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October 8, 2015

David L. Masters
Attorney at Law
152 Colorado Avenue
Montrose, CO 81401

Re: Death of John Reynolds
Date of Death: April 25, 2015

Dear Mr. Masters:

I received your letter of October 1, 2015, denying our Freedom of Information Request for all documents, reports of investigation, and information held by the town of Olathe, Colorado regarding the death of John Reynolds.

You have chosen to deny the release of the requested records under two theories of authority one being that the disclosure to the applicant would be contrary to the public interest in that it was an investigation conducted by the sheriff or police department. As I am sure you are aware there were and are no pending criminal charges; there is no continuing investigation; there is not internal investigation' and there are no charges pending, actions in a grand jury, or other potential criminal charges resulting from this case. Using your theory any case that has been investigated by the sheriff's department would be exempt from Freedom of Information Act and that is explicitly why this Federal Freedom of Information Act was enacted to avoid law departments trying to insulate their records from public disclosure when there is no genuine law enforcement purpose, no protection of witnesses or informant, and absolutely no protection to the public. To the contrary, the records should be available and the Freedom of Information Act which requires their disclosure. Further, your blanket denial of the records is further evidence of this improper response.

Finally, your office has failed to outline any public interest that is or would be put in any jeopardy by the disclosure of said information, or how in any regard the death of this young man would be contrary to the public interest. It raises great issues in this family's mind that this police Department and your office is actively and intentionally concealing evidence, concealing documents, avoiding the neutral evaluation of the documents, and placing the family in a position where they will have to proceed with the appropriate request by law and through a public demand for the records of their son's death while in the custody of the police.

Mr. Masters

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I would ask that your department reevaluate your denial of the ordering of these documents and let me know your decision.

Very truly yours,

Donald S. Varian, Jr.

DSV/tmo