

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

<b>THE MERCHANT LAW FIRM, P.C.,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	FILE NO. _____
	)	
<b>FULTON COUNTY DISTRICT</b>	)	
<b>ATTORNEY'S OFFICE,</b>	)	
	)	
Defendant.	)	
_____	)	

**PLAINTIFF'S COMPLAINT FOR VIOLATION OF GEORGIA'S OPEN  
RECORDS ACT AND MOTION FOR DEFENDANT TO SHOW CAUSE**

COMES NOW Plaintiff, The Merchant Law Firm, P.C. ("Plaintiff"), and pursuant to O.C.G.A. § 50-18-73, hereby files its Complaint against the Fulton County District Attorney's Office ("FCDA" or "Defendant") and Motion For Defendant To Show Cause, showing the Court further as follows:<sup>1</sup>

**INTRODUCTION**

1.

Georgia's Open Records Act, O.C.G.A. § 50-18-70, *et seq.* ("Act"), is the important mechanism by which citizens of Georgia are able to evaluate their government's use of resources. The Georgia General Assembly explained the purpose of the Act:

The General Assembly finds and declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society; and that public access to public records should be encouraged to foster confidence in government and *so*

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<sup>1</sup> District Attorney Fani Willis is not named individually in this case because a case currently pending before the Georgia Supreme Court seeks to address whether, and to what extent, an elected district attorney may be sued personally under Georgia's Open Records Act. Nevertheless, since the Fulton County District Attorney's Office is an agency subject to the Open Records Act, the relief requested herein is proper and should be granted.

***that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions.*** The General Assembly further finds and declares that there is a strong presumption that public records should be made available for public inspection without delay. ***This article shall be broadly construed to allow the inspection of governmental records.*** The exceptions set forth in this article, together with any other exception located elsewhere in the Code, shall be interpreted narrowly to exclude only those portions of records addressed by such exception.

O.C.G.A. § 50-18-70(a)(emphasis added).

2.

Thus, the public policy behind the Act is to encourage transparency in government, and there is a strong presumption that public records be made available for public inspection—and without delay. As the Georgia Court of Appeals has explained:

[T]he [ORA] was enacted in the public interest to protect the public—both individuals and the public generally—from “closed door” politics and the potential abuse of individuals and the misuse of power such policies entail. Therefore, the Act must be broadly construed to effect its remedial and protective purposes. The intent of the General Assembly was to encourage public access to information and to promote confidence in government through openness to the public and allow the public to evaluate efficient and proper functioning of its institutions.

(Punctuation and footnotes omitted.) *Corp. of Mercer Univ. v. Barrett & Farahany, LLP*, 271 Ga.App. 501, 503(1)(a), 610 S.E.2d 138 (2005); *See also Wallace v. Greene Cnty.*, 274 Ga. App. 776, 782, 618 S.E.2d 642, 648 (2005)

3.

District Attorney, Fani Willis, has made public statements indicating that she would lead FCDA with a stated goal of being transparent with the citizenry.

4.

Despite the General Assembly’s clear intent and Ms. Willis’ statements supporting transparency in FCDA, however, FCDA has denied Plaintiff the right to inspect a number

of FCDA records. Some of these records include reports provided to FCDA by third party media companies that were hired (with taxpayer funds) to track the impact of Ms. Willis' statements to the media and whether such statements were viewed favorably by the public. Ms. Willis first began contracting with these companies just before she and FCDA sought to investigate and indict Mr. Roman and the other co-defendants in Case No. 23SC188947 currently pending in Fulton County Superior Court.

5.

As shown more fully below, FCDA is in clear violation of the Act, appears to be intentionally withholding information in advance of scheduled evidentiary hearings in two separate proceedings, and has forced Plaintiff to take action through this filing to obtain relief. These are not the efforts of an agency that values "transparency", and Plaintiff requests that the Court grant the relief requested herein, and find that FCDA must permit inspection and/or copying of numerous categories of documents that still have not been made available to Plaintiff. It is evident that FCDA has withheld the records without substantial justification under O.C.G.A. §50-18-73(b).

### **JURISDICTION AND VENUE**

6.

This action is brought pursuant to Georgia's Open Records Act, O.C.G.A. § 50-18-70, *et seq.* ("Act").

7.

The Court has jurisdiction over the subject matter of this action pursuant to O.C.G.A. §§ 50-18-73(a), which notes that, "[t]he superior courts of this state shall have jurisdiction in law and in equity to entertain actions against persons or agencies having

custody of records open to the public under this article to enforce compliance with the provisions of this article.”

8.

This Court has personal jurisdiction over FCDA because FCDA’s principal place of business and operation is located in Fulton County, Georgia.

9.

FCDA is an “[a]gency” as defined in O.C.G.A § 50-18-70(b)(1) because FCDA “. . . has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state, their officers, or any combination thereof and derives more than 33 1/3 percent of its general operating budget from payments from [Fulton County].” Therefore, FCDA is subject to the requirements of the Act.

10.

Each of the records sought by Plaintiff in this action is considered a “public record” as defined in O.C.G.A § 50-18-70(b)(2) because the records sought include, “. . . documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by” FCDA “in the performance of a service or function for or on behalf of FCDA . . . .”

11.

Venue is proper in Fulton County, Georgia because Defendant is located in Fulton County, Georgia and the events giving rise to this action occurred in Fulton County, Georgia.

## **PARTIES**

12.

Plaintiff, a Georgia professional corporation, is an entity entitled to request records pursuant to the Act under O.C.G.A. § 50-18-73(a), which provides that, “[s]uch actions may be brought by any person, firm, corporation, or other entity.”

13.

Fulton County is a political subdivision of the State of Georgia. FCDA is the agency that prosecutes criminal cases on behalf of Fulton County. FCDA derives more than 33 1/3 percent of its general operating budget from payments from Fulton County. At all times relevant to this action, FCDA was responsible for maintaining all public records, in whatever form, and permitting Plaintiff and other citizens of Georgia to inspect FCDA’s public records. Pursuant to O.C.G.A. § 9-11-4(e)(5), FCDA may be served with the Summons and Complaint by delivering a copy of the Summons and Complaint to Fani Willis, the Fulton County District Attorney, at 136 Pryor Street, Third Floor, Atlanta, Georgia 30303.

14.

FCDA is subject to the requirements of the Act and subject to the instant action, which seeks to compel FCDA’s compliance with Act.

## **FACTUAL BACKGROUND**

15.

Plaintiff represents Michael Roman, a defendant in Fulton County Superior Court Criminal Case No. 23SC188947. An evidentiary hearing is scheduled for February 15, 2024 on Mr. Roman’s motion to dismiss the indictment and disqualify FCDA, Willis and

the special prosecutor, Nathan Wade (“Wade”), from further prosecuting Mr. Roman in that case.<sup>2</sup> Mr. Roman has subpoenaed Willis and Wade to testify at the February 15, 2024 hearing. Furthermore, Wade is scheduled to appear at a separate evidentiary hearing in his pending divorce matter tomorrow.

16.

Among other grounds, Mr. Roman has asserted that Willis and Wade should be disqualified because Willis used taxpayer money to pay Wade, with whom she has had a romantic relationship at the time, and, in turn, has received financial benefits from such payments in the form of vacations, hotel stays and other personal gifts.

17.

In light of this information, Mr. Roman believes that Willis’ use of money budgeted to FCDA is of utmost importance in evaluating whether Willis and Wade have an irreparable and fatal conflict of interest and whether, and to what extent, Willis has otherwise used public monies for her personal gain.

18.

In an apparent effort to intentionally stall Plaintiff’s inspection of various categories of documents prior to the evidentiary hearing in this matter, FCDA has refused, without adequate explanation, to provide Plaintiff with many of the requested materials that are known to exist and which are not subject to any exception in the Act and some of which have been outstanding since September of 2023.

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<sup>2</sup> The district attorney’s response to Mr. Roman’s motion is due this Friday, February 2, 2024.

19.

On September 1, 2023, Plaintiff, by and through its shareholder, Ashleigh Merchant, requested certain public records, by and through Fulton County's Public Records Center electronic portal, pursuant to the Act, which was assigned as Request No. R007353-090123 ("September 1 Request"). The September 1 Request sought:

. . . any and all bids, contracts, or agreements for the appointment and payment of the following contractors with Fulton County:

The Law Offices of Nathan Wade  
Christopher Campbell PC  
The Cross Firm LCC  
Anna Cross  
Bondurant Mixon & Elmore LLP and  
Terrance Bradley

. . . I am seeking their invoices, contracts, county approval of these vendors and any other documents regarding the contracting and payment of these vendors.

A copy of the September 1 Request, along with all of the follow-up correspondence associated with the request, is attached hereto collectively as Exhibit "A".<sup>3</sup>

20.

Plaintiff did not receive any documents within three business days, and there were no legal exceptions asserted under the Act by Fulton County or FCDA, so on September 7, 2023, Ms. Merchant followed up to inquire when the documents would be available. Ms. Merchant again followed up on September 11, September 13, September 14, and September 15, 2023. (*See* Exhibit A). Despite not providing numerous invoices and other

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<sup>3</sup> Note that Exhibit A begins chronologically on the last page.

documents in response to the September 1 Request, or any reason for failing to do so, on September 17, 2023, Fulton County prematurely closed the request.<sup>4</sup>

21.

As a result, on January 4, 2024, Ms. Merchant had to re-file her request for agreements and contracts set forth in the September 1 Request relating to Fulton County and Wade, and Fulton County assigned the re-filed request as Request No. R000129-010424. A copy of the re-filed September 1 Request is attached hereto as Exhibit “B”. This request also sought any new documents created since September 1, 2023 that would be responsive to the request. Ms. Merchant did not receive any response, so she followed up on January 12, 2024 and January 16, 2024 requesting a timeline for receipt of the documents. (*See Exhibit B*). It had now been more than three months since she had submitted the September 1 Request. On January 22, 2024, Fulton County responded that, “Your request has been forwarded to the appropriate department and the time extended to accommodate the appropriate department.” (*See Exhibit B*). On January 25, 2024, Fulton County wrote, “Please see letter attached. This request has been extended.” (*See Exhibit B*). Fulton County closed this request on January 29, 2024 and referred Ms. Merchant to the September 1 Request.

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<sup>4</sup> Fulton County’s action in prematurely closing the requests and forcing Ms. Merchant to re-file the requests under new request numbers made the request process unnecessarily confusing and burdensome. One can only assume this was done intentionally with the hope that Ms. Merchant would simply accept that the request had been “closed” with all documents provided and move on. Thankfully, she did not, because it is evident that numerous additional responsive documents were in the possession of Fulton County and FCDA but had not been provided. The Open Records process itself appears designed to deter Georgia citizens from accessing public records and flies in the face of the transparency and openness the Act dictates.

22.

On January 14, 2023, Ms. Merchant had to file yet another request associated with the September 1 Request because the prior request had been prematurely closed. The new request was assigned Request No. R000483-011424. That request is attached hereto as Exhibit “C”. Four days later, on January 18, 2024, Fulton County responded, “Please log into the portal and see responsive document.” That response provided only one contract for John Floyd and then it was closed again. (*See Exhibit C*).

23.

Finally, on January 29, 2024, Fulton County wrote in the records portal, with regard to the original September 1 Request, “[p]lease log into the portal to see the attached documents.” (*See Exhibit A*). Numerous documents were provided in this response, but numerous documents were still outstanding. To date, the following items remain outstanding under these requests, which have been pending for almost 5 months:

- Invoices for July 2023 through December 2023 despite Nathan Wade receiving payment for those months;
- Invoices for Terrence Bradley;
- Anna Cross’ current contract as the contract provided to Ms. Merchant ended on June 30, 2023
- Current invoices for Anna Cross; her last invoice is from October 2023; and
- John Floyd’s current contract; the contract provided for Mr. Floyd ended in October 2022.

24.

