

[REDACTED]

From: [REDACTED]
Sent: Wednesday, June 24, 2015 10:18 AM
To: 'Brandynn.Reaves@fcps.edu'
Subject: West Potomac HS Band Consumables Fees 2014-15



WestPotomacBan
ConsumablesFees.

I would like to see a copy of the most current student payment spreadsheets for the FCPS Consumables Fees referenced on the attachment. The two payments in question are indicated with arrows on each side->>>>\$140 for Marching Band due August 11th, \$20 for Concert Band due November 1st<<<<. I would like to see the accounting data printout for the entire school year showing income and expenses, as well as a copy of one bank statement from either November or December 2014 showing what bank account the fees were deposited into. I would also like to see a copy of one check for either the Marching or Concert Band fee that was deposited into the account, front and back, during the same month as the bank statement presented to me, obviously with appropriate redactions. I need to be able to see the name of the account owner on the back and to whom the check was made out to on the front. Email or disc please. [REDACTED]

[REDACTED]

A

2014-2015

WEST POTOMAC BAND PATRONS ORGANIZATION (WPBPO)

Marching & Concert Band Program & Payments

Dear Wolverine Band Community

As a fellow parent, I am sure you are as proud as I am that our program earned the notable "Virginia Honor Band" status in 2014. This distinction is given only bands with the highest performance standards in both concert and marching bands. We are looking forward to a very exciting and successful 2014-15 year. If you haven't already heard it from your students (you will very soon) this year's show - The Future is Now - promises to deliver! Our West Potomac Marching Band will be joined by the WPIIS Dance Team - that's over 200 performers - for an experience we'll all remember.

Our program requires not only your dollars, but the help of each and every parent to volunteer in some way. Our volunteer fundraising efforts raised over \$33,000 last year. Without fundraising and contributions from Fairfax County our participation cost would be well over \$700 per student. At \$300 per year the WPBPO provides a great value for one of the County's largest and best marching programs. With that in mind....thanks in advance for your support:

→	Marching Band Booster Payment*:	\$140	<u>due now</u>	
→	Marching Band Consumable Fee**:	\$140	due by August 11 th	←
→	Concert Band Consumable Fee**:	\$20	due by November 1 st	←
	Total Cost for Marching/Concert Band:	\$300		
	Fall Color Guard only Payment***:	\$280	due by August 11 th	

(B)

* Note: You may pay by check made out to West Potomac High School Band (please put your child's name in the memo section) and deposit it in the blue box in the band room or you may pay online at www.wolverineband.com (service fee applies for online payment).

** Note: Consumable Fees are your mandatory FCPS co-curricular fees for participating in marching band and concert band.

*** Note: Cost for students participating in fall color guard who are not enrolled in a band class.

Regards,

Steve [REDACTED] President WPBPO
president@wolverineband.com





FAIRFAX COUNTY
PUBLIC SCHOOLS

John E. Foster, Division Counsel
8115 Gatehouse Road
Falls Church, Virginia 22042-1203

July 29, 2015

BY U.S. MAIL AND E-MAIL

Chaim Mandelbaum, Esquire
726 North Nelson Street, Suite 9
Arlington, VA 22203

Re: Concerns regarding FCPS's responses to [REDACTED] Virginia Freedom of Information Act Requests

Dear Mr. Mandelbaum:

As you know, I am Division Counsel for Fairfax County Public Schools ("FCPS"). Your undated letter to Superintendent Karen Garza (copy attached) has been forwarded to me for a response. As you are an attorney representing [REDACTED], please send all your future correspondence to me. [REDACTED] should continue to send her FOIA requests directly to Brandynn Reaves, FOIA Officer.

In her original FOIA requests, [REDACTED] asked for (1) documents regarding West Potomac HS Band student payments for SY 2015-16, and (2) documents regarding the West Potomac HS Band consumable fees for SY 2014-15. Ms. Reaves responded to both of these requests by stating that "There are no responsive records at this time; we anticipate the documents will be available mid-August."

