

**Michael T. McKibben**

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**From:** Stempfer, Robert P. [Robert.Stempfer@development.ohio.gov]  
**Sent:** Tuesday, February 17, 2009 4:34 PM  
**To:** 'mmckibben@leader at com'  
**Cc:** Jones, Candace M.  
**Subject:** Leader's December 9, 2008 Public Records Request...

Mr. McKibben:

The Ohio Department of Development (ODOD) has compiled over 800 pages of documents responsive to your December 9, 2008 Public Records Request. Realize that to be made available, a document must be deemed to be a public record pursuant to Ohio Revised Code 149.43. Except where the documents have been redacted for other purposes, ODOD has not redacted or removed information that may qualify as a trade secret because this request relates specifically to your company. Note that some documents have been withheld as privileged correspondence between ODOD and its legal counsel, the Ohio Attorney General. In addition, ODOD has determined that some records have been destroyed pursuant to the department's records retention policies. Included in this category are records related to the unapproved Innovation Ohio Loan application file. The retention schedule for unapproved applications within a competitive process is three years after the funding determination. Some of these documents however appear as supplemental information to other files.

ODOD did not create documents where no responsive document existed. Furthermore ODOD did not provide opinions where requested. The attached documents reflect the available documents responsive as public records to your itemized request. Where no responsive document existed, none is provided.

ODOD is waiving the normal copying charges of 5 cents per page. I understand that you have a meeting in the ODOD offices on Thursday, February 19<sup>th</sup>. Please let me know if the documents should be mailed, or whether you wish to pick them up at your meeting.

Thanks you for your patience.

**Robert Stempfer**

Deputy Chief Legal Counsel

Legal Office

614.466.1714

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Email to and from the Ohio Department of Development is open to public inspection under Ohio's public record law. Unless a legal exemption applies, this message and any response to it will be released if requested.

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