



AlaFile E-Notice

01-CV-2015-901894.00

To: DAVID ALAN LUDDER
davidaludder@enviro-lawyer.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

GASP V. MARK E. WILSON, HEALTH OFFICER
01-CV-2015-901894.00

The following complaint was FILED on 6/9/2015 6:05:28 AM

Notice Date: 6/9/2015 6:05:28 AM

ANNE-MARIE ADAMS
CIRCUIT COURT CLERK
JEFFERSON COUNTY, ALABAMA
JEFFERSON COUNTY, ALABAMA
716 N. RICHARD ARRINGTON BLVD.
BIRMINGHAM, AL 35203

205-325-5355
anne-marie.adams@alacourt.gov



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

GASP,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	01-CV-2015-901894
MARK E. WILSON, in his official)	
capacity as Health Officer for)	
Jefferson County, Alabama and as Chief)	
Executive Officer of the Jefferson)	
County Department of Health,)	
)	
Defendant.)	
_____)	

**FIRST AMENDED
 COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

NATURE OF ACTION

1. This is an action for declaratory and injunctive relief under the Alabama Open Records Act, Ala. Code § 36-12-40 and Jefferson County Board of Health Air Pollution Control Rules and Regulations, Section 1.6.1, to compel the production of certain public writings, records, documents or information in the custody or control of Mark E. Wilson, in his official capacity as the Health Officer for Jefferson County, Alabama and as the Chief Executive Officer of the Jefferson County Department of Health.

JURISDICTION AND VENUE

2. This is an action arising under the Alabama Open Records Act, Ala. Code § 36-12-40, and Jefferson County Board of Health Air Pollution Control Rules and Regulations, Section 1.6.1.

3. This Court has jurisdiction under Ala. Code §§ 6-6-222 (“Courts of record, within their respective jurisdictions, shall have power to declare rights, status, and other legal relations

whether or not further relief is or could be claimed”); 12-11-31 (“The powers and jurisdiction of circuit courts as to equitable matters or proceedings shall extend . . . To all civil actions in which a plain and adequate remedy is not provided in the other judicial tribunals”); 12-11-33 (“Circuit courts, when exercising equitable jurisdiction, must take cognizance of the following cases: (1) When the defendants reside in this state”); and Ala. Const. 1901 Amend. No. 328, Art. VI § 6.04(b) (“The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law”).

4. Venue is proper in Jefferson County Circuit Court pursuant to Ala. Code § 6-3-2(b)(3). Suits involving public officials are properly maintained in the county of their official residence. *Tri-State Corp. v. State ex rel. Gallion*, 128 So.2d 505, 509 (Ala. 1961).

PARTIES

5. Plaintiff GASP is a non-profit, membership corporation organized under the laws of the State of Alabama. The purpose of GASP is to further the conservation, preservation, protection, maintenance, improvement and enhancement of human health and the environment on behalf of its members and in the public interest. GASP’s current mission is to reduce air pollution, educate the public about the health risks of poor air quality, and encourage community leaders in Alabama to serve as role models for clean air and clean energy. GASP has been engaged in various activities to reduce air pollution and protect human health in Jefferson County, including contesting the reissuance of Major Source Operating Permits to Walter Coke, Inc. and ABC Coke, A Division of Drummond Company, Inc., by the Air Pollution Control Program of the Jefferson County Department of Health in administrative proceedings before the Jefferson County Board of Health.

6. Defendant Mark E. Wilson is the Health Officer for Jefferson County and the Chief Executive Officer of the Jefferson County Department of Health, duly elected by the Jefferson County Board of Health pursuant to Ala. Code § 22-3-2(5). He oversees the Air Pollution Control Program in the Jefferson County Department of Health and its employees. In such capacities, Dr. Wilson has custody or control of the public writings, records, documents or information of the Jefferson County Department of Health and Jefferson County Board of Health relating to the Air Pollution Control Program. Defendant Mark E. Wilson is a “public officer or servant” as defined in Ala. Code § 36-12-1. He resides in his official capacity in Jefferson County. The action this lawsuit seeks to compel will take place in Jefferson County.

