

Taylor, Ryan

From: Paul Willham [victiques@gmail.com]
Sent: Thursday, May 26, 2011 11:41 AM
To: Harris, Larry
Cc: Suder, Sean; jcook@ohiohistory.org; Paul Muller
Subject: Re: Section 106 reviews 2010 Fairmount

Mr Harris,

I am familiar with both your responsibilities under your programmatic agreement with OHPO as well as your responsibilities under Ohio Law, notwithstanding what your "administrative policy" is which appears to be in violation with state law if that is, in fact, their policy. Other city agencies routinely comply with requests for information request from Knox Hill , I find it "troubling" that you are being so "difficult" in this regard.

If I do not have a response by tomorrow at 1PM as to when our neighborhood association can obtain the information we requested from you, then you leave me no choice but to contact the State Attorney General Office and file a formal complaint against both your department and the City of Cincinnati for violation of the state records law.

I would advise you, to advise the city solicitor, of my request

Further, we will additionally notify OHPO of your non-compliance and notify both HUD and Dept of Justice.

Thank you

Paul Willham, .president
Knox Hill Neighborhood Association
Building our future, by preserving our past"

On 5/26/11, Harris, Larry <Larry.Harris@cincinnati-oh.gov> wrote:

> Mr. Wilham - the policy of making public information request is not my
> decision nor an attempt to create delay. It is the policy of the city
> administration not my office nor my department. If you have issue
> with the policy please direct your complaint to the city
> administration. Otherwise, your request for public information should
> be submitted to the City Solicitor to be effective.

>

> Larry D. Harris
> City Urban Conservator
> Historic Conservation Office
> Department of Planning and Buildings
> Two Centennial Plaza - Suite 720
> 805 Central Avenue
> City of Cincinnati, Ohio 45202
>
> Phone: 513.352.4848
> Fax: 513.352.4853
> Email: larry.harris@cincinnati-oh.gov
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>

> -----Original Message-----

> From: Paul Willham [mailto:victiques@gmail.com]
> Sent: Thursday, May 26, 2011 9:50 AM

> To: Harris, Larry
 > Cc: Suder, Sean; jcook@ohiohistory.org; Paul Muller
 > Subject: Re: Section 106 reviews 2010 Fairmount
 >
 > Mr Harris, as you will note for the record here I have cc'd Mr. Justin
 > Cook at OHPO and Paul Mullen director of CPA, regarding my request.
 >
 > Mr Harris, as the Urban Conservator you are the local Preservation
 > contact and you are the person assigned with implementing the
 > Programmatic Agreement between OHPO acting for HUD and the City of
 > Cincinnati, the recipient of those federal funds.
 >
 > The Programmatic Agreement was developed in accordance with the
 > process outlined in 36 CFR Section 800.14, part of the regulations
 > implementing Section 106 of the National Historic Preservation Act
 >
 > Stipulation XI.1 of the PA requires that the City submit "a list of
 > undertakings exempted from review under Stipulation III or treated
 > under Stipulation V" to OHPO within 60 days of the end of each calendar year.
 >
 > According to OHPO, you have not provided that report for either 2009
 > or 2010, the years containing information I am asking for, which I why
 > I contacted you.
 >
 > I do not know why you have failed to provide that information to OHPO
 > as that is your responsibility under the programmatic agreement.
 >
 > This is information regarding how you reached determinations of
 > section 106 eligibility or non eligibility as you are required to do
 > under the programmatic agreement entered in between the City of
 > Cincinnati and OHPO in connection with the use of Federal HUD and NSP
 > funds.
 >
 > Failure to provide this information to interested consulting parties
 > such as neighborhood groups may constitute a violation of the
 > Programmatic Agreement and were that agreement terminated by OHPO,
 > without it HUD may deny continued HUD funding to the city and ask the
 > Department of Justice to conduct an inquiry/audit of your office. I am
 > sure that you want to spare yourself the "unnecessary burden" of a
 > federal audit and risk the loss of millions of dollars in federal
 > funds for the City of Cincinnati?
 >
 > Further more, as you know, as a public employee, your office is bound
 > by the Ohio Revised Code §149.43 which grants any person the right to
 > inspect a public record at any reasonable time, and, upon request, to
 > receive copies of a public record, at cost, and within a reasonable
 > period of time.
 >
 > No specific language is required to make a request of public records;
 > however, the requester must at least identify the records requested
 > with sufficient clarity to allow you to identify, retrieve, and review
 > the records.
 >
 > I have, I believe, properly identified those records requested which
 > are those Section 106 determinations/records made by you as the Urban
 > Conservator regarding section 106 reviews of property demolished with
 > Federal funds (CDBG or NSP) for a period of 2009 and 2010. As you are

