

# COMMONWEALTH of VIRGINIA



## OFFICE OF THE COMMONWEALTH'S ATTORNEY CITY OF PORTSMOUTH



Main Number: (757) 393-8581 · Fax: (757) 393-5135

November 20, 2023

Sean Davis  
300 Wavy Street  
Portsmouth, Virginia 23704

Via email: Sean.Davis@wavy.com

Re: Official response pursuant to Virginia Freedom of Information Act from Sean Davis

Dear Sean Davis,

Please accept this letter as our official response to your e-mailed Freedom of Information Act request. The following information was requested by you:

“I am requesting from your office (The Portsmouth Commonwealth's Attorney's Office): copies of documents pertaining to the total number of people employed/ what their positions are/salaries/ date and length of employment. I would like this request to cover from Jan 2021\* until as recently as possible.”

### **Response:**

On October 16, 2023, we received an email requesting the aforementioned information. An official request for an extension was provided to you on October 23, 2023 sent from PIO Antoinette Ramseur. Per our phone conversation on November 3, 2023 regarding the requested information, I stated at that time that the documents requested did not exist and were not on hand. I also stated that as a courtesy, I would inquire to someone from a city department to see if they could assist me and provide some of what was requested.

To reiterate, the requested records **do not exist** with this office and in accordance with the law, the applicable subsections are as follows:

§ 2.2-3704 subsection C:

*Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.*

§ 2.2-3704 subsection D:

*Subject to the provisions of section G, no public body shall be required to create a new record if the record does not already exist.*

**Stephanie N. Morales, Commonwealth's Attorney**  
Portsmouth Judicial Center · 1345 Court Street, Suite 105  
Portsmouth, Virginia 23704

§ 2.2-3704 subsection G:

***No public body shall be required to produce records from an electronic database in a format not regularly used by the public body.***

We thank you for your inquiry to the Portsmouth Commonwealth's Attorney's Office.

Sincerely,

Tamara Shewmake  
Chief Administrator

Cc: via email Andy Fox (Andy.Fox@wavy.com)