

Proof of mailing

October 31, 2011

Atty. Keith R. Jacques  
Woodman Edmands Danylik Austin Smith & Jacques, P.A.  
234 Main Street  
P.O. Box 468  
Biddeford, Maine 04005

**Re: 2<sup>nd</sup> Request - Freedom of Access Act – Title 1, MRS, Chapter 13, Sections 402, 408, – public records available for public inspection and copying and Section 410 – Violations**

Dear Attorney Jacques,

**Whereas**, you and your office operate in the State jurisdiction, this Freedom of Access Act request is pursuant to “Title 1, MRS, Chapter 13, Section 408 – public records available for public inspection and copying.”

**Therefore**, this is a request under the Freedom of Access Act pursuant to “Title 1, MRS, Chapter 13, Section 408” as above-mentioned.

This is my firm promise to pay fees and costs for locating, duplicating, and reviewing documents for the information as requested below. In the event that the fees and cost exceed \$20.00, please send me the information of such fees and costs prior to sending the requested information.

If some of this request is exempt from release, please send those portions that are not exempt, and please provide me with the indexing, itemization, and detailed justification concerning the information that is exempt which you are not releasing.

On July 22, 2011 and August 16, 2011 (2<sup>nd</sup> request) I sent Freedom of Access (thereinafter known as FOA) requests to Councilor Bob Mills and Linda Hardacker, Biddeford HUD Director requesting the following:

- 1) The City of Biddeford's Court Order, accompanied by supporting documents, which transfers my claim of right to title to my property located at 22 Graham Street to Tim Q. Ly.
- 2) All documents in the Community Development Office pertaining to CDBG grants and Tim Q. Ly, including financial statements of matching HUD funds awarded to Tim Q. Ly and/or Maine-Ly Realty. Mr. Ly's addresses are identified at 202 Hill Street, Biddeford, Maine or St. John Street, Portland, Maine.

I received a “letter” from Councilor Bob Mills, dated August 23, 2011, responding to my FOA “letters.” I did not send Councilor Mills “letters.” I sent FOA requests which have the force and effect of law that a “letter” does not have. Councilor Mills states that he “does not possess the city records [I] requested. I did not indicate that he had such documents within his possession. I requested his assistance, as a public official, to obtain documents that I was denied, in violation of “Title 1, chapter

13, Section 408 (1). Public records available for public inspection and copying. Right to inspect and copy. Except as otherwise provided by statute, every person has the right to inspect and copy any public record during the regular business hours of the agency or official having custody of the public record within a reasonable period of time after making a request to inspect or copy the public record. An agency or official may request clarification concerning which public record or public records are being requested, but in any case the agency or official shall acknowledge receipt of the request within a reasonable period of time."

Councilor Mills further states "proper protocol is that all FOA requests go thru the City Manager." (I also learned from Mr. Mills that he believes FOA requests "come under the Privacy Act.") As a sitting councilor, on May 3, 2011 (order #2011.31), he and the Board of City Council voted unanimously to grant said order which amended the Code of Ordinances, Rules of the Council, Rule 2. Rights and Duties of members to read (in part): "NOTICE: Under Maine's Freedom of Access ("Right to Know") law, documents – including emails – in the possession of public officials about City business are classified as public records. This means if anyone asks to see them, we are required to provide them." The Order does not state FOA requests must go through the City Manager. The law states "the agency or official shall acknowledge receipt of the request within a reasonable period of time."

On August 17, 2011 I received Councilor Mills' and Linda Hardacker's response through your office. Your vague response prompted a FOA to you which was sent on September 4, 2011. You failed to address the points in my FOA request.

Please conduct a diligent search and provide a copy of the requested documents mentioned below:

- 1) The City of Biddeford's Court Order, accompanied by supporting documents, which transfers my claim of right to title to my property located at 22 Graham Street to the City of Biddeford and to Tim Q. Ly.
- 2) Any, and all, documents in the Community Development Office pertaining to CDBG grants and Tim Q. Ly, including any, and all, HUD grants that Mr. Ly **applied for** and all financial statements of matching HUD funds awarded to Tim Q. Ly and/or Maine-Ly Realty.

