Frank R. Dillman 2273 County Road 54 West Notasulga, AL 36866 <u>frank@frankdillman.com</u> 334-740-4217

November 19, 2016

Honorable Luther Strange Alabama Attorney General P.O. Box 300152 Montgomery, AL 36130-0152

Dear Honorable Strange,

Mr. Jones of your office suggested on Friday, November 19, 2016, I write you with my concerns of Louis Maxwell, Chairman Macon County Commission being in non-compliance with the Open Records Act of Alabama.

The chairman on two of my requests, one lasting for over a year, is denying me public records and in the third complaint, the received records were not in an electronic format as sought.

## County vehicle receiving county paid fuel.

I am being denied the full street addresses where a county vehicle, driven primarily by the chairman, received county purchased fuel with the WEX, Inc. monthly statements showing only an alphanumeric "location" code<sup>1</sup>.

Shown on my copy of two of 29 months of WEX, Inc. statements from December 2012 to May 2015, gasoline was purchased on Dec 21, 23, 25, 26 and 31 December 2012. My first request, dated July 13, 2015 is fulfilled and attached to the record<sup>2</sup>. My second<sup>3</sup>, third<sup>4</sup>- where I specifically asked for the street addresses of fuel purchases for the WEX, Inc. identified vehicle, "CENTRAL" for ACCOUNT NO 0401-00-835594-3, and my final request<sup>5</sup>, July 1, 2016, when I wrote I would pursue legal action if the request remains unfulfilled beyond two weeks, remains open.

An email from WEX<sup>6</sup> provides sample forms of what Maxwell either has or should have access to.

Interesting, the only communication written by the county administrator, Susan B. Thomas, was in response to my July 1, 2016 letter when she "you have the only information in regard to gas purchases that we have," on February 8, 2016.<sup>7</sup> In April 2015, 147 gallons of gasoline and diesel was withdrawn from the county fuel tanks by Maxwell and three of the four commissioners, including one 80-gallon diesel withdrawal for the Office of Macon

<sup>&</sup>lt;sup>1</sup> WEX, Inc. statements for "CENTRAL" vehicle showing travel during December 2012

<sup>&</sup>lt;sup>2</sup> My first letter, July 13, 2015 – fulfilled

<sup>&</sup>lt;sup>3</sup> My second letter, November 19, 2015, to Maxwell specifically asking for WEX, Inc. forms showing street addresses of fuel purchases

<sup>&</sup>lt;sup>4</sup> My third letter to Maxwell again asking for street addresses of fuel purchases for the county vehicle he drives dated December 21, 2015

<sup>&</sup>lt;sup>5</sup> My final letter of this matter, July 1, 2016, to Maxwell advising I would pursue legal action as necessary for the fuel purchase addresses

<sup>&</sup>lt;sup>6</sup> WEX response and sample forms

<sup>&</sup>lt;sup>7</sup> County Administrator, Susan Thomas, reply of February 8, 2016

County Commission<sup>8</sup>. My state representative, Pebblin Warren, and my County Commissioner, Robert Berry, both told me the chairman uses the county vehicle to transport people to and from church on Sundays.

# Chairman County Commission compensation.

My request for salaries of Maxwell and my commissioner<sup>9</sup> remains unfulfilled by the chairman.

# Request for electronic format.

My request for data in an electronic format for the 2015 county business license owners, their email and street addresses, and amount of paid fees<sup>10</sup> was denied by "we do not have this information in electronic format,"<sup>11</sup> Maxwell. His action and response may have had a basis in the fact I had announced my candidacy for Chairman Macon County Commission in March 2016. Scanning, assembling, and creating an electronic file from 41 pages of printed data, of what appears to have originated from an electronic file<sup>12</sup>, cost me many hours.

I am pleased to provide additional information as you request, including a large EXCEL file where I attempted to compile both county purchased fuel and withdrawals of county fuel over 29 months, December 2012 to May 2015, on the county commission and chairman, and come to the Office of the Attorney General.

