

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF FINANCIAL	§	
SERVICES, DIVISION OF	§	
INSURANCE AGENTS AND	§	
AGENCY SERVICES ,	§	
	§	
Petitioner,	§	CASE NO. 12-3622PL
	§	
vs.	§	
	§	
	§	
CHASE CARMEN HUNTER,	§	
	§	
Respondent.	§	

**RESPONDENT'S NOTICE OF IMPENDING MOTION TO UNSEAL RECORD**

NOW COMES, CHASE CARMEN HUNTER, *pro se* Respondent in the above-styled (hereinafter referred to as "Respondent"), and files this Respondent's Notice of Impending Motion To Unseal Record and states as follows:

**I.**

On about February 18, 2013, the Petitioner filed its Petitioner's Proposed Exhibits. The docket entry looks like this:

2/18/2013 Petitioner's Proposed Exhibits filed (exhibits not available for viewing).

This filing is the transcript and exhibits of the deposition of Jacqueline Colon ("The Deposition") that took place on February

5, 2013. But the filing specifically states that the Clerk is not to make the filing available for viewing.

The Petitioner's filing gave no reason for sealing this record to deny electronic access to The Deposition.

There is no matter of law that allows the Petitioner or the Clerk of the DOAH to arbitrarily seal any part of the record.

There has been no motion to seal this record filed. There has been no order to seal this record entered. Please, take judicial notice.

The definition of "sealed" for the purposes of this document includes a failure of the Clerk of the DOAH to scan and upload for public online access any part of the record of these judicial proceedings.

## **II.**

This judicial record is an open record pursuant Florida Statute Section 119.01 which is the general state policy on public records and sets forth the following:

(1) It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.

(2) (a) Automation of public records must not erode the right of access to those records. As each agency increases its use of and dependence on electronic recordkeeping, each agency must provide reasonable public access to records electronically maintained

NOTICE OF IMPENDING MOTION TO UNSEAL RECORD

Chase Carmen Hunter

Page 3 of 7

and must ensure that exempt or confidential records are not disclosed except as otherwise permitted by law.

(e) Providing access to public records by remote electronic means is an additional method of access that agencies should strive to provide to the extent feasible. If an agency provides access to public records by remote electronic means, such access should be provided in the most cost-effective and efficient manner available to the agency providing the information.

(f) Each agency that maintains a public record in an electronic recordkeeping system shall provide to any person, pursuant to this chapter, a copy of any public record in that system which is not exempted by law from public disclosure. An agency must provide a copy of the record in the medium requested if the agency maintains the record in that medium, and the agency may charge a fee in accordance with this chapter. For the purpose of satisfying a public records request, the fee to be charged by an agency if it elects to provide a copy of a public record in a medium not routinely used by the agency, or if it elects to compile information not routinely developed or maintained by the agency or that requires a substantial amount of manipulation or programming, must be in accordance with s. 119.07(4).

**Florida Statute Section 119.011 Definitions.**--As used in this chapter, the term:

(2) "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

The Deposition is significant for many reasons including the fact that it provides information about the affairs of government and the official acts of public officials and employees.

NOTICE OF IMPENDING MOTION TO UNSEAL RECORD

Chase Carmen Hunter

Page 4 of 7

The fact that The Deposition has been sealed without cause and without an order to seal being entered is alarming. By sealing The Deposition, the Petitioner and this DOAH are actively denying the public that it serves the option to be informed of the Petitioner's affairs and the DOAH's affairs so that the public may retain control over the government they have created.

But in addition to having a legal right to view The Deposition under the Florida Open Records Act, this Respondent has a constitutional and common law right to inspect the judicial records of this DOAH in the matter of Chase Carmen Hunter, DOAH docket 12-003622PL.

"The courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents." Nixon v. Warner Communications, Inc., 435 U.S. 589, 597 (1978).

Access to court case records is governed by common law, statutory law and court rules; and not by the Petitioner's whims.

"The judiciary has long recognized that case file documents, unless sealed or otherwise restricted by statute or court rule, are available at the courthouse for public inspection and copying. The common law right and the presumption

of public access to court records 'relate to the public's right to monitor the functioning of our courts, thereby insuring quality, honesty, and respect for our legal system.' " citing In re Continental Illinois Securities Litigation, 732 F.2d 1303, 1308 (7th Cir. 1984).

"When the United States Judicial Conference examined public access to electronic federal court records, the Administrative Office of the United States Courts (AOUSC) made several assumptions to guide policy development including the following:<sup>1</sup>

- There is a strong legal presumption that documents in case files, unless sealed, are public records available for public inspection and copying;
- The presumption of unrestricted public access to case files promotes public understanding of and confidence in the court system;"

"In September 2001, the United States Judicial Conference adopted a policy regarding privacy and public access to electronic case files as follows:

- ▶ Civil Cases: Documents in civil case files should be made available electronically to the same extent that they are available at the courthouse except that

---

<sup>1</sup> See Privacy and Access to Electronic Case Files in the Federal Courts, Administrative Office of the United States Courts, staff paper at pp. 8-9, (1999).

Social Security cases should be excluded from electronic access and certain 'personal data identifiers' should be modified or partially redacted by the litigants. These identifiers are social security numbers (only the last four digits should be used), dates of birth (only the year should be used), financial account numbers (only the last four digits should be used) and names of minor children (only the initials should be used)."

The Clerk of the DOAH gives the public online access to DOAH case files. Please, take judicial notice.

Such access to DOAH records has been made available to the public for free and without requiring the requestor to register or qualify for such access. Please, take judicial notice.

The Petitioner filed The Deposition on February 18, 2013.

This transcript therefore became a judicial record open to the public only because the Petitioner filed it with the Clerk of the DOAH. But the fact is that the DOAH clerk did not scan and upload this transcript for public access. There is no matter of law that permits such *sua sponte* and arbitrary sealing of this record by the DOAH clerk.

### **III.**

For these reasons, the Respondent will respectfully request that the Honorable Administrative Law Judge enter an order responsive to this Respondent's Impending Motion To Unseal The

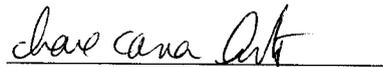
NOTICE OF IMPENDING MOTION TO UNSEAL RECORD

Chase Carmen Hunter

Page 7 of 7

Record if this Petitioner does not cause this record to be unsealed no later than 5pm EST on February 28, 2013.

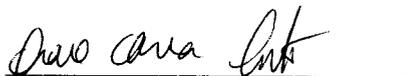
Respectfully submitted,



Chase Carmen Hunter  
Respondent, *pro se*  
PO Box 9075  
Fredericksburg, VA 22403

CERTIFICATE OF SERVICE

I certify that on this 26<sup>th</sup> day of February 2013, a true and correct copy of Notice of Impending Motion To Unseal Record to each party by email: [david.busch@myfloridacfo.com](mailto:david.busch@myfloridacfo.com)



Chase Carmen Hunter  
Respondent, *pro se*  
PO Box 9075  
Fredericksburg, VA 22403  
Tel: (707) 706-3647  
ChaseH@ChaseAgency.com