

Frank R. Dillman  
2273 County Road 54 W  
Notasulga, AL 36866

## RETURN RECEIPT

October 17, 2020

Louis Maxwell  
Chair Macon County Commission  
101 E. Rosa Parks Avenue  
Tuskegee, AL 36083

Dear Chairman Maxwell,

Clean hands is the principle that always works best for all parties concerned. As such, I have amicably attempted to resolve this developing controversy with said clean hands. A Declaration of Facts pertinent to this controversy was presented certified mail for your perusal on October 5, 2020, when my letter of October 1, 2020 was received by your office. I will again attach a copy of my first correspondence.

In my October 1, 2020 letter, I presented facts of the Monday, September 14, 2020, Macon County Commission required monthly public meeting concerning my refusal to stop streaming the county meeting and for my refusal to return the chair to its original location, though as I proved with a tape measure, I was over 6 feet away from the nearest person.

TheLawDictionary.org defines media as “News, entertainment, education, data, and promotional messages are sent world-wide through this type of communication channels. Every broadcasting and narrow casting medium, like newspapers, magazines, TV, radio, billboards, direct mail, telephone, fax, and internet are part of what is the Media...Media can take a plural or singular verb as Media is the plural of medium.

Amendment 1 of the Bill of Rights “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

Section 4 of the Constitution of Alabama 1901 reads “That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty. “

Alabama Code Section 36-25A-1 (a) reads “It is the policy of this state that the deliberative process of government bodies shall be open to the public during meetings...[e]xcept for executive sessions...or as otherwise expressly provided by other federal or state laws or statutes, all meetings of a government body shall be open to the public...”

Alabama Code Section 36-25A-2 (4) defines government body as “its political subdivisions or municipalities which expend or appropriate public funds...”

Alabama Code Section 36-25A-2(7) “the Open or public portion of a meeting is that portion which has not been closed for executive session... which is conducted so that constituents of the governmental body, members of the media, persons interested in the activities of the governmental body... could... observe, [and] attend...”

Alabama Code Section 36-25A-2(9) defines public employee as one “employed at the state, county, or municipal levels of government... who is paid in whole or in part from state, county, or municipal funds.”

Alabama Code Section 36-25A-6 reads “A meeting of a governmental body, except while in executive session, may be openly recorded by any person in attendance by means of a tape recorder or any other means of sonic, photographic, or video reproduction provided the recording does not disrupt the conduct of the meeting.”

Orders of the State Health Officer Suspending Certain Public Gatherings Due to the Risk of Infection by Covid-19 as amended on March 17, 2020, March 19, 2020, March 20, 2020, March 27, 2020, May 21, 2020, June 30, 2020 are absent of government regulations or recommendations as related to a citizen streaming a public meeting while wearing a mask and being greater than 6 feet away from the nearest person.

Proclamations by Governor Kay Ivey Covid-19 Emergency Actions March 13, 2020, April 2, 2020, July 2, 2020, July 15, 2020, July 29, 2020, August 27, 2020, September 30, 2020 are absent of government regulations or recommendations as related to a citizen streaming a public meeting while wearing a mask and being greater than 6 feet away from the nearest person. March 20, 2020 “Nothing in this section shall be construed to alter, amend, or modify any other provision of the Open Meetings Act, including the notice requirements found in section 36-25A-3 and the enforcement, penalty, and remedy provisions found in section 36-25A-9.”

Your reply, if you wish, is expected within five days of your receipt of this letter at Frank Dillman, 2273 County Road 54 West, Notasulga, AL 36866.

Best,

Frank Dillman

Enclosure: My letter of October 1, 2020 containing the Declaration of Facts of the Macon County Commission meeting on September 14, 2020

Frank R. Dillman  
2273 County Road 54 W  
Notasulga, AL 36866

RETURN RECEIPT

October 1, 2020

Louis Maxwell  
Chair Macon County Commission  
101 E. Rosa Parks Avenue  
Tuskegee, AL 36083

Dear Chairman Maxwell,

This letter is a corrected copy of my letter I mailed you on September 24, 2020.  
Please disregard that letter.