Respectfully,

Frank Dillman, HMC 8404, USN-Ret

<sup>&</sup>lt;sup>8</sup> County document, April 2015, documenting withdrawals of gasoline and diesel from county fuel tanks for the commission office

<sup>&</sup>lt;sup>9</sup> Letter to Maxwell for his and my commissioner's salary of August 3, 2016

<sup>&</sup>lt;sup>10</sup> My request to Maxwell for electronic formatted county business license data, August 3, 2016

<sup>&</sup>lt;sup>11</sup> Maxwell letter of denial of requested electronic format

<sup>&</sup>lt;sup>12</sup> County business information "hard copy"

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STATE OF AL NON-STATUTORY MACON COUNTY COMMISSION DEPARTMENT ; UNASSIGNED NATIONAL : ACCOUNT :

CLOSING DATE: 12-31-2012

ACCOUNT NO: 0401-00-835594-3

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DELIVER TO: JOSHUA ANTHONY MACON COUNTY COMMISSION 101 E ROSA PARKS AVE TUSKEGEE AL 36083-1735

Report	CUSTOM
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Veľ	VEHICI 0006

CUSTOMER ID

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IP 089 863 11-30-12 10 002 827 12-10-12 IP 089 863 12-15-12 IP 089 863 12-23-12 IP 089 863 12-25-12 IP 089 863 12-25-12 IP 089 863 12-25-12 IP 089 863 12-25-12 IP 089 863 12-25-12	2 2 2 2 2 2 1 1 1 2 2 2 2 1 1 1 2 2 2 2	PREVIOUS ODOMETER MAXWELL, LOUIS MAXWELL, LOUIS MAXWEL	68,127 69,808 69,808 69,808 70,253 71,012 24,699 24,699	¥33888	10.330 3.162 3.162 3.376 9.378 9.378 8.540 4.855 58.255 58.255 0 0 1 0 0		0.0336 0.055 0.050	90.51 59.40 51.29 9.66 9.66 9.66 9.65 27.87	35.14 25.54 30.00 30.00 15.00 191.59 3,059.47 191.59 3,059.47	TAX -1.489 -1.72 -1.72 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.75 -1.77 -1.77 -1.77 -1.77 -1.77 -1.77 -1.77 -1.77 -1.75 -1.77 -1.75 -1.77 -1.75 -1.77 -1.75 -1.77 -1.75 -1.77 -1.75 -	33.25 23.77 23.77 28.28 29.19 14.11 74.11 74.00 0.00 0.00 0.00 3,059.47 3,059.47	1.88 1.155 1.561 1.560 0.00 0.00 0.00 0.00 0.00 0.00 0.00	ш ш ш ш ш ш ш ш ш ш ш ш ш ш ш ш ш ш ш
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I(a)

STATE OF AL NON-STATUTORY MACON COUNTY COMMISSION DEPARTMENT ; UNASSIGNED ACCOUNT : NATIONAL :

\*\* • • •

CLOSING DATE: 01-31-2013

ACCOUNT NO: 0401-00-835594-3

DELIVER TO: JOSHUA ANTHONY MACON COUNTY COMMISSION 101 E ROSA PARKS AVE TUSKEGEE AL AL 36033-1735

# Vehicle Analysis Report VEHICLE CARD NO D006

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	ODOMETER	71,012 71,422 UNI 71,422 UNI 72,445 UNI 72,445 UNI 72,445 UNI 72,656 UNI 72,656 UNI 72,656 UNI 72,076 SUP 72,076 SUP	M = Manual Transaction
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Hand Delivered to Chairman Maxwell at County Commission meeting of July 13, 2015. Emailed the below modified letter to Chairman Maxwell's office on August 24, 2015.

July 13, 2015

Honorable Louis Maxwell Chairman, Macon County Commission 101 E. Rosa Parks Avenue #105 Tuskegee, AL 36083-1735

Dear Honorable Maxwell:

In compliance with the Alabama State Code, 1975, §41-13-1, §36-12-40, and §36-12-41 I am requesting a copy of monthly charges to Macon County gasoline cards and Macon County credit cards currently or formerly in your possession in addition to county gasoline records showing the consumption of county gasoline in Chairman Maxwell's county sedan(s) for the previous 24 months.

I would like to have the documents by August 13, 2015.