Upon information and belief, the documents sought in the September 1 Request and all of the foregoing follow-up requests for the same documents were in the possession of FCDA and were intentionally withheld by FCDA because undersigned counsel filed a

motion to disqualify Willis and Wade and there has been considerable news coverage of the financial arrangements between Willis and Wade. As shown below, a letter from FCDA confirms that the stonewalling continues.

25.

On September 15, 2023, Ms. Merchant requested a different set of records from those sought in the September 1 Request, and Fulton County assigned this request number R007844-091523 (“September 15 Request”). The September 15 Request is attached hereto as Exhibit “D”. The September 15 Request sought, “. . .copies of the monthly CARES act reports for the District Attorney’s Office showing how CARES act money was spent each month.” (*See* Exhibit D). On September 19, 2023, FCDA responded, “The Fulton County District Attorney is in receipt of your open requests request. However after carefully reviewing your request, unfortunately we do have the responsive records.” (*See* Exhibit D). Upon information and belief, FCDA and Willis are required by law to maintain records regarding the use of CARES Act moneys received pursuant to federal ARPA grant funding. As a result, Fulton County, FCDA and Willis should have records showing how those funds were spent. Nevertheless, and in addition to response on September 19, 2023, on January 26, 2024, FCDA responded that it “in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.” A copy of the January 26, 2023 letter from Dexter Bond, a FCDA employee, is attached hereto as Exhibit E.”

26.

On January 8, 2024, in Request R000198-010824 (“January 8 Request”), Ms. Merchant separately submitted the following request through the Fulton County open

records portal: “I am seeking personnel records. I am requesting a list of all attorneys (with their names and dates of hiring) hired by the District Attorney since Ms. Willis became District Attorney include[ing] the date hired.” The January 8 Request is attached hereto as Exhibit “F”. Ten days later, on January 18, 2024, FCDA responded stating, “Please log into the portal to see responsive letter. No responsive records.” On January 26, 2024, FCDA responded again, stating that “[t]his Office, in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.” (*See* Exhibit E). This request was sent because Willis made a presentation to the Fulton County Board of Commissioners in 2021 asking for additional funding to hire lawyers and staff to assist in clearing the backlog of cases due to the Covid pandemic. If that was true in 2021, and Ms. Willis did, indeed, hire lawyers and staff with the funding granted to her, there should be records relating to new hires over the past three years.

27.

On January 8, 2024, in Request R000305-010924 (“Second January 8 Request”), which is attached hereto as Exhibit “G.” Ms. Merchant requested “a copy of any and all documents, agreements, contracts, memos or any written documents that employees, staff or independent contractors of the District Attorney’s Office have been required to sign regarding speaking to the media and/or confidentiality.” (*See* Exhibit G). On January 9, 2024, Fulton County acknowledged receipt of the Second January 8 Request, but then responded on January 18, 2024 (10 days after the request), “Please allow 10 business days for a response.” (*See* Exhibit G). To date, Ms. Merchant has not received any further response in response to the Second January 8 Request through the portal, but on January 26, 2024, the District Attorney’s Office responded that it “in its normal course of business,

does not maintain responsive records; as such, we cannot produce the records you seek.” (See Exhibit E). Upon information and belief, the FCDA issued a statement to the newsmedia that NDA’s did exist but they were later retracted.

28.

On January 9, 2024 in Request R000272-010924 (“January 9 Request”), which is attached hereto as Exhibit “H”, Ms. Merchant sought:

a copy of any and all correspondence to and/or from vendor Critical Mention, Inc. including copies of all contracts and/or payments and all analytics and/or reports to and/or from Critical Mention, Inc. and any member of the District Attorney’s Office.

(See Exhibit H). On January 12, 2024, Ms. Merchant also made clear she was asking for “the analytics that were provided by Critical Mention. The contract is for media monitoring and analytical reports are provided in response to this contract and we asked in our open records request for those as well.” (See Exhibit H). On January 18, ten days after the original request, FCDA provided some e-mails that make clear that FCDA used funds received from Fulton County to contract with Critical Mention to monitor the media presence of Willis. Those emails contained attachments, which were the very reports Ms. Merchant requested, but the reports were not provided, and the request was closed before it was fulfilled.

29.

As a result, this forced Ms. Merchant on January 18, 2024 to re-file the January 9 Request under R000675-011824. The re-filed January 9 Request is attached hereto as Exhibit “I.” In the re-filed January 9 Request, Ms. Merchant specifically states that she sought, “the analytics and documents that are clearly referenced and attached to those emails.” (See Exhibit I). She also noted that, “[i]t appears from the emails that Jeff

DiSantis, Fani Willis, Jeremy Murray, Pallavi Purkayashta, Robin Bryant and Reta Keppler may all have accessed these reports on a regular basis. These reports are of public media and paid for by public funds and subject to open records.” (*See* Exhibit I). On January 26, 2024, FCDA further responded to the January 9 Request by stating:

As it relates to the records you seek, this Office, in its normal course of business, does not maintain responsive records – as such, we cannot produce the records you seek. As it relates to your request to view electronic communications, your request, as written in your January 24<sup>th</sup> letter, is not reasonably calculated to locate the records you seek. *See* O.C.G.A. §50-18-72(g).

(*See* Exhibit E). Since FCDA provided the emails that contain the attachments, the emails and attachments are obviously kept in the ordinary course of FCDA’s business, so it is not clear why the attachments and other responsive materials have not been provided. Also, Ms. Merchant has never requested to “view electronic communications”, so this basis for withholding the documents and other media are without merit and appears specifically designed to prevent Ms. Merchant and the public from seeing the contents of the reports and other data provided by Critical Mention. Neither FCDA nor Fulton County provided any legal objection to producing the requested documents within three business days, so they waived any right to withhold the documents on the stated bases.

30.

On January 14, 2024, Ms. Merchant submitted open records Request No. R000481-0111424 (“January 14, 2024 Request”), which sought “. . . any and all contracts, agreements, vendor documents, and communications between any county entity and the vendor TVEyes Inc.” A copy of the January 14 Request is attached hereto as Exhibit “J”. TVEyes Inc. is a company that provides analytics similar to Critical Mention. In response, on January 17, 2024, Fulton County stated, “Your request is being reassigned to the District

Attorney's Office for a response. Please allow 3 business days." (*See* Exhibit J). On January 25, 2024, Fulton County stated, "Please log into the portal to review letter attached. This request has been extended." (*See* Exhibit J). Neither Fulton County nor FCDA has ever provided any documents in response to the January 14 Request, so this request remains outstanding, even though it is now several weeks old.

31.

On January 16, 2024, at 9:21 a.m., Ms. Merchant submitted open records Request No. R000515-011624 ("First January 16 Request"), which requested a copy of any and all vacation or time off requests for Fani Willis from January 1, 2022, until the current day. The First January 16 Request is attached hereto as Exhibit "K". Ms. Merchant was told that it would take 10 business days. Therefore, responsive documents should be provided by January 26, 2024. However, on January 26, 2024, the District Attorney's Office responded that it "in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek." (*See* Exhibit E).

32.

On January 16, 2024, at 1:26 p.m., Ms. Merchant requested in open records Request No. R000528-011624 ("Second January 16 Request") reports and itemization that was required by law to be submitted to the county as the local governing authority showing what was done with all property and funds obtained through forfeiture including reports showing where funds were spent and who was paid. A copy of the Second January 16 Request is attached hereto as Exhibit "L". On January 26, 2024, ten days after the request was submitted, FCDA responded that "[r]esponsive records are attached[]" and noted that FCDA believed Ms. Merchant was "seeking the Office's Equitable Sharing Agreement and

Certificate. These records were filed in accordance with. Local, state and federal law.” (See Exhibit E). Ms. Merchant, however, was not seeking the Equitable Sharing Agreement and Certificate but was instead seeking records of the forfeiture fund accounting for the funds used to pay independent contractors Nathan Wade and Anna Cross. Mr. Wade was paid on July 15, 2022, August 12, 2022, and September 23, 2022 from Unit Name “Confiscated Funds” under unit code “4802.” The Fund was “Seized Property – Law Enforcement” under Fund Code “440”. Ms. Cross was also paid out of this same fund on August 2, 2022 and September 28, 2022. FCDA has not provided any further documentation in connection with the First January 16 Request.

33.

On January 17, 2024, at 12:39 p.m., Ms. Merchant requested in open records Request No. R000580-011724 (“First January 17 Request”), copies of travel reimbursements, requests for reimbursements, and communications regarding and proof of reimbursements for Fani Willis for the period 2020 through the present. A copy of the First January 17 Request is attached hereto as Exhibit “M”. On January 26, 2024, the District Attorney’s Office responded that it “in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.” (See Exhibit E).

34.

On January 17, 2024, at 12:44 p.m. in open records Request No. R000581-011724 (“Second January 17 Request”), Ms. Merchant requested any and all correspondence and communication between Purchasing and the District Attorney’s Office for 2021 until present regarding outside counsel including any payments, requests for payments, process

for hiring/bids and paying outside counsel. A copy of the Third January 17 Request is attached hereto as Exhibit “O”. Ms. Merchant specifically referenced this to include “the referenced retraining of the District Attorney by purchasing that was discussed during the BOC meeting in November 2023.” (*See* Exhibit O). On January 26, 2024, the District Attorney’s Office responded that it “in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.” (*See* Exhibit E).

35.

On January 24, 2024, in an effort to summarize all of the outstanding, pending requests and missing documents and materials, Ms. Merchant sent a letter to both Fulton County and FCDA asking that all pending requests be resolved and documents produced by the close of business on January 26, 2024. A copy of the January 24 Letter is attached hereto as Exhibit “O”. Apparently in response, FCDA sent its January 26 letter, but failed nonetheless to provide most of the requested documents.

36.

At no time prior to three business days following receipt of any of the above requests did Fulton County or FCDA raise any legal objection, cite any exception for failing to provide the requested documents, or otherwise provide justification for failing to provide responsive documents in their possession. Therefore, any reliance on any objection or exception to the Act has been waived.

### **COUNT I**

VIOLATION OF GEORGIA’S OPEN RECORDS ACT, O.C.G.A § 50-18-70, *ET SEQ.*

37.

Plaintiff incorporates Paragraphs 1 through 36 of this Complaint as if set forth fully herein.

38.

The Act provides that, “[a]ll public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure.” O.C.G.A. § 50-18-71(a).

39.

Under the Act, “[a]gencies shall produce for inspection all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request; provided, however, that nothing in this chapter shall require agencies to produce records in response to a request if such records did not exist at the time of the request.” O.C.G.A. § 50-18-71(b)(1)(A).

40.

“In those instances where some, but not all, records are available within three business days, an agency shall make available within that period those records that can be located and produced.” O.C.G.A. § 50-18-71(b)(1)(A). “In any instance where records are unavailable within three business days of receipt of the request, and responsive records exist, the agency shall, within such time period, provide the requester with a description of such records and a timeline for when the records will be available for inspection or copying and provide the responsive records or access thereto as soon as practicable.” O.C.G.A. § 50-18-71(b)(1)(A).

41.

“At the time of inspection, any person may make photographic copies or other electronic reproductions of the records using suitable portable devices brought to the place of inspection.” O.C.G.A. § 50-18-71(b)(1)(B).

42.

“In any instance in which an agency is required to or has decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph within a reasonable amount of time not to exceed three business days or in the event the search and retrieval of records is delayed pursuant to this subsection or pursuant to subparagraph (b)(1)(A) of this Code section, then no later than three business days after the records have been retrieved.” O.C.G.A. § 50-18-71(d).

43.

An agency's “use of electronic record-keeping systems must not erode the public's right of access to records under [the Act].” O.C.G.A. § 50-18-71(f). “Agencies shall produce electronic copies of or, if the requester prefers, printouts of electronic records or data from data base fields that the agency maintains using the computer programs that the agency has in its possession.” O.C.G.A. § 50-18-71(f). “An agency shall not refuse to produce such electronic records, data, or data fields on the grounds that exporting data or redaction of exempted information will require inputting range, search, filter, report parameters, or similar commands or instructions into an agency's computer system so long as such commands or instructions can be executed using existing computer programs that the agency uses in the ordinary course of business to access, support, or otherwise manage the records or data.” O.C.G.A. § 50-18-71(f).

