



Steve Miner: the indexes that reflect and/or the written proffers the governing body of Accomack County and/or the Accomack Board of Supervisors has proffered since 1634 to date whether it was proffered by ordinance or resolution or any other form of legislative act or executive act, by whatever name it might be called, that says what form of County government Accomack County operates under.

	<p>Douglas Buckley Senior Forensic Evidence Fellow Civil Rights Division The Unalienable Rights Foundation [UARF] 22108 Fox Grove Road Parksley, VA 23421 Direct 757 - 665-7776 Retired Sr. Aerospace Engineer Analyst - 35 years Aerospace Industry - NASA, GE, Martin, E-Mail Contacts buckley@uarf.us</p>	
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Mr. Steve Miner, Esq.
County Clerk
Accomack County, Virginia

Dear Mr. Miner,

1 I [Douglas Buckley] am here today in my capacity as a Senior Forensic
 2 Evidence Fellow / Civil Rights Division of the Unalienable Rights Foundation
 3 [UARF] to examine/ be given access to records and assert my rights, by
 4 the display and presentation of this letter/notice and I am providing notice
 5 to all those in whose presence these presents comes that under the rights
 6 granted to me in the 1st & 14th Amendments to the United States
 7 Constitution, and Article I, Section 12 of the Virginia Constitution &
 8 pursuant to the "public's right to know and the media's right of access" as
 9 set out herein and in accordance with The Virginia Freedom of Information
 10 Act, Va. Code § 2.2-3700 to 2.2-3714[VFOIA and or FOIA], the
 11 promulgations of the Virginia Public Records Act, § 42.1-76 — 42.1-91 and
 12 the Government Data Collection and Dissemination Practices Act, §§ 2.2-
 13 3800 — 2.2-3809 [This includes copies of any electronic mail or other
 14 requested information maintained in electronic form] (Please advise me

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15 immediately if you will not make the requested records available to me
16 today [November 14, 2012] or when these records will be available.); the
17 indexes that reflect and/or the written proffers the governing body of
18 Accomack County [AC] and/or the Accomack Board of Supervisors [BS]
19 and/or by any other name they have been or maybe called, has proffered
20 since 1634 to date whether it was proffered by ordinance or resolution or
21 any other form of legislative act or executive act, by whatever name it
22 might be called, that says what form of County government Accomack
23 County operates under [This includes but is not limited to policies and
24 procedures set forth in any handbook, training manual, policy and / or
25 procedure manual, memorandum that have been posted, emailed or any
26 other form of communication and/or document recognized by either
27 Federal and/or the Virginia Code any standards and/ or requirements
28 dealing with the form of Accomack County's government] and would make
29 Accomack County and it government and acts in compliance with the
30 Dillon Rule [DR] that Accomack County must comply with.

31 This request has have been directed to you as the Accomack County
32 Clerk and as it appears it is Accomack County's and your duty to comply
33 with our request under Virginia Code § 1-213.

34 To be clear, we do not expect Accomack County nor want Accomack
35 County to search through all of those boxes of Accomack County's records
36 [nor should Accomack County need to if it is in compliance with the
37 Virginia Public Records Act, VA Code § 42.1-86.A, 42.1-87A.]- we don't
38 want to put Accomack County out. Therefore, there will not be a need for
39 Accomack County to search through all of those boxes of Accomack
40 County's records as Buckley and UARF volunteers will do all the searching
41 and copying of the records requested in this FOIA request pursuant to
42 Virginia Code §2.2-3704.A.

43 UARF, and Buckley also request to be provided with an *itemized* schedule
44 of any/all charges [each one and all; with no exception] related to this
45 request [Virginia Code § 2.2-3704.F.] including (1) the statutory authority
46 for each and every charge, (2) the charges for copying each item/material
47 that I/we may request a copy of during and after my examination of the

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48 items herein requested for examination [please provide in the schedule all
49 segregable portions of otherwise exempt material].

50 Please be advised that if it is less expensive, labor intensive, and more
51 convenient to you, we will be happy to accept the requested materials in
52 electronic format, including .pdf, .gif, .jpg, Word, Word for Windows,
53 WordPerfect, and Mac formats via email to general.counsel@uarf.us, or
54 you can mail on a CD or DVD to UARF, P.O. Box 65002, Virginia Beach,
55 VA, 23467-5002.

56 If you do not maintain these public records, please let me know who does
57 and include the proper custodian's name and address.

