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November 23, 2017

Hugh R. Evans, III, General Counsel
Alabama Ethics Commission
P.O. Box 4840
Montgomery, AL 36103-4840

Dear Mr. Evans,

Ref: Case Number 2016-VW-023.

For over two years, I have been requesting street addresses where Louis Maxwell, Chairman of the Macon County Commission, has purchased fuel with the county-issued WEX, Inc. fuel card, as visible in the monthly WEX Vehicle Analysis Report, Enclosure (1), obtained from Maxwell among similar documents from November 30, 2012 to May 28, 2015.

Enclosure (1) provides an undecipherable "location code" where the fuel was purchased.

Do I have strong evidence of personal use of the card? No. There is no way of proving or disproving that until the requested documents is released. Do I suspect personal use of the card? Yes. The involvement of county attorney, Fred Gray, Sr., and the 2-year trail of denials feed my suspicion.

WEX, Inc. is third party and probably paid with public money to maintain and compile this data for the county.

Furthermore, Enclosure (1), in the lower right-hand corner, is "PAGE 2," as compared to "PAGE 3" on Enclosure (2). Therefore, the monthly reports, on-line or otherwise, may include at least three reports.

Chatting on-line with a WEX agent, she emailed me a sample copy of Site Summary Report, Enclosure (3), and the Purchase Summary Report, Enclosure (4), displaying street addresses in lieu of a code, which was shared with Maxwell and commissioners. A second WEX agent voluntarily informed a friend during a telephone conversation that these forms and addresses are available to the county via their on-line account, also shared with Maxwell.

Because of my extensive data entry and analyzed data compiled with withdrawals from the county fuel tanks and WEX purchases for 2.5 years, November 30, 2012 to May 28, 2015, supported by forms identical to Enclosure (1), if permitted by statute, I would welcome a copy of the county's WEX monthly reports availed to the county for the exact period.

I sincerely appreciate your interest and investigation into this matter.

Respectfully,


Frank Dillman, HMC 8404, USN-Retired

Encl: (1) January 2014 WEX Vehicle Analysis Report for Macon County
(2) May 2015 WEX Vehicle Analysis Report for Macon County
(3) Sample of WEX Site Summary Report
(4) Sample of WEX Purchase Activity Report



Vehicle Analysis Report

NATIONAL : STATE OF AL NON-STATUTORY
 ACCOUNT : MACON COUNTY COMMISSION
 DEPARTMENT : UNASSIGNED
 CLOSING DATE: 01-31-2014
 ACCOUNT NO: 0401-00-835594-3
 DELIVER TO:
 JOSHUA ANTHONY
 MACON COUNTY COMMISSION
 101 E ROSA PARKS AVE
 TUSKEGEE AL 36083-1735

VEHICLE CARD NO 0002	CUSTOMER ID	VEHICLE DESCRIPTION CENTRAL	PLATE
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LOCATION	DATE	TIME	DRIVER	ODOMETER	PROD	GALLONS	COST/ GAL	COST/ MILE	MPG	GROSS COST	EXEMPTED TAX	NET COST	REPORTED TAX	CODE*
NJ 014 707	12-31-13	20:37	PREVIOUS ODOMETER	888,800	SUP	5,620	3.375			20.00	-1.03	18.97	1.01	E
IP 069 863	01-04-14	08:44	MAXWELL, LOUIS	555,008	UNL	8,290	3.117			27.36	-1.52	25.84	1.50	E
IP 089 863	01-10-14	13:16	MAXWELL, LOUIS	80,000	UNL	7,580	3.116			25.01	-1.39	23.62	1.36	
			TOTAL FUEL			21,490	3.184			72.37	-3.94	68.43	3.87	
			TOTAL NON-FUEL			21,490	3.184			72.37	-3.94	68.43	3.87	
			TOTAL PURCHASES							0.00	0.00	0.00	0.00	
										0.00	0.00	0.00	0.00	
										72.37	-3.94	68.43	3.87	
										72.37	-3.94	68.43	3.87	

*** TO ENSURE MORE ACCURATE MILEAGE REPORTING, VEHICLE MILEAGE STATISTICS ARE NOT CALCULATED WHEN KEY ODOMETER READINGS ARE NOT WITHIN AN ACCEPTABLE RANGE ***

Enclosure (1)

*CODES: E = Exception Report M = Manual Transaction OM = Onsite Mobile PS = Private Site TS = Terminal Site



Vehicle Analysis Report

NATIONAL : STATE OF AL NON-STATUTORY
 ACCOUNT : MACON COUNTY COMMISSION
 DEPARTMENT : UNASSIGNED
 CLOSING DATE: 06-31-2015
 ACCOUNT NO: 0401-CO-835594-3
 DELIVER TO:
 JOSHUA ANTHONY
 MACON COUNTY COMMISSION
 101 E ROSA PARKS AVE
 TUSKEGEE AL 36083-1735

