



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Rebecca S. Murray  
*Supervisor of Records*

January 16, 2020

**SPR20/0059**

Robert E. Harvey  
Division of Law & Policy  
Board of Registration in Medicine  
200 Harvard Mill Square, Suite 330  
Wakefield, MA 01880

Dear Mr. Harvey:

I have received the petition of Roberto Santiago appealing the response of the Board of Registration in Medicine (Board) to a request for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Specifically, Mr. Santiago requested “the complaint file regarding Sacheen Carr-Ellis, M.D.” The Board provided a response on January 10, 2020, indicating there are no responsive documents to his request. Unsatisfied with the Board’s response, Mr. Santiago petitioned this office and this appeal, SPR20/0059, was opened as a result.

While this appeal was pending, the Board called our office on January 16, 2019, to confirm they conducted a second search and there are no responsive records to Mr. Santiago’s request.

*No duty to create records*

Under the Public Records Law, the Board is not required to create a record in response to a public records request. In addition, a public employee is not required to answer questions, or do research, or create documents in response to questions. See G. L. c. 66, § 10(a); 32 Op. Atty Gen. 157, 165 (May 18, 1977). The duty to comply with requests for information extends only to those records that exist and are in the custody of the custodian of records at the time of the request. See G. L. c. 4, § 7(26).

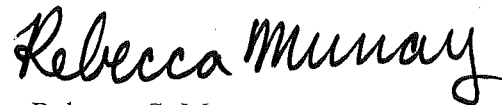
Robert E. Harvey  
Page 2  
January 16, 2020

SPR20/0059

***Conclusion***

Accordingly, whereas the Board confirmed it does not possess records responsive to Mr. Santiago's request, I will consider this administrative appeal closed.

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive style with a large, prominent "R" and "M".

Rebecca S. Murray  
Supervisor of Records

cc: Roberto Santiago