



Dora
Department of Regulatory Agencies

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and Occupations**
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Board of Chiropractic Examiners
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December 4, 2012

Dr. Matthew McCoy, D.C., MPH
Vice President, Foundation for Vertebral Subluxation
4390 Bells Ferry Road
Kennesaw, Georgia 30144 and via E-mail: matthewmccoy@comcast.net
Vertebralsubluzation@gmail.com

RE: Colorado Open Records Request

Dear Dr. McCoy, D.C.:

Thank you for your recent correspondence requesting the "Confidential Memo from the Attorney General's Office." This letter will respond to your four questions:

1. You asked who holds the attorney-client privilege. The Board of Chiropractic Examiners and their attorney hold the privilege, and they have not waived that privilege.
2. You asked under what specific law is the material in question not subject to public disclosure. The attorney-client memorandum regarding Rule 7(C) is a specific exemption to the Colorado Open Records Act ("CORA"), found at § 24-72-204(3)(a)(IV), C.R.S. because it contains "privileged information." Colorado courts have held that information covered by the attorney-client privilege is the kind of "privileged information" exempted by § 24-72-204(3)(a)(IV), C.R.S. *See The Denver Post Corp. v. University of Colo.*, 739 P.2d 874 (Colo. App. 1987), stating "[h]owever, because the General Assembly has specifically authorized denial of inspection of 'privileged information' in § 24-72-204(3)(a)(IV), C.R.S., we conclude that the privileges for attorney-client communication and attorney work product established by common law have been incorporated into the Open Records Act."
3. The Board and their counsel made the determination that the memo is attorney-client privileged.

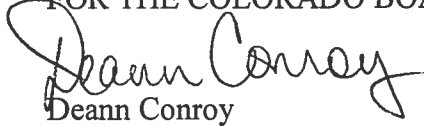


4. DORA staff does not give legal advice concerning appeals of CORA decisions.

Please do not hesitate to contact me if you have additional questions.

Sincerely,

FOR THE COLORADO BOARD OF CHIROPRACTIC EXAMINERS

A handwritten signature in cursive script that reads "Deann Conroy". The signature is written in black ink and is positioned to the left of the printed name.

Deann Conroy
Program Director