58 *In addition, if you refuse the above request please provide a written*
59 *explanation for your refusal including the (1)reference to the specific*
60 *statutory exemption(s) upon which you rely, (2)Any opinion of the*
61 *Attorney General that supports your position(s), and (3) any decision of*
62 *a court that supports your position(s) that the material requested under*
63 *this FOIA request is exempted from disclosure under the provision of FOIA*
64 *[Virginia Code § 2.2-3713.D.]-please provide a schedule of all segregable*
65 *portions of any material you otherwise claim as exempt.*

66 *If you claim the documents do not exist please advise **UARF, Buckley and***
67 *David M. Lindsey of the same in writing.*

68 Take notice that **UARF, Buckley and Lindsey** will deem **your failure to**
69 **supply the material requested this date to be a denial of our**
70 **request** and will seek enforcement of our request by filing a petition for
71 writ of mandamus and/or injunction under Virginia Code Section 2.2-3713,
72 including requests for attorneys' fees and cost for enforcing our rights
73 under FOIA, of the Commonwealth of Virginia.

74 As set out in VFOIA, Code § 2.2-3704.B. your response to this request
75 this day should be to promptly provide the requested records to me or
76 make one of the following responses in writing [provisions for that
77 response is provided at the end of this request];

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78 1. The requested records are being entirely withheld because their
79 release is prohibited by law or the custodian has exercised his discretion
80 to withhold the records in accordance with this chapter. Such response
81 shall identify with reasonable particularity the volume and subject matter
82 of withheld records, and cite, as to each category of withheld records, the
83 specific Code section that authorizes the withholding of the records.

84 2. The requested records are being provided in part and are being
85 withheld in part because the release of part of the records is prohibited by
86 law or the custodian has exercised his discretion to withhold a portion of
87 the records in accordance with this chapter. Such response shall identify
88 with reasonable particularity the subject matter of withheld portions, and
89 cite, as to each category of withheld records, the specific Code section that
90 authorizes the withholding of the records. When a portion of a requested
91 record is withheld, the public body may delete or excise only that portion
92 of the record to which an exemption applies and shall release the
93 remainder of the record.

94 3. The requested records could not be found or do not exist. However, if
95 the public body that received the request knows that another public body
96 has the requested records, the response shall include contact information
97 for the other public body.

98 4. It is not practically possible to provide the requested records or to
99 determine whether they are available within the five-work-day period.
100 Such response shall specify the conditions that make a response
101 impossible. If the response is made within five working days, the public
102 body shall have an additional seven work days in which to provide one of
103 the four preceding responses, Virginia Code § 2.2-3704.

104 Take notice that WE will deem your failure to provide the requested
105 materials this day to be a denial of our request and will seek enforcement
106 of my request by filing a petition for writ of mandamus and/or injunction
107 under Virginia Code Section 2.2-3713, including requests for attorneys'
108 fees and cost for enforcing my rights under FOIA, of the Commonwealth
109 of Virginia.

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- 110 You and Accomack County/ shall bear the burden of proof to establish an
 111 exemption by a preponderance of the evidence or;
 112 1. AC shall bear the burden of proof to establish an exemption by a
 113 preponderance of the evidence;
 114 2. Any failure by AC and/or the individual below who acknowledges the
 115 receipt of this FOIA request to follow the procedures established by
 116 FOIA shall be presumed to be a violation of FOIA.
 117 3. All public records shall be presumed open, unless an exemption is
 118 properly invoked;
 119 4. Unless a public body or its officers or employees specifically elect to
 120 exercise an exemption provided by FOIA or any other statute, every
 121 public records shall be available for inspection and copying upon
 122 request.
 123 5. All public records shall be presumed open, unless an exemption is
 124 properly invoked.
 125 6. The provisions of FOIA shall be liberally construed

126 This request has been directed to you as the AC Manager [Miner] and/or
 127 the Clerk [Miner] of its Board of Supervisors as it appears it is your duty
 128 to comply with my request under FOIA.

129 FOIA § 2.2-3704 says;

130 A. Except as otherwise specifically provided by law, **all public**
 131 **records shall be open to inspection and copying by any**
 132 **citizens of the Commonwealth during the regular office**
 133 **hours of the custodian of such records.** Access to such
 134 records shall not be denied to citizens of the Commonwealth,
 135 representatives of newspapers and magazines with circulation
 136 in the Commonwealth, and representatives of radio and
 137 television stations broadcasting in or into the Commonwealth.
 138 The custodian may require the requester to provide his name
 139 and legal address. The custodian of such records shall take all
 140 necessary precautions for their preservation and safekeeping.
 141 Virginia Code § 2.2-3704.

