

November 3, 2021  
re: **SPR21/1814**

Re: Appealing the Substantive Nature of MA DOR CSE Department's response within the required 90 day time frame to the MA SPR

To the Commonwealth of Massachusetts Supervisor of Records Office,

On August 5, 2021, the MA SPR issued a determination relating to an appeal in which I was involved. This determination stated that: "Mr. Coffin may appeal the substantive nature of the Department's response within ninety days."

I wish to appeal the substantive nature of the Department's response to this MA public records request ("PRR") originally submitted on May 23, 2021. Unfortunately, the Department failed to share with your office the following important facts, which I believe clearly show that their responses have been inadequate:

1. On December 30, 2020, in a separate (but related) MA PRR, the Department claimed the following (and yes, they did use all capital letters which is indicative of yelling):

"THERE ARE NO CONTRACTS, MEMORANDUMS OF UNDERSTANDING OR AGREEMENTS WITH ANY OTHER LAW ENFORCEMENT OFFICIALS" regarding the Massachusetts Sheriff's Departments and their staffs participation in the Title IV-D Program. This is attached for your office's review.

2. These records must exist pursuant to the Law. [See Title 45 Code of Federal Regulations ("CFR") § 302.34]
3. On May 13, 2021, thru a different MA PRR, the correct terminology of the above "Agreements" the Department last year claimed never existed was discovered, which are called "Vendor Applications".
4. On May 13, 2021, thru a different MA PRR, I learned that MA Sheriff's Departments, as well as any of their staff, each have to individually fill out "Vendor Applications" in order for them to be able to participate in the Title IV-D Program with the Department & that this must be done every three (3) years or they're not allowed to participate.
5. On May 23, 2021, after the confirmation of the existence of these Title IV-D "Agreements" with the MA Sheriffs (known as "Vendor Applications"), I then submitted to the Department the original MA PRR which resulted in both the creation of SPR21/1814 and this resulting Substantive Appeal.

6. On June 10, 2021, I received partial response from the Department, but it contained only one Title IV-D “Vendor Application” signed by each of the 14 MA Sheriff's Departments when the original request specifically asked for all of these records for all participating employees from the time period of “2006 to present”.
7. On June 30, 2021, the Department sent a partial response including “Vendor Applications” for some participating employees, but still I only received one set. The original request sought 4 to 5 sets of these records from participating employees of each of the 14 MA Counties instead of just the one recent set which was provided.
  - a. Simple math to show: Subtracting 2006 from 2021 is equal to 15
  - b. Each employee is required to sign a “Vendor Application” every 3 years to continue to participate in this program – so 15 divided by 3 is equal to 5
  - c. Expected Department response was 4 or 5 sets of “Vendor Applications” from each of the 14 MA Counties and all of their participating employees.
8. On July 6, 2021, the Department responded as follows:  
“Please be advised that I did not mis-read your request or mistake “2006” for “2016.” DOR has provided copies of all responsive documents in its custody, possession and control.”
9. On July 22, 2021, I then opened the “SPR21/1814” Appeal to your office.
10. On August 5, 2021, I received two conflicting determinations from your office regarding SPR21/1814. When your office made these determinations, I do not believe you were aware of all of the information contained within this Substantive Appeal.

This Substantive Appeal illustrates the Department’s behavior regarding this MA public records request and how their responses have been not just inadequate but possibly misleading as well. As seen here, in 2020 the Department claimed non-existence of records (when 45 CFR § 302.34 tells us otherwise), but then only halfway thru the 2021 calendar year, after I had to dig to discover their “secret magic term”, were any partial responses regarding Sheriffs received from them.

I still require assistance from the MA SPR to acquire the originally requested records. This Substantive Appeal contains all the facts which were not brought to your office’s attention before any earlier determinations were made re: **SPR21/1814**. I wish for the MA SPR to help me acquire all of the records which are being denied to both me and the Public. I greatly appreciate your time and patience in this matter.

Sincerely,

Josh Coffin