



Corporation of Harpers Ferry

1000 WASHINGTON STREET • P.O. BOX 217

Harpers Ferry, West Virginia 25425

304-535-2206 • FAX 304-535-6520

Wayne Bishop,
Mayor

BARBARA HUMES, HARDWICK S. JOHNSON, JR. CHARLOTTE THOMPSON, ED WHEELLESS, MIDGE FLINN YOST, COUNCIL MEMBERS
KEVIN CARDEN, RECORDER

February 19, 2019

BY U.S. MAIL AND EMAIL

Daniel M. Casto, Esquire, President
Jefferson County Prosperity, Inc.
P. O. Box 897
Charles Town, West Virginia 25414
jeffersoncountyprosperity@gmail.com

Re: *Freedom of Information Act Request dated February 15, 2019*

Dear Mr. Casto:

The Corporation of Harpers Ferry received your written email request dated February 15, 2019, under the West Virginia Freedom of Information Act. I am writing to advise that the Corporation is taking steps to review public records that might be responsive to your request.

Please know that the Corporation might provide copies of or access to such public records, after they are fully identified, and will notify you of the same when the review is completed.

In the meantime, the Corporation invites you to visit its website, www.harpersferrywv.us, which might contain public records responsive to your request.

Very truly yours,

Wayne Bishop

cc: The Honorable Kevin Carden

Historic District
Where The Shenandoah Meets The Potomac

RE: FOIA Request for Communications

Wayne Bishop

Thu 07-Mar-19 17:17

To: Official JCP <jeffersoncountyprosperity@gmail.com>

Cc: Kevin Carden <kevin.carden@harpersferrywv.us>; Midge Yost <midge.yost@harpersferrywv.us>; Mark Sadd <msadd@lewisglasser.com>; Christine Snyder <editor@spiritofjefferson.com>

 1 attachments (223 KB)

Letter to Daniel Casto 2 19 19.docx;

Dan, per my reply to you on February 13th, which included the attached letter, I am continuing to process your request. In the meantime, for your convenience, you may refer to the Harpers Ferry Town's web site where you can find correspondence, RFI, meeting minutes, special meeting minutes, planning commission meeting minutes and others, and correspondence. You are welcomed to come into the office and receive hard copies of these documents. There is a charge of \$.15 per page.

Wayne Bishop, Mayor
Town of Harpers Ferry
P.O. Box 217
Harpers Ferry, WV 25425
304-535-2206

From: Official JCP <jeffersoncountyprosperity@gmail.com>

Sent: Tuesday, March 5, 2019 5:26 PM

To: Wayne Bishop <wbishop@harpersferrywv.us>

Cc:

Subject: Re: FOIA Request for Communications

Dear Harpers Ferry,

Please provide JCP with an update on the status of this FOIA request. Please also provide us with whatever documents that you have gathered to date. As you know, Harpers Ferry had 5 days to respond to the request, but has failed to do so. JCP has been patient, but intends to seek legal recourse in Circuit Court (note that Harpers Ferry will be responsible for JCP's legal fees if JCP is successful).

Including the Spirit of Jefferson so that they can see Harpers Ferry's inability to provide information to the public.

Sincerely,

Dan Casto
As President
Jefferson County Prosperity, Inc.

On Tue, Feb 19, 2019 at 5:04 PM Wayne Bishop <wbishop@harpersferrywv.us> wrote:

Daniel, please see attached.

From: Official JCP <jeffersoncountyprosperity@gmail.com>

Sent: Wednesday, February 13, 2019 9:54 PM

To: Kevin Carden <kevin.carden@harpersferrywv.us>

Cc: Wayne Bishop <wbishop@harpersferrywv.us>; Midge Yost <midge.yost@harpersferrywv.us>

Subject: FOIA Request for Communications

Mr. Carden,

This is a request pursuant to the West Virginia Freedom of Information Act. I hereby request all public records, including but not limited to emails, memos, notes, letters, text messages, instant messages, and any other communications received or sent by the individuals listed below related to or regarding the HillTop House and/or SWaN. For the avoidance of doubt and not by way of limitation, this request extends to records related to the approval process, permit process, retention of advisors by the City, and any other information related to the HillTop House and/or SWaN.

This request extends to ALL public records, even if they are contained on personal email accounts, computers, or phones. The email accounts of interest are also included below.

Midge Flinn Yost

mflinnyost@aol.com
midgeflinnyost@gmail.com
midge.yost@harpersferrywv.us

Elayne Edel

Elayne.edel1@gmail.com

Wayne Bishop

1957bish@gmail.com
WBishop@midatlanticcontracting.com
mayor@harpersferrywv.us

Thank you,

Daniel M. Casto, Esq.
President
Jefferson County Prosperity, Inc.
P.O. Box 897
Charles Town, WV 25414

RE: FOIA Request for Communications

Wayne Bishop

Mon 06-May-19 11:50

To: Official JCP <jeffersoncountyprosperity@gmail.com>

Cc: Kevin Carden <kevin.carden@harpersferrywv.us>

Dan, I have put in today's US Mail a disk containing e mails, memos, notes, letters, text messages, instant messages and any other communications received or sent by Me and Elayne Edel per your FIOA request of February 13th. We have reserved the right to withhold any documents which pertained to Attorney-Client privilege.

