

## Jeffrey Aal

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**From:** Jeffrey Aal  
**Sent:** Wednesday, November 13, 2024 10:11 AM  
**To:** Bailey, Harryette  
**Cc:** Bailey, Tracie  
**Subject:** RE: \*NEW SUBMISSION\* Public Records Request: this is an unacceptable response from the Town of Payson.  
**Attachments:** 111324 Town of Payson email dated 101723.jpg

Ms. Bailey,

Thank you for the update and the first batch of documents. As stated in the prior email, the Town has **NOT** agreed to a "rolling release." The current position is that:

“The Town Attorney **approved**\* a limited release of documents.”

**\* Emphasis added.**

The request is not contingent on the Town Attorney's “approval.” All records, as requested, will be produced, excluding privileged documents.

The prior email also stated:

“There were (sic) will be two batches of documents released now; the others are still being reviewed but are expected to be complete by the end of the month.”

As outlined below, prior statements by the Town on the production and review's progress are, at best, specious. The records request has not been honored in the slightest.

The documents are provided in .pdf format. The request was made for the records in native email format. Prior records requests have been previously provided in the native format.

The native format allows for the inspection of the metadata. Email headers accompany every email and contain detailed information, such as the sender, receiver, route, timestamp, and more. That is different and more accurate than a copy of the contents of an email in a printed format. Assuming the use of Microsoft Outlook or Exchange, the anticipated electronic formats would be identified as PST, OST, MSG, EML, MDB, MDE, MDT, or MDW.

I will remind the Town Clerk of the following:

¶ 1 Arizona law provides that “[p]ublic records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours.” Ariz. Rev. Stat. (“A.R.S.”) § 39-121 (2001). The City of Phoenix denied a public records request for metadata in the electronic version of a public record. We today hold that if a public entity maintains a public record in an electronic format, then the electronic version, including any embedded metadata, is subject to disclosure under our public records laws.

*Lake v. City of Phoenix*, 222 Ariz. 547, 548 (Ariz. 2009)

It is evident from the documents provided that the Town does not retain email documents in .pdf format. If I am incorrect in that assumption, please provide a formal statement on the retention methods of town documents from your office and the head of information technology.

The attached .pdf dated 10/17/23 was created on 8/2/24. Further, this appears to be a scanned copy of a print document. It was not generated from the original email. It appears the emails are being printed and scanned to .pdf well after their transmission. Please reference this file data:

**From:** [Smith, Christine](#)  
**To:** [Jackson, Andrew](#); [Clemans, William](#)  
**Cc:** [Lusk, Hannah](#); [Halberstadt, Larry](#)  
**Subject:** Town Manager Report DUE FRIDAY 10/20 or sooner if possible  
**Date:** Tuesday, October 17, 2023 3:38:43 PM

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Andy, please be the creative lead on this with photos and a first pass at the article. Bill please provide Andy the most recent schedule (if needed) and other helpful information. Hannah I think this will provide you enough photos/information to post but if additional information is needed please let us know. Thank you.

**Christine Smith**  
Deputy Town Manager



Town of Payson  
303 N. Beeline Hwy.  
Payson, AZ 85541  
(928) 472-5030

**Properties** ▾

|             |   |
|-------------|---|
| File        | Town Manager Report DUE FRIDAY 10_20 or sooner..... |
| Title       | Add a title   |
| Author      | Add an author                                       |
| Subject     | Add a subject                                       |
| Base URL    | Add base url  |
| Key words   | Add keywords  |
| Application | Acrobat PDFMaker 24 for Microsoft Outlook           |

**Important Dates**





|               |                     |
|---------------|---------------------|
| Last Modified | 2024-08-02 09:02:09 |
| Created       | 2024-08-02 09:02:08 |

