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Judge to decide whether taxpayers should pay cost of public records request for lawsuit against Port St. Lucie

By Christin Erazo
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FORT PIERCE — Should Port St. Lucie taxpayers pay the estimated \$3.5 million charge to produce public records requested by former members of the Police Department in a lawsuit against the city?

"No," attorney Allen Sange said Friday immediately after a hearing on the suit before 19th Circuit Court Judge Dwight L. Geiger.

Sange is representing the city in a lawsuit filed by four former city police officers and two civilian employees claiming they've been denied access to public records needed to argue their wrongful termination suit.

Attorneys representing the laid off employees have requested a total of 106 items including city emails, City Council minutes and other documents going as far back as 1992. The \$3.5 million quote covers editing, copying costs and the staff time to go through the millions of records, according to City Attorney [Roger Orr](#).

"The plaintiffs think they don't have to pay for the employees' time. They want to put that on the back of the taxpayer," said Sange, who added the city has been working to respond to the request. "Florida law says when you have an extraordinary request, which they do, they've admitted they're extraordinary, then they have to pay for it. Not the taxpayers."

Attorney Stuart Address, co-counsel representing the laid off employees, argues accessibility to electronic records and emails with the city and the Police Department is the real issue. He said paying the cost to duplicate the records isn't a problem, but objects to paying for staff time because the city claims it doesn't have the search capabilities.

"The city has essentially argued the system is not capable of doing the searches necessary to find the documents in a timely matter and that it would be very costly," Address said after the hearing. "However, it's clear their obligation under The Public Records Act (Florida Statute 119) is to make sure all public records are readily accessible to the public and that includes electronic records and emails."

Address said the cost to duplicate the records should be "a couple grand" and to deliver them in a DVD would further reduce the cost.

He said he was given the million-dollar quote for only the first 64-item request made on May 10. Since then, Address said he's only been given 26 of the items he's requested.

Both parties argued their case in front of Geiger Friday. Present were former officers Maj. Gary L. Robinson and Scott Bartal; Captains Don Kryak and Steven M. Claus Sr., and civilian employees Sheila K. Bronger, a supervisor in the communication division, and Sheila B. O'Sullivan, an administrator in the communication department. City Attorney Orr and City Manager Greg Oravec, a defendant in the officers' wrongful termination suit, also were present.

The hearing, which will be continued Sept. 29, was to ask Geiger to issue an order to make the city respond, in writing, to all the individual items in the public records request; to provide a date for when the city has to produce the request; and to establish the plaintiffs right to the records.

During the hearing, the city's director of Management Information Services William Jones was questioned by the officers' attorney Lorenzo Williams as to the capabilities of the city's email system.

"One of the arguments borne out in today's testimony is that the city does have more capability searching than they have admitted and actually only started the process one month ago to consolidate the police department and city's email systems so requests like ours can be more expeditiously handled at a much less expensive rate," Address said after the hearing. "Had they done that in an appropriate time, we would not be here today."

Sange, who will continue his argument at the next hearing, said he hopes the judge will see that it's up to the plaintiff to pay for the cost of producing the records.

"Root of it is the city has bent over backward to try to be accommodating," Sange said. "In good faith, they've tried to respond."

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THURSDAY	FRIDAY	SATURDAY	MORE
Healthy Start Coalition of St. Lucie County 19th Annual Meeting PGA Country Club 11:30 a.m.			
Elect-ile Dysfunction-Myrna Goldberger Florida Atlantic University Lifelong Learning Society-Jupiter Campus, 5353 Parkside Drive, Jupiter 12:15 p.m.			
Worship services, Sunday school and youth groups First Presbyterian Church of Sebastian 5:30 p.m.			
Pre-school Tennis Course Halpatokee Regional Park 5 p.m.			
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