

August 31, 2017

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

Re: Final Public Records Request

Dear Chairman Maxwell:

This firm represents Franklin R. Dillman, a citizen of Macon County, Alabama, relating to a prior request he made pursuant to ALA. CODE §§ 36-12-40 et seq., 41-13-1 et seq., and all other statutes, regulations or ordinances providing for the public disclosure of records.

The documents requested pertain to the locations at which County gasoline credit cards provided by WEX, Inc. were used. Mr. Dillman began requesting these records in writing in July 2015. He narrowed his request on November 19, 2015 to WEX Exception Summary and Site Summary reports relating to the gas card you were assigned. He further explained his request on December 21, 2015, to the location information for purchases between Nov. 30, 2012 to June 28, 2015 on cards 2 and 6. Having not received the location information requested and being told “you have the only information regarding gas purchases we have,” Mr. Dillman repeated his request July 1, 2016. On March 13, 2017, Mr. Dillman provided you information and WEX documentation substantiating that WEX site addresses are part of their normal reporting and is always available online on the computer information which is within your possession and control. There is an “Exception Summary” and “Site Summary” report page which is a part of WEX monthly reports. Nevertheless, the information was not provided.

It is unfortunate for all concerned—as well as for the citizens of Macon County—that these simple and narrow requests have continued to go unheeded for far too long and resulted in having to involve legal counsel. However, before becoming more complicated, I am willing to give you a final opportunity to end this particular public record dispute without resorting to litigation.

Please provide any document under your possession and control from WEX for the period from November 30, 2012 to June 28, 2015 providing an explanation of the “Location” codes. These “Location” codes constitute WEX codes for locations where, according to a WEX Vehicle Analysis Report received by the County, you purchased gasoline using a County credit card. In other words, we are requesting documents correlating the codes to an address. These documents are clearly public records and the fact the data is housed with WEX is no defense to an Open Records claim if they are provided to the County periodically or you or the County have access to that information from your computer screen.

RUSHTON, STAKELY, JOHNSTON & GARRETT, P.A.

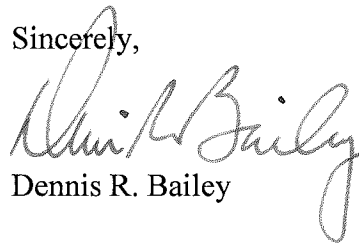
REPLY TO: MONTGOMERY 184 Commerce Street, Montgomery, Alabama 36104 Tel 334 206 3100
BIRMINGHAM 2100B SouthBridge Parkway, Suite 240, Birmingham, Alabama 35209 Tel 205 484 0840

www.rushtonstakely.com

The term "documents," as used in this request, shall include but not be limited to digital communications including e-mails and texts, as well as written or printed correspondence.

If you provide these documents in 10 days, you will satisfy my obligation to Mr. Dillman and I will close my file.

Sincerely,

A handwritten signature in cursive script that reads "Dennis R. Bailey". The signature is written in black ink and is positioned above the printed name.

Dennis R. Bailey

DRB:phk