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**OFFICE OF LEGISLATIVE LEGAL SERVICES**  
**COLORADO GENERAL ASSEMBLY**

TELEPHONE: 303-866-2045  
FACSIMILE: 303-866-4157  
E-MAIL: olls.ga@state.co.us



STATE CAPITOL BUILDING, ROOM 091  
200 EAST COLFAX AVENUE  
DENVER, COLORADO 80203-1782

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October 7, 2009

Mr. Luis Toro  
Senior Counsel  
Colorado Ethics Watch  
1630 Welton Street, Suite 415  
Denver, CO 80202

**RE: Colorado Open Records Request**

This Office has been asked to respond to your Open Records Request addressed to Mr. Joseph Megyesy that was hand delivered on October 5, 2009, to the offices of the Colorado Senate.

Mr. Megyesy is no longer employed by the Senate. We are also informed that the Senate does not have any person currently employed with the title of Press Secretary for the Colorado Senate Minority Office.

If you wish to submit an open records request to a specific member of the General Assembly or to some other legislative staff, we direct your attention to the provisions of the document entitled "Legislative Policies Related to Public Records and E-Mail". This document is available on the web page for the General Assembly (see: <http://www.leg.state.co.us>). The policy specifies the custodians for public records, the procedures for making open records requests, and the record retention policies for the staff and the members of the Colorado General Assembly.

In the interest of anticipating any further inquiries relating to your first item, we want to inform you that e-mail addresses are specifically provided for in the open records statutes. Section 24-72-204 (2)(a)(VII), C.R.S., states that a custodian may deny the right of inspection of e-mail addresses.<sup>1</sup> An e-mail

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<sup>1</sup>Section 24-72-204 (2)(a)(VII) reads as follows:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal - definitions.** (2) (a) The custodian may deny the right of inspection of the following records, unless otherwise provided by law, on the ground that disclosure to the applicant would be contrary to the public interest:

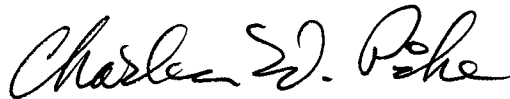
(VII) Electronic mail addresses provided by a person to an agency, institution, or political subdivision of the state for the purposes of future electronic communications to the person from the agency, institution, or political subdivision; and

contact list would necessarily be made up of such addresses and therefore would not be made available for inspection.

With respect to your second item, we have inquired whether any of the currently employed staff members who have been retained to assist the minority party members of the Colorado Senate have any correspondence reflecting the transmission of an e-mail contact list to any person not employed by the Senate Minority Office. We have been informed that they do not have any such correspondence.

Your third item specifies all documents referring to any person's candidacy for governor in the 2010 election. This item does not appear to be sufficiently specific as to enable any custodian to locate information with reasonable effort. Unless you can be more specific as to the kind of documents you wish to inspect, the person or persons whose candidacy you are interested in, and the specific staff or member of the General Assembly who may be the custodian of these documents, we cannot respond to your third item at this time (see section II, C, 1, of the policy).

Sincerely,



Charles W. Pike  
Director  
Office of Legislative Legal Services

cc: Senator Brandon Shaffer, President of the Senate  
Senator Joshua Penry, Senate Minority Leader  
Karen Goldman, Secretary of the Senate