



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Shawn A. Williams  
Supervisor of Records

May 28, 2013  
[REDACTED]

Mr. Jonathan Kamens  
[REDACTED]  
[REDACTED]

Dear Mr. Kamens:

I have received your petition appealing the response of the Massachusetts Bay Transportation Authority (MBTA) to your February 13, 2013 request for public records. G. L. c. 66 § 10(b); see also 950 C.M.R. 32.08(2). Specifically, in your request you asked:

1. How many public records requests were received by the MBTA in 2013,
2. The dates that the public records requests were received, and
3. The dates that the MBTA sent the initial response to the requester.

By letter dated February 22, 2013, MBTA Assistant General Counsel Susan M. Krupanski informed you that the MBTA has no records that are responsive to your request. On May 6, 2013, Attorney Krupanski informed this office that the MBTA conducted a diligent search, and has no list or log of the information that you requested.

A record holder's duty to comply with requests for information extends only to those records which exist and are in his custody. There is no obligation to create a record in response to a public records request. G. L. c. 66, § 10(a); 32 Op. Att'y Gen. 157, 165 (May 18, 1977).

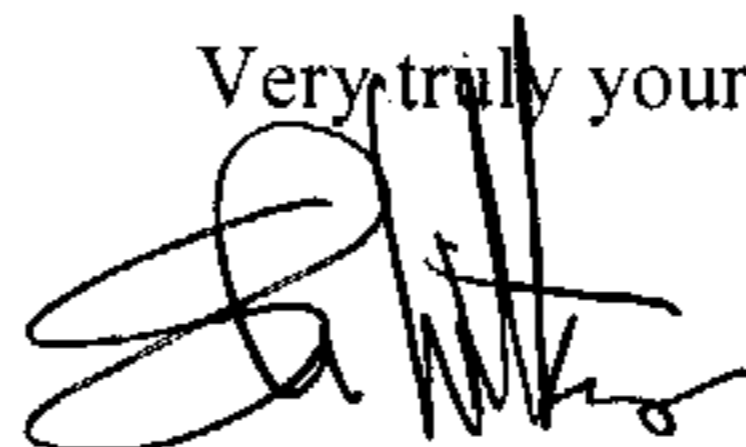
There is a presumption that all government employees perform their duties in an honest and impartial manner. LaPointe v. License Bd. of Worcester, 389 Mass. 454, 459 (1983) see also Konover Mgt. Corp v. Planning Bd. of Auburn, 32 Mass. App. Ct. 319, 326 (1992).

Mr. Jonathan Kamens  
Page Two  
May 28, 2013

SPR13/106

Accordingly, I accept that Attorney Krupanski understood your request and responded to it with the best of her knowledge. Your administrative appeal is closed.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Shawn A. Williams', written over the typed name below.

Shawn A. Williams  
Supervisor of Records

cc: Ms. Susan M. Krupanski, Esq.