44.

If an agency “contracts with a private vendor to collect or maintain public records, the agency shall ensure that the arrangement does not limit public access to those records

and that the vendor does not impede public record access and method of delivery as established by the agency or as otherwise provided for in this Code section.” O.C.G.A. § 50-18-71(h).

45.

Defendant has failed to properly and timely respond to Plaintiff's Request under the Act.

46.

None of the records sought from the Defendant are subject to any exception set forth in O.C.G.A. § 50-18-72.

47.

Defendant has refused to provide Plaintiff access to public records, including those sought in the Request, for an unreasonable time period and without a proper or legal basis for doing so.

48.

Defendant has no legal basis under the Act to withhold responsive documents without substantial justification. Indeed, it appears that Defendant is acting intentionally and in an effort to hide from public view public documents showing how FCDA has spent public monies related to the operation of the office of FCDA.

49.

Upon information and belief, Defendant is in possession of additional documents and materials that are responsive to Plaintiff's Request pursuant to the Act, and which are not subject to any exception under the Act, but which nonetheless still have not been produced.

50.

The foregoing actions and/or failures demonstrate that Defendant has acted in violation of the Act without substantial justification, continues to act in violation of the Act without substantial justification, and will continue to act in violation of the Act unless the Court intervenes to compel Defendant's compliance with the Act.

51.

Plaintiff, therefore, respectfully requests that this Court require Defendant to produce the requested records *instantly*.

**WHEREFORE**, Plaintiff requests and prays that the Court award the following relief to Plaintiff:

1. That process issue directing the Defendant answer this Complaint on an expedited basis within ten (10) days of service of the Summons and Complaint;
2. That the Court enter judgment in favor of Plaintiff and against Defendant and order that Defendant provide the requested records under the Act or show cause why Defendant's failure to provide the records does not violate the Act;
3. That the Court award Plaintiff, pursuant to O.C.G.A. § 50-18-73, Plaintiff's costs and expenses incurred in this action and as well as the costs, expenses and fees incurred in obtaining Defendant's compliance with the Act and any other applicable provision of law; and
4. That the Plaintiff has such other and further relief as the Court deems just and proper.

**PLAINTIFF'S MOTION FOR DEFENDANT TO SHOW CAUSE  
FOR NON-COMPLIANCE WITH GEORGIA'S OPEN RECORDS ACT**

In addition to the relief requested above, Plaintiff respectfully moves the Court for an order compelling Defendant to produce all of the requested records for an *in-camera* inspection pursuant to O.C.G.A. § 50-18-73(a), and to appear before the Court and show cause why the relief requested in Plaintiff's Complaint should not be granted *instantly*.

Respectfully submitted this 30th day of January, 2024.

**THE MERCHANT LAW FIRM, P.C.**

*/s/ John B. Merchant, III*

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## **EXHIBIT A**



# Public Records Center

## Menu

- Home
- Submit a Request
- Find Information
- My Request Center

View File(s)

View Message(s)

Request / Incident Summary

Request Type:

Open Records Request

Contact E-Mail:

ashleighmerchant3@gmail.com

Reference No:

R007353-090123

Status:

Complete Records Released

## Top FAQs

See All FAQs

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

UPLOAD DATE			
			DOWNLOAD ALL
Files:	01/29/2024	Nathan_Wade-Invoice_7.pdf	
	01/29/2024	Nathan_Wade-Invoice_6.pdf	
	01/29/2024	Nathan_Wade-Invoice_6.pdf	
	01/29/2024	Nathan_Wade-Invoice_5.pdf	
	01/29/2024	Nathan_Wade-Invoice_5.pdf	
	01/29/2024	Nathan_Wade-Invoice_4.pdf	
	01/29/2024	Nathan_Wade-Invoice_4.pdf	
	01/29/2024	Nathan_Wade-Invoice_3.pdf	
	01/29/2024	Nathan_Wade-Invoice_3.pdf	
	01/29/2024	Nathan_Wade-Invoice_2.pdf	
	01/29/2024	Nathan_Wade-Invoice_2.pdf	
	01/29/2024	Nathan_Wade-Invoice_19.pdf	

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

**Select the Type of Record:**

Select a Department to request a record

I'm not sure... (Describe Below)  
Select from the list of types of records

**Describe the Record(s) Requested:**

I am seeking copies of any and all bids, contracts, or agreements for the appointment and payment of the following contractors with Fulton County: The Law Offices of Nathan Wade Christopher Campbell PC The Cross Firm LCC Anna Cross Bondurant Mixon & Elmore LLP and Terrance Bradley. These individuals all appear to have been paid for services rendered to the District Attorney's Office and I am seeking their invoices, contracts, county approval of these vendors and any other documents regarding the contracting and payment of these vendors.

**Preferred Method to Receive Records:**

Electronic via Records Center  
Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Cancel

Messages 18


 Print Messages (PDF)

✓  On 1/29/2024 1:18:05 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:**

Please log into the portal to see attached documents.

✓  On 9/15/2023 2:59:36 PM, Ashleigh Merchant wrote:

# R007353-090123 - Open Records Request

## Message History (18)

✉ On 1/29/2024 1:18:05 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:**

Please log into the portal to see attached documents.

↩ On 9/15/2023 2:59:36 PM, Ashleigh Merchant wrote:

Good afternoon. I am just following up hopefully one last time. I have not received any bids or county approval of these vendors. Please let me know if that means these items do not exist or if you are still working on getting them to me.

Additionally, I have not received any invoices for Christopher Campbell PC whatsoever. Please let me know if that means that no invoices exist or if you are still gathering those documents.

If you are still working on getting these items please let me know. If they do not exist please let me know that as well. If I do not hear from you by the end of the day, I will assume these items do not exist but please let me know one way or the other.

Thank you,  
Ashleigh

↩ On 9/14/2023 1:33:48 PM, Ashleigh Merchant wrote:

Good afternoon. I am just following up. We still have not received the original/initial (first) contract for Nathan Wade. If you would like I can email you what you sent and show you so that you can verify it does NOT include this original/initial contract. We also have not received the invoices for Chris Campbell, and have not received any documentation regarding the County approval of these contracts or the bid process for them. Please let me know when we can expect these remaining items. If those items do not exist, please let me know that as well. I look forward to your response.

Ashleigh Merchant

↩ On 9/13/2023 12:36:21 PM, Ashleigh Merchant wrote:

There were two attachments that contained contracts for Nathan Wade. The first is "Nathan Wade" and it is 7 pages and does NOT contain the 2021 ORIGINAL contract. The second is Nathan Wade 2" and it is 4 pages and does NOT contain the 2021 ORIGINAL contract.

The original (first) contract is not included in these attachments.

Thank you.

Ashleigh Merchant

✉ On 9/13/2023 11:23:02 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:** Please see all attachments for Nathan Wade. There was one that I resubmitted on Monday.

↩ On 9/13/2023 10:49:20 AM, Ashleigh Merchant wrote:

Thank you for sending those invoices. (1) We still do not have the contract for Nathan Wade that was the first contract that was entered into on November 1, 2021. We have the recontract and the addendum to the November 1, 2021 contract but not the contract.

We also do not have the invoices for (2) Terrance Bradley or (3) Christopher Campbell. Finally, (4) we do not have any county approval of these vendors or any documentation regarding the bids or county approval of these vendors and projects. If none of number (4) above exist, please let us know that as well.

Thank you so much!

Ashleigh Merchant

✉ On 9/12/2023 12:02:34 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:** see attached invoices.

↩ On 9/11/2023 4:48:37 PM, Ashleigh Merchant wrote:

Pages 5-7 have those dates listed as the dates of the prior contract. Pages 5-7 are for the "recontract" and state that on page 5. They reference the prior contract and say that this is a "recontract". I do not have that original contract, it is just referenced on pages 5-7 and the dates are provided but the contract is not included in the materials you sent. Thank you!

✉ On 9/11/2023 3:49:01 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:** See attachment for Nathan Wade

✉ On 9/11/2023 3:38:04 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:** If you click on the Nathan Wade file, it has the contracts Dated November 1, 2021-October 31,2022. See Pages 5-7

↩ On 9/11/2023 1:15:51 PM, Ashleigh Merchant wrote:

I received the contracts, thank you! The contract for Nathan Wade references an original contract that is not included. It would be the contract that began Nov 1, 2021 and ended Oct. 31, 2021. May I also have a copy of that contract?

As far as the invoices, the contracts reference travel and lodging expenses, I just wanted to make sure those reimbursements would be included. Thank you so much!!

✉ On 9/11/2023 11:59:02 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:**

See attached contracts. Invoice will be released no later than Friday of this week.

Thank you

↩ On 9/11/2023 11:08:49 AM, Ashleigh Merchant wrote:

Good morning. Please let me know if these requests will be ready today. I requested them on Friday September 1, 2023 which would have put them due in 3 business days or September 7, 2023. It is now September 11, 2023 and I have not received them. I need to know when I can expect them so that I can determine if other steps need to be taken to insure they are provided in a timely manner. Thank you.  
Ashleigh Merchant

✉ On 9/7/2023 4:40:08 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R007353-090123

**Body:** The Fulton County District Attorney's office is working on your request. As soon as we have the responsive records, we will notify you. Please allow a response to be given no later than next week. If anything changes before then you will be notified.

↩ On 9/7/2023 3:56:58 PM, Ashleigh Merchant wrote:

Good afternoon. I am just following up again since it has been over 3 days and we do not have any documents yet. It is my understanding that the items I requested have potentially already produced to other requesters. Since it has been well over 3 days since our request, we are hoping to get copies of these items as soon as possible to verify what they contain. Thank you in advance.

↩ On 9/7/2023 11:54:04 AM, Ashleigh Merchant wrote:

I received the message/letter from the Fulton County DA's office, Erica Willingham, in response to my request. My request was submitted on 9/1/2023 at 11:07 am. At this point, it has been more than 3 business days and I am hoping to get copies of the requests items asap. Please let me know when they will be sent or how I can get them asap?

Thank you

✉ On 9/1/2023 11:07:02 AM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated September 01, 2023 and has assigned the reference number R007353-090123 for tracking purposes.

Record(s) Requested: *I am seeking copies of any and all bids, contracts, or agreements for the appointment and payment of the following contractors with Fulton County:*

*The Law Offices of Nathan Wade*

*Christopher Campbell PC*

*The Cross Firm LCC*

*Anna Cross*

*Bondurant Mixon & Elmore LLP and*

*Terrance Bradley.*

*These individuals all appear to have been paid for services rendered to the District Attorney's Office and I am seeking their invoices, contracts, county approval of these vendors and any other documents regarding the contracting and payment of these vendors.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 9/1/2023 11:06:59 AM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT B**



## Public Records Center

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#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000129-010424  
**Status:** Complete Records Released

### Top FAQs

See All FAQs 

UPLOAD DATE



Files: 01/25/2024 Letter\_to\_requesters.docx

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

#### Additional Information

**Department Requesting Record(s) From:** Finance  
*Select a Department to request a record*

**Select the Type of Record:** *Select from the list of types of records*

**Describe the Record(s) Requested:** I am seeking copies of any and all bids, contracts, or agreements for the appointment and payment of the following contractor with Fulton County: The Law Offices of Nathan Wade and/or Nathan Wade. I am seeking his invoices, contracts, county approval of these vendors and any other

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

record request 4 months ago for this same data and so I am seeking updated records for all invoices and payments and contracts and agreements since my last request. Thank you.