Respectfully,

November 19, 2015

Honorable Louis Maxwell Chairman, Macon County Commission 101 E. Rosa Parks Avenue #105 Tuskegee, AL 36083-1735

Dear Honorable Maxwell:

Thank you for providing me the WEX Vehicle Analysis Reports for the gas card you hold. However. I need additional information from the WEX Purchase Activity, Exception Summary, and Site Summary reports that accompany the monthly WEX Vehicle Analysis Reports.

Therefore, in compliance with the Alabama State Code, 1975, §41-13-1, §36-12-40, and §36-12-41, I am requesting a copy of each WEX.com monthly Purchase Activity, Exception Summary, and Site Summary report for purchases made using the same card from December 2012 to November 2015.

I request the documents by December 18, 2015.

Respectfully,

## **CERTIFIED MAIL**

December 21, 2015

Honorable Louis Maxwell Chairman, Macon County Commission 101 E. Rosa Parks Avenue #105 Tuskegee, AL 36083-1735

Dear Honorable Maxwell:

In compliance with the Alabama State Code, 1975, §41-13-1, §36-12-40, and §36-12-41, I am requesting the street and city address of the coded "LOCATION" where fuel was purchased for the VEHICLE DESCRIPTION "CENTRAL" using VEHICLE CARD NO's "0002" and "0006" from November 30, 2012 to June 28, 2015, as indicated on WEX Vehicle Analysis Reports for ACCOUNT NO 0401-00-835594-3.

I request the documents by mail or allowing me to pick up the data from your office by January 19, 2016.

Respectfully,

July 1, 2016

7/01/2016 Susan S. Thomas

Honorable Louis Maxwell Chairman, Macon County Commission 101 E. Rosa Parks Avenue #105 Tuskegee, AL 36083-1735

Dear Honorable Maxwell:

Ref: (a) My December 21, 2015 ltr

- (b) Macon County Commission Itr February 8, 2016 from Susan B. Thomas
- (c) My March 22, 2016 ltr
- (d) Macon County Commission Itr April 11, 2016 from Louis Maxwell, Chairman

Per reference (a) and Alabama State Code, 1975, §41-13-1, §36-12-40, and §36-12-41, I am again requesting the full physical street address, including address number, street, city, and state for the coded locations where fuel was purchased for the "CENTRAL" vehicle using VEHICLE CARD NO's "0002" and "0006", ACCOUNT NO 0401-00-835594-3, from November 30, 2012 to May 28, 2015 for the monthly WEX Vehicle Analysis Reports I received from the county office.

Reference (b), stated "that you have the only information in regard to gas purchases that we have."

According to my correspondence with WEX Inc., the full street address, including address number, street, city, and state corresponding to the specific location codes are available to the county.

Additionally, my request for Business License information, reference (c), also within the preview of Alabama Open Records Act, was acknowledged by reference (d). The data received from your office on June 2, 2016 did not fulfill my request for public records and in my requested format.

To avoid a suit naming the county, you, and others as defendants, I am asking for the data requested by references (a) and (c) to be in my possession within 14 days, no later than Saturday, July 16, 2016.

Moreover, reference (c) specifically requested the data provided me in an electronic format remains unfulfilled. I ask the data to be emailed to me at <u>frank@frankdillman.com</u> as an attachment in either Microsoft EXCEL or Microsoft Access, no later than Saturday, July 16, 2016.

Respectfully,

# frank

From: Sent: To: Subject: Attachments: Suprenant, Karen [Karen.Suprenant@wexinc.com] Monday, November 02, 2015 10:26 AM 'admin@LetBamaVote.org' WEX Collateral Package WEX Purchase Activity Report\_PAR.pdf; WEX info.pdf

Importance:

High

Hi Frank,

Attached please find our program information.

Please contact me with any questions.

