

January 6, 2009

Ms. Maggie Brown, President
Columbia Association Board of Directors
10221 Wincopin Circle
Columbia, MD 21044

Dear Ms. Brown:

On October 7, 2008, on behalf of the Alliance for a Better Columbia, I requested information pertaining to certain fringe benefits provided to approximately 44 employees of the Columbia Association (CA). This information concerns the provision of take home vehicles to about 12 employees and the payment of a monthly vehicle business allowance to about 32 employees.

The information we requested is limited and straightforward to generate. Consequently, we were disappointed when you responded that you had no legal obligation to answer our request. We refer you to a determination of the Maryland Attorney General that finds otherwise. On February 13, 2006, Ms. Rebecca Bowman, Assistant Attorney General wrote to Ms. Fanaroff as follows on a similar issue of computerized travel records:

When a member of the public requests computerized travel information from a state agency, this office has determined that the agency has an obligation to provide that information if it can be generated from the agency's database without the agency having to do "programming." Programming means the creation of new instructions to the database so that access to data linked in certain ways becomes possible for the first time. Programming requires the expenditure of significant time by someone with specialized knowledge of computer or electronic databases to generate the particular report.

The Homeowners Association Act does not exclude computerized records from its requirement that homeowners be given access to the books and records of the association. While we realize that CA is not a state government agency, the principles that apply to the computerized records maintained by state agencies provide a useful analogy in analyzing this situation....

If a Columbia Association employee can generate the requested information from the database, then it should be provided. The Association may, of course, charge a reasonable fee to cover the costs of its production. If programming would be required to provide the requested information, we would like a description of the programming work that would be required to extract the information from the database.

Based upon this opinion, and related opinions from the MD Attorney General's office, CA must provide this information to us in a timely manner and at a reasonable cost to cover paper and electronic storage materials. According to the Attorney General's finding, CA's allegation that answering our questions would require "creation of new records and to collect information that is not already compiled in existing documents" is not a legally sufficient excuse, even if the allegation were true.

Alliance for a Better Columbia
P.O. Box 735
Columbia, MD 21045
(410) 730-0428

The logo consists of the letters 'ABC' in a large, bold, black, sans-serif font. The letters are slightly slanted to the right.

<http://www.ABetterColumbia.org>

The Columbia Association has spent probably \$2 million dollars for the Lawson financial system including the software, installation, setup, upgrades and technical support. This system is designed to easily retrieve information like that in the questions we have asked. We are not asking for programming, but merely for information that can be generated from this financial system. It is therefore not reasonable to say that it is too much trouble or that it would require a programmer to answer our questions. The questions are reasonable and you are required by law to answer them.

If you disagree about the need for programming, we are entitled to a detailed explanation as to exactly what programming you allege would be required and the man hours involved with such programming. We also request answers to the following questions:

-How and where is the data stored at CA which would enable you to ascertain how many total miles a particular employee put on the CA-owned vehicle assigned to him and how many of those miles may have been for personal use?

-How and where is the information stored at CA relating to payment of monthly business allowances?

-How and where is the information stored at CA indicating the reason for assigning take-home vehicles to individual employees and the criteria used for determining the type of vehicle assigned?

If the best information you are able to retrieve from the Lawson database also contains other incidental data not a part of our request, we will gladly accept this additional data. In addition, if more convenient for CA, we will accept information on each of the 44 employees separately and compile aggregate data from the separate reports you provide to us. Confidentiality should not be an issue since we don't need to know the names of individual employees if aggregated data are not available. We are not asking for the specific reasons each employee may have provided to justify the use of a fleet car for any particular trip. Our primary interest concerns why certain individuals have been granted the use of a take-home vehicle as opposed to signing out a fleet vehicle on an as-needed basis. If CA does not have any general policies covering the use of its vehicles (both take-home and shared-use vehicles), please indicate the specific criteria that may have been used in the past for denying requests by staff members for using these vehicles.

Your prompt attention to this matter would be appreciated, as it is now more than 6 months since we initiated this request for information.

Sincerely,

Joel Yesley

President