

August 23, 2017

Hon. Steve Marshall, Attorney General
Office of the Attorney General
P.O. Box 300152
Montgomery, AL 36130-0152

Re: **Public Records Request**

Dear General Marshall:

Pursuant to Ala. Code § 36-12-40 and on behalf of GASP – a nonprofit organization dedicated to the reduction of air pollution through education and advocacy – I request permission to inspect the following records:

1. All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General, and any employee or agent of Balch & Bingham LLP concerning EPA, Drummond Company, Inc., ABC Coke, or the “35th Avenue site” in Birmingham dated, created or received after April 1, 2014.
2. All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General and any employee or agent of Drummond Company, Inc. concerning EPA, Drummond Company, Inc., ABC Coke, or the “35th Avenue site” in Birmingham dated, created or received after April 1, 2014.
3. All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General and any employee or agent of ABC Coke concerning EPA, Drummond Company, Inc., ABC Coke, or the “35th Avenue site” in Birmingham dated, created or received after April 1, 2014.
4. All electronic mail records, letters, or other records of communications between Luther Strange or any employee or agent of the Office of the Attorney General and any employee or agent of Drummond Company, Inc. concerning contributions to any political campaign of Luther Strange dated, created or received after April 1, 2014.

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Please advise when I might inspect these records. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "David A. Ludder". The signature is written in black ink and is positioned centrally on the page.

David A. Ludder



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

STEVEN T. MARSHALL
ATTORNEY GENERAL

501 WASHINGTON AVENUE
P.O. BOX 300152
MONTGOMERY, AL 36130-0152
(334) 242-7300
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August 31, 2017

David A. Ludder, Esq.
LAW OFFICE OF DAVID A. LUDDER
9150 McDougal Court
Tallahassee, FL 32312-4208

Re: Records Request
Emails, letters, or other records of Luther Strange and communications with employees or agents of the Office of the Attorney General, Balch & Bingham LLP, ABC Code, 35th Avenue site, Drummond Company, Inc., et al.

Dear Mr. Ludder:

We have received your letter dated August 23, 2017, regarding request for emails, letters, or other records of Luther Strange and communications with employees or agents of the Office of the Attorney General, Balch & Bingham LLP, ABC Code, 35th Avenue site, Drummond Company, Inc., et al. The Attorney General's Office reviews these requests pursuant to Alabama Code Section 36-12-40. That provision 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." Ala. Code § 36-12-40. Based on your address, you are not a resident of the State of Alabama and, therefore, are ineligible to submit a request under the applicable statute (see *McBurney v. Young*, 133 S.Ct. 1709 (2013)).

Sincerely,

A handwritten signature in black ink that reads "J. Clayton Crenshaw".

J. Clayton Crenshaw
Chief Deputy Attorney General

JCC/mfn



September 5, 2017

J. Clayton Crenshaw,
Chief Deputy Attorney General
Office of the Attorney General
P.O. Box 300152
Montgomery, AL 36130-0152

Re: **Records Request**

Email, letters, or other records of Luther Strange and communications with employees or agents of the Office of Attorney General, Balch & Bingham LLP, ABC Coke, 35th Avenue site, Drummond Company, Inc., et al.

Dear Mr. Crenshaw:

Thank you for your letter dated August 31, 2017 responding to mine dated August 23, 2017 and directed to Attorney General Steven T. Marshall regarding the above-referenced matter. In your letter, you decline to provide the requested records because I am “not a resident of the State of Alabama” and therefore ineligible to request the records under Ala. Code § 36-12-40.

As you no doubt observed in the first sentence on my August 23 letter, the request to inspect public records was made on behalf of GASP, a nonprofit organization. GASP is a Alabama nonprofit corporation that maintains its principal office in Vestavia Hills and maintains another office in Birmingham. As an Alabama corporation, GASP “has the same powers as an individual to take action necessary or convenient to carry out its business and affairs.” Ala. Code § 10A-1-2.11. As an Alabama corporation, GASP is a resident and citizen of Alabama. *See Jackson Sec. & Inv. Co. v. State*, 241 Ala. 288, 292), 2 So. 2d 760, 764 (Ala. 1941) (“a corporation is a citizen, resident or inhabitant of the state under whose laws it was created”). The Alabama courts have frequently upheld the right of corporations to inspect and copy public records under Ala. Code § 36-12-40. Accordingly, GASP has a right to inspect the public records as requested.

The fact that I, as an attorney for GASP, submitted the request to inspect public records on behalf of GASP, does not permit denial of the request. I am duly licensed by the Alabama State Bar to practice law in Alabama and my firm is duly authorized to conduct business in Alabama. In making the request, I am merely representing an Alabama client.

Accordingly, on behalf of GASP, I respectfully request that you reconsider your August 31 denial of GASP's request to inspect the above-referenced public records.

Sincerely,

A handwritten signature in cursive script, appearing to read "David A. Ludder".

David A. Ludder
Attorney for GASP