142 **Take due notice thereof and govern yourself accordingly.**

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143 Thanking you in advance,

144 The Unalienable Rights Foundation

145 By:

146

147 Douglas Buckley / Senior Forensic Evidence Fellow / Civil Rights
148 Division

149 Douglas Buckley / Personally and Individually

150 David M. Lindsey / President / UARF

151

152 David M. Lindsey / Personally and Individually



153

154 I received a copy of this notice the date aforesaid and I am;

155 Granting denying access to the documents.

156 Denying access to the documents The Code section relied on for
157 denial is_____.

158 The document requested does not exist.

159 I am not the custodian of the document requested but it is in the
160 custody of _____.

161 Signature/Title



162 CC:

163 The Honorable and Mrs. Wanda Thornton
164 Supervisor and Vice Chair
165 Board of Supervisors

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- 166 Accomack County, Virginia
- 167 Post Office Box 8
- 168 Chincoteague, VA 2336
- 169
- 170 The Honorable Ron S. Wolff via rwolff@co.accomack.va.us
- 171 Supervisor ~ Accomack County, Virginia
- 172 Post Office Box 41
- 173 Atlantic, Va 23303
- 174 824-0383

- 175 The Honorable Grayson C. Chesser via
- 176 gchesser@co.accomack.va.us
- 177 Supervisor ~ Accomack County, Virginia
- 178 Post Office Box 12
- 179 Sanford, VA 23426
- 180 824-9666
- 181 894-4303

- 182 The Honorable Kay W. Lewis via [klewis@co.accomack.va.us](mailto:kewis@co.accomack.va.us)
- 183 Supervisor ~ Accomack County, Virginia
- 184 P.O. Box 1057
- 185 Parksley, VA 23421
- 186 665-4875
- 187 710-1414

- 188 The Honorable John Charles "Jack" Gray via
- 189 jgray@co.accomack.va.us
- 190 Supervisor ~ Accomack County, Virginia
- 191 Post Office Box 6
- 192 Modest Town, VA 23412
- 193 665-5312

- 194 Robert Crockett via rcrockett@co.accomack.va.us
- 195 Supervisor ~ Accomack County, Virginia
- 196 19130 Greenway Circle
- 197 Onancock, VA 23417

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- 198 787-1881

- 199 Laura Belle Gordy, Chairwoman via
- 200 lbgordy@co.accomack.va.us
- 201 Supervisor ~ Accomack County, Virginia
- 202 Post Office Box 253
- 203 Onley, Virginia 23418
- 204 787-2908

- 205 The Honorable Donald L. Hart Jr. via
- 206 dhart@co.accomack.va.us
- 207 Supervisor ~ Accomack County, Virginia
- 208 Post Office Box 100
- 209 Keller, VA 23401
- 210 787-7166
- 211
- 212 The Honorable C. Reneta Major via
- 213 Supervisor ~ Accomack County, Virginia
- 214 Post Office Box 509
- 215 Painter, VA 23420

- 216 Clerk of the Circuit Court
- 217 Accomack County
- 218 The Honorable Samuel H. Cooper, Jr.
- 219 23316 Courthouse Ave.
- 220 P. O. Box 126
- 221 Accomac, VA 23301
- 222 (757) 787-5776
- 223 (757) 787-1849 - Fax

- 224 Commissioner of the Revenue via lsavage@co.accomack.va.us
- 225 Accomack County
- 226 The Honorable Leslie Savage
- 227 23296 Courthouse Ave.
- 228 P. O. Box 186
- 229 Accomac, VA 23301

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230 (757) 787-5747
231 (757) 789-3674 - Fax
232 lsavage@co.accomack.va.us

233 Commonwealth Attorney
234 Accomack County
235 The Honorable Gary R. Agar
236 23392 Front St.
237 P. O. Box 56
238 Accomac, VA 23301
239 (757) 787-2877
240 (757) 787-8064 – Fax

241 Sheriff via tgodwin@co.accomack.va.us
242 The Honorable Todd Godwin
243 23323 Wise Court
244 P. O. Box 149
245 Accomac, VA 23301
246 (757) 787-1131
247 (757) 787-2310 – Fax
248 tgodwin@co.accomack.va.us

249 Treasurer via dbundick@co.accomack.va.us
250 Accomack County, Virginia
251 The Honorable Dana T. Bundick
252 23296 Courthouse Ave
253 P. O. Box 296
254 Accomac, VA 23301
255 (757) 787-5738
256 (757) 787-3238 – Fax
257 dbundick@co.accomack.va.us

258 Mr. Steven B. Miner, Esq. Via
259 administration@co.accomack.va.us
260 County Administrator
261 Accomack County, Virginia

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262 Administrative Offices
263 23296 Courthouse Ave.
264 Suite 203
265 PO Box 388
266 Accomac, Virginia 23301
267 (757) 787-5700
268 (757) 824-5444
269 (757) 787-2468 - Fax-
270 administration@co.accomack.va.us

271 Mr. Mark Taylor, Esq. Via mtaylor@co.accomack.va.us
272 County Attorney
273 Accomack County, Virginia
274 Administrative Offices
275 23296 Courthouse Ave.
276 Accomac, Virginia 23301
277 (757) 787-5700
278 (757) 824-5444
279 (757) 787-2468 - Fax-
280 administration@co.accomack.va.us

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