GENERAL ALLEGATIONS

7. Pursuant to Ala. Code § 22-2-3(4), it is the duty of the Jefferson County Board of Health is “[t]o exercise, through county health officers . . . , special supervision over . . . industrial and manufacturing establishments . . . and, whenever insanitary conditions are found, to use all legal means to have the same abated[.]” Pursuant to Ala. Code § 22-22-28(d), the Jefferson County Board of Health established an Air Pollution Control Program for Jefferson County within the Jefferson County Department of Health. The Jefferson County Board of Health adopted the Jefferson County Board of Health Air Pollution Control Rules and Regulations (revised May 8, 2013) which assign substantial responsibility to the Health Officer for responding to requests for records, reports or information obtained under the regulations and for the official records of the Jefferson County Board of Health. Jefferson County Board of Health Air Pollution Control Rules and Regulations, Part 1.6.

8. Jefferson County Board of Health Air Pollution Control Rules and Regulations, Section 1.6.1, provides that “[e]xcept as is provided in this part, any records, reports or

information obtained under the [Alabama Air Pollution Control Act of 1971, Act No. 769, Regular Session, 1971] or [the Jefferson County Board of Health Air Pollution Control Rules and Regulations] and the official records of the [Jefferson County Board of Health] shall be available to the public for inspection.”

9. Jefferson County Board of Health Air Pollution Control Rules and Regulations, Part 1.6 provides *inter alia*:

1.6.2 Exceptions. Upon a showing satisfactory to the Health Officer by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Health Officer has access if made public, *would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets*, the Board and the Health Officer shall consider such records, reports, or information or particular portion thereof confidential in the administration of the Act and these rules and regulations.

(Emphasis added).

10. Jefferson County Board of Health Air Pollution Control Rules and Regulations, Section 1.6.4 provides that “[i]f it is determined pursuant to this Part that requested information will not be provided or that, to the best knowledge of the Health Officer, requested information does not exist, the Health Officer shall notify in writing the party requesting the information that the request is either denied or cannot be fulfilled.”

11. Jefferson County Board of Health Air Pollution Control Rules and Regulations, Section 1.6.5 provides that “[i]f it is determined that information requested may be disclosed, the requesting party shall be afforded the opportunity to obtain copies of the documents containing such information. Upon request, the Health Officer may furnish said copies at a price to be set by the Health Officer that would compensate for the cost of producing the requested copies.”

12. The Jefferson County Board of Health is a local agency of the State of Alabama. *See Williams v. Madison Cnty. Bd. of Health*, 523 So.2d 453, 455 (Ala. Civ. App. 1988) (Madison County Board of Health “is a local agency of the State of Alabama”); *Smith v. Smith*, 778 So.2d 189, 191 (Ala. Civ. App. 1999) (Jefferson County Board of Health “is a state agency . . .”); *Opinion to Hon. David S. Maxey, Attorney, Jefferson County Board of Health*, dated May 1, 2007, A.G. No. 2007-087 (“Jefferson County Board of Health is a state agency . . .”).

13. Ala. Code § 36-12-40 provides that “[e]very citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute.”

14. GASP requested copies of various public writings, records, documents or information in the custody or control of Dr. Mark E. Wilson as alleged in paragraphs 19, 26, 28, and 38.

15. By failing to produce the public writings, records, documents or information requested by GASP, Dr. Mark E. Wilson has denied GASP its statutory and regulatory right to obtain copies of such public writings, records, documents or information and caused GASP to suffer an injury in fact.

16. GASP requests that the Court grant a declaratory judgment declaring GASP’s right to copy the requested public writings, records, documents or information and Dr. Mark E. Wilson’s obligation to allow copying of the requested public writings, records, documents or information. Such a declaration will more likely than not result in Dr. Wilson allowing GASP to copy the requested public writings, records, documents or information, thereby redressing GASP’s injury in fact.

