

**Department of Professional and Financial Regulation  
Bureau of Consumer Credit Protection  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of the types of public records requests that your organization considers to be "burdensome" requests for public records.**

We have not yet received any FOAA requests that we regard as burdensome. If we did, we would coordinate with the Office of the Attorney General to formulate a response.

- 2. Please provide examples of the types of public records requests or situations that your organization believes represent an abuse of the FOAA process.**

We have not yet received any FOAA requests that we regard as abusive of that process. If we did, we would coordinate with the Office of the Attorney General to formulate a response.

- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2? If so, please describe your recommendations.**

At this time, we have no recommendations for changes to the FOAA statute.

**Department of Professional and Financial Regulation  
Bureau of Financial Institutions  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of the types of public records requests that your organization considers to be "burdensome" requests for public records.**

The Bureau of Financial Institutions does not receive a large number of public records requests, and we have not received any recent requests that would be considered "burdensome." The majority of requests concern information that is reported by financial institutions on a quarterly or annual basis, and this information is publicly available; Bureau staff as a courtesy compile this information into a single document.

We often receive requests for records the Bureau does not maintain, so we decline such requests on those grounds.

- 2. Please provide examples of the types of public records requests or situations that your organization believes represent an abuse of the FOAA process.**

None.

- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2? If so, please describe your recommendations.**

No recommendations.

**Department of Professional and Financial Regulation  
Bureau of Financial Institutions  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of the types of public records requests that your organization considers to be “burdensome” requests for public records.**

The Bureau of Insurance has not received any requests we would consider burdensome. The only request that has given us any trouble are the frequent requests for the lists of all active producers in the state. The search available on our website should give this information, but it times out, so we have to run the report manually. This used to be very inconvenient because it tied up a staff member’s computer for several hours each time it was run, but we have streamlined the search query and set up a computer that can be dedicated to the search so our staff has the use of their computer. This makes the request far less trouble.

- 2. Please provide examples of the types of public records requests or situations that your organization believes represent an abuse of the FOAA process.**

The Bureau has not seen requests that we believe represent an abuse of the FOAA process.

- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2? If so, please describe your recommendations.**

We do not have any recommendations for statutory changes to FOAA.

**Department of Professional and Financial Regulation  
Board of Licensure in Medicine  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of types of public records requests that your organization considers to be burdensome requests for public records.**

MRS 32 Section 3300-H creates a process which mandates the licensee be given a chance to review any information requested about them prior to it being sent in response to a FOAA request. This process slows down the process. In addition, because licensees are now involved in the process the Board receives negative feedback about the confidentiality, or lack thereof, of their information. When licensees choose to review the material, they often request that information that is not protected be redacted. Sometimes, education is enough, but other times they appeal to the Board, which requires additional action at a Board meeting. However, this requirement has resulted in additional redaction of protected information after review and some initial requests being withdrawn because the requestor does not want the licensee to know of the request.

- 2. Please provide examples of the types of public record requests or situations that your organization believes represent an abuse of the FOAA process.**

Law offices use FOAA as discovery for litigation, especially those involved in malpractice suits. In addition to requests for a licensee's licensure and discipline file it is common for the request to include a phrase such as, "Any and all other records pertaining to..." In some cases, licensees have been licensed for decades and the search for this type of material is time and resource intensive.

When a complaint is filed against a licensee, law offices representing the licensee will request copies and records of any and all public records and communications made to and from the Board regarding a licensee. The requests often have nothing to do with the substance of the complaint and appear to be submitted solely to cause an administrative burden to staff.

- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2?**

None currently. It is difficult to determine and legislate the difference between abuses and reasonable requests.

**Department of Professional and Financial Regulation  
Board of Nursing  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of the types of public records requests that your organization considers to be "burdensome" requests for public records.**

Requests aimed at discovery of information that is not related to licensing, investigation of complaints, nursing regulation, and/or approval of nursing education programs. These requests are typically received from individuals and/or groups with an agenda unrelated to the Board's mission. The request typically asks for "any disclosure, transfer, or exchange of information or opinion, however made....." This requires Board staff to implement an extensive email search and sift through emails for any relevance.

- 2. Please provide examples of the types of public records requests or situations that your organization believes represent an abuse of the FOAA process.**

See #1

- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2? If so, please describe your recommendations.**

None at this time

**Department of Professional and Financial Regulation  
Office of Securities  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of the types of public records requests that your organization considers to be "burdensome" requests for public records.**

The Office of Securities does not receive a large number of public records requests, and we get very few that would reasonably be described as “burdensome.” Recently, however, the office did receive a broad records request from a pro se requestor that sought large categories of documents that the OOS does not create or maintain, or that are not public records. For reference, that request is attached.

- 2. Please provide examples of the types of public records requests or situations that your organization believes represent an abuse of the FOAA process.**

Please see response to question 1, above.

- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2? If so, please describe your recommendations.**

Maine’s FOAA places the burden on agencies in receipt of an “unduly burdensome or oppressive” records request to seek an “order of protection” from a Court (*see* 1 M.R.S. § 408-A(4-A)). An alternative approach that could be considered, exemplified by the State of Illinois public records law copied below, shifts the burden of seeking court intervention to the requestor when a “categor[ical]” records request has been made and the burden of processing the request placed on the agency outweighs the public interest in the information sought. In such a circumstance, the provision requires a public agency to confer with the requestor to try to make the request more manageable to process. Further, if such negotiations prove unsuccessful, the agency must specify in writing *why* the request is unduly burdensome and *how* processing the request would burden the agency’s operations. Because such a written response by the agency to the requestor would be treated as a denial of the request, the requestor would then have the right to appeal the denial pursuant to 1 M.R.S. § 409, “Appeals.”

5 ILCS § 140 sub-§ 3, ¶ g:

*(g) Requests calling for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information. Before invoking this exemption, the public body shall extend to the person making the request an opportunity to confer with it in an attempt to reduce the request to*

*manageable proportions. If any public body responds to a categorical request by stating that compliance would unduly burden its operation and the conditions described above are met, it shall do so in writing, specifying the reasons why it would be unduly burdensome and the extent to which compliance will so burden the operations of the public body. Such a response shall be treated as a denial of the request for information.*

*Repeated requests from the same person for the same records that are unchanged or identical to records previously provided or properly denied under this Act shall be deemed unduly burdensome under this provision.*

**Department of Professional and Financial Regulation  
Office of Professional and Occupational Regulation  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of the types of public records requests that your organization considers to be “burdensome” requests for public records.**
  - Requests that would require manual review of licensing files to determine whether the records were responsive because we do not track or maintain aggregate data. For example, our licensing application can produce reports with lists of licensees, including demographic information. However, this list will not generate information about any complaints or discipline imposed, or the reason why a particular application was denied. These types of requests for information would require a manual review of those individual licensing files (which, for any particular profession, could be in the thousands).
  
- 2. Please provide examples of the types of public records requests or situations that your organization believes represent an abuse of the FOAA process.**
  - We sometimes receive FOAA requests from a third party that are aimed at obtaining information about a patient/client (treatment records, evaluations, assessments), that would not otherwise be available to this person through a records request to the health care provider, or via discovery in a court proceeding, etc. While a clinician’s notes or a treatment record may be obviously confidential under Maine law, how other records should be treated is less than clear. For example, what about a psychologist’s evaluation in a workers’ compensation case? Or information contained in the licensee’s response that is not strictly a “treatment record?”
  - We also receive requests that are aimed at obtaining market share information about competitors.
  
- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2? If so, please describe your recommendations.**
  - Consider amending the confidentiality provision in 10 M.R.S. § 8003-B(2-A) to define “treatment record” more broadly and to specifically reference information that is confidential pursuant to 22 M.R.S. § 1711-C.
  - As we have information about market share and/or pricing that may be of interest to competitors, consider an exemption to public records that would explicitly cover disclosure of this type of information rather than requiring a case-by-case analysis as to whether the records would be “within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials” are exempt from disclosure. 1 M.R.S. § 402(3)(B); M.R. Evid. R.



507 ("[a] person has a privilege to refuse to disclose, and to prevent any other person from disclosing, a trade secret that the person owns.")

**Department of Professional and Financial Regulation  
Bureau of Licensure for Professional Engineers  
Response to Right to Know Advisory Committee Request 1/17/24**

- 1. Please provide examples of types of public records requests that your organization considers to be burdensome requests for public records.**

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- 3. Do you have any recommendations for statutory changes to FOAA to address the examples described in questions 1 or 2?**

At this time, we have no recommendations for changes to the FOAA statute.



Janet T. Mills  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL AND FINANCIAL  
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OFFICE OF SECURITIES  
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AUGUSTA, ME  
04333-0121

Jesse A. Devine  
SECURITIES ADMINISTRATOR

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OFFICE OF SECURITIES**

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GARDINER, MAINE 04345

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Dear Admins,

Tex. Const. Sec. 30 Rights of Crime Victims,  
Jay Williams requests a conference with a  
representative of the prosecution's office with  
lawyer having POA present, Erin, Daniel Dennis,  
Hailey, Charles, Jordan, Amy Williams, Dallas Browning,  
Colby Tompkins, Hubert Case, Angelina Lamon. and  
their lawyers present Richard Brown's Lawyer  
Present within 24 hrs upon Receipt, Attorney  
Client Privilege.

Pursuant to the open records request,  
Jay Williams requests the following:

1. Liability Insurance.
2. Copy of all employees' state issued ID,  
Front and Back.
3. All employees' Vehicle Liability Insurance.
4. ALL Company Vehicle Liability Insurance
5. Owner/Manager Business License Number.
6. OWNER/Manager Business Liability  
Insurance.
7. Owner/Manager Business Vehicle Liability  
Insurance
8. ALL Subcontractors Contact Information  
and Liability Insurance.
9. List of all property and Assets.
10. Any/all investors/stockholders/ Shareholders

10. Liability Insurance.
11. Investors / stock holders / share holders  
Vehicle Liability Insurance.
12. Investors / stock holders / share holders @ copy  
of state issued ID Front and back

Send to P.O. Box 2601 Athens, TX 75751.  
For current lawyer information, see Tx v. Jay  
Williams. Stephen Evans was fined on 9/26/23.  
Contact Lawyer with any questions, concerns,  
or fees. Joe Win 2/2/24