# Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003 • [www.awionline.org](http://www.awionline.org)  
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October 14, 2011

BY ELECTRONIC MAIL ONLY

Ms. Debra Yerg Daniel, City Attorney  
Ms. Brenda Bean, Acting City Clerk  
Mr. Scott Ullery, City Manager  
City Hall  
111 Maryland Avenue  
Rockville, MD 20850

Dear Ms. Daniel, Ms. Bean, and Mr. Ullery:

On behalf of the Animal Welfare Institute, I hereby submit the following request for records filed pursuant to the Maryland Public Information Act, State Government Article (SGA) §§10-611 to 630. The Animal Welfare Institute will hereafter be referred to as the "requester." To facilitate and expedite receipt of the requested records, the requester hereby requests access to inspect and copy all records that are responsive to this request at a time and place mutually agreeable to the requester and the City of Rockville. If possible, the requester would appreciate the opportunity to review said records on or before October 21, 2011 in order to potentially use the records in preparation of testimony to provide to the Rockville City Council at its scheduled meeting on October 24, 2011.

This request is for:

- 1) A copy of all substantive comments submitted by the public in response to the City of Rockville White-Tailed Deer Management Plan. This does not include the comments submitted by the George Washington University/Animal Law Clinic, the Animal Welfare Institute/Animal Legal Defense Fund, or The Humane Society of the United States.
- 2) A single copy of any form letter or petition submitted in response to the City of Rockville White-Tailed Deer Management Plan. In addition, if available, this request includes the total number of each form letter that may have been submitted and the total count of persons signing on to each petition.

- 3) A copy of any correspondence (letters, emails, notes, or similar documents) reflecting communications between Mayor Marcuccio, Councilmember Britton, Councilmember Donnell Newton, Councilmember Gajewski, and Councilmember Pierzchala and any federal, state, or municipal agency or official or member of the public about any issue relevant to white-tailed deer management and/or the White-Tailed Deer Management Plan. This would be for all responsive records dated from January 1, 2010 to the present but excludes any such communications received by or sent to Carol McCormick or D.J. Schubert.
- 4) A copy of all records (i.e., studies, reports, data, plans, correspondence, photographs, or similar documents) relied on by the White-Tailed Deer Task Force in its preparation of the City of Rockville White-Tailed Deer Management Plan. If any of the requested documents are available electronically, providing the website address where the documents can be accessed will suffice in responding to this particular request. This request does not include any minutes of the task force meetings that are available via the City of Rockville website.
- 5) A copy of all records (i.e., correspondence, emails, notes or similar documents):
- a) identifying all citizens who expressed an interest in serving on the White-Tailed Deer Task Force;
  - b) of the deliberations and discussions among City of Rockville elected officials and agency officials regarding the selection of task force members, and;
  - c) providing information about why all public applicants were either selected or rejected from serving on the task force.

The requester asks that if any part of this request is denied, that it be provided with a written explanation identifying the grounds for the denial. In addition, if any portion of any responsive records is considered exempt from disclosure, the requester asks that it be provided access to those portions that can be disclosed. Finally, to expedite receipt of records responsive to this request, the requester asks that the City of Rockville provide immediate access to those records most readily accessible while provide access to other records when they are available.

The requester recognizes that the City of Rockville can charge a reasonable fee for the compilation and copying of the requested records. SGA §10-621(a). It would note, however, that the first two hours of time to search for and prepare a public record for inspection are to be done at no cost. SGA §10-621(c). In this case, however, the requester asks that all fees be waived pursuant to SGA §10-621(e) since the requester is registered as a 501(c)(3) non-profit organization, registered in the State of Maryland (EIN 13-5655952) and since it has no commercial interest in the requested records and is seeking them only to inform itself and its members, including members who are residents of Rockville, of the actions and activities of the City of Rockville, its councilmembers, and its White-Tailed Deer Task Force. Hence, the requester believes that its request is in the public interest and, consequently, qualifies for a fee waiver. In addition, the requester will make any records it obtains pursuant to this request available to other animal advocacy

organizations, its members in Rockville (if requested by said members), and other like-minded interest groups at no charge thereby potentially saving the City of Rockville any additional time or expense in responding to separate PIA requests from those entities.

In the event that the request for a fee waiver is denied, the requester would ask that the City of Rockville inform the requester of an estimate of the cost of obtaining the requested records so that it can determine whether to pay the cost or appeal the fee waiver decision.

Please contact D.J. Schubert at [dj@awionline.org](mailto:dj@awionline.org) or, by telephone, at 609-601-2875 if there are any questions about this request, to provide an estimate of any costs inherent to the request, or to discuss a date and time for the requester to review records responsive to the request.

Thank you in advance for considering this request.

Sincerely,



Susan Millward  
Executive Director

cc: Mayor Phyllis Marcuccio  
Councilmember John Britton  
Councilmember Piotr Gajewski  
Councilmember Bridget Donnell Newton  
Councilmember Mark Pierzchala  
Members of the Rockville MD White-Tailed Deer Task Force