

Before the Presiding Judges of the Administrative Judicial Regions

Per Curiam Rule 12 Decision

APPEAL NO.: 15-005

RESPONDENT: Unauthorized Practice of Law Committee

DATE: July 6, 2015

SPECIAL COMMITTEE: Judge Stephen B. Ables, Chairman; Judge Olen Underwood;
Judge Billy Ray Stubblefield; Judge Dean Rucker; Judge David
L. Evans

Petitioner requested from Respondent a copy of a complaint that had been filed with Respondent against Petitioner and a copy of the notice stating that the complaint had been closed. After receiving Respondent's reply, Petitioner sent a follow-up letter to Respondent indicating she was not satisfied with the reply. Petitioner requested that Respondent send her a copy of the original complaint, all attachments included in the original complaint and any and all information and correspondence provided to Respondent after the complaint against Petitioner was filed along with the name of the person that submitted the information, the date and time it was submitted and the method used to submit the information. Petitioner also requested that the complaint include the following: "the online reference number assigned when the complaint was originally filed online;" the date and time the complaint was filed in the header;" and "the http:// or protocols the complaint was originally filed and stored with" the Respondent's online submission form (Petitioner indicated this would be found in the footer of the complaint). Additionally, Petitioner requested a letter responding directly to Petitioner indicating that the investigation was closed. She specifically asked that the letter be on Respondent's letterhead and include the original signature of Respondent's chairman. Lastly, Petitioner requested that all documents provided to her include Respondent's file number on them.

In response to Petitioner's follow-up request, Respondent provided another copy of the complaint and raised Rule 12.4(a)(1) as a basis for not complying with some of the remaining requested items claiming that the items did not exist and that an agency is not required to create records in response to a Rule 12 request. Respondent also pointed out that the rest of the information Petitioner requested had already been provided to her or may also be exempt under Rule 12.5(k) and (i). Petitioner then filed this appeal.

Respondent has notified this committee that in preparing its response to this appeal Respondent located an attachment to the requested complaint that had been inadvertently left out of the materials

provided to Petitioner earlier and that the document had since been sent to her. Regarding the rest of the information Petitioner requested, Respondent states that it provided her with a copy of the complaint and that the form of the complaint maintained by Respondent does not contain the information that Petitioner requested be included on the form (the online reference number assigned when the complaint was originally filed online, the date and time the complaint was filed in the header, and the http:// or protocols the complaint was originally filed and stored with Respondent's online submission form in the footer). Respondent also informed this committee that a letter signed by the chair and addressed to Petitioner does not exist and that letters prepared in connection with the closing of a complaint are not usually signed or sent by Respondent's chair. Because the letter that Petitioner requests, does not exist, Respondent was unable to provide her a copy.

Respondent has already provided Petitioner all existing documents that are responsive to Petitioner's request. Though the documents do not contain the additional details that Petitioner would like to see noted on them, Respondent is not required to alter its documents to satisfy Petitioner's request. Petitioner also requested a letter signed by Respondent's chair stating that the complaint filed against Petitioner has been closed. Such letter does not exist and Respondent is not required to create one to respond to Petitioner's request. *See* Rule 12.4(a)(1).

Accordingly, Petitioner's Rule 12 appeal is denied.