VEHICLE CARD NO 0006	CUSTOMER ID	VEHICLE DESCRIPTION CENTRAL	PLATE
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LOCATION	DATE	TIME	DRIVER	ODOM	PROD	GALLONS	COST/ GAL	COST/ MILE	MPG	GROSS COST	EXEMPTED TAX	NET COST	REPORTED TAX	CODE*
AC 018 830	05-01-15	16:57	PREVIOUS ODOMETER	0										
AR 007 117	05-02-15	16:57	MAXWELL, LOUIS	0	SUP	9.680	2.916			30.00	-1.77	28.23	1.74	E
AC 018 830	05-04-15	17:27	MAXWELL, LOUIS	0	UNL	7.921	2.396			20.43	-1.45	18.98	1.43	E
NT 004 080	05-07-15	08:39	MAXWELL, LOUIS	0	UN+	8.935	2.616			25.01	-1.64	23.37	1.61	E
95 C31 409	05-21-15	08:13	MAXWELL, LOUIS	0	UNL	6.000	2.317			15.00	-1.10	13.90	1.08	E
AP 010 332	05-26-15	10:07	MAXWELL, LOUIS	0	UNL	7.431	2.516			20.06	-1.35	18.70	1.34	E
AC 018 830	05-28-15	10:32	MAXWELL, LOUIS	0	UN+	6.941	2.616			20.61	-1.35	19.26	1.33	E
			TOTAL FUEL PERIOD Y-T-D			54.273	2.591			150.54	-9.94	140.60	9.78	
			TOTAL NON-FUEL PERIOD Y-T-D			402.112	2.177			847.42	-72.13	875.29	68.74	
			TOTAL PURCHASES PERIOD Y-T-D							0.00	0.00	0.00	0.00	
			TOTAL PURCHASES PERIOD Y-T-D							0.00	0.00	0.00	0.00	
			*** TO ENSURE MORE ACCURATE MILEAGE REPORTING, VEHICLE MILEAGE STATISTICS ARE NOT CALCULATED WHEN KEY ODOMETER READINGS ARE NOT WITHIN AN ACCEPTABLE RANGE ***											

CODES: E = Exception Report M = Manual Transaction OM = Onsite Mobile PS = Private Site TS = Terminal Site



ENCLOSURE (2)



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

Site Summary

BRAND	ADDRESS	CITY	STATE	ZIP	NO. TRANS	FUEL UNITS	FUEL \$	SERVICE \$	OTHER \$	NET \$
BRAND X	364 Nepperhan Ave	Yonkers	NY	10701	26	901.941	2,542.23			2,542.23
BRAND Y	292 Ashburton Ave	Yonkers	NY	10701	1	20.744	62.21	279.00		341.21
BRAND Z	231 Lockwood Ave	Yonkers	NY	10701	6	111.341	326.26			326.26
		PERIOD TOTALS			33	1,034.026	2,930.70	279.00	0.00	3,209.70

Enclosure (3)



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

Purchase Activity Report

CARD NUMBER	CARD EMBOSSED	VEHICLE/ASSET IDENTIFIER	VEHICLE DESCRIPTION	PLATE (ST)	VIN	DEPARTMENT
1234	2007 WHITE SEDAN	1234567890123456789012345678	2009 WHITE SEDAN	12345678901 (ME)	12345678901234567	Sales

DATE	TIME	SITE ADDRESS	PROMPT INFO	TRANS CODE	ODOM.	PROD	UNITS	COST/UNIT	FUEL \$	SERVICE \$	OTHER \$	GROSS \$	EXC. CODES	
		PREVIOUS ODOMETER												
MAR-03	16:11	364 Nepperhan Yonk NY	S Brown	MN	59950									
MAR-10	15:48	231 Lockwood Yonk NY	G Carter	OP	60446	UNL	20.796	2.739	56.96			56.96		
MAR-17	18:27	364 Nepperhan Yonk NY	K Lopes	OP	60750	UNL	13.723	2.759	37.85			37.85		
MAR-25	10:08	292 Ashburton Yonk NY	S Brown	OP	61043	UNL	13.411	2.759	37.00			37.00	ET	
					61513	UN+	20.744	2.999	62.21			62.21	DY, PR	
		PERIOD TOTALS				1563		68.674		194.03			194.03	
		YTD TOTALS				4689		206.022		566.35	32.50	7.58	566.35	
		PERIOD AVERAGES: MPG, PPG, CPM				22.76			2.814	0.10				
		YTD AVERAGES: MPG, PPG, CPM				22.76			2.749	0.10				

TRANSACTION CODES:

AD= Adjustment
 CL= Cardlock
 CP= Contract Pricing

IP = Indoor Payment Terminal
 MF = Mobile Fueling
 MN = Manual

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

TU = Fuel Units/Trans
 BU = Fuel Units/Billing Cycle
 DY - Days Not Allowed

ST = Purchase Start Time
 ET = Purchase End Time
 MT = Manual Trans

PR = Allowed Products
 SP = Allowed State/ Province
 CU = Max PPU

ENCLOSURE (4)