

Democratic Party Documentation:

F.O.I.A.

Freedom of Information Act

BY HAND DELIVERY

July 6, 2004

Mr. Eric Kriss
Secretary
Executive Office for Administration and
Finance
State House, Room 373
Boston, MA 02133

Keeper of Records
Executive Office for Administration and
Finance
State House, Room 373
Boston, MA 02133

Mr. Peter J. Quinn
Chief Information Office
Information Technology Division
State House, Room 373
Boston, MA 02133

Keeper of Records
Information Technology Division
One Ashburton Place
Boston, MA 02108

Daniel B. Winslow, Esq.
Chief Legal Counsel
Office of the Governor
State House, Room 271
Boston, MA 02133

Keeper of Records
Executive Department Legal Counsel
State House, Room 271
Boston, MA 02133

Re: Public Records Request

Dear Keeper of Records:

Pursuant to the Massachusetts Public Records Act, Mass. Gen. Laws ch. 66 § 1B, I hereby request that you make the following materials available for inspection and copying:

- (1) all documents, correspondence, prior drafts, e-mails, memoranda, and/or factual studies or reports referencing or relating in any way to the "Enterprise Open Standards Policy," the "Enterprise Information Technology Acquisition Policy," and the "Enterprise Technical Reference Model - Version 1.0" (each adopted by Executive Office for Administration and Finance ("A&F") and its Information Technology Division ("ITD") and made effective January 13, 2004, collectively, the "Policies"), including without limitation those that relate to, support, or demonstrate the following:

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EXECUTIVE OFFICE
ADMINISTRATION & FINANCE

- (a) a cost/benefit analysis or other investigation of the effect of mandating that all IT investments comply with the Policies;
 - (b) the definition of "Open Standards" established by the Policies and the meaning of "publicly available" and "open community" as used in the definition;
 - (c) the process for determining what standards are named in the Enterprise Technical Reference Model ("ETRM");
 - (d) what it means to "comply with the open standards" referenced in the ETRM;
 - (e) how ITD or an agency should determine whether use of open standards solutions is "appropriate" within the meaning of the Target State of the ETRM;
 - (f) how the method of development of an open standard relates to its appropriateness or effectiveness in enhancing best value procurement for the Commonwealth;
 - (g) the Commonwealth's Position set forth in the Policies that component-based software development based on open standards is a more cost-effective approach (including without limitation what approaches it was compared to);
 - (h) the Commonwealth's Position set forth in the Policies that open systems and specifications are often less costly to acquire, develop and maintain and do not result in vendor lock-in;
 - (i) the Commonwealth's Position set forth in the Policies that consolidation of platforms that provide the highest flexibility and scalability will achieve best value and economies of scale while meeting business needs;
 - (j) how the ITD will provide guidance and consultation to agencies on IT solution alternatives, including any contracts or agreements ITD has entered into for the provision of such guidance and consulting services;
 - (k) how ITD will review agencies' due diligence efforts to evaluate all possible IT solution alternatives and what actions ITD will take based on the results of such reviews;
 - (l) the legal authority / legal basis for the adoption of the Policies; and
 - (m) meetings and/or conversations with any person by Eric Kriss, Peter Quinn, or their respective staffs, concerning the Policies and/or the procurement of open source software;
- (2) all documents, correspondence, e-mails, and/or memoranda otherwise relating to developing or implementing a so-called "open standards" or

- "open-source" computer operating system or other software preference or procurement policy by the Commonwealth and/or any of its agencies;
- (3) all documents, correspondence, e-mails and/or memoranda (both internal and from third parties) referencing or relating in any way to the Commonwealth's finances and/or budget for adopting and implementing the Policies and otherwise moving the Commonwealth toward a so-called "open-source" computer operating system and software model;
 - (4) all documents, correspondence, e-mails, memoranda, and/or factual studies or reports referencing or relating in any way to the impact and the total cost of ownership of converting the Commonwealth to non-proprietary/open-source software;
 - (5) all documents, correspondence, e-mails, memoranda, and/or factual studies or reports referencing or relating in any way to a cost/benefit analysis of the Commonwealth moving from the use of proprietary software to an open-source nonproprietary software;
 - (6) all documents, correspondence, e-mails, memoranda, or testimony relating to legislation altering or centralizing the structure or authority of ITD and the CIO (including without limitation Outside Section 14 of the Governor's Budget Recommendation for FY2005; and proposed H.3955 § 1 and S. 2131, §§ 2-4 and predecessor bills in the 2003 legislative session), including any analyses of why the alterations and centralization were sought;
 - (7) all documents, correspondence, e-mails, memoranda, and plans referencing or relating in any way to plans for the Commonwealth to develop a mechanism to facilitate public sector code sharing (as noted in the Policies) or for the Commonwealth or its agencies to otherwise become a software provider or licensor to other persons, agencies, states, or entities, including the statutory authority for same;
 - (8) all documents, correspondence, e-mails, memoranda, contracts or agreements relating to The Public Sector Open Source Project, described as a collaboration between the Commonwealth and MIT lecturer Daniel Greenwood on the enclosed announcement, which is on-line at <http://ecitizen.mit.edu/opensource>;
 - (9) all documents, correspondence, e-mails, memoranda, contracts or agreements relating to a consulting or other agency or employment arrangement between Daniel Greenwood and the Commonwealth, A&F, ITD or the Operational Services Division;
 - (10) all documents, correspondence, e-mails, memoranda, contracts or agreements relating to Government Open Code Collaborative, described by Claudia Boldman as a voluntary association of public-sector entities and academia, including any materials related to present or proposed legal authority for the project and its activities;

