

Ethan Book for U.S. Senate

September 26, 2010

Coleen Murphy
Executive Director
Freedom of Information Commission
State of Connecticut
18-20 Trinity Street
Hartford, CT 06106

Re: Richard Blumenthal, Attorney General,
the Office of the Attorney General and the
State of Connecticut

Dear Director Murphy:

Pursuant to the Freedom of Information Act, Conn. General Statutes, Sec. 1-206(b)(1) and Connecticut Regulations for State Agencies, Sec. 1-21j-27 *et seq.*, we hereby present this formal complaint against Richard Blumenthal, Attorney General, the Office of the Attorney General and the State of Connecticut.

On August 19, 2010, we presented to Attorney General Richard Blumenthal a letter (copy attached) in which we requested that documentation which would reflect the amounts paid to the law firms of Silver, Golub & Teitell of Stamford, Emmett & Glander of Stamford and Carmody & Torrance of Hew Haven regarding their professional representation of state interests in the late 1990's litigation against several major tobacco companies. We also requested documentation which would reflect how the paid amounts were calculated and justified.

On August 23, 2010, Associate Attorney General Joseph Rubin sent to us a letter (copy attached) in which he explained that the respective "tobacco counsel did not seek or receive any fees from the state" as "[t]he state was not a party to that process and has no documents regarding the amount of payment of fees". He further explained that information regarding the general "mechanism for compensation of states' private counsel directly by tobacco manufacturers" is publicly available with the Tobacco Master Settlement Agreement (referenced at www.naag.org/backpages/naag/tobacco/msa).

On August 27, 2010, we sent to Attorney General Blumenthal an amended, expanded request for information (copy attached) in which we sought documentation which evidences the authority for him to have approved contracts for the mentioned law firms to represent the state in the multi-state tobacco litigation, also documentation which would reflect the name of the accounting firm which was understood to have been appointed as part of the Settlement for independent review of the settlement process.

On August 31, 2010, Associate Attorney General Rubin sent to us a letter (copy attached) in which he cited solely Conn. General Statutes, Sec. 3-125 as the authority for the agency action to have contracted with several private law firms to represent the state in the multi-state tobacco litigation. He also cited the Houston Office of Price Waterhouse Coopers, LLP as the selected independent auditing firm. In a letter of September 1, 2010, we pointed out to Attorney General Blumenthal that *Conn. General Statutes, Sec. 3-125, by itself, is not adequate authority for the agency action to enter contracts with the private state tobacco counsel*. Also, on September 1, 2010, we spoke with an official of the Houston office of Price Waterhouse Coopers who informed us that *neither the tobacco manufacturers nor the independent auditing firm made any payments directly to the states' private counsel but rather that any such payments would have been made directly by the participating states out of the proceeds of the settlement payments made to them*.

It is of note that on September 6, 2010, we sent to State Comptroller Nancy Wyman a request for information pursuant to the Freedom of Information Act. In that we requested documentation which would reflect vendor payments made by the State to the mentioned tobacco counsel from 1996 to the present. On September 9, 2010, the Office of the Comptroller sent to us information which reflected payments made by the State to the law firm of Carmody & Torrance from July of 1995 to the present of **\$9,386,989.83** and that such payments included **\$7,575,746.57** made by the State for professional services performed specifically for the Office of the Attorney General. It is of further note that such detail reflected a total paid to Carmody & Torrance from July of 1995 through June of 1998 of **\$71,635.57** or an annual average of **\$23,878.52** and further detail reflecting a total paid by the State from July of 1998 through June of 2010 of **\$7,470,295.28** or an annual average of **\$622,524.61!**

On September 11, 2010, we sent to Attorney General Blumenthal a renewed, amended and expanded request for information (copy attached). In that, we specifically requested matters including (a) copies of the billings for the mentioned vendor payments made to Carmody & Torrance, (b) with reference to the scope of "public records or files" as is established in Conn. General Statutes, Sec. 1-200(5), detail as to payments made to the law firms of Silver, Golub & Teitell and Emmett & Glander for professional services for the multi-state tobacco litigation,¹ (c) documentation which would reflect the identity of officials of the Office of the Attorney General who were designated counsel for the Department of Corrections during 2003 and designated counsel for the Judicial Branch, the Office of the Chief State's Attorney and/or the Office of the State's Attorney for the Stamford/Norwalk Judicial District during 2001 through 2003 and (d) documentation which reflects the authorization for the agency decision to hire Robert D. Snook.