17. GASP requests that the Court grant a permanent injunction ordering Dr. Mark E. Wilson to allow GASP to copy the requested public writings, records, documents or information.

Such an injunction will more likely than not result in Dr. Wilson allowing GASP to copy the requested public writings, records, documents or information, thereby redressing GASP's injury in fact.

COUNT I

18. Plaintiff incorporates by reference paragraphs 1 through 17.

19. On October 28, 2014, GASP submitted to Dr. Mark E. Wilson a written request for disclosure of public writings, records, documents or information relating to the appointment, terms of employment, and compensation of Hearing Officer James H. Hard, III, in *GASP v. Jefferson County Department of Health Air Pollution Control Program*, Case No. 2014-003 (Jefferson Cnty. Bd. of Health filed Aug. 26, 2014) and other matters. Exhibit A.

20. On November 7, 2014, the Jefferson County Department of Health acknowledged receipt of this request.

21. On December 13, 2014, GASP, through its attorney, David A. Ludder, sent to Dr. Mark E. Wilson a letter that specifically reminded Dr. Wilson that the requested public writings, records, documents or information relate to permit challenges and/or proceedings which GASP has pending before the Jefferson County Board of Health and that timely disclosure is imperative to ensure that GASP receives a fair hearing before the Board.

22. On December 31, 2014, Dr. Mark E. Wilson responded to GASP's December 13, 2014 letter. Dr. Wilson stated that he would not provide the requested public writings, records, documents or information because the Hearing Officer in *GASP v. Jefferson County Department of Health Air Pollution Control Program*, Case No. 2014-003 (Jefferson Cnty. Bd. of Health Oct. 27, 2014), had previously entered an order denying GASP's motion for disclosure of some of the same public writings, records, documents or information.

23. On February 13, 2015, GASP, through its attorney, David A. Ludder, sent a letter to Dr. Mark E. Wilson in which GASP disagreed that the Hearing Officer's denial of GASP's Motion for Disclosure in *GASP v. Jefferson County Department of Health Air Pollution Control Program*, Case No. 2014-003 (Jefferson Cnty. Bd. of Health Oct. 27, 2014) is controlling in the matter of GASP's request for public writings, records, documents or information submitted to Dr. Wilson.

24. As of the date this First Amended Complaint was filed, Dr. Mark E. Wilson has not permitted GASP to copy the public writings, records, documents or information relating to the appointment, terms of employment, and compensation of Hearing Officer James H. Hard, III, in *GASP v. Jefferson County Department of Health Air Pollution Control Program*, Case No. 2014-003 (Jefferson Cnty. Bd. of Health filed Aug. 26, 2014) and other matters.

COUNT II

25. Plaintiff incorporates by reference paragraphs 1 through 17.

26. On April 23, 2014, GASP submitted a written request to Dr. Corey Masuca, an employee of the Air Pollution Control Program in Environmental Health Services of the Jefferson County Department of Health, for a copy of Walter Coke, Inc.'s application for a Major Source Operating Permit.

27. GASP received most of the application for a Major Source Operating Permit, however, portions of the application copy produced to GASP by the Jefferson County Department of Health had been redacted.

28. On May 12, 2014, GASP submitted to Dr. Mark E. Wilson a written request for the showing made by Walter Coke, Inc., pursuant to Jefferson County Air Pollution Control Rules and Regulations, Section 1.6.2, to justify the redactions made in the application for a

Major Source Operating Permit. GASP also requested any record of determination by Dr. Wilson that any showing made by Walter Coke, Inc. pursuant to Section 1.6.2 was satisfactory. Exhibit B.

