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February 3, 2015

James Nobles
Legislative Auditor
Office of the Legislative Auditor
Room 140 Centennial Building
658 Cedar Street
Saint Paul, Minnesota 55155

Dear Legislative Auditor Nobles,

Thank you for your letter of December 3, 2014, in which you offer more details about the Office of the Legislative Auditor's position on Public Record Media's outstanding data practices request and the subsequent Advisory Opinion 14-011 from IPAD.

We appreciate the letter, but you are correct – we do continue to disagree with OLA's position. Our position remains that, in this instance, provisions of Chapter 13 apply and Minn. Stat. 3.979 does not, because data related to RFP responses (13.591) and resulting audit vendor contracts are separate and distinct from "data related to an audit" (3.979).

The procurement process is clearly discreet from the audit process. And, as the process of searching for and retaining an audit vendor necessarily precedes the beginning of any audit, the data sets are clearly separate. Our assertion therefore remains that the data related to the process by which the audit partner was chosen is governed by the relevant provisions of Chapter 13 (including 13.591), and that the statutes governing these discrete sets are not in conflict -- thus the discussion of statutory construction is unnecessary. (The existence of Minn. Stat. 256B.69 Subd. 9d., governing the process by which the audit partner was chosen, further underscores the separate nature of the underlying data sets here.)

You state further in your letter that there are facts relating to this analysis which both we and IPAD are overlooking. However, you have not shared those facts, or addressed

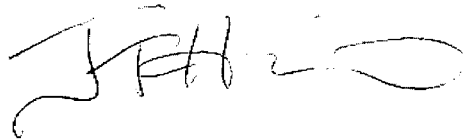
(either in your December 3 letter, or in the 5-page October 20, 2014, letter to IPAD) our fundamental assertion, which we have detailed here and in our submission with IPAD, about the difference between procurement data and audit data in this situation.

In other words, we continue to understand the IPAD opinion as the correct interpretation of this matter, and consider our request outstanding.

Finally, please advise us as to when you are releasing the results of your audit, at which time we all agree that all data responsive to our original request will be public. We understood from your letter that you anticipated releasing a report in December.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "JHaines". The signature is fluid and cursive, with a large loop at the end.

JT Haines
Special Counsel, Public Record Media

cc: Matt Ehling, President, Public Record Media
Elizabeth Stawicki, OLA Director of Legal Services