In a letter which was dated September 14, 2010 (and forwarded in an envelope bearing a postmark of September 15, 2010; copy attached), Anthony Jannotta, Special Counsel for the Attorney General, with *partial* recognition of the scope of our requests, advised us that the Office was reviewing our request and that it would "respond in the appropriate manner" when that review was complete.

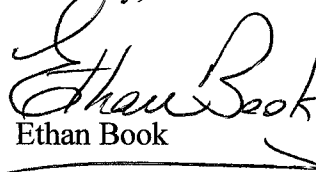
On September 18, 2010, we sent to Attorney Jannotta a letter (copy attached) in which we reminded him and the Office of the Attorney General that the Freedom of Information Act *requires that an agency satisfy a request for information within four business days* for which we thereupon requested of that Office immediate response. *As of this date, since reasonably commencing this series of requests on August 19, 2010, we have received no further response!*

Considering all the above credible and verifiable facts and relevant legal and state and federal constitutional references, we hereby request (1) that this Commission orders Respondents Attorney General Richard Blumenthal and the Office of the Attorney General to fully and immediately provide the requested documentation, (2) that this Commission sanctions these Respondents for excessive delays and further (3) that, considering the nature and public importance of the information which is sought, this Commission imposes upon the Respondents monetary sanctions.

Further, with reference to Connecticut Regulations, Sec. 1-21j-29(b), we also request an expedited hearing schedule. The issues of this Complaint are exemplary of a political dynamic between the Respondents and the undersigned for over two decades, issues of the type for which the undersigned has been a claimant before this Commission of well over two dozen docketed matters. In addition, such inherent issues and related matters have publicly surfaced in the pending election process for U.S. Senate for which both the undersigned and Respondent Richard Blumenthal are official candidates. For what is presently scheduled as a general election on November 2, 2010, an expedited hearing is fully justified for which *any other standard scheduling would likely result in "available remedies no longer be[ing] available"*.

We therefore formally present this Complaint and we respectfully await your response!

Sincerely,



Ethan Book

¹ It has been estimated in major media that \$60 million was paid by the State to the three mentioned law firms for professional compensation for their services in the multi-state tobacco litigation.

Enclosures (7)

c: Richard Blumenthal

Constitutional integrity and individual freedom!

P.O. Box 1385 - Fairfield, CT 06825
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Paid for by Ethan Book for U.S. Senate

Ethan Book for U.S. Senate

August 19, 2010

Richard Blumenthal
Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Dear Mr. Blumenthal:

Pursuant to the Freedom of Information Act (Conn. General Statutes, Sec. 1-200 *et seq.*), please provide that documentation which would reflect the amounts paid to the law firms of Silver, Golub & Teitell of Stamford, Emmett & Glander of Stamford and Carmody & Torrance of Hew Haven regarding their professional representation of state interests in the late 1990's litigation against tobacco companies. Please also provide documentary detail as to how the paid amounts were calculated and justified.

We will greatly appreciate your full, prompt and professional cooperation.

Sincerely,

Ethan Book

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RICHARD BLUMENTHAL
ATTORNEY GENERAL



Office of The Attorney General
State of Connecticut

(860) 808-5316

August 23, 2010

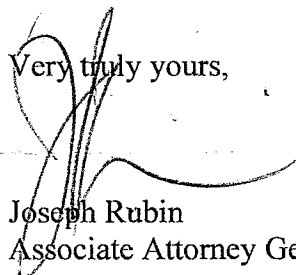
Ethan Book
P.O. Box 1385
Fairfield, CT 06825

Dear Mr. Book:

I write in response to your freedom of information request of August 19th to Attorney General Blumenthal for documentation which would reflect the amounts paid to specified law firms for their representation of the state in litigation against tobacco companies in the late 1990's.

This office has no documents responsive to your request. Tobacco counsel did not seek or receive any fees from the state. Section XVII(d) of the Tobacco Master Settlement Agreement provided a mechanism for compensation of states' private counsel directly by tobacco manufacturers. The state was not a party to that process and has no documents regarding the amount or payment of fees. The Master Settlement Agreement is available on the website of the National Association of Attorneys General, www.naag.org/backpages/naag/tobacco/msa.

Very truly yours,


Joseph Rubin
Associate Attorney General

JR:sd

Ethan Book for U.S. Senate

August 27, 2010

Richard Blumenthal
Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120

Dear Mr. Blumenthal:

I acknowledge the letter of August 23, 2010 of Associate Attorney General Joseph Rubin which is in response to my formal request for information presented to you on August 19, 2010. In that, I requested information regarding the professional fees paid to private law firms regarding the multi-state litigation against various tobacco companies.