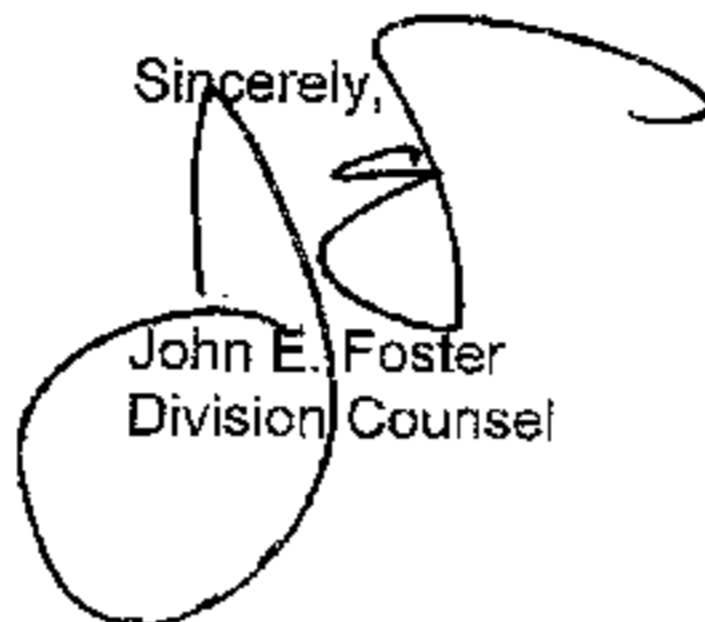
In your letter, you express concerns about the July 1 response sent by Ms. Reaves, to [REDACTED] (copy attached). Specifically, you ask why Ms. Reaves stated that documents regarding West Potomac HS Band would not be available until August 1. Regarding the band student payments for SY 2015-16, those documents do not currently exist, but should be available by mid-August, as students make the payments in preparation for the upcoming school year. That is why Ms. Reaves said that in her response.

Regarding the band consumable fees for SY 2014-15, Ms. Reaves has already provided some responsive documents in March 2015. Specifically, Ms. Reaves provided copies of the Band Booster payments made by students. A copy of Ms. Reaves' March response is attached hereto. Your client has now asked for "consumable fees." Responsive documents to your client's latest request (June 24) are in the possession of the Treasurer for the West Potomac Band Boosters. He has been out of the country since at least June 25, and is not expected to return until August. The documents are in his residence. We do not have keys to his residence and cannot break in. Hence, we anticipate getting these documents upon his return in August. We are therefore respectfully requesting that you and your client agree to an extension until

Chaim Mendelbaum, Esq.
July 29, 2015
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August 10 to respond to this part of [REDACTED] FOIA request. Please let me know if you and your client will agree to such an extension.

Sincerely,

A handwritten signature in black ink, appearing to be "John E. Foster", written over the typed name. The signature is stylized with a large loop at the end.

John E. Foster
Division Counsel

Enclosures

cc: Brandynn Reaves, FOIA Officer

From: **Chaim Mandelbaum** <chaim12@gmail.com>

Date: Thu, Jul 30, 2015 at 1:55 PM

Subject: Re: Concerns regarding FCPS's Responses to [REDACTED] Virginia Freedom of Information Act Requests

To: "Larsen, Barbara A" <balarsen@fcps.edu>, "Foster, John" <jefoster@fcps.edu>

Cc: [REDACTED]

Mr. Foster,

Having reviewed your letter of July 29th, 2015, I must inform you that my client cannot consent to an extension of these two Virginia Freedom of Information Act requests until August 10th.

With regard to the 2015-16 FCPS band payments, it is our understanding that payments were due by June 15, 2015. According to the band website, as of this morning that is still the current due date. Thus

they should already be available at least in part to you. Further my client had made clear to Ms. Reaves that what she sought was a copy of a deposited check for the 2015-16 FCPS band payments, and a copy of the associated bank statement or printout from the Account Activity section of the bank online access option. Since these checks were due June 15th at least one should be available to you and since these checks should have been deposited into FCPS bank accounts so should a current bank statement or printout. My client has only asked for a current, not a full spreadsheet showing student payments and will take whatever portion is currently available. There should not be a need to delay until August 10th. Last evening my client requested a copy of any written notification sent to the West Potomac Band parents clarifying that the June 15 due date was formally changed to a date in the future (this would have to be in August). If you can present a formal written notification that was sent to the Band parents informing them of this, this entire request will be waived until a future date.

With regard to the 2014-15 FCPS Consumables Fee, your claim that all of these documents are in the possession of the Treasurer for the West Potomac Band Boosters raises some difficulties. Under the Memorandum of Agreement between the Boosters and West Potomac High School, records are supposed to be provided to the school within one month of their creation. Since these records regard the previous school year, they should be within the school's possession in their entirety. Moreover the consumables fee itself should have been deposited into FCPS bank accounts and the records of those deposits should be available to you immediately. Nobody has asked you to "break in" to a private residence, as you put it in your letter. All that has been sought are records that should be in the possession of the FCPS. Thus my client cannot accept this as a reason to grant an additional extension. I note the FCPS has had over a month to deal with this, since the original request was June 24, 2015.

I remind you my client was informed on July 14, 2015, following my letter e-mailed to FCPS on July 9, 2015, that the school system had reversed its earlier position regarding the requests originally dated June 24, 2015 that production would not be possible until mid-August, and instead informed her that only a seven day extension would be necessary. It then took almost a week beyond that for any additional response to be provided. Given these already numerous delays, my client looks on further delays with disfavor, and may take additional steps, including if necessary the filing of a Writ.

Thank you.

Chaim Mandelbaum

Attorney-at-Law

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Arlington, VA 22203

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