

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER
ATTORNEY GENERAL



ANN M. RICE
DEPUTY ATTORNEY GENERAL

August 13, 2013

Suzan M. Lehmann, Esquire
Hinckley, Allen, Snyder, LLP
11 South Main Street,
Suite 400
Concord, NH 03301-4180

Re: Right-to-Know Request

Dear Attorney Lehmann:

This letter acknowledges receipt of correspondence you sent after close of business on Friday, as well as correspondence sent Monday, August 12, 2013 at 5:04 p.m. In your letters you have requested under the Right-to-Know law:

- (1) The complete contract between the Liquor Commission and Exel, Inc.;
- (2) All proposals submitted in response to the RFP, including but not limited to Exel, Inc.'s complete proposal;
- (3) All records relating in any manner to the review, evaluation, and scoring of all proposals;
- (4) All grounds supporting the selection of Exel, Inc. for contract award; and
- (5) All grounds supporting not selecting Law Motor Freight for contract award.

Under RSA 21-I:13-a, II, documents related to a bid are exempt from disclosure until after the bid is actually awarded. "Actual award" occurs upon the approval of Governor and Executive Council.

In your letter sent Monday evening, you assert that all documents must be disclosed once an item is placed on the Governor and Executive Council agenda. The State disagrees with this interpretation. Documents that have been posted as part of the Governor and Executive Council agenda may be disclosed in response to a Right to Know request. However, RSA 21-I:13-a, II still applies to nonpublic documents. As such, NHSLC may not provide nonpublic documents relating to a bid prior to the actual award of that bid.

Assuming that the actual award occurs on Wednesday, August 14, 2013, we anticipate it will take at least 60 days to identify all documents responsive to your request, and complete a review of those documents to determine what documents are not otherwise exempt under RSA 91-A. If additional time is necessary, we will send a follow-up letter with an updated timeline. We will, however, begin the document production as soon as the contract is actually awarded by way of a rolling production.

Rather than charge your client for the cost of responding to the request, NHSLC will post documents on its website. If you would like documents sent to you in electronic or paper form, please let me know. Please be advised that we would then charge for the actual cost in providing the documents.

Sincerely,

A handwritten signature in blue ink that reads "Lisa M. English". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

Lisa M. English
Assistant Attorney General
Civil Bureau
(603) 271-3650