

April 12, 2004

HAND DELIVERED

Michael L. Pullen, Esquire
36 S. Washington Street
Easton, MD 21601

Re: Chesapeake Publishing Corporation Public Information Act
Request (February 9, 2004)

Dear Michael:

I am in receipt of a copy of the Public Information Act Request, served on the Talbot County Council by Chesapeake Publishing Corporation, dated February 9, 2004. You stated that you had provided me with a copy of this request because I am mentioned by name therein, and I thank you for that courtesy.

The timing and subject matter of the request make plain that it is intended to assist the Lowe's Companies with their recently filed legal claim against Talbot County. It is regrettable that Messrs. Effingham, Griep, et al. exhibited no similar investigative zeal prior to November 2002, when the Lowe's attorneys were rewriting our zoning laws, and a compliant Council majority rezoned the Lowe's site in order to ensure that a successful referendum on Bill 808 would not stand in the way of the Lowe's project.

On behalf of myself and the Talbot Preservation Alliance, I request, pursuant to the same statute, that we be provided with copies of any and all documents produced to Chesapeake Publishing Corporation in response to its demand. Please advise the undersigned as soon as copies are available.

Finally, we note that Chesapeake Publishing Corporation has requested a "waiver" of applicable search and copying charges pursuant to section 10-621(d). That statute, however, provides that a waiver may be approved only "after consideration" of the ability of the applicant to pay the necessary charges. Chesapeake Publishing Corporation has provided no financial information that would permit the County to "consider" whether it is in a position to pay for the expense of the substantial

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document review that its request will require; therefore, the necessary predicate for a waiver has not been satisfied.

We note further that Chesapeake Publishing Corporation contends fees should be waived because its request is intended to "serve the public interest." We submit that, on the contrary, the timing and nature of the request confirm that it is intended to serve the economic interests of both the newspaper and one of its major advertisers.

Thank you for your consideration. Please contact the undersigned should you have any questions.

Very truly yours,

Thomas T. Alspach

TTA/tsd
cc: R. Andrew Hollis
Talbot County Council