29. Dr. Mark E. Wilson acknowledged receipt of the request on May 12, 2014.

30. On May 14, 2014, the Jefferson County Department of Health responded to GASP's May 12, 2014 letter in five electronic mail messages as follows:

2:44 PM from Jason Howanitz to Kirsten Bryant with 2 attachments - no attachments included redactions;

2:46 PM from Jason Howanitz to Kirsten Bryant with 3 attachments - 3 attachments included redactions;

2:47 PM from Jason Howanitz to Kirsten Bryant with 2 attachments - 2 attachments included redactions;

2:49 PM from Jason Howanitz to Kirsten Bryant with 3 attachments - 1 attachment included redactions;

2:51 PM from Jason Howanitz to Kirsten Bryant with 3 attachments - 3 attachments included redactions.

31. On December 13, 2014 GASP, through its attorney, David A. Ludder, sent to Dr. Mark E. Wilson a letter that specifically reminded Dr. Wilson that the requested records related to permit challenges and/or proceedings which GASP has pending before the Jefferson County Board of Health and that timely disclosure is imperative to ensure that GASP receives a fair hearing before the Board.

32. On December 31, 2014, Dr. Mark E. Wilson responded to David A. Ludder's December 13, 2014 letter on behalf of GASP. Specifically, Dr. Wilson stated that the redactions

complained of by GASP were cured in the “5 e-mails with multiple attachments providing the redacted information on May 14, 2014.”

33. On February 13, 2015, GASP, through its attorney, David A. Ludder, sent a response to Dr. Mark E. Wilson’s January 30, 2015 letter. GASP stated that it disagreed that the Jefferson County Department of Health had cured all redactions in the emails sent on May 14, 2014 and still considers that request outstanding.

34. On February 20, 2015, Dr. Mark E. Wilson responded to David A. Ludder’s December 13, 2014 letter on behalf of GASP. Specifically, Dr. Wilson stated that “the information you complained of as being redacted in your letter of January 13, 2015, ‘emissions date and estimates, the identity, title and signatures of persons completing the application, and date of the signature’ was included unredacted in the follow-up production made by the Environmental Division in May, 2014.” Dr. Wilson continued, “[U]nless there has been an oversight, all remaining redactions were made for Confidential Business Information (“CBI”) as required by statute.”

35. At no time has Dr. Mark E. Wilson informed GASP that the records described in paragraph 28 do not exist or are exempt from disclosure.

36. As of the date this First Amended Complaint was filed, Dr. Mark E. Wilson has neither permitted GASP to copy Walter Coke, Inc.’s application for a Major Source Operating free of all redactions, nor permitted GASP to copy the showing made by Walter Coke, Inc. to justify the redactions made in the application for a Major Source Operating Permit, nor permitted GASP to copy any record of determination by Dr. Wilson that any showing made by Walter Coke, Inc. was satisfactory.

COUNT III

37. Plaintiff incorporates by reference paragraphs 1 through 17.

38. On December 17, 2014, GASP submitted to Dr. Mark E. Wilson a written request for disclosure of public writings, records, documents or information relating to the appointment, terms of employment, and compensation of Hearing Officer Ralph E. Coleman in *GASP v. Jefferson County Department of Health Air Pollution Control Program*, Case No. 2014-004 (Jefferson Cnty. Bd. of Health filed Oct. 31, 2014) and other matters. Exhibit C.

39. On December 18, 2014, the Jefferson County Department of Health acknowledged receipt of this request.

40. As of the date this First Amended Complaint was filed, Dr. Mark E. Wilson has not permitted GASP to copy the public writings, records, documents or information relating to the appointment, terms of employment, and compensation of Hearing Officer Ralph E. Coleman in *GASP v. Jefferson County Department of Health Air Pollution Control Program*, Case No. 2014-004 (Jefferson Cnty. Bd. of Health filed Oct. 31, 2014) and other matters.

