



REQUEST UNDER THE COLORADO OPEN RECORDS ACT

February 26, 2015

Scott Bocim
Office of the Chancellor
University of Colorado - Boulder
914 Broadway
Boulder, CO 80309

VIA FACSIMILE: 303-492-8866

Dear Mr. Bocim:

The Free Market Environmental Law Clinic, together with the Energy & Environment Legal Institute, as co-requesters, respectfully submit this request for public records ("Request") pursuant to C.R.S. § 24-72-201 *et seq.*, the "Colorado Open Records Act".

Please produce copies of records responsive to the following Request:

1. All documents describing the University of Colorado's policy or policies relating to disclosure that apply to faculty member David Noone;
2. All records in the University's possession relating to outside funding, grants, or other contributions made to support David Noone's work at or relating to the University of Colorado;
3. Please provide all records reflecting David Noone's sources of external funding. For purposes of this request, "outside funding" includes, but is in no way limited to, consulting fees, promotional considerations, speaking fees, honoraria, travel expenses, salary and other compensation or monies given to David Noone which did not originate with the University of Colorado itself. Please include records reflecting:
 - a. The source of funding;
 - b. The amount of funding;
 - c. The reason for receiving the funding;
 - d. For grants, a description of the research proposal and copy of the funded grant;
 - e. Communications regarding the funding.
3. All financial disclosure forms in which David Noone lists the University of Colorado or the State of Colorado as his affiliation.
4. Records reflecting David Noone's total annual compensation for each year at the University of Colorado.

Records responsive to ## 1-3 above will be dated from January 1, 2013 through the date you process this request. Records responsive to #4 will be dated from January 1, 2007 to the present.

We request copies of the above items in electronic format if available. Requesters note that providing electronic copies will minimize the University's administrative burdens as well as costs incurred in fulfilling this request.

Release of these records is very much in the public interest. A recent *New York Times* article highlighted relevant issues,¹ which Rep. Raul Grijalva, the ranking member of the U.S. House Committee on Natural Resources, asserts prompted him to send a similar request for University records regarding another faculty member performing related work, Dr. Roger Pielke, Jr.²

As such, the above request likely reads quite familiarly to you. The sole distinctions between Rep. Grijalva's request and our request to the University of Colorado are, first, that we far more narrowly tailor our request (it otherwise replicates Rep. Grijalva's near verbatim); second, our request is made pursuant to statutory authority, implementing the legislature's determination that access to public records is in the best interests of the State of Colorado. We incorporate by reference Rep. Grijalva's assertions of the importance to the public interest that information of this nature be available regarding those who contribute to debate regarding this important issue. We also note that requesters have been classified as media for FOIA purposes by federal agencies and have general public policy research missions; neither of the requesters has any commercial purpose for the requested records. If the University chooses not to assess fees for Rep. Grijalva's request, fulfillment of which is discretionary, we suggest that same courtesy should apply to a request pursuant to the Colorado Open Records Act.

Both requesters are tax-exempt, 26 U.S.C. § 501(c)(3), non-profit public interest organizations. As such, neither seeks these records for commercial purposes. Rather, we seek

¹ See, Justin Gillis and John Schwartz, "Deeper Ties to Corporate Cash for a Doubtful Climate Scientist", *New York Times*, February 21, 2015, <http://www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html>.

² See e.g., "The other professors who are targets of Grijalva's letters are: David Legates of the University of Delaware; John Christy of the University of Alabama; Richard Lindzen of the Massachusetts Institute of Technology; Robert Balling of Arizona State University; and Steven Hayward of Pepperdine University." Ben Geman, "Democratic Congressman Draws Backlash Over Climate Funding Probe. Rep. Raul Grijalva wants to know if climate skeptics at several universities got industry funding. But is he engaged in a witch hunt?" *National Journal*, February 25, 2015, <http://www.nationaljournal.com/energy/democratic-congressman-draws-backlash-over-climate-funding-probe-20150225>.

these records to illustrate what role any outside funding might have had in research conducted by David Noone.

If the University of Colorado declines to waive fees, and in the interests of expediting the search for responsive records and your processing of this request, we are willing to pay fees up \$200. Please provide an estimate of anticipated costs in the event that fees for processing this Request will exceed \$200. To keep costs and copying to a minimum, please provide copies of all responsive records in electronic format if you have them.

If you have any questions please do not hesitate to contact Chris Horner, undersigned.

Respectfully submitted,



Christopher C. Horner, Esq.
for the Free Market Environmental Law Clinic

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_____/s/_____
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