DECLARATION OF FACTS

Below are facts from events that transpired in the Annex on or about between 4:50 p.m. and 5:02 p.m. on Monday, September 14, 2020, moments before the County Commission work session was to convene at 5 p.m. AND moments before the Friday, September 18, 2020 continuation meeting.

1. While I was setting up my tripod, cell phone camera, and external battery preparing to stream the meeting, you entered the Annex, the recurring location of county meetings for years, on or about 4:50 p.m. on Monday, September 14, 2020 and told me I could not stream the meeting or move chairs.
2. Wearing my mask, I showed you with my tape measure I was over 6' feet away from the nearest person in the room. You also stated that "only the county" will stream the meetings.
3. I said "call the Sheriff", you did.
4. I stayed seated and continued setting up my equipment in front of one of two makeshift signs that read "NOTICE The Macon County Commission Meetings will be live screamed [sic] on Face Book [sic] (Louis Maxwell) by the Commission's Designee. Due to Covid 19 and the number of requests the Commission's designated Scream [sic] is only allowed at this time."
5. You were instructing the regularly attended county elected public servants and county employees who have been attending meetings throughout the entire Covid 19 episode to where they may sit in your new seating policy to the back 1/3 of the chamber.
6. Mr. Gandy seemed confused as to a new policy and explained to you he moved his chair to be closer. You instructed him to put the chair where it had been.
7. At this time, in addition to the Revenue Commissioner, others in attendance included all commissioners, J. D. Smith County Engineer, Gertrude Benjamin a county employee, Erika Collins, the designated county employee to stream county meetings, Frank Lee County EMA Director, and Bridgett Gray County Attorney. I was the only non-public servant or county employee in attendance.
8. On or about 5:00 p.m., Deputy Karl Kennebrew arrived upon your request. From the dais, you immediately began telling him I moved a chair and was streaming the meeting, that "the chair sets the rules" for the meetings, and if Mr. Dillman doesn't comply "move him out...he has to leave"; the deputy was not visible to me at this time.

9. When you finished, Deputy Kennebrew approached you at the dais and the two of you spoke privately, with Commissioner Robinson appearing to be listening, for less or about 30 seconds.
10. Kennebrew approached me asking to speak with me outside. I said "sure" and peacefully left the chamber leaving my phone still streaming the meeting facing the commission.
11. Outside the Annex, you, the County Attorney, and Deputy Kennebrew spoke privately.
12. You re-entered the Annex.
13. About 30 minutes after being asked to step outside, I re-entered the Annex followed by Kennebrew.
14. I noticed someone had tampered with my cell phone. The phone camera direction had been moved from the commission to the right wall.
15. I asked "who touched my phone," you replied you had.
16. Prior to being escorted from the chamber on or about 5:02 p.m., I turned and addressed you saying, we need a "chairman not a ruler" and that "you're streaming the meetings to your personal Facebook page which has your campaigning."
17. The commissioners, county attorney, and all others in the chamber remained silent while you stated your rules and had me ejected from a Macon County public meeting for my refusal to not stream the meeting.
18. I did not return to this meeting or the following General Session at 6 p.m. the same evening.

**September 18, 2020 County Commission meeting scheduled for 9 a.m.**

1. About 8:45 a.m. I arrived and sat in a chair along the left wall and began setting up my phone, tripod, and external battery to stream the meeting.
2. You stated I could not stream the meeting.
3. Why? I asked.
4. You replied, inasmuch as "You were correct to point out" during the Monday, September 14, 2020 meeting that "we are opponents for office" and until "this is settled... no one will stream meetings."
5. I stated "I will stream" and did for the entire budget meeting while contributing to the meeting.
6. The county's new makeshift signs posted about the chamber had their mis-spelling corrected from "screaming" to "streaming", however, your rule remained "only the county can stream the meetings" to Louis Maxwell (highlighted yellow text) Face book [sic] page.
7. You stated upon convening the budget meeting that Mr. Dillman had "refused to obey my rules" to not stream the meeting. You continued, not wanting to disrupt the meeting that "we" will address this later.
8. Again, the commissioners, less Miles Robinson, county attorney, and all others in the chamber remained silent while you stated your rules.

This statement of facts is for your review. Your reply, if you wish, is expected within five days of your receipt of this letter at Frank Dillman, 2273 County Road 54 West, Notasulga, AL 36866

Best,

Frank Dillman