



ATTORNEY GENERAL OF MISSOURI

CHRIS KOSTER
ATTORNEY GENERAL

JEFFERSON CITY
65102

P.O. BOX 899
(573) 751-3321

October 14, 2015

Mr. Joseph Miller
5297 Washington Place
St. Louis, Missouri 63108

Re: Sunshine Law Complaint

Dear Mr. Miller,

Enclosed is a copy of the correspondence the Missouri Attorney General's Office sent to the St. Louis Metropolitan Taxicab Commission on October 13, 2015. Please let us know if you have any further questions or concerns.

Sincerely,

CHRIS KOSTER
Attorney General

A handwritten signature in blue ink, appearing to read "C. Lawrence".

Casey Lawrence
Sunshine Law Coordinator
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Enclosure



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St. Louis Metropolitan Taxicab Commission
c/o Mr. Louis P. Hamilton, Chairman
2628 Delmar
St. Louis, Missouri 63103

Re: Sunshine Law Complaint

Dear Commissioners,

The Missouri Attorney General's Office received a Sunshine Law complaint regarding an open records request made of the St. Louis Metropolitan Taxicab Commission (MTC).

Mr. Joseph Miller contacted our office on July 30, 2015 to inform us that he had made a records request for a copy of proposed changes to the taxicab code which were discussed during the commission meeting on July 29, 2015. After Mr. Miller submitted his open records request he was informed that the custodian of records did not have access to the documents and could not provide them. Mr. Miller informed our office that he was able to speak with Mr. Neil J. Bruntrager, an attorney for the MTC concerning his open records request. In his complaint Mr. Miller stated that Mr. Bruntrager indicated the MTC may not be able to provide the records Mr. Miller is requesting because they were not provided to the custodian of records.

The Missouri Sunshine Law defines a public record in § 610.010(6), RSMo.

“[a]ny record, whether written or electronically stored, retained by or of any public governmental body including any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid

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for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body; provided, however, that personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years. The term "public record" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this subdivision shall be retained by the public governmental body in the same manner as any other public record"

Generally information retained by the commissioners and presented at a public meeting would be considered a public record. If the information had not previously been provided to the custodian of record, we are not aware of any impediment which would have prohibited the custodian from asking the commissioners to provide them with a copy of the information presented during the meeting. It would appear that a request from the custodian would have allowed her to obtain and copy the records to fulfill an open records request.

We understand that the requester no longer needs the information he requested over two months ago, because it has been superseded. However, we hope this information will help the body to be proactive in their responses to future records requests.

Enclosed are 8 copies of a booklet published by Attorney General Chris Koster entitled "Missouri Sunshine Law." Please share them with your members and anyone else who assists with Sunshine Law compliance. You will find the section referenced above on page 8.

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We will continue to observe the actions of the St. Louis Metropolitan Taxi Cab Commission with interest. If you have any questions or concerns related to the Missouri Sunshine Law please contact our office.

Sincerely,

CHRIS KOSTER
Attorney General



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Cc: Mr. Neil J. Bruntrager, Esq.

Enclosures