Based on my March correspondence, you are welcomed to come into the office and review all correspondence, RFI meeting minutes, special meeting minutes, planning commission meeting minutes and others. You are welcomed to receive hard copies of these documents; there is a charge of \$.15 per page. Please call the Town Clerk to make an appointment.

Wayne Bishop
Mayor Corporation of Harpers Ferry
P.O. Box 217
Harpers Ferry, WV 25425

Mayor@harpersferrywv.us

From: Official JCP <jeffersoncountyprosperity@gmail.com>

Sent: Tuesday, April 30, 2019 2:13 PM

To: Wayne Bishop <wbishop@harpersferrywv.us>

Cc: Kevin Carden <kevin.carden@harpersferrywv.us>; Midge Yost <midge.yost@harpersferrywv.us>; Mark Sadd <msadd@lewisglasser.com>; Christine Snyder <editor@spiritofjefferson.com>

Subject: Re: FOIA Request for Communications

Mr. Bishop: Any update? It's now becoming a bit laughable here.

On Thu, Mar 7, 2019 at 5:57 PM Official JCP <jeffersoncountyprosperity@gmail.com> wrote:

Please provide us with a invoice for the hard copies. Also, under state code you must provide us with electronic copies if they are available. We request those. State code gives you 5 days. This is simple.

On Thu, Mar 7, 2019, 5:17 PM Wayne Bishop <wbishop@harpersferrywv.us> wrote:

Dan, per my reply to you on February 13th, which included the attached letter, I am continuing to process your request. In the meantime, for your convenience, you may refer to the Harpers Ferry Town's web site where you can find correspondence, RFI, meeting minutes, special meeting minutes, planning commission meeting minutes and others, and correspondence. You are welcomed to come into the office and receive hard copies of these documents. There is a charge of \$.15 per page.

Wayne Bishop, Mayor
Town of Harpers Ferry
P.O. Box 217
Harpers Ferry, WV 25425
304-535-2206

From: Official JCP <jeffersoncountyprosperity@gmail.com>
Sent: Tuesday, March 5, 2019 5:26 PM
To: Wayne Bishop <wbishop@harpersferrywv.us>
Cc:
Subject: Re: FOIA Request for Communications

Dear Harpers Ferry,

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Including the Spirit of Jefferson so that they can see Harpers Ferry's inability to provide information to the public.

Sincerely,

Dan Casto
As President
Jefferson County Prosperity, Inc.

On Tue, Feb 19, 2019 at 5:04 PM Wayne Bishop <wbishop@harpersferrywv.us> wrote:

Daniel, please see attached.

From: Official JCP <jeffersoncountyprosperity@gmail.com>
Sent: Wednesday, February 13, 2019 9:54 PM
To: Kevin Carden <kevin.carden@harpersferrywv.us>
Cc: Wayne Bishop <wbishop@harpersferrywv.us>; Midge Yost <midge.yost@harpersferrywv.us>
Subject: FOIA Request for Communications

Mr. Carden,

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This request extends to ALL public records, even if they are contained on personal email accounts, computers, or phones. The email accounts of interest are also included below.

Midge Flinn Yost

mflinnyost@aol.com
midgeflinnyost@gmail.com
midge.yost@harpersferrywv.us

Elayne Edel

Elayne.edel1@gmail.com

Wayne Bishop

1957bish@gmail.com

WBishop@midatlanticcontracting.com

mayor@harpersferrywv.us

Thank you,

Daniel M. Casto, Esq.

President

Jefferson County Prosperity, Inc.

P.O. Box 897

Charles Town, WV 25414



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**BARBARA HUMES, HARDWICK S. JOHNSON, JR. CHARLOTTE THOMPSON, ED WHEELLESS, MIDGE FLINN YOST, COUNCIL MEMBERS
KEVIN CARDEN, RECORDER**

May 15, 2019

BY U.S. MAIL AND EMAIL

Daniel M. Casto, Esquire, President
Jefferson County Prosperity, Inc.
P. O. Box 897
Charles Town, West Virginia 25414
jeffersoncountyprosperity@gmail.com

Re: Freedom of Information Act Request dated February 15, 2019 – M. Yost

Dear Mr. Casto:

West Virginia Code § 29B-1-2 defines a “public record” subject to disclosure requirements under the Freedom of Information Act as one that “includes any writing containing information prepared or received by a public body, the content or context of which, judged either by content or context, relates to the conduct of the public's business.” We have undertaken, at your request, a review of documents provided to us by Midge Yost. Based on our review of them, we have concluded that none of them constitutes a “public record” subject FOIA obligations because they were not “prepared or received by” the Town”. To the extent that any such document in her possession was “prepared” by the Town and or received by the Town, then those documents could be records in the Town’s possession subject to possible disclosure under FOIA.

Thus, we believe that none of the documents from Yost are subject to disclosure.

Very truly yours,

Wayne Bishop, Mayor

cc: Kevin Carden, Recorder
Mark Sadd, Esq.
M. Yost

**Historic District
Where The Shenandoah Meets The Potomac**