

October 16, 2015

Donald S. Varian, Jr., Esq.
759 W. Market Street
Akron, OH 44304

RE: Records Request – Reynolds

Dear Mr. Varian:

I write in response to your letter dated October 8, 2015. If I am reading your correspondence correctly, you assert that the Town of Olathe has an obligation to make the requested records available under the Federal Freedom of Information Act. And, by Federal Freedom of Information Act, I assume that you are referring to 5 U.S.C. § 552. If I have misread your letter or you are referring to a different federal law, please let me know.

My research indicates that the Freedom of Information Act, 5 U.S.C. § 552, does not apply to municipal corporations. *See, Rankel v. Town of Greenburgh*, 117 F.R.D. 50, 54 (S.D.N.Y. 1987) (FOIA does not apply to municipal corporations). Accordingly, the Town (a Colorado municipal corporation) relies on the statutory provisions referenced in my letter to you of October 1, 2015, and declines to provide the records on the ground that disclosure would be contrary to the public interest.

If you have questions or comments concerning this matter please contact me.

Sincerely,



David L. Masters
Town Attorney, Town of Olathe

cc: Town of Olathe