

Thursday
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County violated records law

By Mike Wright

A judge this month ruled that Citrus County officials violated the state's public records law in a lawsuit involving the Ozello Water Association.

The county must pay for a forensic expert to search the computer hard drive of a consultant to retrieve e-mails that may have been improperly deleted, court records show.

The county also must have a public records policy in place by early September, Circuit Court Judge Patricia Thomas ruled July 2.

It also must pay Ozello Water \$21,174 to cover its legal fees in a months-long battle to receive public records.

County Attorney Robert "Butch" Battista did not return a phone call Wednesday seeking comment.

Court records indicate that a top county official had little knowledge of state law regarding the protection of public records.

Depositions showed that Robert Knight, the county's water resource director, had never heard of Chapter 119, the state statute that governs public records.

Ozello Water is suing the county over interpretation of a 1999 agreement for the county to sell bulk water to the association.

Ozello Water claims the county is defaulting on the agreement because its water pressure is not sufficient for firefighting.

The county's response is that the agreement is to provide drinking water and any water pressure problems are Ozello's issues and not the county's.

In November, Ozello Water attorney Paul Quin sent public records requests to the county and Hoyle, Tanner & Associates, a consultant hired by the county to oversee the Ozello Water agreement.

Although it's a private company, Hoyle, Tanner & Associates, or HTA, must abide by the same public records law because it is doing work that would be done by the county if a consultant didn't do it, Quin said.

The request sought all records, including e-mails between the county and HTA, and within HTA regarding Ozello Water.

The company replied with a set of five e-mails and two unsigned letters from David Edson, a senior vice president based in the company's Massachusetts office.

In letters to Battista, Quin said he found it "inconceivable" that the company's total records relating to Ozello Water came from a lone employee. Battista responded in March that all the records had been released, court files show.

Quin followed that with another letter to Battista, again raising the possibility that other HTA employees had written e-mails or memos regarding Ozello Water.

"With all due respect, Mr. Battista, this is simply not credible," Quin wrote.

In a deposition with Quin, Edson admitted he had no knowledge of Florida's public records law. He said his company routinely throws out draft reports and deletes e-mails that employees believe are not pertinent.

Frank Schiraldi, who oversees HTA's Florida offices in Citrus Hills, could not be reached for comment.

Knight said he didn't know who was the "records custodian" in his office even though it was Battista who told Quin that Knight had that role, according to court records.

Quin, in his written argument to the court, said the depositions show a "litany of failures" on the side of county government to produce the requested documents.

The county provided more documents from HTA and Knight's office the day after the June 11 hearing with Judge Thomas. The documents include e-mails recovered from county computer archives.

In an interview Wednesday, Quin said he doesn't believe the county or HTA destroyed documents as a way to cover up information.

Instead, Quin said the county showed a lack of interest in complying with the public records law.

"I just don't think they took it seriously," Quin said. "They did not take their responsibility under Florida law to keep government in the sunshine seriously."

Quin said he believes Ozello Water now has all the records it requested, except for those e-mails deleted by HTA. The court order says the county's forensic search of the HTA computers must be complete by mid-August.

Citrus County is in the early stages of preparing a public records policy that names the records custodian of each division in county government. County spokesman Jim Hunter said the policy is a result of the judge's ruling.