**Preferred Method to Receive Records:**

Electronic via Records Center  
Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Cancel


Messages 8


 Print Messages (PDF)

✓  On 1/29/2024 1:22:04 AM, Fulton County, Georgia wrote:


**Subject:** [Records Center] Open Records Request :: R000129-010424


**Body:** Please see all contracts, invoices, vouchers etc. Re:R007353-090123


>  On 1/29/2024 1:22:03 AM, Fulton County, Georgia wrote:


>  On 1/25/2024 4:15:31 PM, Fulton County, Georgia wrote:

>  On 1/22/2024 4:39:03 PM, Fulton County, Georgia wrote:

>  On 1/16/2024 1:27:55 PM, Ashleigh Merchant wrote:

>  On 1/12/2024 3:27:34 PM, Ashleigh Merchant wrote:

>  On 1/4/2024 2:14:58 PM, Fulton County, Georgia wrote:

>  On 1/4/2024 2:14:50 PM, Ashleigh Merchant wrote:


# R000129-010424 - Open Records Request

## Message History (8)

 On 1/29/2024 1:22:04 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000129-010424

**Body:** Please see all contracts, invoices, vouchers etc. Re:R007353-090123

 On 1/29/2024 1:22:03 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000129-010424

**Body:** Please see all contracts, invoices, vouchers etc. Re:R007353-090123

 On 1/25/2024 4:15:31 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000129-010424

**Body:**

Please see letter attached. This request has been extended.

Thank you

✉ On 1/22/2024 4:39:03 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000129-010424

**Body:**



January 22, 2024

**SENT VIA EMAIL:**

Dear Ms. Ashleigh Merchant:

This correspondence is in response to your Open Records Act Request Reference#: R000129-010424 dated January 04, 2024. Your request sought the following:

*I am seeking copies of any and all bids, contracts, or agreements for the appointment and payment of the following contractor with Fulton County: The Law Offices of Nathan Wade and/or Nathan Wade. I am seeking his invoices, contracts, county approval of these vendors and any other documents regarding the contracting and payment of these vendors. I submitted an open record request 4 months ago for this same data and so I am seeking updated records for all invoices and payments and contracts and agreements since my last request. Thank you.*

**We sincerely apologize for the delayed response. Your request has been forwarded to the appropriate department and the time extended to accommodate the appropriate department.**

**Sincerely,**

**Open Records Team**

↩ On 1/16/2024 1:27:55 PM, Ashleigh Merchant wrote:

I am just following up on this request as I have received no response yet.

🔙 On 1/12/2024 3:27:34 PM, Ashleigh Merchant wrote:

I am following up on this request. We have not heard back and it has been 8 days. Please let me know when we can expect these documents.

Thank you!

✉ On 1/4/2024 2:14:58 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 04, 2024 and has assigned the reference number R000129-010424 for tracking purposes.

Record(s) Requested: *I am seeking copies of any and all bids, contracts, or agreements for the appointment and payment of the following contractor with Fulton County: The Law Offices of Nathan Wade and/or Nathan Wade. I am seeking his invoices, contracts, county approval of these vendors and any other documents regarding the contracting and payment of these vendors. I submitted an open record request 4 months ago for this same data and so I am seeking updated records for all invoices and payments and contracts and agreements since my last request. Thank you.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/4/2024 2:14:50 PM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT C**



## Public Records Center

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View File(s)

View Message(s)

#### Request / Incident Summary

**Request Type:** Open Records Request

**Contact E-Mail:** ashleighmerchant3@gmail.com

**Reference No:** R000481-011424

**Status:** Time Extension

### Top FAQs

See All FAQs 

UPLOAD DATE



Files: 01/25/2024 Letter\_to\_requesters.docx

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

#### Additional Information

**Department Requesting Record(s) From:\***

I'm not sure... (Describe B) ▼

Select a Department to request a record

**Select the Type of Record:**

I'm not sure... (Describe B) ▼

Select from the list of types of records

**Describe the Record(s) Requested:\***

I am seeking any and all contracts, agreements, vendor documents, and communications between any county entity and the vendor TVEyes Inc.

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

**Preferred Method to Receive Records:\***

- ☒ Electronic via Records Center
- ☐ Inspect On-site
- ☐ Pick-up Copies
- ☐ Regular Mail

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.


Save

New Message

Cancel

**Messages** 4

 Print Messages (PDF)


✓  On 1/25/2024 4:25:29 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000481-011424


**Body:**

Please log into the portal to review letter attached. This request has been extended.

Thank you

➤  On 1/17/2024 12:13:02 PM, Fulton County, Georgia wrote:

➤  On 1/14/2024 3:41:16 PM, Fulton County, Georgia wrote:

➤  On 1/14/2024 3:41:14 PM, Ashleigh Merchant wrote:

# R000481-011424 - Open Records Request

## Message History (4)

✉ On 1/25/2024 4:25:29 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000481-011424

**Body:**

Please log into the portal to review letter attached. This request has been extended.

Thank you

✉ On 1/17/2024 12:13:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000481-011424

**Body:**

Dear Ms. Merchant,

Your request is being reassigned to the District Attorney's Office for a response. Please allow 3 business days.

Best Regards,

Open Records Team  
Office of the County Attorney

✉ On 1/14/2024 3:41:16 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 14, 2024 and has assigned the reference number R000481-011424 for tracking purposes.

Record(s) Requested: *I am seeking any and all contracts, agreements, vendor documents, and communications between any county entity and the vendor TVEyes Inc.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/14/2024 3:41:14 PM, Ashleigh Merchant wrote:

**Request Created on Public Portal**

## **EXHIBIT D**



## Public Records Center

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[View File\(s\)](#)[View Message\(s\)](#)

#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000483-011424  
**Status:** Complete Records Released

### Top FAQs

[See All FAQs](#)

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

UPLOAD DATE



DOWNLOAD ALL

Files: 01/18/2024 John\_Floyd\_contract.pdf

#### Additional Information

**Department Requesting Record(s) From:** I'm not sure... (Describe Below)  
*Select a Department to request a record*

**Select the Type of Record:** I'm not sure... (Describe Below)  
*Select from the list of types of records*

**Describe the Record(s) Requested:** I am writing in regards to a prior request R007353-090123. It appears after further research that you did NOT provide all the documents that were responsive to my request. I requested copies of all contracts with John Floyd and I was only provided one that

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

that are more recent, I would like for you to please re-run my open records and make sure that you actually did provide me with all the contracts/agreements that existed. Thank you!


**Preferred Method to Receive Records:**

Electronic via Records Center  
Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Cancel

Messages 3

 Print Messages (PDF)

✓  On 1/18/2024 3:44:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000483-011424

**Body:**

Please log into the portal and see responsive document.

Thank you

>  On 1/14/2024 5:22:01 PM, Fulton County, Georgia wrote:

>  On 1/14/2024 5:21:59 PM, Ashleigh Merchant wrote:

# R000483-011424 - Open Records Request

## Message History (3)

✉ On 1/18/2024 3:44:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000483-011424

**Body:**

Please log into the portal and see responsive document.

Thank you

✉ On 1/14/2024 5:22:01 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 14, 2024 and has assigned the reference number R000483-011424 for tracking purposes.

Record(s) Requested: *I am writing in regards to a prior request R007353-090123. It appears after further research that you did NOT provide all the documents that were responsive to my request. I requested copies of all contracts with John Floyd and I was only provided one that expired in 2022. Based on statements made in the press that there may be additional contracts that are more recent, I would like for you to please re-run my open records and make sure that you actually did provide me with all the contracts/agreements that existed. Thank you!*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

[Fulton County Open Records](#)

✉ On 1/14/2024 5:21:59 PM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT E**

OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY  
ATLANTA JUDICIAL CIRCUIT  
136 PRYOR STREET SW, 3RD FLOOR  
ATLANTA, GEORGIA 30303

*Fani T. Willis*  
District Attorney



TELEPHONE 404-612-4639

January 26, 2024

Greetings,

The Office of the Fulton County District Attorney has received your letter dated August 24, 2024. Despite consistent communication, you imply that this office has failed to meet its obligation under the Georgia's Open Records Act – respectfully, we disagree with your disingenuous implication.

As you are aware, The Georgia's Open Records Act requires a public entity to make county records available for inspection. *See*, O.C.G.A. § 50-18-71(a). When records are not available within three (3) business days – as is the case with many of the records you seek, the public entity must provide a description of the records sought and communicate a timeline for production. *See*, O.C.G.A. § 50-18-71(b)(1)(a). The Georgia Open Records Act does not require that a public entity produces records by a certain date or time – only in a time that is “practical” based on the public entity's staffing levels and workloads. Nor does the Georgia Open Records Act require a public entity to answer questions presented with their request. *See*, O.C.G.A. § 50-18-72(j). With these legal principles in mind, the Office of the Fulton County District Attorney has complied with the Georgia's Open Records Act with all fourteen (14) of your requests – considering twelve (12) were received recently.

Below, please find a response to each of your requests cited in your January 24<sup>th</sup> letter:

1. Request No. R007353-90123, R000483-011424, R000129-010424 – Responsive records are being compiled. Based on staffing levels and workloads, it is practical that these records will be uploaded to the county portal on, or before, Tuesday, January 30, 2024.
2. Request R0078430091523 – The Office of the Fulton County District Attorney has no record of receiving this request. Notwithstanding, this Office, in its normal course of business, does not maintain responsive records – as such, we cannot produce the records you seek.
3. Request R000198-010824 – This Office, in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.
4. Request R000272-010924, R000675-011824 – As it relates to the records you seek, this Office, in its normal course of business, does not maintain responsive records – as such, we cannot produce the records you seek. As it relates to your request to view electronic communications, your request, as written in your January 24<sup>th</sup> letter, is not reasonably calculated to locate the records you seek. *See* O.C.G.A. § 50-18-72(g).
5. Request R000305-010924 – The Office of the Fulton County District Attorney, in its normal course of business, does not maintain responsive record; as such, we cannot produce the records you seek.
6. Request R000528-011624 – Responsive records are attached.<sup>1</sup>

---

<sup>1</sup> We believe you are seeking the Office's Equitable Sharing Agreement and Certificate. These records were filed in accordance with local, state and federal law.

7. Request R007844-091523 – The Office of the Fulton County District Attorney, in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.
8. R000581-011724 – The Office of the Fulton County District Attorney, in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.
9. R000515-011624 – The Office of the Fulton County District Attorney, in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.
10. R000580-011724 – The Office of the Fulton County District Attorney, in its normal course of business, does not maintain responsive records; as such, we cannot produce the records you seek.

As is the case with all open records request receive, this Office does not prepare new reports, summaries or compilations not in existence at the time of the request. See O.C.G.A. § 50-18-72(j). Nor does this Office produce documents or records that are exempt from production under Georgia or Federal law. Specifically, this Office does not produce records protected under O.C.G.A. § 50-18-72 (41) or O.C.G.A. § 50-18-72 (42) and expressly reserves all statutory exemptions from disclosure provided by O.C.G.A. § 50-18-72 et seq. and other applicable laws.

As it relates to these specific matters discussed in this letter, each response and corresponding responsive records, if applicable, will also be sent via the County portal. Once sent through the portal, these matters will be closed.

Sincerely,

Open Records



## Equitable Sharing Agreement and Certification



NCIC/ORI/Tracking Number: GA060015A  
Agency Name: Fulton County District Attorney's Office  
Mailing Address: 141 Pryor Street Sw, Suite 7001  
Atlanta, GA 30303

Type: Prosecutor's Office

### Agency Finance Contact

Name: New Administration Contact to be Named  
Phone: 404-612-4981 Email: undetermined@fultoncountyga.gov

### Jurisdiction Finance Contact

Name: MCTIER, SABRINNA  
Phone: 404-612-7646 Email: SABRINNA.MCTIER@FULTONCOUNTYGA.GOV

### ESAC Preparer

Name: MCTIER, SABRINNA  
Phone: 404-612-7646 Email: SABRINNA.MCTIER@FULTONCOUNTYGA.GOV

FY End Date: 12/31/2020

Agency FY 2021 Budget: \$25,566,643.00

## Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>
1	Beginning Equitable Sharing Fund Balance	\$46,375.65	\$21,640.14
2	Equitable Sharing Funds Received	\$0.00	\$0.00
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force	\$0.00	\$0.00
4	Other Income	\$0.00	\$7,084.20
5	Interest Income	\$0.00	\$0.00
6	Total Equitable Sharing Funds Received (total of lines 1-5)	\$46,375.65	\$28,724.34
7	Equitable Sharing Funds Spent (total of lines a - n)	\$13,476.59	\$0.00
8	Ending Equitable Sharing Funds Balance (difference between line 7 and line 6)	\$32,899.06	\$28,724.34

<sup>1</sup>Department of Justice Asset Forfeiture Program participants are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA

<sup>2</sup>Department of the Treasury Asset Forfeiture Program participants are: IRS, ICE, CBP and USSS.