Karen Suprenant Inside Sales Consultant P. (800)637-7037 ext. 7422 F. (207)253-1474 ksuprenant@fleetlink.com

b(a)

MAR-01-2010 TO MAR-31-2010

0496001234567

REPORT FOR: ABC Company PAGE 1 OF 11

# EXPRESS

# **Purchase Activity Report**

CARD NUMBER	ď	CARD EMBOSSING	SING	VEHICLE	VEHICLE/ASSET IDENTIFIER	NTIFIER	VEHICLE	VEHICLE DESCRIPTION	PLATE (ST)	-	VIN		DEPARTMENT	
1234		2007 WHITE SEDAN	EDAN	1234567	1234567890123456789012345678	39012345678	2009 WHI	2009 WHITE SEDAN	12345678901 (ME)	01 (ME)	12345678901234567		Sales	
DATE TIME		SITE ADDRESS	PROMPT INFO	VFO	TRANS CODE	ODOM.	PROD	UNITS	COST/ UNIT	FUEL \$	SERVICE \$	OTHER \$	GROSS \$	EXC. CODES
MAR-03 16:11 MAR-10 15:48 MAR-17 18:27 MAR-25 10:08	231 AC	PREVIOUS ODOMETER 364 Nepperhan Yonk NY S Brown 231 Lockwood Yonk NY K Lopes 364 Nepperhan Yonk NY K Lopes 292 Ashburton Yonk NY S Brown PERIOD TOTALS YTD TOTALS YTD TOTALS PRIOD AVERAGES: MPG, PPG, CPM YTD AVERAGES: MPG, PPG, CPM	S Brown G Carter K Lopes S Brown MPG, PPG, CPM		¥ 6 6 6	59950 60750 61043 61513 <b>1563</b> <b>4689</b> <b>22.76</b>		20.796 13.713 20.744 <b>68.674</b> <b>206.022</b>	2.739 2.759 2.759 2.759 2.749 2.749	56.96 37.00 62.21 <b>566.35</b> 0.10	32,50	7.58	56.96 37.00 62.21 <b>194.03</b> 566.35	DY, PR
TRANSACTION CODES: AD= Adjustment CL = Cardlock CP= Contract Pricing	ŝ	IP = Indoor Payment MF = Mobile Fueling MN = Manual	Indoor Payment Terminal Mobile Fueling Manual	OP = 0 PS = Pr TP = Tr	OP = Outdoor Payment Terminal PS = Private Site TP = Transponder		EXCEPTION CODES: FD = Fuel Trans/Day SD = Service Trans/Day FC = Fuel Cost/Trans SC = Service Cost/Trans	CODES: coDES: ans/Day Trans/Day st/Trans Cost/Trans	TU = Fuel Units/Trans BU = Fuel Units/Billing DY - Days Not Allowed	TU = Fuel Units/Trans BU = Fuel Units/Billing Cycle DY - Days Not Allowed	ST = Purchase Start Time ET = Purchase End Time MT = Manual Trans	e Start Time e End Time Trans	PR = Allowed Products SP = Allowed State/ Province CU = Max PPU	Products tate/ Province

SIEBEL(10/10)

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PAGE 10 OF 11

REPORT FOR: ABC Company 0496001234567 MAR-01-2010 TO MAR-31-2010

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# Site Summary

NET \$	2,542.23 341.21 326.26	3,209.70		
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OTHER \$		00.00		
SERVICE \$	279.00	279.00		
FUEL \$	2,542.23 62.21 326.26	2,930.70		
FUEL UNITS	901.941 20.744 111.341	1,034.026		
NO. TRANS	2e 9 - 1	ŝ		
ZIP	10701 10701 10701			
STATE	λλ			
CITY	Yonkers Yonkers Yonkers	PERIOD TOTALS		
ADDRESS	364 Nepperhan Ave 292 Ashburton Ave 231 Lockwood Ave			
BRAND	BRAND X BRAND Y BRAND Z			
				6 (c)

SIEBEL(10/10)



THE STATE OF ALABAMA

# Alacon County Commission

Macon County Courthouse Tuskegee, Alabama 36083 (334) 727-5120 • Fax: (334) 724-2608



Governing Body of Macon County Louis Maxwell Chaiman Commissioner Miles D. Robinson District 1 Commissioner Edward Huffman District 2 Commissioner Andrew D. Thompson, Jr. District 3 Commissioner Robert M. Berry District 4

February 8, 2016

Dear Mr. Dillman,

In response to your letter dated December 21, 2015. Please be advised that you have the only information in regard to gas purchases that we have.

