

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

Hand-delivered during public comment, Macon County Commission meeting on Monday, March 14, 2022.

March 14, 2022

Louis Maxwell  
Chairman, 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.

During the public comment on November 8, 2021, I hand-delivered to you a Statement of Facts concerning your fuel purchases and an Open Records Request for supporting county documents the county required travel necessitating the purchases of fuel.

I am writing for the second time to afford you the opportunity to correct or dispute any of these facts stated in the November 8, 2021 document and to provide the requested documents and the document contained,

“Per Open Records Act, I want the county travel documents supporting travel prompting the purchases of fuel on the following dates and locations.

Date	Fuel Type	Location
Nov 17, 2012	Premium	Macon County
Nov 17, 2012	Regular	Lee County
Dec 25, 2012	Premium	Lee County
Dec 26, 2012	Regular	Macon County*
Dec 31, 2012	Regular	Macon County
Jan 21, 2013	Premium	Macon County
Jan 29, 2013	Premium	Lee County
Jan 31, 2013	Premium	Lee County
Feb 8, 2013	Premium	Lee County
Mar 1, 2013	Premium	Lee County
Mar 6, 2013	Premium	Lee County
Mar 12, 2013	Diesel	Montgomery
Arp 3, 2013	Regular	Macon County*

Apr 10, 2013	Premium	Montgomery*
Apr 14, 2013	Premium	Lee County*
Apr 20, 2013	Premium	Montgomery*
Apr 27, 2013	Premium	Lee County*
May 2, 2013	Premium	Lee County*
May 2, 2013	Regular	Lee County*
May 17, 2013	Premium	Lee County
Aug 7, 2013	Premium	Lee County
Nov 4, 2013	Regular	Lee County
Nov 11, 2013	Premium	Montgomery
Dec 24, 2013	Regular	Pike Road
Dec 30, 2013	Regular	Macon County
Dec 31, 2013	Premium	Lee County*
Feb 8, 2014	Premium	Pike Road*
Feb 16, 2014	Premium	Lee County*
Feb 16, 2014	Regular	Macon County
Feb 18, 2014	Regular	Greenville, MS
Feb 18, 2014	Regular	Maplesville, AL*
May 8, 2014	Regular	Montgomery
Jun 8, 2014	Regular	Lafayette, AL*
July 30, 2014	Regular	Pike Road
Aug 4, 2014	Regular	Stapleton, AL
Aug 10, 2014	Regular	Pike Road*
Aug 13, 2014	Regular	Pike Road*
Oct 3, 2014	Regular	Pike Road*
Nov 14, 2014	Regular	Pike Road
Nov 27, 2014	Regular	Pike Road
Dec 18, 2014	Regular	Town Creek, AL
Jan 11, 2015	Regular	Macon County
Jan 11, 2015	Regular	Macon County*
Jan 13, 2015	Diesel	Lee County
Jan 13, 2015	Regular	Macon County
Jan 19, 2015	Other Fuel	Macon County
Jan 21, 2015	Regular	Lee County
Jan 21, 2015	Regular	Macon County
Feb 5, 2015	Regular	Macon County
Feb 5, 2015	Regular	Macon County
Feb 12, 2015	Regular	Macon County
Feb 12, 2015	Regular	Macon County
Mar 6, 2015	Regular	Montgomery
Apr 16, 2015	Regular	Kennesaw, GA
Apr 17, 2015	Regular	Tuscaloosa
Apr 29, 2015	Regular	Montgomery

Apr 29, 2015	Premium	Lee County
May 7, 2015	Regular	Montgomery

“\*” are purchases made between 6:01 pm and midnight

These purchases are from 200 county purchases between November 5, 2012 and May 26, 2015 made with a gas card assigned to you. Of the 200 purchases 140 were in Macon County (\$3,342.76), 25 were in Lee County (\$419.51) and 28 were in Montgomery County (\$716.66) for a total of \$4,8799.61. The volumn of purchases may appear to be overwhelming, therefore, please provide the purpose of county related travel no later than **December 8, 2021**.

I respectfully request you inform me no later than **November 16, 2021** of your intentions, ability, and estimate cost to retrieve the data and copies to fulfill this request for public documents.

I look forward to your supporting documents mailed to Frank Dillman, 2273 County Road 54 West, Notasulga, AL 36866.“

To date, I have not received your reply.

Alabama Open Records Act §36-12-40 which provides “[e]very citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute.

Having sworn to “perform and discharge the duties” of Chairman, Macon County Commission, which includes the responsibility to either provide the requested document or a justification of denial.

“[B]ecause there is a presumption of required disclosure, the party refusing disclosure shall have the burden of proving that the writings or records sought are within an exception and warrant nondisclosure of them,” [and] “[t]he Stone exceptions were not intended, nor shall they be used, as an avenue for public officials to **pick and choose** (emphasis applied) what they believe the public should be made aware of.” **Blankenship v. City of Hoover, 590 So. 2d at 245 (1991)**.

I look forward to, should you desire, receiving your written comments and disputing any of the above facts and the requested public documents in compliance with the Open Records Act and case law at 2273 County Road 54 West, Notasulga, AL 36866 by Tuesday, March 29, 2022.

Best,

Frank Dillman