PRAYER FOR RELIEF

WHEREFORE Plaintiff prays that the Court grant the following relief:

(A) Declare that the public writings, records, documents or information requested by GASP are public records under Alabama's Open Records Act, Ala. Code § 36-12-40;

(B) Declare that Defendant's withholding of the requested public writings, records, documents or information is unlawful;

(C) Order Defendant to make the requested public writings, records, documents or information promptly available to Plaintiff;

(D) Declare that Alabama citizens will benefit from the disclosure of the requested public writings, records, documents or information;

(E) Award Plaintiff its cost and reasonable attorney's fees; and

(F) Grant Plaintiff such other relief as the Court deems necessary and just.

Respectfully submitted,

s/ David A. Ludder

DAVID A. LUDDER (LUD001)

Attorney for Plaintiff

ASB-4513-E63D

Law Office of David A. Ludder, PLLC

9150 McDougal Court

Tallahassee, Florida 32312-4208

Tel (850) 386-5671 Fax (267) 873-5848

E-mail DavidALudder@enviro-lawyer.com

CERTIFICATE OF SERVICE

I, David A. Ludder, hereby certify that I have served a copy of the foregoing First Amended Complaint on Defendant by placing the same in the United States Mail, postage prepaid, and addressed as follows:

Dr. Mark E. Wilson
Health Officer
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233

Done this 9th day of June, 2015.

s/ David A. Ludder
David A. Ludder



732 Montgomery Highway #405
Birmingham, AL 35216
GASPgroup.org

EXHIBIT A

October 28, 2014

BOARD OF DIRECTORS

Rev. Mark Johnston
President

Nelson Brooke
Vice President

Sarah Mills Nee
Secretary

Dr. Erin Thacker
Treasurer

William Blackerby

Dr. Stacie Propst
Executive Director

Certified Mail-Return Receipt Requested

Mark E. Wilson, M.D.
Health Officer
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233

Re: Public Records Request

Dear Dr. Wilson:

Pursuant to Ala. Code § 36-12-40, please make the following records available to me for inspection and copying:

1. Any contract or agreement under which James H. Hard will provide services as a Hearing Officer for the Jefferson County Board of Health and will be paid in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014);
2. All contracts or agreements under which James H. Hard provided services as a Hearing Officer for the Jefferson County Board of Health or Jefferson County Department of Health prior to August 26, 2014;
3. Any resolution adopted by, or motion passed by, the Jefferson County Board of Health authorizing James H. Hard to act as Hearing Officer for the Board in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014);
4. The minutes of any meeting of the Jefferson County Board of Health where James H. Hard was authorized to act as Hearing Officer for the Board in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014);
5. All written communications, including but not limited to letters, memoranda, and electronic mails, between the Health Officer, or his agents or attorneys, and James H. Hard subsequent to August 26, 2014;

6. All written communications, including but not limited to letters, memoranda, and electronic mails, between the Jefferson County Board of Health, or its agents or attorneys, and James H. Hard subsequent to August 26, 2014;
7. All documents, correspondence, and communications authorizing or inviting James H. Hard to serve as Hearing Officer for the Jefferson County Board of Health in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014);
8. All documents showing the name and official title of the person or persons who appointed James H. Hard as Hearing Officer in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014);
9. All documents showing that James H. Hard has been appointed by the Attorney General as a deputy attorney general or assistant attorney general to represent the Jefferson County Board of Health in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014);
10. All documents describing the method by which James H. Hard was selected as Hearing Officer for the Jefferson County Board of Health in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014);
11. All notes of telephone conversations between James H. Hard and the Health Officer or his agents or attorneys concerning the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014); and
12. All notes of telephone conversations between James H. Hard and the Jefferson County Board of Health, any of its members, or its agents or attorneys concerning the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (ABC Coke Permit No. 4-07-0001-03) (filed Aug. 26, 2014).