Summary of Shared Funds Spent		Justice Funds	Treasury Funds
a	Law Enforcement Operations and Investigations	\$10,000.00	\$0.00
b	Training and Education	\$0.00	\$0.00
c	Law Enforcement, Public Safety, and Detention Facilities	\$0.00	\$0.00
d	Law Enforcement Equipment	\$0.00	\$0.00
e	Joint Law Enforcement/Public Safety Equipment and Operations	\$0.00	\$0.00
f	Contracts for Services	\$0.00	\$0.00
g	Law Enforcement Travel and Per Diem	\$0.00	\$0.00
h	Law Enforcement Awards and Memorials	\$0.00	\$0.00
i	Drug, Gang, and Other Education or Awareness Programs	\$0.00	\$0.00
j	Matching Grants	\$0.00	\$0.00
k	Transfers to Other Participating Law Enforcement Agencies	\$0.00	\$0.00
l	Support of Community-Based Programs	\$0.00	\$0.00
m	Non-Categorized Expenditures	\$3,476.59	\$0.00
n	Salaries	\$0.00	\$0.00
Total		\$13,476.59	\$0.00

**Equitable Sharing Funds Received From Other Agencies**

Transferring Agency Name	Justice Funds	Treasury Funds

**Other Income**

Other Income Type	Justice Funds	Treasury Funds
Adjustment		\$7,084.20

**Matching Grants**

Matching Grant Name	Justice Funds	Treasury Funds

**Transfers to Other Participating Law Enforcement Agencies**

Receiving Agency Name	Justice Funds	Treasury Funds

**Support of Community-Based Programs**

Recipient	Justice Funds	

**Non-Categorized Expenditures**

Description	Justice Funds	Treasury Funds
Correction of Revenue Recorded on DOJ s/b DOT	\$3,476.59	

**Salaries**

Salary Type	Justice Funds	Treasury Funds

**Paperwork Reduction Act Notice**

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section at 1400 New York Avenue, N.W., Washington, DC 20005.

**Privacy Act Notice**

The Department of Justice is collecting this information for the purpose of reviewing your equitable sharing expenditures. Providing this information is voluntary; however, the information is necessary for your agency to maintain Program compliance. Information collected is covered by Department of Justice System of Records Notice, 71 Fed. Reg. 29170 (May 19, 2006), JMD-022 Department of Justice Consolidated Asset Tracking System (CATS). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the System of Records Notice as amended by subsequent publications.

**Single Audit Information****Independent Auditor**

Name: Jordan, John  
Company: PJC GROUP  
Phone: 404-659-3384

Email: JJORDAN@PJCGROUP.COM

Were equitable sharing expenditures included on your jurisdiction's prior fiscal year's Schedule of Expenditures of Federal Awards (SEFA)?

YES ☒ NO ☐

Prior year Single Audit Number Assigned by Harvester Database: 18780420191

## Affidavit

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations under the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (Guide)* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. The undersigned officials certify that the information submitted on the Equitable Sharing Agreement and Certification form (ESAC) is an accurate accounting of funds received and spent by the Agency.

The undersigned certify that the Agency is in compliance with the applicable nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

## Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the Agency, and (3) the Agency's governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited funds, property, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By submitting this form, the Agency agrees that it will be bound by the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. Submission of the ESAC is a prerequisite to receiving any funds or property through the Equitable Sharing Program.

**1. Submission.** The ESAC must be signed and electronically submitted within 60 days of the end of the Agency's fiscal year. Electronic submission constitutes submission to the Department of Justice and the Department of the Treasury.

**2. Signatories.** The ESAC must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body head is the head of the agency that appropriates funding to the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, administrator, commissioner, and governor. The governing body head cannot be an official or employee of the Agency and must be from a separate entity.

**3. Uses.** Shared assets must be used for law enforcement purposes in accordance with the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations.

**4. Transfers.** Before the Agency transfers funds to other state or local law enforcement agencies, it must obtain written approval from the Department of Justice or Department of the Treasury. Transfers of tangible property are not permitted. Agencies that transfer or receive equitable sharing funds must perform sub-recipient monitoring in accordance with the Code of Federal Regulations.

**5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury, funds from state and local forfeitures, joint law enforcement operations funds, and any other sources must not be commingled with federal equitable sharing funds.

The Agency certifies that equitable sharing funds are maintained by the entity that maintains the Agency's appropriated or general funds and agrees that the funds will be subject to the standard accounting requirements and practices employed by the Agency's jurisdiction in accordance with the requirements set forth in the *Guide*, any subsequent updates, and the Code of Federal Regulations, including the requirement to maintain relevant documents and records for five years.

The misuse or misapplication of equitably shared funds or assets or supplantation of existing resources with shared funds or assets is prohibited. The Agency must follow its jurisdiction's procurement policies when expending equitably shared funds. Failure to comply with any provision of the *Guide*, any subsequent updates, and the Code of Federal Regulations may subject the Agency to sanctions.

**6. Single Audit Report and Other Reviews.** Audits shall be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards. The Agency must report its equitable sharing expenditures on the Schedule of Expenditures of Federal Awards (SEFA) under Catalog of Federal Domestic Assistance number 16.922 for Department of Justice and 21.016 for Department of the Treasury. The Department of Justice and the Department of the Treasury reserve the right to conduct audits or reviews.

Date Printed: 02/19/2021

Page 4 of 5

7. Freedom of Information Act (FOIA). Information provided in this Document is subject to the FOIA requirements of the Department of Justice and the Department of the Treasury. Agencies must follow local release of information policies.

8. Waste, Fraud, or Abuse. An Agency or governing body is required to immediately notify the Money Laundering and Asset Recovery Section of the Department of Justice and the Executive Office for Asset Forfeiture of the Department of the Treasury of any allegations or theft, fraud, waste, or abuse involving federal equitable sharing funds.

#### Civil Rights Cases

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

☐ Yes ☒ No

#### Agency Head

Name: Willis, Fani

Title: District Attorney

Email: Fani.Willis@fultoncountyga.gov

Signature: *Fani Willis*

Date: 4/5/2021

To the best of my knowledge and belief, the information provided on this ESAC is true and accurate and has been reviewed and authorized by the Law Enforcement Agency Head whose name appears above. Entry of the Agency Head name above indicates his/her agreement to abide by the Guide, any subsequent updates, and the Code of Federal Regulations, including ensuring permissibility of expenditures and following all required procurement policies and procedures.

#### Governing Body Head

Name: Pitts, Robert

Title: Chair, Board of Commissioners

Email: Robb.Pitts@fultoncountyga.gov

Signature: *Robert Pitts*

Date: 9/10/2021

To the best of my knowledge and belief, the Agency's current fiscal year budget reported on this ESAC is true and accurate and the Governing Body Head whose name appears above certifies that the agency's budget has not been supplanted as a result of receiving equitable sharing funds. Entry of the Governing Body Head name above indicates his/her agreement to abide by the policies and procedures set forth in the Guide, any subsequent updates, and the Code of Federal Regulations.

☐ I certify that I have obtained approval from and I am authorized to submit this form on behalf of the Agency Head and the Governing Body Head.

Date Printed: 02/19/2021



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ITEM # 21-0638 RM 9/1/21  
REGULAR MEETING



## Equitable Sharing Agreement and Certification



NCIC/ORI/Tracking Number: GA060015A  
Agency Name: Fulton County District Attorney's Office  
Mailing Address: 141 Pryor Street Sw, Suite 7001  
Atlanta, GA 30303

Type: Prosecutor's Office

### Agency Finance Contact

Name: LUTTRELL, STEPHANY  
Phone: 404-612-4953

Email: STEPHANY.LUTTRELL@FULTONCOUNTYGA.GOV

### Jurisdiction Finance Contact

Name: MCTIER, SABRINNA  
Phone: 404-612-7646

Email: SABRINNA.MCTIER@FULTONCOUNTYGA.GOV

### ESAC Preparer

Name: MCTIER, SABRINNA  
Phone: 404-612-7646

Email: SABRINNA.MCTIER@FULTONCOUNTYGA.GOV

FY End Date: 12/31/2021

Agency FY 2022 Budget: \$31,541,968.00

## Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>
1	Beginning Equitable Sharing Fund Balance	\$32,899.06	\$28,724.34
2	Equitable Sharing Funds Received	\$0.00	\$0.00
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force	\$0.00	\$0.00
4	Other Income	\$0.00	\$0.00
5	Interest Income	\$0.00	\$0.00
6	Total Equitable Sharing Funds Received (total of lines 2-5)	\$0.00	\$0.00
7	Equitable Sharing Funds Spent (total of lines a - n)	\$18,444.25	\$17,500.00
8	Ending Equitable Sharing Funds Balance (difference between line 7 and the sum of lines 1 and 6)	\$14,454.81	\$11,224.34

<sup>1</sup>Department of Justice Asset Forfeiture Program participants are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA

<sup>2</sup>Department of the Treasury Asset Forfeiture Program participants are: IRS, ICE, CBP and USSS.

Summary of Shared Funds Spent		Justice Funds	Treasury Funds
a	Law Enforcement Operations and Investigations	\$0.00	\$0.00
b	Training and Education	\$0.00	\$0.00
c	Law Enforcement, Public Safety, and Detention Facilities	\$0.00	\$0.00
d	Law Enforcement Equipment	\$18,444.25	\$17,500.00
e	Joint Law Enforcement/Public Safety Equipment and Operations	\$0.00	\$0.00
f	Contracts for Services	\$0.00	\$0.00
g	Law Enforcement Travel and Per Diem	\$0.00	\$0.00
h	Law Enforcement Awards and Memorials	\$0.00	\$0.00
i	Drug, Gang, and Other Education or Awareness Programs	\$0.00	\$0.00
j	Matching Grants	\$0.00	\$0.00
k	Transfers to Other Participating Law Enforcement Agencies	\$0.00	\$0.00
l	Support of Community-Based Programs	\$0.00	\$0.00
m	Non-Categorized Expenditures	\$0.00	\$0.00
n	Salaries	\$0.00	\$0.00
Total		\$18,444.25	\$17,500.00

**Equitable Sharing Funds Received From Other Agencies**

Transferring Agency Name	Justice Funds	Treasury Funds

**Other Income**

Other Income Type	Justice Funds	Treasury Funds

**Matching Grants**

Matching Grant Name	Justice Funds	Treasury Funds

**Transfers to Other Participating Law Enforcement Agencies**

Receiving Agency Name	Justice Funds	Treasury Funds

**Support of Community-Based Programs**

Recipient	Justice Funds	

**Non-Categorized Expenditures**

Description	Justice Funds	Treasury Funds

**Salaries**

Salary Type	Justice Funds	Treasury Funds

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**Privacy Act Notice**

The Department of Justice is collecting this information for the purpose of reviewing your equitable sharing expenditures. Providing this information is voluntary; however, the information is necessary for your agency to maintain Program compliance. Information collected is covered by Department of Justice System of Records Notice, 71 Fed. Reg. 29170 (May 19, 2006), JMD-022 Department of Justice Consolidated Asset Tracking System (CATS). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the System of Records Notice as amended by subsequent publications.

**Single Audit Information****Independent Auditor****Name:** JORDAN, JOHN**Company:** PJC GROUP, LLC**Phone:** 404-659-3384**Email:** JJORDAN@PJCGROUP.COM

Were equitable sharing expenditures included on your jurisdiction's prior fiscal year's Schedule of Expenditures of Federal Awards (SEFA)?