Attorney Rubin says that your office does not have documents responsive to my request, that the tobacco counsel did not seek or receive any fees from the state, and also that the state was not a party to that process and has no documents regarding the amount of payment of fees. He further refers me to the internet posting of the Tobacco Master Settlement Agreement for the mechanism for compensation to states' private counsel.

I have reviewed the public posting of the Tobacco Master Settlement Agreement. It is found on a website which is entitled "Project Tobacco National Association of Attorneys General". The first sentence of the first page of the text of the Agreement is "This Master Settlement Agreement is made by the undersigned Settling States officials (on behalf of their respective Settling States)" Then among the various signature pages of the respective Settling States, there is a page which bears your signature and your position as Attorney General of the State of Connecticut. With this information, I have difficulty with Attorney Rubin's statement that the state was not a party to that process. I welcome your comment on this important point.

Notwithstanding that question, I hereby amend and expand my request for information pursuant to the Freedom of Information Act (Conn. General Statutes, Sec. 1-200 *et seq.*). Please provide me a reference or copy of the authority for you to have approved several private law firms to represent the state in that multi-state litigation. I will appreciate that you include both statutory or other valid authority as well as the procedural application of such

authority. Also, please provide me a reference or copy of the authority for you to have acted to settle that multi-state litigation. Again, I will appreciate that you include both statutory or other valid authority as well as the procedural application of such authority. Further, it is my understanding that the Court which reviewed and accepted the Settlement Agreement also appointed a Certified Public Accounting firm for review of disbursements of proceeds and payment of professional fees to the participating states' private counsel. Please also provide such documentation which would reveal the name and address of such Certified Public Accounting firm.

Again, we will greatly appreciate your full, prompt and professional attention.

Sincerely,

Ethan Book

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RICHARD BLUMENTHAL
ATTORNEY GENERAL



Office of The Attorney General
State of Connecticut

(860) 808-5316

August 31, 2010

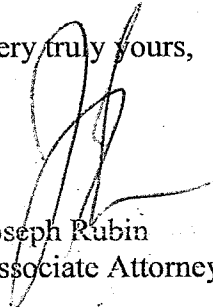
Ethan Book, Jr.
P.O. Box 1385
Fairfield, CT 06825

Dear Mr. Book:

I write in reply to your letter dated August 27, 2010 to Attorney General Richard Blumenthal. The Freedom of Information Act requires state agencies to provide certain non-privileged documents in their control in response to a request. It does not require agencies to create documents, answer questions or conduct legal research.

In general, the Attorney General's legal authority, including the authority to conduct and settle litigation, is provided in Conn. Gen. Stat. §3-125. No court "appointed" a public accounting firm in connection with the Master Settlement Agreement, and so there is no document reflecting such an appointment. Under the terms of the Master Settlement Agreement, the firm of PriceWaterhouseCoopers LLP, 1201 Louisiana Street, Suite 2900, Houston, TX 77002, was selected to serve as the Independent Auditor for that Agreement.

Very truly yours,



Joseph Rubin
Associate Attorney General

JR:sd

Ethan Book for U.S. Senate

September 11, 2010

Richard Blumenthal
Attorney General
Office of the Attorney General
State of Connecticut
55 Elm Street
Hartford, CT 06106

Dear Mr. Blumenthal:

This letter is a follow-up and expansion of my formal requests to you for information of August 19 and August 27, 2010 and to my formal inquiry to you of September 1, 2010.

In mine to you of August 19, 2010, I requested pursuant to the Freedom of Information Act (Conn. General Statutes, Sec. 1-200 *et seq.*) that documentation which would reflect the amounts paid to the law firms of Silver, Golub & Teitell of Stamford, Emmett & Glander of Stamford and Carmody & Torrance of Hew Haven regarding their professional representation of state interests in the late 1990's multi-state litigation against several tobacco companies. On August 23, 2010, Associate Attorney General Joseph Rubin sent me a letter in which he explained that the Office of the Attorney General does not have documents responsive to the request. Rather, he explained that the Tobacco Master Settlement Agreement provided a mechanism for the compensation of states' private counsel (with further reference provided as www.naag.org/backpages/naag/tobacco/msa).

