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25 March 2014

The Honorable Armando Ramirez
Osceola County Clerk of Court
2 Courthouse Square, suite 2000
Kissimmee, FL 34741

Dear Mr. Ramirez:

We are writing to express our serious concerns regarding the recent joint investigation by the Florida Department of Law Enforcement (FDLE) and State Attorney Jeff Ashton into allegations of public record violations committed by you and your staff. According to news reports and a letter to you from Mr. Ashton dated February 6, 2014, the investigation focused on instructions from you to an employee to utilize a personal email account to hinder access to public records; authorization by your chief of staff to delete emails from the office server; and failure to comply with a public records request for the Governor Sterling Criteria survey completed by your employees.

These are extremely worrisome allegations, Mr. Ramirez, and it would appear that the only reason criminal charges weren't filed is because there wasn't sufficient evidence to move forward. Like Mr. Ashton, we are very concerned with the gravity of these allegations which suggest, at the very least, a lack of education and training of your staff on the requirements of Florida's public records law, if not a disregard for the public's constitutional right of access to government records.

Florida has a long and rich tradition of providing access to public records. Our public records law was first codified in 1909, and in 1992, Florida voters overwhelmingly approved a constitutional right of access to the records of all three branches of state government. Article I, s. 24(a), Fla. Con.

This is a right that Floridians take very seriously, and as an elected constitutional officer, it is your sworn duty, Mr. Ramirez, to know and uphold the state law and constitution, including, obviously, Florida's public records laws. And as a supervisor, it is also your duty to monitor your employees and ensure they comply with the law as well. Frankly, we find the recent controversy surrounding your office to be disturbing and hope it serves as an adequate warning for your future actions.

Part of our mission at the First Amendment Foundation is to promote the public's constitutional right of access through the ongoing monitoring of Florida's public agencies. You should be aware that, while State Attorney Jeffery Ashton has decided existing evidence is currently insufficient to bring criminal charges against you, we will continue to monitor your office and its compliance with the public records law. Moreover, we strongly encourage you and your staff obtain additional public record and sunshine law training to ensure compliance with our constitutional right of access and governmental oversight.

We appreciate your attention to our concerns and look forward to your response.

Sincerely,



Barbara A. Petersen, President

Cc: The Honorable Jeffrey L. Ashton, State Attorney, Ninth Circuit
Henry P. Curtis, Reporter, *Orlando Sentinel*
Kirsten Wolff, News Director, WESH
Matt Parcell, News Director, WFTV
Steve Hyvonen, News Director, WKMG
Jeff Zeller, News Director, Fox 35
Jon Kaney, General Counsel, First Amendment Foundation