



KELLY N. MATTHEWS
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March 20, 2019

Via E-Mail and U.S. Mail

Mr. Russ Kick
PO Box 36914
Tucson AZ 85740
russkick@gmail.com

Re: Colorado Open Records Act Request

Dear Mr. Kick:

Our firm, Robinson Waters & O'Dorisio, P.C., represents Denver Zoological Foundation, Inc., a private, Colorado nonprofit corporation ("DZF"). I have been provided a copy of your e-mail dated March 18, 2019, addressed to Jake Kubie <JKubie@denverzoo.org> and pertaining to an open records request.

The Colorado Open Records Act, C.R.S. §§ 24 72 201, et. seq. (the "Act"), provides that all public records shall be open for inspection by any person at reasonable times. C.R.S. §24-72-203(1)(a). "Public records" means and includes all writings made, maintained or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to section 23-5-121 (2), C.R.S. or political subdivision of the state or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." C.R.S. §24-72-202(6)(a)(1).

DZF is a Colorado nonprofit corporation but it was not incorporated pursuant to C.R.S. §23-5-121(2) (regarding certain university-affiliated technology corporations). DZF is not an agency, institution or political subdivision of the state for purposes of the Act, nor is it a local government-financed entity described in C.R.S. §29-1-902. Therefore, DZF's records are not "public records" and are not subject to public inspection pursuant to the Act. Accordingly, DZF will not be further responding to your open records request.

Please contact me if you have any questions or would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink that reads 'Kelly N. Matthews' with a horizontal line extending to the right.

Kelly N. Matthews

cc: Denver Zoological Foundation, Inc.