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LESLIE H. KONDO
DIRECTOR

March 8, 2007

VIA FACSIMILE NO. 586-3433

Ms. Karen Knudson, Chair
Board of Education
P.O. Box 2360
Honolulu, Hawaii 96804

Re: Appeal from Denial of Access to Executive Session Minutes
(APPEAL 07-9 and 07-13)

Dear Ms. Knudson:

The Office of Information Practices ("OIP") is in receipt of your letter dated March 5, 2007, in which you restate the Board of Education's ("BOE") position concerning the cost to provide Mr. Larry Geller with a copy of the audio tape recording of the requested executive meeting. The information that you provide us, however, was previously considered by OIP in rendering the decision reflected in the February 28 letter to you. It is OIP's determination, as explained in the February 28 letter to you, that BOE cannot charge Mr. Geller any amount to transcribe the tape recording or to redact the tape recording beyond the search, review and segregation costs set forth in the administrative rules. See Haw. Admin. R. § 2-71-31 (1999).

Given the extreme length of time that has passed since BOE received Mr. Geller's record request, BOE should provide a copy of the tape to him no later than March 15. See Haw. Admin. R. § 2-71-13 (1999) (records must be disclosed within five business after notice provided to requester). Any further delay by BOE in providing Mr. Geller with a copy of the audio tape cannot be reasonably justified.

Very truly yours,

Leslie H. Kondo
Director

cc: Mr. Larry Geller (via e-mail)