

# Sun-e Briefs • July 2009

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**Sun-e Briefs** are a service of the Sunshine Center made possible through a grant from the Knight Foundation. This monthly news update will keep you in the open-government loop by bringing you news about access issues from across the state and updates on the Sunshine Center and North Carolina Open Government Coalition. Coming to you from Elon University, home of the Sunshine Center, we think you'll find **Sun-e Briefs** a valuable addition to your inbox. If you would like to contact us to let us know about a story or to remove your name from our list, please write [ncopengov@elon.edu](mailto:ncopengov@elon.edu).

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## **Sunshine Center in Action**

### **National Freedom of Information Coalition Summit • Minneapolis**

The North Carolina Open Government Coalition sent a delegate to the NFOIC 2009 Summit in Minneapolis. Sunshine Center Assistant Director Dale Harrison attended the annual event June 5 and 6. The Summit unites freedom of information coalitions from across the country and provides training and sessions on a variety of topics. Blogs, streaming video, and PowerPoints are available from this year's meeting, including sessions on:

- Public Access Values and Public Access Threats (Opening Remarks)
- Coalition Sustainability, including:
  - Ten Technologies You Should Be Using
  - FOI and Infrastructure and Tips for covering infrastructure
  - Fiscal Transparency
  - Freedom of Information as Civics Education

Detroit Free Press editor and publisher Paul Anger delivered the keynote speech June 6. Anger discussed the newspaper's role in acquiring the controversial text messages of former Mayor Kwame Kilpatrick. Follow this link to reach a wide range of Web content from the Summit:

<http://www.nfoic.org/2009-summit-media>

### **North Carolina Scholastic Media Association • Chapel Hill**

Sunshine Center Assistant Director Dale Harrison spoke to a select group of international students the University of North Carolina at Chapel Hill on July 23. The gathering session was part of the annual Chuck Stone Program for Diversity in Education and Media. Harrison spoke about legal and ethical issues for writers, including state and federal sunshine laws. Students in the program produced a blog, newspaper and streaming video as part of their intensive onsite training. Other speakers at this year's program included UNC Prof. Napoleon Byars, who is the faculty coordinator for the Stone program, and Craig Lindsey of The News & Observer. For more information on the Chuck Stone Program for Diversity in Education and Media, visit:

<http://www.jomc.unc.edu/stoneprogram>

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## **Access Update**

### **Daily Advance takes legislator to task on Open Government Act**

The proposed Open Government Act promises to improve access to state records by enabling recovery of attorneys fees by public plaintiffs and establishing a system of mediation for public records disputes. The Daily Advance found itself in the unusual position of taking Rep Bill Owens to task for his attempt to amend the bill to allow local and state governments to collect attorney fees should they win a public records dispute. Owens told The Daily Advance the amendment was needed to "level the playing field" between governments and citizens when it comes to lawsuits over public records disputes.

See the full Daily Advance editorial at:

<http://www.elon.edu/e-net/Note.aspx?id=938899>

Read News & Observer coverage of House action on the bill at:

<http://www.elon.edu/e-net/Note.aspx?id=938817>

Read the Star-News editorial on the bill at:

<http://www.elon.edu/e-net/Note.aspx?id=938928>

### **Judge releases records to Outer Banks Sentinel**

#### **Remainder of Sentinel lawsuit remains unresolved**

A Superior Court judge signed a consent order on Monday ordering the Dare County Tourism Board to provide three draft settlement agreement documents to the Sentinel. The records pertained to the separation agreement entered into between the board and its former director, Carolyn McCormick.

Judge Alma Hinton of Halifax County signed the order instructing the board to provide copies of the 11-page documents to the newspaper. Previously, only the approved final document had been released. The drafts were withheld after McCormick threatened to sue the board for breach of contract if the records were released. The final agreement contained a confidentiality clause, which is prohibited in public agency contracts.

The newspaper first requested the public records on May 7 from John Leidy, of the Elizabeth City law firm of Hornthal, Riley, Ellis & Maland, LLP who was retained by NC League of Municipalities Risk Management Services to represent the tourism board during the settlement process.

The Sentinel, represented by Hyde County attorney Tom Davis, filed an Open Records complaint against the board on June 9.

Since that time, Leidy has been retained by the board to represent it in all pending litigation between the Sentinel and the agency.

The order signed on Monday also addresses minutes from a nominating committee meeting held on Dec. 18, 2008. The committee met in the morning before a full board meeting and reconvened in the afternoon following the meeting. Minutes of

the first session have been released, however, the board now admits there are no minutes for the afternoon session.

Leidy said he expects the afternoon minutes to be available this week. The purported minutes from the morning session are being challenged by the Sentinel because they are of a closed session and the newspaper maintains that board actions and members of the board can not be discussed except in open session. The minutes also include a redaction that the Sentinel questions.

Other unresolved issues of contention in the Sentinel's complaint include minutes from three other closed sessions, which don't appear to meet the level of detail as required by law. A court date is expected to be set in the near future for a judge to hear evidence and to decide that portion of the case.

July 8, 2009  
DARYL LAW  
SENTINEL STAFF

### **Star-News reviews New Hanover County e-mails**

The Star-News reports that top New Hanover County officials appear to be following their policy on confidential e-mail, according to the paper's analysis of subject lines from 138,000 private county e-mails written in the last six months.

However, the data may be incomplete: it's impossible to tell whether public information is being discussed in the privacy of an official's e-mail box because nearly 40 percent of the e-mails – about 53,000 – have only a vague subject line of "confidential" or "private." Read more about the Star-News study at:

<http://www.elon.edu/e-net/Note.aspx?id=938942>

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