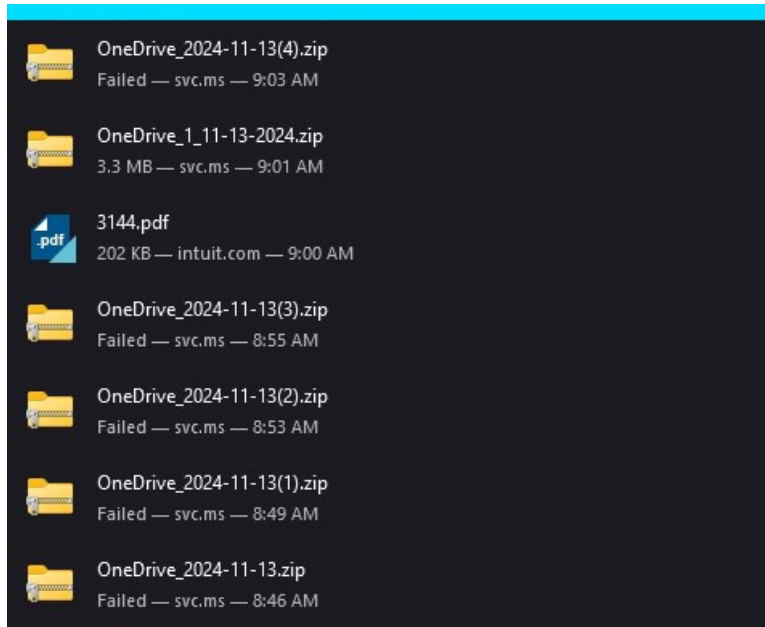
**Additional Information**

|                 |   |
|-----------------|---|
| PDF Producer    | Adobe PDF Library 24.2.229                      |
| PDF Version     | 1.6   |
| File Size       | 201.97 KB (206,819 Bytes)                       |
| Page Size       | 8.50 in x 11.00 in                              |
| Location        | C:\Users\jeffr\OneDrive\Desktop\DOWNLOADS FR... |
| Number of Pages | 2   |
| Fast Web View   | Yes   |
| Tagged PDF      | No  |

I additionally note that the bulk downloads fail. That should not occur. I routinely send and receive large files. I will provide a USB or external drive.

Bailey, Harryette > Records Requests > Public > 2024 > **Records Request - Jeffrey Aal (HL Emails)**

| Name ▾   | Modified ↓ ▾           | Modified By ▾     | File size ▾ | Sharing  |
|--|------------------------|-------------------|-------------|--|
|  BATCH2 (released 11-12-24) | Yesterday at 2:21 P... | Bailey, Harryette | 434 items   |  Shared |
|  BATCH1 (released 11-12-24) | Yesterday at 2:19 P... | Bailey, Harryette | 384 items   |  Shared |



Bailey, Harryette > Records Requests > Public > 2024 > Records Request - Jeffrey Aal (HL Emails) > BATCH1 (released 11-12-24)

| Name   | Modified               | Modified By       | File size | Sharing | Activity |
|--|------------------------|-------------------|-----------|---------|----------|
| ATTACHMENTS                                  | Yesterday at 2:19 P... | Bailey, Harryette | 369 items | Shared  |          |
| Town birthday Publication ideas.pdf          | Yesterday at 12:51 ... | Bailey, Harryette | 98.6 KB   | Shared  |          |
| Town Manager Report DUE FRIDAY 10_20 ...     | Yesterday at 12:51 ... | Bailey, Harryette | 202 KB    | Shared  |          |
| Touchbase on Mayor State of the Town Pres... | Yesterday at 12:51 ... | Bailey, Harryette | 109 KB    | Shared  |          |
| Touchbase on Mayor State of the Town Pres... | Yesterday at 12:51 ... | Bailey, Harryette | 109 KB    | Shared  |          |
| TM Report_ Mogollon Rim Driving Conditio...  | Yesterday at 12:51 ... | Bailey, Harryette | 87.7 KB   | Shared  |          |
| TM report.pdf                                | Yesterday at 12:51 ... | Bailey, Harryette | 81.4 KB   | Shared  |          |

I recognize some of the emails may be privileged. If Town Legal were reflected as a copy on the distribution list, it may be privileged and not subject to a records request. Others may involve Human Resource issues. Those might require an actual review to determine if they are privileged. Email retention services offer a robust spectrum of search and sort features. The actual initial query is a few keystrokes. Those retention service applications are very beneficial daily in response to document requests. The search and sort features typically offer flags or exclusion functions. The legal system would halt if document requests/subpoenas required months to be fulfilled across all businesses and institutions.