YES ☐ NO ☒

Prior year Single Audit Number Assigned by Harvester Database:

## Affidavit

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations under the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (Guide)* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. The undersigned officials certify that the information submitted on the Equitable Sharing Agreement and Certification form (ESAC) is an accurate accounting of funds received and spent by the Agency.

The undersigned certify that the Agency is in compliance with the applicable nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

## Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the Agency, and (3) the Agency's governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited funds, property, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By submitting this form, the Agency agrees that it will be bound by the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. Submission of the ESAC is a prerequisite to receiving any funds or property through the Equitable Sharing Program.

**1. Submission.** The ESAC must be signed and electronically submitted within 60 days of the end of the Agency's fiscal year. Electronic submission constitutes submission to the Department of Justice and the Department of the Treasury.

**2. Signatories.** The ESAC must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body head is the head of the agency that appropriates funding to the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, administrator, commissioner, and governor. The governing body head cannot be an official or employee of the Agency and must be from a separate entity.

**3. Uses.** Shared assets must be used for law enforcement purposes in accordance with the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations.

**4. Transfers.** Before the Agency transfers funds to other state or local law enforcement agencies, it must obtain written approval from the Department of Justice or Department of the Treasury. Transfers of tangible property are not permitted. Agencies that transfer or receive equitable sharing funds must perform sub-recipient monitoring in accordance with the Code of Federal Regulations.

**5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury, funds from state and local forfeitures, joint law enforcement operations funds, and any other sources must not be commingled with federal equitable sharing funds.

The Agency certifies that equitable sharing funds are maintained by the entity that maintains the Agency's appropriated or general funds and agrees that the funds will be subject to the standard accounting requirements and practices employed by the Agency's jurisdiction in accordance with the requirements set forth in the *Guide*, any subsequent updates, and the Code of Federal Regulations, including the requirement to maintain relevant documents and records for five years.

The misuse or misapplication of equitably shared funds or assets or supplantation of existing resources with shared funds or assets is prohibited. The Agency must follow its jurisdiction's procurement policies when expending equitably shared funds. Failure to comply with any provision of the *Guide*, any subsequent updates, and the Code of Federal Regulations may subject the Agency to sanctions.

**6. Single Audit Report and Other Reviews.** Audits shall be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards. The Agency must report its equitable sharing expenditures on the Schedule of Expenditures of Federal Awards (SEFA) under Catalog of Federal Domestic Assistance number 16.922 for Department of Justice and 21.016 for Department of the Treasury. The Department of Justice and the Department of the Treasury reserve the right to conduct audits or reviews.

7. **Freedom of Information Act (FOIA).** Information provided in this Document is subject to the FOIA requirements of the Department of Justice and the Department of the Treasury. Agencies must follow local release of information policies.

8. **Waste, Fraud, or Abuse.** An Agency or governing body is required to immediately notify the Money Laundering and Asset Recovery Section of the Department of Justice and the Executive Office for Asset Forfeiture of the Department of the Treasury of any allegations or theft, fraud, waste, or abuse involving federal equitable sharing funds.

### Civil Rights Cases

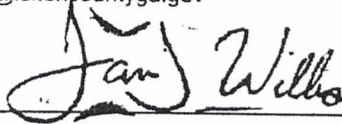
During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

☐ Yes ☒ No

### Agency Head

Name: Willis, Fani  
Title: District Attorney  
Email: Fani.Willisda@fultoncountyga.gov

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

2-22-22

To the best of my knowledge and belief, the information provided on this ESAC is true and accurate and has been reviewed and authorized by the Law Enforcement Agency Head whose name appears above. Entry of the Agency Head name above indicates his/her agreement to abide by the Guide, any subsequent updates, and the Code of Federal Regulations, including ensuring permissibility of expenditures and following all required procurement policies and procedures.

### Governing Body Head

Name: Pitts, Robert  
Title: Chair, Board of Commissioners  
Email: Robb.Pitts@fultoncountyga.gov

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

5/3/2022

To the best of my knowledge and belief, the Agency's current fiscal year budget reported on this ESAC is true and accurate and the Governing Body Head whose name appears above certifies that the agency's budget has not been supplanted as a result of receiving equitable sharing funds. Entry of the Governing Body Head name above indicates his/her agreement to abide by the policies and procedures set forth in the Guide, any subsequent updates, and the Code of Federal Regulations.

☐ I certify that I have obtained approval from and I am authorized to submit this form on behalf of the Agency Head and the Governing Body Head.



  
**TONYA R. GRIER**  
CLERK TO THE COMMISSION

Date Printed: 02/02/2022

ITEM # 2022-1223  
REGULAR MEETING

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RM 4/13/22



## Equitable Sharing Agreement and Certification



NCIC/ORI/Tracking Number: GA060015A  
Agency Name: Fulton County District Attorney's Office  
Mailing Address: 141 Pryor Street Sw, Suite 7001  
Atlanta, GA 30303

Type: Prosecutor's Office

### Agency Finance Contact

Name: Luttrell, Stephany  
Phone: 404-612-4953

Email: Stephany.Luttrell@fultoncountyga.gov

### Jurisdiction Finance Contact

Name: Pryor, Kela  
Phone: 404-612-7603

Email: Kela.Pryor@fultoncountyga.gov

### ESAC Preparer

Name: McTier, Sabrina  
Phone: 404-612-7646

Email: Sabrina.McTier@fultoncountyga.gov

FY End Date: 12/31/2022

Agency FY 2023 Budget: \$41,643,241.00

## Annual Certification Report

Summary of Equitable Sharing Activity		Justice Funds <sup>1</sup>	Treasury Funds <sup>2</sup>
1	Beginning Equitable Sharing Fund Balance	\$14,454.81	\$11,224.34
2	Equitable Sharing Funds Received	\$77,702.50	\$0.00
3	Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force	\$0.00	\$0.00
4	Other Income	\$0.00	\$0.00
5	Interest Income	\$0.00	\$0.00
6	Total Equitable Sharing Funds Received (total of lines 2-5)	\$77,702.50	\$0.00
7	Equitable Sharing Funds Spent (total of lines a - n)	\$3,465.00	\$0.00
8	Ending Equitable Sharing Funds Balance (difference between line 7 and the sum of lines 1 and 6)	\$88,692.31	\$11,224.34

<sup>1</sup>Department of Justice Asset Forfeiture Program Investigative Agency participants are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA

<sup>2</sup>Department of the Treasury Asset Forfeiture Program participants are: IRS-CI, ICE, CBP and USSS.

Summary of Shared Funds Spent		Justice Funds	Treasury Funds
a	Law Enforcement Operations and Investigations	\$0.00	\$0.00
b	Training and Education	\$3,465.00	\$0.00
c	Law Enforcement, Public Safety, and Detention Facilities	\$0.00	\$0.00
d	Law Enforcement Equipment	\$0.00	\$0.00
e	Joint Law Enforcement/Public Safety Equipment and Operations	\$0.00	\$0.00
f	Contracts for Services	\$0.00	\$0.00
g	Law Enforcement Travel and Per Diem	\$0.00	\$0.00
h	Law Enforcement Awards and Memorials	\$0.00	\$0.00
i	Drug, Gang, and Other Education or Awareness Programs	\$0.00	\$0.00
j	Matching Grants	\$0.00	\$0.00
k	Transfers to Other Participating Law Enforcement Agencies	\$0.00	\$0.00
l	Support of Community-Based Programs	\$0.00	\$0.00
m	Non-Categorized Expenditures	\$0.00	\$0.00
n	Salaries	\$0.00	\$0.00
	Total	\$3,465.00	\$0.00

**Equitable Sharing Funds Received From Other Agencies**

Transferring Agency Name	Justice Funds	Treasury Funds

**Other Income**

Other Income Type	Justice Funds	Treasury Funds

**Matching Grants**

Matching Grant Name	Justice Funds	Treasury Funds

**Transfers to Other Participating Law Enforcement Agencies**

Receiving Agency Name	Justice Funds	Treasury Funds

**Support of Community-Based Programs**

Recipient	Justice Funds	

**Non-Categorized Expenditures**

Description	Justice Funds	Treasury Funds

**Salaries**

Salary Type	Justice Funds	Treasury Funds

**Paperwork Reduction Act Notice**

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Money Laundering and Asset Recovery Section at 1400 New York Avenue, N.W., Washington, DC 20005.

**Privacy Act Notice**

The Department of Justice is collecting this information for the purpose of reviewing your equitable sharing expenditures. Providing this information is voluntary; however, the information is necessary for your agency to maintain Program compliance. Information collected is covered by Department of Justice System of Records Notice, 71 Fed. Reg. 29170 (May 19, 2006), JMD-022 Department of Justice Consolidated Asset Tracking System (CATS). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the System of Records Notice as amended by subsequent publications.

**Single Audit Information****Independent Auditor**

**Name:** JORDAN, JOHN

**Company:** PJC GROUP, LLC

**Phone:** 404-659-3384

**Email:** JJORDAN@PJCGRP.COM

Were equitable sharing expenditures included on the Schedule of Expenditures of Federal Awards (SEFA) for the jurisdiction's Single Audit for the prior fiscal year? If the jurisdiction did not meet the threshold to have a Single Audit performed, select Threshold Not Met.

YES ☐ NO ☒ THRESHOLD NOT MET ☐

Prior Year Single Audit Number Assigned by Federal Audit Clearinghouse:

## Affidavit

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations under the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (Guide)* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. The undersigned officials certify that the information submitted on the Equitable Sharing Agreement and Certification form (ESAC) is an accurate accounting of funds received and spent by the Agency.

The undersigned certify that the Agency is in compliance with the applicable nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

## Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the Agency, and (3) the Agency's governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited funds, property, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By submitting this form, the Agency agrees that it will be bound by the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. Submission of the ESAC is a prerequisite to receiving any funds or property through the Equitable Sharing Program.

**1. Submission.** The ESAC must be signed and electronically submitted within two months of the end of the Agency's fiscal year. Electronic submission constitutes submission to the Department of Justice and the Department of the Treasury.

**2. Signatories.** The ESAC must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body head is the head of the agency that appropriates funding to the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, administrator, commissioner, and governor. The governing body head cannot be an official or employee of the Agency and must be from a separate entity.

**3. Uses.** Shared assets must be used for law enforcement purposes in accordance with the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations.

**4. Transfers.** Before the Agency transfers funds to other state or local law enforcement agencies, it must obtain written approval from the Department of Justice or Department of the Treasury. Transfers of tangible property are not permitted. Agencies that transfer or receive equitable sharing funds must perform sub-recipient monitoring in accordance with the Code of Federal Regulations.

**5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury, funds from state and local forfeitures, joint law enforcement operations funds, and any other sources must not be commingled with federal equitable sharing funds.

The Agency certifies that equitable sharing funds are maintained by its jurisdiction and the funds are administrated in the same manner as the jurisdiction's appropriated or general funds. The Agency further certifies that the funds are subject to the standard accounting requirements and practices employed by the Agency's jurisdiction in accordance with the requirements set forth in the *Guide*, any subsequent updates, and the Code of Federal Regulations, including the requirement to maintain relevant documents and records for five years.

The misuse or misapplication of equitably shared funds or assets or supplantation of existing resources with shared funds or assets is prohibited. The Agency must follow its jurisdiction's procurement policies when expending equitably shared funds. Failure to comply with any provision of the *Guide*, any subsequent updates, and the Code of Federal Regulations may subject the Agency to sanctions.

**6. Single Audit Report and Other Reviews.** Audits shall be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards. The Agency must report its equitable sharing expenditures on the jurisdiction's Schedule of Expenditures of Federal Awards (SEFA) under Assistance Listing Number 16.922 for Department of Justice and 21.016 for Department of the Treasury. The

Department of Justice and the Department of the Treasury reserve the right to conduct audits or reviews.

**7. Freedom of Information Act (FOIA).** Information provided in this Document is subject to the FOIA requirements of the Department of Justice and the Department of the Treasury. Agencies must follow local release of information policies.