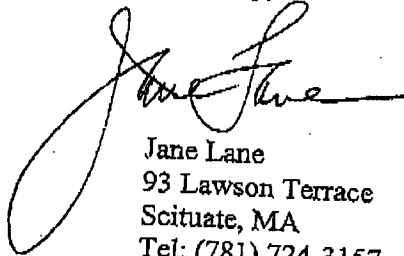
- (11) all contracts and/or agreements relating to the Commonwealth's development, consideration and/or implementation of the Policies, including, without limitation, contracts and/or agreements with consultants;
- (12) all contracts and/or agreements otherwise relating to the Commonwealth's consideration and/or implementation of an open source computer operating system or other open source software generally, including, without limitation, contracts and/or agreements with consultants;
- (13) all documents, correspondence, e-mails, memoranda, and ethics-related opinions or materials relating to any relationship between Workmode, Inc., and Mr. Eric Kriss, A&F, or ITD, including, without limitation, the ownership and terms of use of any vehicles used by Mr. Kriss;
- (14) all documents, correspondence, e-mails, memoranda, and ethics-related opinions or materials between, or relating to any relationship between, on the one hand, Bain Capital, Bain Capital funds, and companies they own, control or invest in, and, on the other hand, Governor W. Mitt Romney, Mr. Eric Kriss, A&F, or ITD;
- (15) all ethics disclosures under Massachusetts General Laws Chapters 268A or 268B made by Mr. Kriss, ITD CIO Peter Quinn, Mr. Greenwood, IBM, and any employees of IBM to their respective appointing authorities;
- (16) all documents, correspondence, e-mails, memoranda, or reports relating to how adoption and implementation of the Policies will benefit companies that, like Workmode, Inc., "use widely adopted *open source* tools" in their businesses (as described in the enclosed, on-line Workmode, Inc., advertisement);
- (17) copies of the calendars/schedules and phone logs of Messrs. Kriss and Peter Quinn for calendar years 2002, 2003 and 2004; and
- (18) all documents, correspondence, emails, memoranda concerning, relating to in any way, or referencing instruction, suggestions, policies, or directions concerning or relating to the retention, removal, destruction or relocation of records concerning any of the above.

Please make these materials available for inspection and copying within ten (10) days of receipt of this request.

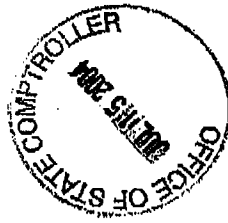
If you determine that anything we have requested, or any portion of anything we have requested, is exempt from disclosure, please note the applicable statutory exemption and explain why it applies to the requested items. Should you determine that some portion of an item is exempt from disclosure, we request that you release any reasonably segregable portion of the item which is not exempt. We reserve our right to appeal such a decision.

Please contact me if you have any questions regarding this request. I look forward to your response within ten (10) days of this request, as the statute requires. Thank you for your attention.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Lane". The signature is written in black ink and is positioned above the typed name and address.

Jane Lane
93 Lawson Terrace
Scituate, MA
Tel: (781) 724-3157

**BY HAND DELIVERY**

July 15, 2004

Governor Willard Mitt Romney and the
Executive Office of the Governor
State House, Room 360
Boston, MA 02133

Keeper of Records
Executive Office of the Governor
State House, Room 360
Boston, MA 02133

Mr. Martin Benison
Office of the Massachusetts Comptroller
One Ashburton Place, Room 900
Boston, MA 02108

Keeper of Records
Office of the Massachusetts Comptroller
One Ashburton Place, Room 900
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Daniel B. Winslow, Esq.
Chief Legal Counsel
Office of the Governor
State House, Room 271
Boston, MA 02133

Keeper of Records
Executive Department Legal Counsel
State House, Room 271
Boston, MA 02133

Re: Public Records Request

Dear Keeper of Records:

Pursuant to the Massachusetts Public Records Act, Mass. Gen. Laws ch. 66 § 10, I hereby request that you make the following materials available for inspection and copying:

- (1) Copies of all travel-related receipts submitted by Governor Willard Romney or employees of the governor's office for out-of-state travel from January 1, 2003 to the present.
- (2) All documents, including correspondence, e-mails, memoranda, calendars/schedules and phone logs, including any state issued cellular phones, relating in any way to the out-of-state travel-related expenses of Governor Willard Romney and employees of the governor's office from January 1, 2003 to the present.
- (3) Expense reports for Governor Willard Romney and for all employees of the governor's office related to out-of state travel from January 1, 2003 to the present.
- (4) All documents, including correspondence, e-mails, memoranda, calendars/schedules and phone logs, including any

state issued cellular phones, relating in any way to expense reports for the governor and for all employees of the governor's office related to out-of state travel from January 1, 2003 to the present.