Sincerely,

and I lomas

Śusan B. Thomas County Administrator

Cc: Miles D. Robinson Dist 1 Edward Huffman Dist 2 Andrew Thompson Dist 3 Robert M. Berry Dist 4

(7)

# **CUSTOMER INVOICE**

# **INVOICE LISTED BY CUSTOMER ID**

3 - P

n Date: 5/1/2015 Time: 12:00:00AM

**Customer:** 

To Date: 5/31/2015 Time: 11:59:59PM Page 1 of 1 Print Date: 7/8/2015 Time: 8:14:37AM

z

Macon County Road & Bridge 3636 Alabama Highway 199

Tuskegee, Alabama 36083

**MC** Commission

**101 E Rosa Parks** 

Tuskegee, AL 36083

Transactions for CUSTOMER ID: 000000400 MC Commission

Transactions for User 000000001 - Robinson, Miles

Transactions for User 00000002 - Huffman, Coach

Transactions for User 000000004 - Berry, Mike

Transactions for User 000000005 - Maxwell, Louis

Subgroup Product Summary for 000000400

Product Description 1 Unleaded	<u>Transactions</u> 5	<u>Quantity</u> 66.90	Total Cost 221.08		
Total for Product 1		66.90	221.08		14
2 Description 2 Diesel Total for Product 2	<u>Transactions</u> 1	<u>Quantity</u> 80.60 <b>80.60</b>	<u>Total Cost</u> 267.59 <b>267.59</b>		,
Product Summary for:000000400	6	147.50	488.67		
Subgroup Hose Summary for 000000400					
Site IDHoseGradeDescription000111Diesel000121Unleaded	Transactions 1 5	<u>Quantity</u> 80.60 66.90	<u>Total Cost</u> 267.59 221.08		
Total for Site 0001 Total Hose Summary for: 000000400	6 6	147.50 147.50	488.67 488.67		
Total Cost for CUSTOMER ID 000000400	to	otal for 6 transactions		<u>Quantity</u> 147.50	<u>Total Cost</u> 488.67

August 3, 2016

Honorable Louis Maxwell Chairman, Macon County Commission 101 E. Rosa Parks Avenue #105 Tuskegee, AL 36083-1735

Dear Honorable Maxwell:

In accordance with Alabama State Code, 1975, §41-13-1, §36-12-40, and §36-12-41, I am specifically requesting the county's monthly financial compensation, including, but not limited to salary and benefits, to the Chairman and District 4 Commissioner of the Macon County Commission.

The data shall either be emailed to <u>frank@frankdillman.com</u> or mailed to Frank Dillman, 2273 County Road 54 West, Notasulga, AL 36866 to be received by me by Thursday, August 18, 2016.

Respectfully,

August 3, 2016

Honorable Louis Maxwell Chairman, Macon County Commission 101 E. Rosa Parks Avenue #105 Tuskegee, AL 36083-1735

Dear Honorable Maxwell:

In accordance with Alabama State Code, 1975, §41-13-1, §36-12-40, and §36-12-41, I am specifically requesting the county's monthly financial compensation, including, but not limited to salary and benefits, to the Chairman and District 4 Commissioner of the Macon County Commission.

The data shall either be emailed to <u>frank@frankdillman.com</u> or mailed to Frank Dillman, 2273 County Road 54 West, Notasulga, AL 36866 to be received by me by Thursday, August 18, 2016.

Respectfully,



### Governing Body of Macon County Louis Maxwell Chairman Commissioner Miles D. Robinson District 1 Commissioner Edward Huffman District 2 Commissioner Andrew D. Thompson, Jr. District 3 Commissioner Robert M. Berry District 4

THE STATE OF ALABAMA

# **Macon County Commission**

Macon County Courthouse Tuskegee, Alabama 36083 (334) 727-5120 • Fax: (334) 724-2608



April 11, 2016

Mr. Frank Dillman 2273 County Road 54 Notasulga, Alabama 36866

Dear Mr. Dillman,

In response to your letter dated March 22, 2016 where you requested certain information. Please be advise that the information you requested concerning Business Licenses, we can provide you with the name and addresses only based on advice from legal counsel. But we will be happy to provide you with a hard copy, because we do not have this information in electronic format. As for the information concerning Mr. R. E. Corbitt, it is attached hereto.

Please advise if additional information is needed or desired.

