



GEORGIA DEPARTMENT OF LAW

40 Capitol Square SW
Atlanta, Georgia 30334-1300

CHRISTOPHER M. CARR
ATTORNEY GENERAL

www.law.ga.gov
(404) 458-3600

Writer's Direct Dial:
404-458-3682
dyu@law.ga.gov

September 20, 2023

Via Email Correspondence: bfleming@flemingnelson.com

Mr. Barry Fleming, Esquire
Fleming & Nelson, LLP
630 Ronald Reagan Drive, Suite 201
Post Office Box 2208
Evans, Georgia 30809

RE: *Open Records Act Complaint from Ken Parris regarding the City of Washington*

Dear Mr. Fleming:

I am writing regarding an Open Records Act complaint our office received from Mr. Ken Parris about the City of Washington ("city"). Mr. Parris states that on August 29, 2023, he emailed the city clerk requesting "a .pdf copy of the City of Washington 2023 Budget along with the proposed budget for 2024." According to Mr. Parris, the city failed to respond to the request. Mr. Parris says that he then emailed the city clerk again on September 5, 2023, seeking an update on the status of his request. On September 6, 2023, the city administrator allegedly responded to Mr. Parris's email with "the City of Washington's 2023 budget." Mr. Parris stated that he emailed back the same day that the document "appear[ed] to be the Proposed Budget for 2023 rather than actual revenue and expenditures for this year[.]" Mr. Parris says that he then requested the "actual YTD revenues and expenditures through August" and "a copy of the 2024 Proposed Annual Budget."

On September 8, 2023, Mr. Parris submitted another Open Records request, seeking "[d]etailed Monthly Income Statements to include line item by accounts of all revenues collected and expenditures disbursed for the City of Washington from January 1, 2023 – August 31, 2023[;] [d]etailed report of the Annual Proposed Budget for the City of Washington for the year starting January 1, 2024 and ending December 31, 2024 to include financial statements of the projected government activities, discretely presented component units, each major fund and the aggregate projected fund information[; and] [a] copy of Annual Financial Statements and the Independent Auditors Report of financial statements of the government activities, the discretely presented component unit, each major fund and the aggregate remaining fund information for the City of Washington for Years Ending: 1) December 31, 2021[;] 2) December 31, 2022[.]" On September 8, 2023, the city clerk allegedly responded, confirming receipt of the request and

Barry Fleming, Esq.
September 20, 2023
Page 2

stating that she and the city administrator were “in the process of gathering the documents that are available” and that she would “keep [him] updated.”

On September 18, 2023, the city administrator allegedly provided Mr. Parris an up-to-date copy of the year-to-date revenues and expenditures report for 2023 and further informed him that the 2024 proposed budget was “in early stages of preparation.” On September 19, 2023, the city administrator also allegedly stated that “the information does not exist” as to Mr. Parris’s request for “2024 budget and/or pro forma[.]” However, Mr. Parris alleges he has not received any responses to his request for copies of audited financial reports for the City of Washington for the years 2021 and 2022 or his request for the “[p]roposed information for the City of Washington budget covering 1 Jan – 31 Dec 2024. Whatever information has been created to date – whether in pro forma statements or simple spread sheets.” I have attached a copy of Mr. Parris’s complaint for your review.

Under Georgia law, the Attorney General, as an independent constitutional officer, has the discretionary authority to enforce the Open Records Act and the Open Meetings Act. O.C.G.A. §§ 50-14-5(a) and 50-18-73(a). The Attorney General has chosen to exercise that discretion by establishing a mediation program where citizens may raise issues and concerns with us regarding the Acts, and we will attempt to resolve disputes between citizens and local government. This office also reserves the right to pursue litigation in these matters where it deems doing so is appropriate.

The Open Records Act provides that “[a]gencies shall produce for inspection all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request[.]” O.C.G.A. § 50-18-71(b)(1)(A). “In any instance where records are unavailable within three business days of receipt of the request, and responsive records exist, the agency shall, within such time period, provide the requester with a description of such records and a timeline for when the records will be available for inspection and provide the responsive records or access thereto as soon as practicable.” *Id.*

Of course, I am not aware of all the circumstances surrounding the requests, and I am not assuming that the city violated the law. I ask that the city provide a response to the allegations within the next ten business days.

Thank you for your attention to this matter.

Sincerely,

/s/ Danna Yu

DANNA YU
Assistant Attorney General

cc: Mr. Ken Parris (via email correspondence)