- (5) Copies of the calendars/schedules and phone logs of Messrs. Willard Romney and Eric Fehrnstrom, Ms. Shawn Fedderman, Ms. Beth Myers, Ms. Nicole St. Peter and Mr. Jay Garrity for calendar years 2003 and 2004.
- (6) A list of all occasions on which Governor Willard Romney and/or employees of the governor's office have traveled out-of-state from January 1, 2003 to the present including corresponding details related to the date of departure and return for each trip, and the nature, purpose and destination of each trip.
- (7) All documents, including correspondence, e-mails, memoranda, calendars/schedules and phone logs, including any state issued cellular phones, relating in any way to all occasions on which Governor Willard Romney and/or employees of the governor's office have traveled out-of-state from January 1, 2003 to the present including corresponding details related to the date of departure and return for each trip, and the nature, purpose and destination of each trip.
- (8) All documents, including payroll data, correspondence, e-mails, memoranda, calendars/schedules and phone logs relating in any way to or reflecting how each trip described above was paid for relative to each employee of the governor's office and/or the governor.
- (9) Payroll records and all other documents, including payroll data, correspondence, e-mails, memoranda, calendars/schedules and phone logs relating in any way to the payroll records for Eric Fehrnstrom, Shawn Fedderman, Jay Garrity, Beth Myers, Cynthia Gillespie, Nicole St. Peter, Governor Willard Romney and any other member of the Governor's staff who traveled out-of state from January 2004 to the present; additionally, all documents, including payroll data, correspondence, e-mails, memoranda, calendars/schedules and phone logs that reflect the regular salary paid and corresponding dates associated therewith, vacation time taken and/or paid and the corresponding dates associated therewith, personal time taken and/or paid and the corresponding dates associated therewith, and sick time taken and/or paid and the corresponding dates associated therewith.
- (10) All documents, including payroll data, correspondence, e-mails, memoranda, calendars/schedules and phone logs,

including any state issued cellular phones, relating in any way to an April 8, 2004 trip to Michigan by Governor Willard Romney and members of staff including, but not limited to, the names of the members of the governor's staff who traveled to Michigan, the names of companies and their representatives with whom Governor Romney or any of member of his staff met on or around April 8, 2004 regarding bringing jobs to Massachusetts or company relocation.

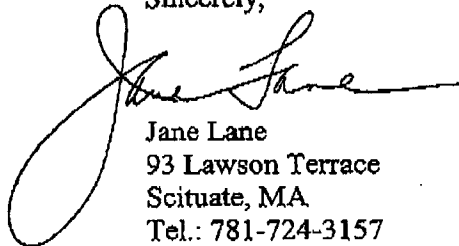
- (11) All documents, including correspondence, e-mails, memoranda, calendars/schedules and phone logs from January 2004 to the present relating in any way to the companies and/or their representatives with whom Governor Romney or any of member of his staff met in Michigan on or around April 8, 2004.
- (12) All documents, including payroll data, correspondence, e-mails, memoranda, calendars/schedules and phone logs, including any state issued cellular phones, relating in any way to a July 14, 2004 trip to Washington, D.C. by Governor Willard Romney and members of staff including, but not limited to, the names of the members of the governor's staff who traveled to Washington, D.C. including corresponding details related to the date of departure and return for the above-referenced trip, and the nature, purpose and destination of this trip and how travel and expenses were paid for relative to this trip for Governor Willard Romney and any staff that accompanied Governor Romney including, but not limited to, Eric Fehnstrom.
- (13) All documents, correspondence, emails, memoranda concerning, relating to in any way, or referencing instruction, suggestions, policies, or directions concerning or relating to the retention, removal, destruction or relocation of records concerning any of the above.

Please make these materials available for inspection and copying within ten (10) days of receipt of this request.

If you determine that anything we have requested, or any portion of anything we have requested, is exempt from disclosure, please note the applicable statutory exemption and explain why it applies to the requested items. Should you determine that some portion of an item is exempt from disclosure, we request that you release any reasonably segregable portion of the item which is not exempt. We reserve our right to appeal such a decision.

Please contact me if you have any questions regarding this request. I look forward to your response within ten (10) days of this request, as the statute requires. Thank you for your attention.

Sincerely,

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93 Lawson Terrace
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