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# The Sunshine Report: *Online*

Transparency news from the  
Virginia Coalition  
for Open Government  
**April 2013**

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## Coalition News

### Recently on VCOG Blog

- [Public input was casualty in CHP confidentiality bill](#)
- [When business and government don't mix](#)

### Board meets

The VCOG Board of Directors met Friday, March 22, in Glen Allen. Those present included Board President Craig Fifer, Vice President Dick Hammerstrom, Treasurer Paul Casalaspì, Secretary Olga Hernandez, Dorothy Abernathy, Mark Caramanica, Peter Easter, Bob Gibson, Wat Hopkins, Jeff Lester, Frosty Landon, Pam Luecke, Lawrence McConnell, Jeff South and Ginger Stanley.

### VCOG on the road

VCOG Executive Director Megan Rhyne gave FOIA training presentations in March to the Public School Records Consortium at its conference in Williamsburg and to Alexandria Renew Enterprises at its city facility. To set up a training for your government agency, press room or citizen group, contact [Megan Rhyne](#).

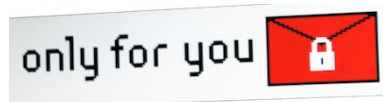
### FOIA car magnets

VCOG FOIA magnets are available for \$5 [on VCOG's website](#). It's also easy to add a VCOG membership to

Greetings, Friend of VCOG!

## Court actions reverse sealing order, bar public meeting prayers

The Virginia Supreme Court [agreed with the Daily Press in Newport News](#) that a circuit court judge wrongly denied the newspaper the right to look at a court file.



"The benefits of public access to criminal proceedings have been recognized since before the Magna Cart," the court said in a unanimous ruling. "Such access ensures that proceedings are conducted fairly . . . and imparts legitimacy to the decisions of our judiciary."

The court file included autopsy photographs of the 17-month-old victim in a murder case against the child's mother. The photos and other exhibits were presented in a public trial, but the judge later sealed them without providing the required findings of a "compelling government interest" for doing so.

In reversing the judge's order, the Supreme Court stressed that newspapers serve as "surrogates for the public" and are "the first rough draft of history."

[Read the court's opinion here.](#)

your purchase. Once you have your magnet in place, post a picture of it to [VCOG's Facebook page](#), or attach it to a tweet with the hashtag #vaFOIA.

## Stay up to date on access

Sign up for VCOG's [daily listserv on access and First Amendment news](#) from Virginia and across the country. It's free!

For a steady stream of access-related stories and additional commentary and information, join the more than 400 people who are following [VCOG on Twitter](#). The latest six posts are also carried on [our website](#).

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## Sunshine Week 2013

Access advocates, newspapers, broadcasters and government celebrated Sunshine Week March 10-16 with stories, articles and symbolic gestures.

The FOIA Council's executive director, Maria Everett, laid a wreath at the grave of James

Madison to commemorate his birthday on the 16th. Madison is often credited with being the father of open government.



Everett also paid tribute to the modern-day patron saint of open government, Chip Woodrum, in an op-ed piece in the former delegate's hometown paper.

Several newspapers released stories about why open records and open meetings law exist. They also offered tips for making records requests and explained how charges for records can and can't be imposed.

National outlets reviewed the Obama administration's open-government record and found it lacking, while a bipartisan Congressional duo introduced a measure to reform parts of the federal Freedom of Information Act.

The Sunlight Foundation and the Sunshine Review both released reviews of state and local efforts towards transparency.

***VCOG received an unexpected but much appreciated nod for its efforts when an editorial in the Times-Dispatch said, "the sun never sets" on VCOG's campaign to "preserve***

On March 26, a federal district court issued a permanent injunction against the Pittsylvania Board of Supervisors, ruling it could not use sectarian prayers at the start of public meetings.

The ruling capped a long-running dispute between the board and resident Barbara Hudson, who said the prayers violated clearly established legal precedent. Judge Michael Urbanski agreed.



"The board advocates a view of the law inconsistent with controlling U.S. Supreme Court and Fourth Circuit Court of Appeals precedent," he wrote.

The county was represented free of charge by Sen. Bill Stanley, while Hudson was represented by the ACLU of Virginia. The amount of the ACLU's legal fees was not disclosed.

In his ruling, Urbanski added that, "Public institutions throughout this country manage to regularly commence proceedings with invocations that provide all the salutary benefits of legislative prayer without the divisive drawbacks of sectarianism."

The county has not decided whether it will appeal. Meanwhile, Staunton is currently debating [whether it will use an opening prayer or a moment of silence](#) at its meetings.

[Read the judge's ruling here.](#)

## Open government in the news

The governor signed the bill that will close off all concealed handgun permits from any public inspection, despite criticism from VCOG that the bill allows government to run the permitting process in secrecy....William H. Goodwin Jr., a Richmond businessman who was recently reappointed to the UVA Board of Visitors, [expressed anger over press coverage](#) of ongoing tensions between the board's rector and the university's president. "You are making a mountain of a molehill," Goodwin said. "My involvement is really going smoothly. The only deterrent is the Freedom of Information Act." ....The Virginia Department of Transportation admitted that it made a mistake in [failing to release records related to subcontractors](#) used in a public-private partnership to build the Midtown Tunnel in Norfolk. The names were readily available from other sources. "I probably should have looked a little closer," the project manager said. Meanwhile, VDOT emails obtained through FOIA showed [agency astonishment at the growing problem of potholes](#) on Norfolk-area

**and protect the principle of open government."**

For links to all articles mentioned here and many more, [go to VCOG's website](#).

interstates....A general district judge in Loudoun County ruled there was no evidence [the \\$415.70 the county school board charged](#) a county woman for a public records request was unreasonable. "It's not just, push a button and get the data out," said the school's Financial Services Department director...A Democratic Party operative was told that [it would cost \\$3,677 to obtain records](#) from Attorney General Ken Cuccinelli about the time and money he may have spent campaigning for governor while on the job....Fairfax County Supervisor John Cook has [created a budget simulation program](#) allowing county residents to try their hand at balancing the county's [\\$6.7 billion budget](#)....Actual receipts and credit card statements provided by Hampton show [fuel charges totaling more than \\$21,000](#) for the discredited undercover cigarette sting operation run by the police department....Like Portsmouth before it, Hampton backtracked on a [proposal to stop televising the monthly open comment period](#)...Faced with a request from city activists for records related to a proposed utility rate change, Richmond Mayor Dwight Jones stated that a report on the proposal and all related documents and correspondence ["shall be deemed confidential working papers of the mayor."](#)

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toward VCOG's modest operating budget  
and are 100% tax deductible.**

*Our IRS W9 form [can be found here](#),  
and feel free to ask for a copy of our IRS 990 and our FY11-12 financial review.*

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