Thanks

Louis Maxwell, Chairman

# HILTON COOPER CONTRACTING INC FOLLETT HIGHER EDUCATION GROUP

SCHOOL SPECIALTY INC PODS ENTERPRISES LLC ADVOCARE INTERNATIONAL LP SUNSHINE ELECTRONIC DISPLAY CORP VECTOR MARKETING CORP POST BROWNING CLINE CARMACK COMPANY INC THE TOP NOTCH CLEANING INC ALABAMA MACHINERY & SUPPLY CO **RICOH AMERICAS CORPORATION** GEMINI MOTOR TRANSPORT LP FLOWERS BY MARGIE WEISS FLOORING INC MAYER ELECTRIC SUPPLY CO INC BILL MILLER PHOTOGRAPHERS ALTEC INDUSTRIES INC **KENDALL ELECTRIC INC** SCENTSY INC **BRAND VAUGHAN LUMBER CO INC B B R GROCERY LLC** TCR CHILD CARE CORPORATION INTERSTATE ELECTRICAL SUPPLY INC TUSKEGEE READY-MIX INC **GREGG APPLIANCES INC** FARRIS AUTO SALES LLC ASPEN MARKETING LLC SRS DISTRIBUTION CORPORATION

TITAN SECURITY INC INTERNATIONAL FIRE PROTECTION INC JOE MONEY MACHINERY COMPANY INC JERRY MACK LAWN SERVICE PURETALK HOLDINGS LLC

PRIME CARE MEDICAL CENTER LLC PRO TEMPS INC MATHES ELECTRIC SUPPLY CO INC KODAK ALARIS INC NEW ACTON MOBILE INDUSTRIES DADS ENTERPRISES POWER PRO-TECH SERVICES INC 3293 HIGHWAY 30 **3 WEST BROOK CORPORATE CENTER** SUITE 200 PO BOX 1017 5585 RIO VISTA DRIVE 2800 TELECOM PARKWAY 316 SOUTH 6TH STREET PO BOX 1228 **163 MCKENZIE ROAD** 1161 COUNTY ROAD 39 2219 CENTERHILL DRIVE PO BOX 20 **5 DEDRICK PLACE** PO BOX 26210 **109 WESTSIDE STREET** PO BOX 211225 PO BOX 1328 254 MILLER ROAD **210 INVERNESS CENTER DRIVE 5101 SOUTH SPRINKLE ROAD** PO BOX 1335 PO BOX 1439 P O BOX 365 925 NORTH STREET E PO BOX 1460 PO BOX 830428 4151 EAST 96TH STREET **303 E MARTIN LUTHER KING HWY** 7500 DALLAS PARKWAY #700 5900 SOUTH LAKE FOREST DRIVE SUITE 400 **1519 REX STREET** 243 ROYAL DRIVE PO BOX 997 PO BOX 131 740 FLORIDA CENTRAL PARKWAY SUITE 2028 203 WEST LEE STREET **111 TUSKEGEE HIGHWAY** P O BOX 9699 2400 MOUNTAIN READ BOULEVARD 809 GLENEAGLES COURT SUITE 300 **406 NORTH CHURCH STREET 377 MAITLAND AVENUE SUITE 1010** 

CLAYTON WESTCHESTER

APPLETON CLEARWATER RICHARDSON SAINT JOSEPH OLEAN MOORESVILE NOTASULGA **OPELIKA** MONTGOMERY WEST CALDWELI OKLAHOMA CITY TUSKEGEE MONTGOMERY BIRMINGHAM OHATCHEE BIRMINGHAM PORTAGE MERIDIAN TUCKER SHORTER TALLADEGA COLUMBUS TUSKEGEE **INDIANAPOLIS** TUSKEGEE PLANO MCKINNEY

MONTGOMERY MADISON BIRMINGHAM NOTASULGA LONGWOOD

TUSKEGEE HURTSBORO PENSACOLA ROCHESTER BALTIMORE TUSKEGEE ALTAMONTE SPRINGS

12/a

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146150000 - Rohesturinin 212860000 - BAITINARC 360830000 - Tuskagee 327010000 - HLTAMONT Spicipo 360890000 761020000 - F. Worth, TY

12(b)

J