> required to maintain those records and they are a matter of public
> record you are required under Ohio §149.43 to provide them. If you are
> unclear about that please advise and I can make additional
> clarification.
>
> It should not be necessary, nor required, to request those records
> through the city solicitors office and I am not obligated to make
> those request through them under Ohio law.
>
> Our neighborhood needs this background information for review
> regarding the proposed MSD-Lick Run project which also involved the
> use of federal funds In that case EPA. Of course you are aware that
> the EPA and the U.S. Army Corps of Engineers - do not have
> Programmatic Agreements and must follow the process outlined in 36 CFR
> Part 800, the regulations implementing Section 106, which requires
> consultation with OHPO directly. Our request is merely related to
> those HUD and NSP projects since we, as a local neighborhod group,
> within the Fairmount area, intend to be a consulting party in the MSD
> Lick Run project which will likely be handled directly by OHPO. Those
> parcels demolished with federal funds might play a role in this
> project.
>
> If you are denying my request, then I would be left with no choice but
> to file a complaint with the State Attorney Generals office, since in
> over 20 years as a community leader in various states and
> municipalities I have never has a Urban Conservator or Preservation
> officer advise me I MUST make that request through a solicitors
> office.
>
> You may want to re-acquaint yourself with your responsibilities under
> the programmatic agreement with OHPO/HUD and your obligation as a
> public employee under Ohio Revised Code §149.43.
>
> I await your response Mr Harris. Thank you
>
>
> Paul Willham, President
> Knox Hill Neighborhood Association
> 'Building our future by preserving our past"
>
> cc: HUD File
> Lick Run Project file
> EPA file
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> On 5/26/11, Harris, Larry <Larry.Harris@cincinnati-oh.gov> wrote:
>> Mr. Wilham - all public information request should be submitted to
>> the City Solicitor's office. We will respond to any request for
>> information under the direction of the that office.
>>
>> Thank you for your interest.
>>
>> Larry D. Harris
>> City Urban Conservator

>> Historic Conservation Office
>> Department of Planning and Buildings
>> Two Centennial Plaza - Suite 720
>> 805 Central Avenue
>> City of Cincinnati, Ohio 45202
>>
>> Phone: 513.352.4848
>> Fax: 513.352.4853
>> Email: larry.harris@cincinnati-oh.gov
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>> -----Original Message-----
>> From: Paul Willham [mailto:victiques@gmail.com]
>> Sent: Wednesday, May 25, 2011 4:56 PM
>> To: Harris, Larry
>> Cc: Margo; jcook
>> Subject: Section 106 reviews 2010 Fairmount
>>
>> Knox Hill Neighborhood Association in anticipation of potential
>> 'issues' and a potential lack of transparency regarding the MSD Lick
>> Run project and compliance with Section 106 guidelines is seeking
>> pertinent "background information" regarding the activities of the
>> City of Cincinnati and its activities utilizing federal resources and
>> are requesting copies of your section 106 review documentation on those
>> properties demoed with CDBG and/or NSP funds for the period of 2009
>> and 2010 for our review as interested parties.
>>
>> Thank you in advance for your cooperation in this matter.
>>
>> Paul Willham, president
>> Knox Hill Neighborhood Association
>> "Building our future by Preserving Our Past"
>>
>> cc: HUD File
>> Lick Run Project file
>> EPA file
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