

## THE COHEN LAW GROUP

*A Professional Corporation*

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MARK COHEN

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ALISON L. CHOY KILMER, J.D., M.B.A.  
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February 11, 2010

Town of Nunn  
P.O. Box 171  
Nunn, CO 80648

Also: Via email to [townofnunn@ezlink.com](mailto:townofnunn@ezlink.com) and via fax to (970) 897-2540

RE: C.O.R.A. Request

To Whom It May Concern:

We represent Tori McMechan, who has authorized us to submit this request on her behalf. Pursuant to the Colorado Open Records Act, § 24-72-200.1 C.R.S., et seq, we write to request access to inspect and copy the following records, whether they are stored electronically or otherwise:

1. Any written policy the Town of Nunn ("Town") has in place at present concerning processing of requests under the Colorado Open Records Act.
2. A complete copy of the personnel file pertaining to Ms. McMechan from the time applied for her first position with the Town to this date.
3. Copies of any performance evaluations or similar documents prepared by the Town, or any Town employee or Trustee, pertaining to Ms. McMechan.
4. Copies of any counselings, reprimands, or similar disciplinary documents prepared by the Town, or any Town employee or Trustee, pertaining to Ms. McMechan.
5. Any written or electronic communication from the Town, or any Town employee or Trustee, to any person or entity between July 1, 2008 and the present that refer by name to Tori McMechan or by her position as Town Clerk and that discusses any aspect of her job

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**START EARLY. WORK HARD. FINISH. ®**

1942 BROADWAY, SUITE 314, BOULDER, COLORADO 80302 (303) 546-7937  
110 SNYDER STREET, SECOND FLOOR, P.O. BOX 617, NEDERLAND, COLORADO 80466 (303) 258-0561  
[WWW.COHENSLAW.COM](http://WWW.COHENSLAW.COM)

EXHIBIT 1 TO AMENDED  
COMPLAINT

performance or character. This request includes, but is not limited to, emails from one Trustee to any other two or more Trustees from any email account. See, § 24-6-402(2)(b), C.R.S. This request does not include communications that Ms. McMechan sent on behalf of the Town.

6. Any written or electronic communication from any person or entity to the Town, or any Town Employee or Trustee, between July 1, 2008 and the present that refers by name to Tori McMechan or by her position as Town Clerk and that discusses any aspect of her job performance or character. This request does not include communications created by Ms. McMechan and does not include invoices addressed to Ms. McMechan as the Town Clerk.

7. A list of all charges Town contends Ms. McMechan made on a Town credit card for personal items, and any supporting documents. (See, Mr. Bell's letter to me of February 3, 2010).

8. A list of all paper records the Town contends are missing, and any supporting documents. (See, Mr. Bell's letter to me of February 3, 2010).

9. A list of all deleted electronic records, and any supporting documents. (See, Mr. Bell's letter to me of February 3, 2010).

10. Minutes of all Town regular and special meetings from July 1, 2008, to the present.

11. A copy of any agreement the Town has or had in effect with any Internet Service Provider from July 1, 2008, to the present.

12. Records of payments made by the Town to Ms. McMechan from November 1, 2009, to the present.

13. Letters of interest submitted by Jenny Johnson to serve on the Board of Trustees of the Town in approximately March of 2006 and October of 2008.

14. Contract for Jenny Johnson to be Town's code enforcement officer signed in approximately September of 2005.

15. Minutes of Board of Trustees meetings from 4/20/06, 5/4/06, 7/5/07, and 6/5/08.

16. Recording of executive session held January 28, 2010.

17. Any Town policy regarding retention, archiving, and/or destruction of Town records and emails.

18. Any Town policy regarding use of any Town email system.

Please note that under the Colorado Open Records Act the terms "correspondence" and "records" includes emails and electronic records.

If you contend any of the requested records are not in the Town's possession, then pursuant to Section 24-72-203(a), C.R.S., please notify me and state in detail to the best of the Town's knowledge the reason why the Town does not possess them, who has them, and where they are located.

If you contend any of the requested records are not readily available, please state that and set a date and hour at which they will be available for inspection within seven working days. See, Section 24-72-203(3), C.R.S.

If you contend any of the requested records are protected from disclosure by law, please identify each such record and state the exact statutory basis for that contention.

This request includes emails sent by or received by any Town employee, agent or Trustee from private email addresses not owned or maintained by the Town.

Finally, we ask that the Town preserve the recordings of the removal hearing held on February 4, 2010.

Thank you for your assistance.

Sincerely,  
THE COHEN LAW GROUP  
A Professional Corporation

*Mark Cohen*

MSC:wth

MARK COHEN