I am growing increasingly weary of the delay. I will exercise all avenues of recourse, including those available under A.R.S. § 39-121.02; I have no aversion to filing suit against the Town.

Thank you.

Jeffrey S. Aal  
[Jeffrey@JSAal.com](mailto:Jeffrey@JSAal.com)  
 (480)628-6818

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**From:** Bailey, Harryette <hstanley@paysonaz.gov>  
**Sent:** Tuesday, November 12, 2024 4:22 PM  
**To:** Jeffrey Aal <jeffrey@jsaal.com>

**Cc:** Bailey, Tracie <TBailey@paysonAZ.gov>  
**Subject:** RE: \*NEW SUBMISSION\* Public Records Request

Good Afternoon Jeffrey,  
The first two batches of documents responsive to your request are in the Onedrive link below. I would like to explain that in Batch#1 I had separated the attachments out then learned that was unnecessary. In Batch#2 and future documents the attachment links are live and clickable, unless redacted. The remaining documents will be released as soon as they are ready for release.

[☐ Records Request - Jeffrey Aal \(HL Emails\)](#)

Sincerely,  
H. Michelle Bailey, MMC  
Deputy Town Clerk | Town of Payson  
303 N. Beeline Hwy, Payson, AZ 85541  
(928)474-5242 ext 5001



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**From:** Town of Payson, AZ <[topweb@paysonaz.gov](mailto:topweb@paysonaz.gov)>  
**Sent:** Thursday, March 7, 2024 11:18 AM  
**To:** Bailey, Tracie <[tbailey@paysonaz.gov](mailto:tbailey@paysonaz.gov)>; Bailey, Harryette <[hstanley@paysonaz.gov](mailto:hstanley@paysonaz.gov)>  
**Subject:** \*NEW SUBMISSION\* Public Records Request

**Caution:** This email originated outside of your organization. Please take caution when clicking links or opening attachments.

## Public Records Request

**Submission #:** 3052314  
**IP Address:** 47.216.197.91  
**Submission Date:** 03/07/2024 11:17  
**Survey Time:** 1 minute, 49 seconds

You have a new online form submission.  
Note: all answers displaying "\*\*\*\*\*" are marked as sensitive and must be viewed after your login.

## Date of Request

03/07/2024 12:00 AM

## Name

Jeffrey Aal

## Address

1422 N Sunrise Court

Payson, Arizona 85541

**Phone**

(480) 628-6818

**Email**

[jeffrey@jsaal.com](mailto:jeffrey@jsaal.com)

**Indicate with specificity the record(s) you wish to INSPECT:**

Please provide all emails from or to Ms. Hana Lusk, [hlusk@paysonaz.gov](mailto:hlusk@paysonaz.gov), for the preceding calendar year. 03/07/24 to 03/0823. Please produce the records in the native electronic format, including any attachments. The formats requested include MSG, PST, EDB, OST, EML, and MBOX, including any embedded metadata. A Dropbox link can be provided if requested to transfer data. Otherwise, a USB drive can also be provided.

**Indicate with specificity the record(s) you wish to have copied or REPRODUCED:**

Please provide all emails from or to Ms. Hana Lusk, [hlusk@paysonaz.gov](mailto:hlusk@paysonaz.gov), for the preceding calendar year. 03/07/24 to 03/0823. Please produce the records in the native electronic format, including any attachments. The formats requested include MSG, PST, EDB, OST, EML, and MBOX, including any embedded metadata. A Dropbox link can be provided if requested to transfer data. Otherwise, a USB drive can also be provided.

**The above listed record(s) is (are) to be inspected and/or used for:**

Non-Commercial Purposes

**I declare that I have read the information and Instruction Sheet accompanying this form (or A.R.S. §39-121.03 itself) and understand the contents therein. I further declare under penalty of perjury that the foregoing is correct and true and I agree to hold the Town of Payson, its agents and employees harmless from any claim, causes of action or other liability that may arise as a result of furnishing these documents to me or as a result of my use or misuse of these documents.**

**Signature**

Jeffrey S. Aal

Thank you,  
**Payson, AZ**

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This is an automated message generated by Granicus. Please do not reply directly to this email.