This is a genuine FOA and has force and effect of law.

With respect to my request for a copy of the City of Biddeford's Court Order, granting transfer of my claim of right to my property to the city, then to Tim Q. Ly, I am not in possession of said Order, nor to my knowledge has one been granted by any court. The mere recording of a deed does not transfer title to property. The recent ruling, on Oct. 18th, 2011, by the Massachusetts Supreme Judicial Court in the Francis J. Bevilacqua, Third vs. Pablo Rodriguez case fully supports my argument against the City of Biddeford. Key components of the Bevilacqua case: 1) In holding that Bevilacqua could not make "something from nothing" when he had a title worth nothing. 2) A wholly void foreclosure deed passes no title even to a supposed "bona fide purchaser." 3) The Grantee of an invalid (wholly void) foreclosure deed does not have record title, nor does any person claiming under a wholly void deed.

Pursuant to "Title 1, MRS Chapter 13, Section 408 (2)" Inspection, translation and copying may be scheduled to occur at such time as will not delay or inconvenience the regular activities of the agency or official having custody of the public record sought, therefore, please provide two dates/times for me to inspect the documents requested as provided by law as above-mentioned. In the event that the

said requested documents do not exist, then please state that in your response and the reason(s) why.

Since this is the 2<sup>nd</sup> FOA sent to you, I am providing you with another ten (10) days from the receipt of this FOA in order for you to be in compliance with the law.

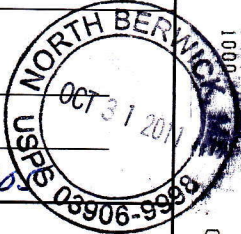

Pursuant to the law you are obligated to respond, "Title 1, MRS Chapter 13, Section §410. Violations. For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall be liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged."

Thanking you in advance for your assistance and cooperation.

Respectfully submitted,

*Dorothy Lafortune*

Dorothy Lafortune  
P.O. Box 187  
Biddeford, Maine 04005

U.S. POSTAL SERVICE <b>CERTIFICATE OF MAILING</b>	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER	
Received From:	
<i>D. Lafortune</i>	
<i>P.O. Box 187</i>	
<i>Biddeford, Maine 04005</i>	
One piece of ordinary mail addressed to:	
<i>Atty. Kirk Jacques</i>	
<i>Woodman, Edmunds, Damfick, Austin</i>	
<i>234 Main St - Box 468</i>	
<i>Biddeford, Maine 04005</i>	

PS Form 3817, Mar. 1989

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November 15, 2011

Dorothy Lafortune  
P.O. Box 187  
Biddeford, ME 04005

**RE: Second Freedom of Access Request Dated October 31, 2011**

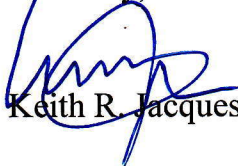
Dear Ms. Lafortune:

I am writing in response to your Freedom of Access Request dated October 31, 2011. As you know, on August 17, 2011 we previously responded to a Freedom of Access Request seeking the production of the same documents which are the subject of your current request. In any event, the City of Biddeford responds to your most recent request as follows:

1. Despite reasonable inquiry, the City of Biddeford has been unable to locate a Court Order transferring your property located at 22 Graham Street to Tim Q. Ly.
2. Copies of all responsive documents pertaining to CDBG Grants and Tim Q. Ly and/or Maine-Ly Realty previously have been provided to you.

Finally, I note that this firm's invoice for the cost of copying the responsive documents which were provided to you by letter dated August 17, 2011 remains outstanding. Please forward payment of this overdue invoice to me as soon as possible.

Sincerely,



Keith R. Jacques

KRJ/cem

cc: John Bubier, City Manager  
Linda Hardacker, CDBG Coordinator