

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

Hand delivered to Chairman Maxwell during Public Comment of March 14, 2022
Macon County Commission meeting.

March 14, 2022

Chairman Louis Maxwell
101 E. Rosa Parks Avenue
Tuskegee, AL 36083

Dear Chairman Maxwell,

Clean hands¹ is the principle that always works best for all parties concerned.

During public comment on September 13, 2021, I hand delivered to you a Statement of Facts concerning personal farm vehicles and equipment and commercial vehicles on county property being serviced and maintained by county employees during normal working hours using county equipment, tools, and lubricants.

A request for Open Records was a component of the September 13, 2021 letter.

To date, I have not received your response.

I am writing for the second time to afford you the opportunity provide the requested public documents and for you to correct or dispute any of the facts stated in the September 13, 2021 document, as it contained,

“Clean hands² is the principle that always works best for all parties concerned.

Declaration of facts and Open Records request.

¹ Clean-hands doctrine, Blacks Law Dictionary Ed. 11, “The principle that a party cannot seek equitable relief or assert an equitable defense if that party has violated an equitable principle, such as good faith.”

² Clean-hands doctrine, Blacks Law Dictionary Ed. 11, “The principle that a party cannot seek equitable relief or assert an equitable defense if that party has violated an equitable principle, such as good faith.”



I want a copy of the county's invoice for the purchase of this photographed bulldozer and John Deere tractor within the next 10 business days following receipt of this letter, or September 27, 2021.

In a letter to you, Mr. Jimmy McGhar attached a copy of a business seal on the side of a dump truck, leaving the compound in the evening after normal working hours. That truck was also parked under cover on the Road and Bridge complex.



It appears that personal equipment has been and is on the Road and Bridge compound and possibly being serviced and repaired by county employees.

In his letter, McGhar stated that Russell Berry called him that evening inquiring why he was following his dump truck, which was followed by McGhar exiting county property after routine working hours.

I look forward to your response by September 27, 2021.

Respectfully, reserving all rights, known and unknown, and waiving none.”

You have sworn to support the Constitutions of the U.S. and Alabama and to “faithfully and impartially perform and discharge the duties of the office to which I am about to enter, so help me God.”

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