**8. Waste, Fraud, or Abuse.** An Agency or governing body is required to immediately notify the Department of Justice's Money Laundering and Asset Recovery Section and the Department of the Treasury's Executive Office for Asset Forfeiture of any allegations or theft, fraud, waste, or abuse involving federal equitable sharing funds.

### Civil Rights Cases

During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?

☐ Yes ☒ No

### Agency Head

Name: Willis, Fani  
Title: District Attorney  
Email: Fani.Willisd@fultoncountyga.gov

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To the best of my knowledge and belief, the information provided on this ESAC is true and accurate and has been reviewed and authorized by the Law Enforcement Agency Head whose name appears above. Entry of the Agency Head name above indicates his/her agreement to abide by the Guide, any subsequent updates, and the Code of Federal Regulations, including ensuring permissibility of expenditures and following all required procurement policies and procedures.

### Governing Body Head

Name: Pitts, Robert  
Title: Chair, Board of Commissioners  
Email: Robb.Pitts@fultoncountyga.gov

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

To the best of my knowledge and belief, the Agency's current fiscal year budget reported on this ESAC is true and accurate and the Governing Body Head whose name appears above certifies that the agency's budget has not been supplanted as a result of receiving equitable sharing funds. Entry of the Governing Body Head name above indicates his/her agreement to abide by the policies and procedures set forth in the Guide, any subsequent updates, and the Code of Federal Regulations.

☒ I certify that I have obtained approval from and I am authorized to submit this form on behalf of the Agency Head and the Governing Body Head.



TONYA R. GRIER  
CLERK TO THE COMMISSION

Date Printed: 02/03/2023

ITEM # 23-0165 RM 3/1/23  
REGULAR MEETING

## **EXHIBIT F**



## Public Records Center

### Menu

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View Message(s)

#### Request / Incident Summary

**Request Type:** Open Records Request

**Contact E-Mail:** ashleighmerchant3@gmail.com

**Reference No:** R000198-010824

**Status:** Not ORR

### Top FAQs

See All FAQs 

UPLOAD DATE



DOWNLOAD ALL

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

Files:

01/18/2024

Letter\_to\_requesters.\_No\_Response\_Records\_R000198-010824.docx

01/12/2024

Letter\_to\_requesters.docx

#### Additional Information

**Department Requesting Record(s) From:**

District Attorney

Select a Department to request a record

**Select the Type of Record:**

I'm not sure... (Describe Below)  
Select from the list of types of records

**Describe the Record(s) Requested:**

I am seeking personnel records. I am requesting a list of all attorneys (with their names and dates of hiring) hired by the District Attorney since Ms. Willis became District Attorney included

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?


How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Cancel

## Messages 4

 Print Messages (PDF)

✓  On 1/18/2024 3:22:02 PM, Fulton County, Georgia wrote:


**Subject:** [Records Center] Open Records Request :: R000198-010824

**Body:**

Please log into the portal to see responsive letter.

No responsive records.

Thank you,

>  On 1/9/2024 11:17:04 AM, Fulton County, Georgia wrote:

>  On 1/8/2024 10:15:22 AM, Fulton County, Georgia wrote:

>  On 1/8/2024 10:15:19 AM, Ashleigh Merchant wrote:

# R000198-010824 - Open Records Request

## Message History (4)

✉ On 1/18/2024 3:22:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000198-010824

**Body:**

Please log into the portal to see responsive letter.

No responsive records.

Thank you,

✉ On 1/9/2024 11:17:04 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000198-010824

**Body:**

The Fulton County District Attorney is in receipt of your open records request. Please allow 7-10 business days for research. If more time is needed, that will be communicated.

Thank you

✉ On 1/8/2024 10:15:22 AM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 08, 2024 and has assigned the reference number R000198-010824 for tracking purposes.

Record(s) Requested: *I am seeking personnel records. I am requesting a list of all attorneys (with their names and dates of hiring) hired by the District Attorney since Ms. Willis became District Attorney included the date hired. Thank you!*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/8/2024 10:15:19 AM, Ashleigh Merchant wrote:

**Request Created on Public Portal**

## **EXHIBIT G**



## Public Records Center

### Menu

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View File(s)

View Message(s)

#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000305-010924  
**Status:** In Progress

### Top FAQs

See All FAQs 

UPLOAD DATE



Files: 01/12/2024 Letter\_to\_requesters.docx

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

#### Additional Information

**Department Requesting Record(s) From:\***

District Attorney ▼

Select a Department to request a record

**Select the Type of Record:**

I'm not sure... (Describe B) ▼

Select from the list of types of records

**Describe the Record(s) Requested:\***

I am seeking a copy of any and all documents, agreements, contracts, memos or any written documents that employees, staff, or

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

**Preferred Method to Receive Records:\***

- ☒ Electronic via Records Center
- ☐ Inspect On-site
- ☐ Pick-up Copies
- ☐ Regular Mail

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.


Save

New Message

Cancel

**Messages** 3

 Print Messages (PDF)

✓  On 1/18/2024 3:09:02 PM, Fulton County, Georgia wrote:


**Subject:** [Records Center] Open Records Request :: R000305-010924

**Body:**

Please allow 10 business days for a response.

Thank you

>  On 1/9/2024 3:46:16 PM, Fulton County, Georgia wrote:

>  On 1/9/2024 3:46:14 PM, Ashleigh Merchant wrote:

# R000305-010924 - Open Records Request

## Message History (3)

✉ On 1/18/2024 3:09:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000305-010924

**Body:**

Please allow 10 business days for a response.

Thank you

✉ On 1/9/2024 3:46:16 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 09, 2024 and has assigned the reference number R000305-010924 for tracking purposes.

Record(s) Requested: *I am seeking a copy of any and all documents, agreements, contracts, memos or any written documents that employees, staff, or independent contractors of the District Attorney's office have been required to sign regarding speaking to the media and/or confidentiality.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/9/2024 3:46:14 PM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT H**



## Public Records Center

### Menu

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View File(s)

View Message(s)

#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000272-010924  
**Status:** Complete Records Released

### Top FAQs

See All FAQs 

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

#### UPLOAD DATE



DOWNLOAD ALL

Files:	01/18/2024	Critical_mentions_emails.pdf
	01/09/2024	criticalmentioninvoice_Redacted.pdf

#### Additional Information

**Department Requesting Record(s) From:** District Attorney  
*Select a Department to request a record*

**Select the Type of Record:** I'm not sure... (Describe Below)  
*Select from the list of types of records*

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

**Describe the Record(s) Requested:**

I am seeking a copy of any and all correspondence to and/or from vendor Critical Mention, Inc. including copies of all contracts and/or payments and all analytics and/or reports to and/or from Critical Mention, Inc. and any member of the District Attorney's Office.

**Preferred Method to Receive Records:**

Electronic via Records Center  
Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Cancel

**Messages** 4

 [Print Messages \(PDF\)](#)

✓  On 1/18/2024 3:13:01 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000272-010924

**Body:**

Please log into the portal and see attached emails.

Thank you

>  On 1/12/2024 3:25:28 PM, Ashleigh Merchant wrote:

>  On 1/9/2024 8:37:10 AM, Fulton County, Georgia wrote:

>  On 1/9/2024 8:37:09 AM, Ashleigh Merchant wrote:

# R000272-010924 - Open Records Request

## Message History (4)

✉ On 1/18/2024 3:13:01 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000272-010924

**Body:**

Please log into the portal and see attached emails.

Thank you

↩ On 1/12/2024 3:25:28 PM, Ashleigh Merchant wrote:

Thank you! In follow up, I also asked for the analytics that were provided by Critical Mention. The contract is for media monitoring and analytical reports are provided in response to this contract and we asked in our open records request for those as well. Please let us know when we can expect to receive those. Thank you!

✉ On 1/9/2024 8:37:10 AM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 09, 2024 and has assigned the reference number R000272-010924 for tracking purposes.

Record(s) Requested: *I am seeking a copy of any and all correspondence to and/or from vendor Critical Mention, Inc. including copies of all contracts and/or payments and all analytics and/or reports to and/or from Critical Mention, Inc. and any member of the District Attorney's Office.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/9/2024 8:37:09 AM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT I**



## Public Records Center

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#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000675-011824  
**Status:** In Progress

### Top FAQs

See All FAQs 

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

UPLOAD DATE



DOWNLOAD ALL

Files: 01/25/2024 ORR\_Letter\_to\_Requesters.docx

#### Additional Information

**Department Requesting Record(s) From:\***

District Attorney ▼

Select a Department to request a record

**Select the Type of Record:**

I'm not sure... (Describe B) ▼

Select from the list of types of records

**Describe the Record(s) Requested:\***

I requested documents regarding Critical Mention in R000272-010924 and got a set of emails but I asked for the analytics and documents that are clearly

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

Preferred Method to Receive Records:\*

- ☒ Electronic via Records Center
- ☐ Inspect On-site
- ☐ Pick-up Copies
- ☐ Regular Mail

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.


Save

New Message


Cancel

Messages 4

 Print Messages (PDF)

✓  On 1/26/2024 2:36:23 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000675-011824  
**Body:** Please allow 7-10 business days.

>  On 1/25/2024 2:59:02 PM, Fulton County, Georgia wrote:

>  On 1/18/2024 5:11:11 PM, Fulton County, Georgia wrote:

>  On 1/18/2024 5:11:10 PM, Ashleigh Merchant wrote:

# R000675-011824 - Open Records Request

## Message History (4)

✉ On 1/26/2024 2:36:23 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000675-011824

**Body:** Please allow 7-10 business days.

✉ On 1/25/2024 2:59:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000675-011824

**Body:**

Please log into the portal to view letter attached. This request is being extended for research.

Thank you.

✉ On 1/18/2024 5:11:11 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 18, 2024 and has assigned the reference number R000675-011824 for tracking purposes.

Record(s) Requested: *In Re Prior Request: R000272-010924*

*I requested documents regarding Critical Mention in R000272-010924 and got a set of emails but I asked for the analytics and documents that are clearly referenced and attached to those emails. The service, Critical Mention, was contracted by the DA to monitor the media. In monitoring the media, reports with analytics were provided to the DA's office monthly. It appears from the emails that Jeff DiSantis, Fani Willis, Jeremy Murray, Pallavi Purkayastha, Robin Bryant and Reta Keppler may all have accessed these reports on a regular basis. These reports are of public media and paid for by public funds and subject to open records.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/18/2024 5:11:10 PM, Ashleigh Merchant wrote:

**Request Created on Public Portal**

## **EXHIBIT J**



## Public Records Center

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#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000481-011424  
**Status:** Time Extension

### Top FAQs

[See All FAQs](#)

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

UPLOAD DATE



DOWNLOAD ALL

Files: 01/25/2024 Letter\_to\_requesters.docx

#### Additional Information

**Department Requesting Record(s) From:\***

I'm not sure... (Describe B) ▼

Select a Department to request a record

**Select the Type of Record:**

I'm not sure... (Describe B) ▼

Select from the list of types of records

**Describe the Record(s) Requested:\***

I am seeking any and all contracts, agreements, vendor documents, and communications between any county entity and the vendor TVEyes Inc.

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

**Preferred Method to Receive Records:\***

- ☒ Electronic via Records Center
- ☐ Inspect On-site
- ☐ Pick-up Copies
- ☐ Regular Mail

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.


Save

New Message

Cancel

**Messages** 4

 Print Messages (PDF)


✓  On 1/25/2024 4:25:29 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000481-011424

**Body:**

Please log into the portal to review letter attached. This request has been extended.

Thank you

>  On 1/17/2024 12:13:02 PM, Fulton County, Georgia wrote:

>  On 1/14/2024 3:41:16 PM, Fulton County, Georgia wrote:

>  On 1/14/2024 3:41:14 PM, Ashleigh Merchant wrote:

# R000481-011424 - Open Records Request

## Message History (4)

✉ On 1/25/2024 4:25:29 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000481-011424

**Body:**

Please log into the portal to review letter attached. This request has been extended.

