



TOWN OF WATERTOWN

OFFICE OF COLLECTOR / TREASURER

ADMINISTRATION BUILDING

149 MAIN STREET

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PHYLLIS L. MARSHALL
COLLECTOR/TREASURER

May 7, 2009

Ms. Christine Laubenstein
Watertown TAB & Press
254 Second Ave.
Needham, MA 02494

RE: Public Records Request

Dear Ms. Laubenstein:

I am in receipt of your request dated May 7, 2009 under the Public Records Law seeking the following records:

1. The names of the 10 people who owe the most in parking ticket fines and penalties, the amounts owed, and their addresses.

Please be advised, as has previously been communicated to you, that the Town has no record responsive to your request. Further, be advised that a record holder's duty to respond to requests for information extends only to records that are in existence and in his custody. See G.L. c.4, §7(26); see also 950 CMR 32.03 (defining "custodian" as the public official who has routine access to or control of public records). Moreover, there is no obligation to create a record in response to a public records request. G.L. c.66, §10(a); 32 Op. Attorney Gen. 157, 165 (May 18, 1977). Thus, to the extent that any of the records you have requested do not exist, the Town is not obligated under the Public Records Law to create such documents.

Sincerely,

Phyllis L. Marshall
Treasurer - Collector

Cc: Michael J. Driscoll, Town Manager
Mark R. Reich, Town Attorney