Sincerely,



Stacie M. Propst, PhD
Executive Director



732 Montgomery Highway #405
Birmingham, AL 35216
gaspgroup.org

EXHIBIT B

Delivered via Electronic Mail

Dr. Mark Wilson, Health Officer
Jefferson County Department of Health
Birmingham, AL

Re: **Public Records Request**

Dear Dr. Wilson:

The Jefferson County Department of Health recently provided GASP with a partial application for reissuance of Major Source Operating Permit No. 4-07-0355-03 to Walter Coke, Inc. Throughout the application, emissions data and estimates, the identity, title, and signature of persons completing the application, and date of the signature, have been redacted. Jefferson County Air Pollution Control Rules and Regulations, Section 1.6.2, provides:

Upon a showing satisfactory to the Health Officer by any person that records, reports, or information, or particular part thereof, (other than emission data) to which the Health Officer has access if made public, would divulge production or sales figures or methods, processes or production unique to such person, or would otherwise tend to affect adversely the competitive position of such person by revealing trade secrets, the Board and the Health Officer shall consider such records, reports, or information or particular portion thereof confidential in the administration of the Act and these rules and regulations.

Pursuant to Ala. Code § 36-12-40, please provide GASP with a copy of the "showing" made by Walter Coke, Inc. to justify the redactions made in the application. Also, if you have made a record of your determination that the "showing" made by Walter Coke, Inc. is "satisfactory," please provide a copy of same.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stacie Propst', written over a light blue horizontal line.

Stacie M. Propst, PhD
Executive Director

c: Heather Ceron



December 17, 2014

BOARD OF DIRECTORS

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Nelson Brooke
Vice President

Sarah Mills Nee
Secretary

Dr. Erin Thacker
Treasurer

William Blackerby

Dr. Stacie Propst
Executive Director

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mark E. Wilson, M.D.
Health Officer
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, AL 35233

Re: Public Records Request

Dear Dr. Wilson,

Pursuant to Ala. Code § 36-12-40, please make the following records available to me for inspection and copying:

1. Any contract or agreement under which Ralph E. Coleman, Jr. will provide services as Hearing Officer for the Jefferson County Board of Health and will be paid in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);
2. All contracts or agreements under which Ralph E. Coleman, Jr. provided services as a Hearing Officer for the Jefferson County Board of Health or Jefferson County Department of Health prior to October 3, 2014;
3. Any resolution adopted by, or motion passed by, the Jefferson County Board of Health authorizing Ralph E. Coleman, Jr. to act as Hearing Officer for the Board in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);
4. The minutes of any meeting of the Jefferson County Board of Health where Ralph E. Coleman, Jr. was authorized to act as Hearing Officer for the Board in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);
5. All written communications, including but not limited to letters, memoranda, and electronic mails between the Health Officer, or his agents or attorneys and Ralph E. Coleman, Jr. subsequent to October 3, 2014;
6. All written communications, including but not limited to letters, memoranda, and electronic mails between the Jefferson County Board of Health, or its agents or attorneys, and Ralph E. Coleman, Jr. subsequent to October 3, 2014;
7. All documents, correspondence, and communications authorizing or inviting Ralph E. Coleman, Jr. to serve as Hearing Officer for the Jefferson County Department of Health in the matter of GASP v.

- Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);
8. All documents showing the name and official title of the person or persons who appointed Ralph E. Coleman, Jr. as Hearing Officer in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);
 9. All documents showing that Ralph E. Coleman, Jr. has been appointed by the Attorney General as a deputy attorney general or assistant attorney general to represent the Jefferson County Board of Health in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);
 10. All documents describing the method by which Ralph E. Coleman, Jr. was selected as Hearing Officer for the Jefferson County Board of Health in the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);
 11. All notes of telephone conversations between Ralph E. Coleman, Jr. and the Health Officer or his agents or attorneys concerning the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program ((Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014);and
 12. All notes of telephone conversations between Ralph E. Coleman, Jr. and the Jefferson County Board of Health, any of its members, or its agents or attorneys concerning the matter of GASP v. Jefferson County Department of Health Air Pollution Control Program (Walter Coke Permit No. 4-07-0355-03)(filed October 3, 2014).

Sincerely,



Stacie M. Propst, PhD
Executive Director