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Lawyer stymied when he takes on VHDA

By Samantha Levine  
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RICHMOND, Va. - Suffolk lawyer Hubert Young managed to get a state agency to investigate his beef against of the Virginia Housing Development Authority, but he couldn't get a copy of the investigative report.

VHDA contracts with Young's client and family business, Young Properties Management Corp., to manage subsidized housing. But Young Properties claims VHDA is often late in paying the company.

Young wrote the Secretary of Trade and Commerce about his concern. That prompted Joshua Lief, deputy secretary for the state agency, to examine VHDA files. He concluded that Young's complaint was unjustified.

Young requested a copy of Lief's report, but he was told the document could not be released because it was a VHDA working paper.

So he wrote a letter to Del. Clifton A. Woodrum, D-Roanoke, who is chairing a General Assembly subcommittee that is studying possible changes in the Freedom of Information Act. Young told Woodrum that he wanted to see the report because he found Lief's conclusion to be "strange and not even close to factual . . ."

Lief said that because the report was written from a review of VHDA records, VHDA designated it as a working paper and decided that it should not be released.

"Each agency applies FOIA to its own area in consultation with its counsel," Lief said. "Each agency decides whether something is exempt from FOIA."

The FOIA defines working papers as "memoranda, working papers and correspondence" held or requested by the top executive branch official, such as the governor or a mayor. Some agency heads have defined this exemption as applying to their papers, as well.

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