Then in his letter to me of August 31, 2010, that in response to other inquiry, Attorney Rubin informed me that the Houston office of Price Waterhouse Coopers is the independent auditing firm regarding tobacco settlement payments and disbursements. In a telephone conversation of September 1, 2010, an official of the Houston office of Price Waterhouse Coopers informed me that neither the tobacco companies nor Price Waterhouse Coopers administered any payments to private tobacco counsel, rather that such payments would have been made out of the proceeds of the settlement which have been distributed to the participating states.

On September 6, 2010, I sent to Nancy Wyman, the State Comptroller, a formal request for information. With a focus on vendor payments made by the State, I requested detail of payments made to the three mentioned law firms from 1996 to the present. On September 9, 2010, I was provided by that office detail as to payments made by the State to Carmody and Torrance with detail as to the particular agency involved and the yearly payments. There is an active line of that detail which pertains to professional services provided on behalf of the Office of the Attorney General. It is curious that from July 1996 through June 1998, the total

payments were \$72,175.57 (or an average of \$24,058.52 annually) and that from July 1998 through June 2010, the total payments were \$7,470,524.28 (or an average of \$622,524.61 annually). For the periods of July 1998 through the present, please provide me copies of the billings for vendor payments made for professional services provided on behalf the Office of the Attorney General to Carmody & Torance. This is a new request for information pursuant to the Freedom of Information Act.¹

Also, I observe of the Freedom of Information Act, specifically of the statutory definition of “public records or files”, as “any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, *or to which a public agency is entitled to receive a copy by law or contract under section 1-218 . . .*” (italics added). Thus, wherever the records of the payments made to the mentioned private law firms regarding professional services provided on behalf of the State for the multi-state litigation are is therefore within the purview, authority and responsibility of the Office of the Attorney General. Considering this, I hereby re-present my request of August 19, 2010 for such information.

In addition, I hereby request that documentation which would reflect the identity of officials of your office who were the designated legal counsel for the Department of Corrections during 2003 and of the Judicial Department, the Office of the Chief State’s Attorney and/or the Office of the State’s Attorney for the Stamford/Norwalk Judicial District from 2001 through 2003. This is a new request for information pursuant to the Freedom of Information Act.

Finally for now, please provide that documentation which reflects the authorization for the agency decision to hire Assistant Attorney General Robert D. Snook. This is a new request for information pursuant to the Freedom of Information Act.

I will greatly appreciate your full, prompt and professional cooperation.

Sincerely,

Ethan Book

¹ On September 10, 2010, the State Comptroller provided me detail of vendor payments made to the law firms of Silver Golub Teitell and Emmet Glander for the years of 1995 to the present. That detail reflects no payments made by the State to those firms for professional services provided on behalf of the Office of the Attorney General.

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RICHARD BLUMENTHAL
ATTORNEY GENERAL



55 Elm Street
P.O. Box 120
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Office of The Attorney General
State of Connecticut

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September 14, 2010

PM
9/15/10

Ethan Book
Ethan Book for U.S. Senate
Post Office Box 1385
Fairfield, CT 06825

**RE: FOIA Request
Golub & Teitell of Stamford
Carmody & Torrance of New Haven**

Dear Mr. Book:

This letter is to acknowledge receipt of your Freedom of Information request, dated, September 11, 2010. We are in the process of reviewing what documentation may be responsive to your request and whether or not any exemptions to disclosure may be applicable. When this review is complete, we will respond in the appropriate manner.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Anthony Jannotta".

Anthony Jannotta
Special Counsel

AJ/ags

Ethan Book for U.S. Senate

September 18, 2010

Anthony Jannotta
Special Counsel
Office of the Attorney General
State of Connecticut
P.O. Box 120
Hartford, CT 06141-0120

Re: **FOIA Requests:**
Silver Golub & Teitell
Emmett & Glander
Carmody & Torrance
Designated counsel for Dept. of Corrections
Authorization for hire of Robert D. Snook

Dear Attorney Jannotta:

I acknowledge receipt of your letter of September 14, 2010 in which you confirm receipt of my formal requests for information presented to Attorney General Richard Blumenthal on September 11, 2010. You explain that you are in the process of reviewing what documentation may be responsive to my requests and whether any exemptions to disclosure may be applicable. You further advise that you will respond "in an appropriate manner" when such review is complete.

I am compelled to respond with reference to Conn. General Statutes, Sec. 1-206(a) which establishes that an agency response to a request for public information "shall" be made within four business days of such request, except for specified exceptions of which I observe nothing similar to what you have explained.

Thus, for good causes, I hereby request immediate, full and proper responses to my reasonable requests.

Sincerely,

Ethan Book

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