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**News**

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**Quartzsite wrongfully denied records request**

By **JOHN GUTEKUNST**  
Parker Pioneer  
Saturday, August 20, 2011 5:33 PM MST

The Arizona Ombudsman-Citizen's Aide office has found the Town of Quartzsite wrongfully denied Mayor Ed Foster's request for copies of payroll checks and vouchers earlier this year. In a report issued Aug. 17, the Ombudsman's office said past opinions from the Arizona Attorney General's office have clearly concluded the public benefit of disclosing pay vouchers outweighs privacy concerns for public employees.

The Ombudsman's office recommended the Town release appropriately redacted copies of the paychecks and vouchers or provide a list of employee names, gross pay, and net pay for the periods Foster requested.

The report also recommended town staff receive public records training.

Foster had requested copies of paychecks and vouchers for pay periods ending Jan. 23, 2010, Aug. 21, 2010 and Sept. 18, 2010. He made his initial request April 4, 2011 using the town's public records request form.

This request was denied April 26, 2011. Foster made his second request May 12. This was denied May 17.

Foster has told several media outlets he wants to see the checks and vouchers because, by his calculations, there are more checks going out than there are town employees. He has stated this has been going on for several years now.

Town Manager Alex Taft told the Pioneer that releasing much of this information would be an invasion of privacy for town employees.

In reviewing the case, the Ombudsman's office cited opinions from the Arizona Attorney General that stated salaries of public employees are a matter of public record and must be disclosed when requested. These opinions also stated there was some information, which would be included on a check or voucher, such as home addresses or deductions, which were personal and could not be disclosed.

Foster said he was interested in the net pay of employees because net pay is what the council approved when they approved payroll checks and vouchers on the consent agenda at council meetings.

He said he needed to know both gross and net pay in order to determine where the funds were going. He added that, as a sworn public official, he had a right and a fiduciary duty to see this information.

The Ombudsman's office stated the purpose of Foster's request was to

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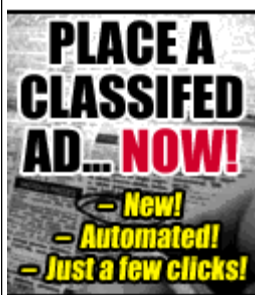
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verify town expenditures in his capacity as an elected official.

In correspondence with the Ombudsman's office, the Town argued that discrepancies in net pay between two employees with the same gross salary would invite speculation into the private lives of the employees.

They also argued that net pay is not a reflection of actual town expenditures.

The Town also noted Foster made a complaint to the Arizona Department of Public Safety alleging Police Chief Jeff Gilbert misused grant funds, which proved to be unfounded. They argued there was a strong possibility information regarding the differences between gross pay and net pay would be used for "prurient" purposes and that the public's need to know this information was minimal.

The Ombudsman's office found these arguments unpersuasive.

"Regardless of the purpose of his request, the name of the employees and net pay of employees clearly falls within 'actual expenditures' of public monies," the report stated. "While some portions of the payroll voucher are required to be redacted (i.e. social security numbers, home addresses, payroll deductions not required by law), the remaining information is clearly within the purview of a disclosable public record described by Attorney Generals Gary Nelson and John Lasota."

The report states the Arizona Public Records Law is intended to allow the public to view copies of appropriately redacted public documents on request.

"The Attorney General has clearly concluded that the public benefit to disclosing pay vouchers outweighs any invasion of privacy," the report states. "We find that the Attorney General Opinions are controlling in this issue and that the Town's denial of the request without a proper legal basis is a clear violation of statute."

The Ombudsman's office told Foster they have no legal authority to enforce their findings and recommended he take action in the courts. Foster told the Pioneer several unspecified courses of action were being considered.

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## Reader Comments

*The following are comments from the readers. In no way do they represent the view of parkerpioneer.net.*

Conley wrote on Aug 21, 2011 10:40 AM:

" This is even further evidence that Quartzsite Town Hall is hiding something. Once again the state of Arizona is in agreement with Mayor Foster, but Alex Taft believes she is above the law. Governor Brewer needs to get involved and exercise her authority to enforce the laws of Arizona as the Executive branch of Arizona! "

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