

JT Haines  
Public Record Media, LLC  
2375 University Ave West  
Suite 120  
Saint Paul, MN 55114



November 8, 2012

Deborah Peters  
Department of Health and Human Services  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard, Mail Stop N2-20-16  
Baltimore, Maryland 21244-1850

**RE: FOIA Administrative Appeal Related to Number 030720127082 PIN W767**

Dear Ms. Peters,

My client Public Record Media, LLC submitted a FOIA request to your agency on February 22, 2012 (attached).

The statutory timeframe for responding to this request elapsed twenty days from the date of receipt. Your agency's acknowledgment letter of March 8, 2012, appeared to indicate that "unusual and exceptional circumstances" prohibited your agency from responding within the statutory timeframe. The FOIA provides agencies an additional ten days to respond in such circumstances.

As of May 21, 2012, both the twenty-day statutory response time and the ten-day extension period had elapsed without a response from your agency. On that day, my client filed an administrative appeal with your agency to facilitate the production of documents responsive to its request.

As of this date, your agency has not processed my client's administrative appeal. As your agency has not responded within the prescribed time frame, my client is deemed to have exhausted its administrative remedies, and may file a lawsuit in federal court to compel compliance with the FOIA.

The records my client is seeking are highly relevant and important to an ongoing public policy discussion in the State of Minnesota – a discussion that will be of additional import during the upcoming Minnesota Legislative session as the records may have information of value to the Legislature's deliberations on matters concerning Medicaid-

related programs. As the legislature convenes in January of 2013, there is an urgent public need for disclosure of the records my client has requested prior to that time. In order to obtain the records, my client is prepared to enter litigation.

Please respond by **November 23, 2012**, with the requested records, or to propose a timeframe for release. Thank you.

Regards,


/s/ JT Haines

JT Haines, ESQ.

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*Attorney for Public Record Media*

Cc: Michael S. Marquis (encl)