Thank you

✉ On 1/17/2024 12:13:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000481-011424

**Body:**

Dear Ms. Merchant,

Your request is being reassigned to the District Attorney's Office for a response. Please allow 3 business days.

Best Regards,

Open Records Team  
Office of the County Attorney

✉ On 1/14/2024 3:41:16 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 14, 2024 and has assigned the reference number R000481-011424 for tracking purposes.

Record(s) Requested: *I am seeking any and all contracts, agreements, vendor documents, and communications between any county entity and the vendor TVEyes Inc.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/14/2024 3:41:14 PM, Ashleigh Merchant wrote:

**Request Created on Public Portal**

## **EXHIBIT K**



## Public Records Center

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[View Message\(s\)](#)

#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000515-011624  
**Status:** In Progress

### Top FAQs

[See All FAQs](#) 

What is an Open Records Request?

Are there any fees associated with my request for open records?

When will a response be received concerning my public records request?

How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?


#### Additional Information

**Department Requesting Record(s) From:\***

Human Resources Management 

*Select a Department to request a record*

**Select the Type of Record:**

I'm not sure... (Describe Record) 

*Select from the list of types of records*

**Describe the Record(s) Requested:\***

I am requesting a copy of any and all requests for vacation or time off for employee Fani Willis from January 1, 2020 until current.

**Preferred Method to Receive Records:\***

☒ Electronic via Records Center

☐ Inspect On-site

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

☐ Regular Mail

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.


Save

New Message

Cancel

Messages 3

 Print Messages (PDF)


✓  On 1/18/2024 3:38:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000515-011624

**Body:**

Please allow 10 business days.

Thank you

>  On 1/16/2024 9:21:27 AM, Fulton County, Georgia wrote:

>  On 1/16/2024 9:21:26 AM, Ashleigh Merchant wrote:

# R000515-011624 - Open Records Request

## Message History (3)

✉ On 1/18/2024 3:38:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000515-011624

**Body:**

Please allow 10 business days.

Thank you

✉ On 1/16/2024 9:21:27 AM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 16, 2024 and has assigned the reference number R000515-011624 for tracking purposes.

Record(s) Requested: *I am requesting a copy of any and all requests for vacation or time off for employee Fani Willis from January 1, 2020 until current.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/16/2024 9:21:26 AM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT L**



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[Where should I send payment for my open records?](#)

[View Message\(s\)](#)

#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000528-011624  
**Status:** Complete Records Released

#### Additional Information

**Department Requesting Record(s) From:** District Attorney  
*Select a Department to request a record*

**Select the Type of Record:** I'm not sure... (Describe Below)  
*Select from the list of types of records*

**Describe the Record(s) Requested:** reports and itemization that were required by law to be submitted to the county as the local governing authority showing what was done with all property and funds obtained through forfeiture including but not limited to reports showing where the funds went and who was paid out of the funds.

**Preferred Method to Receive Records:** Electronic via Records Center  
Please note not all public documents are available in electronic format. If the document(s) requested are not

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?


How much can I be charged for a record obtained through the Open Records Act?


What is "redaction," when does it apply, and what costs may be charged for redaction?

accordance with the Public Records Law.

Cancel

Messages 5


 Print Messages (PDF)


✓  On 1/29/2024 1:34:04 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000528-011624

**Body:** All responsive documents were emailed to you on 1/26/24 from Mr. Bond.

>  On 1/28/2024 11:54:05 AM, Fulton County, Georgia wrote:

>  On 1/18/2024 3:36:02 PM, Fulton County, Georgia wrote:

>  On 1/16/2024 1:26:54 PM, Fulton County, Georgia wrote:

>  On 1/16/2024 1:26:54 PM, Ashleigh Merchant wrote:

# R000528-011624 - Open Records Request

## Message History (5)

✉ On 1/29/2024 1:34:04 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000528-011624

**Body:** All responsive documents were emailed to you on 1/26/24 from Mr. Bond.

✉ On 1/28/2024 11:54:05 AM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000528-011624

**Body:**

Dear Ms. Merchant:

This correspondence is in response to your Open Records Act Request Reference No. R000528-011624 dated January 16, 2024.

Your request sought the following:

*reports and itemization that were required by law to be submitted to the county as the local governing authority showing what was done with all property and funds obtained through forfeiture including but not limited to reports showing where the funds went and who was paid out of the funds.*

**Response: We apologize for the delay, however additional time is needed to fulfill your open records request. We will contact the appropriate department(s) and let them know your open records request is still pending. You should receive a response by 5:00 p.m. on Monday, February 5, 2024. Thank you for your continued patience.**

Sincerely,

Mystical Studaway  
Paralegal, Open Records Team  
Office of the County Attorney

✉ On 1/18/2024 3:36:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000528-011624

**Body:** Please allow 5 business days.

✉ On 1/16/2024 1:26:54 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 16, 2024 and has assigned the reference number R000528-011624 for tracking purposes.

Record(s) Requested: *reports and itemization that were required by law to be submitted to the county as the local governing authority showing what was done with all property and funds obtained through forfeiture including but not limited to reports showing where the funds went and who was paid out of the funds.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/16/2024 1:26:54 PM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT M**



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How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000580-011724  
**Status:** In Progress

#### Additional Information

**Department Requesting Record(s) From:\***

Finance ▼

Select a Department to request a record

**Select the Type of Record:**

I'm not sure... (Describe B) ▼

Select from the list of types of records

**Describe the Record(s) Requested:\***

I am seeking a copy of any and all travel reimbursements, including vouchers, requests for reimbursement, communication regarding reimbursement and proof of reimbursement, for

**Preferred Method to Receive Records:\***

☒ Electronic via Records Center

☐ Inspect On-site

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

☐ Regular Mail

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Save

New Message

Cancel

Messages 3

 Print Messages (PDF)


✓  On 1/25/2024 3:07:02 PM, Fulton County, Georgia wrote:


**Subject:** [Records Center] Open Records Request :: R000580-011724

**Body:**

Please log into the portal to review letter attached. This request has been extended.

Thank you

>  On 1/17/2024 12:39:10 PM, Fulton County, Georgia wrote:

>  On 1/17/2024 12:39:09 PM, Ashleigh Merchant wrote:

# R000580-011724 - Open Records Request

## Message History (3)

✉ On 1/25/2024 3:07:02 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000580-011724

**Body:**

Please log into the portal to review letter attached. This request has been extended.

Thank you

✉ On 1/17/2024 12:39:10 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 17, 2024 and has assigned the reference number R000580-011724 for tracking purposes.

Record(s) Requested: *I am seeking a copy of any and all travel reimbursements, including vouchers, requests for reimbursement, communication regarding reimbursement and proof of reimbursement, for District Attorney Fani Willis for the years 2020, 2021, 2022, 2023 and 2024. Thank you!*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/17/2024 12:39:09 PM, Ashleigh Merchant wrote:





Request Created on Public Portal

## **EXHIBIT N**



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How can I get birth, death, and marriage certificates or gun permits?

Where should I send payment for my open records?

[View Message\(s\)](#)

#### Request / Incident Summary

**Request Type:** Open Records Request  
**Contact E-Mail:** ashleighmerchant3@gmail.com  
**Reference No:** R000581-011724  
**Status:** In Progress

#### Additional Information

**Department Requesting Record(s) From:\***

Purchasing ▼

Select a Department to request a record

**Select the Type of Record:**

Correspondence ▼

Select from the list of types of records

**Describe the Record(s) Requested:\***

I am seeking any and all correspondence or communication between Purchasing and the District Attorney's Office for 2021 until present regarding the following:  
(1) Outside Counsel: any ▼

**Preferred Method to Receive Records:\***

- ☒ Electronic via Records Center  
☐ Inspect On-site

What entities are covered by the Open Records and Open Meetings Acts?

Can I insist that reports or other documents be created or put in a particular format for me?

What personal information contained in public records is subject to the Open Records Act?

How much can I be charged for a record obtained through the Open Records Act?

What is "redaction," when does it apply, and what costs may be charged for redaction?

☐ Regular Mail

Please note not all public documents are available in electronic format. If the document(s) requested are not available electronically, we will make them available for inspection or by paper copy in accordance with the Public Records Law.

Save

New Message

Cancel

Messages 3 Print Messages (PDF)

✓ ☒ On 1/25/2024 2:54:05 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000581-011724

**Body:**  
Please log into the portal to review letter attached. This request has been extended for research.

Thank you.

> ☒ On 1/17/2024 12:44:08 PM, Fulton County, Georgia wrote:

> ☒ On 1/17/2024 12:44:06 PM, Ashleigh Merchant wrote:

# R000581-011724 - Open Records Request

## Message History (3)

✉ On 1/25/2024 2:54:05 PM, Fulton County, Georgia wrote:

**Subject:** [Records Center] Open Records Request :: R000581-011724

**Body:**

Please log into the portal to review letter attached. This request has been extended for research.

Thank you.

✉ On 1/17/2024 12:44:08 PM, Fulton County, Georgia wrote:

Dear Ms. Ashleigh Merchant:

Thank you for submitting an Open Records Request to Fulton County, Georgia.

The County received your Open Records Act request dated January 17, 2024 and has assigned the reference number R000581-011724 for tracking purposes.

Record(s) Requested: *I am seeking any and all correspondence or communication between Purchasing and the District Attorney's Office for 2021 until present regarding the following:*

*(1) Outside Counsel: any payment, requests for payment, process for hiring/bids and paying outside counsel. This includes the referenced "retraining" of the District Attorney by purchasing that we discussed during the BOC meeting in November 2023.*

*(2) Promotional Material: any payment, requests for payments, process for hiring/bids and paying vendors for promotional material including promotional brochures, fliers, or mailers.*

*(3) Re-branding: any payment, requests for payment, process for hiring/bids and paying vendors for re-branding material*

*(4) Critical Mention: any payment, requests for payment, bids, process for hiring/bids and paying Critical Mention*

*(5) TVEye: any payment, requests for payment, process for hiring/bids and paying TV Eye*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

Fulton County has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Center](#)

Fulton County Open Records

✉ On 1/17/2024 12:44:06 PM, Ashleigh Merchant wrote:

Request Created on Public Portal

## **EXHIBIT O**



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## THE MERCHANT LAW FIRM

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TRIAL AND APPELLATE ATTORNEYS

Ashleigh B. Merchant

701 Whitlock Avenue, S.W.

Suite J-43

Marietta, Georgia 30064

Telephone: (404) 510-9936

Facsimile: (404) 592-4614

Ashleigh@merchantlawfirmnc.com

January 24, 2024

**VIA EMAIL TO: Shalanda.Miller@fultoncountyga.gov**

Ms. Shalanda M. J. Miller

Deputy County Counsel

Office of the Fulton County Attorney

**VIA E-MAIL TO: Erica.Willingham@fultoncountyga.gov**

Ms. Erica McCray-Willingham

Open Records Manager/Operations Division

Fulton County District Attorney's Office

Dear Ms. Miller and Ms. McCray-Willingham:

Please allow this to serve as my additional and final follow up to several outstanding requests pursuant to Georgia's Open Records Act, O.C.G.A. § Sections 50-18-70 through 50-18-76 *et seq.* ("Statute"). Please also consider this my notice that if the following requests are not fulfilled **prior to the close of business on January 26, 2024**, we intend to pursue immediate action with Georgia's Attorney General and/or file a civil action in Fulton County Superior Court to obtain your compliance with the Act. Should we be required to do so, we will seek attorneys' fees and costs in having to do so and seek other relief allowed under Georgia law. We certainly hope such action is not necessary and look forward to your anticipated cooperation.

For the sake of convenience, and to expedite your response to the pending requests for documents, I have set forth below the topics for which I sought records from Fulton County and Fulton County District Attorney ("FCDA"), the specific ORA request numbers assigned by your office, my follow-up efforts to obtain the materials, and an identification of materials that have been provided to us and, more importantly, those that have not yet been provided to us.

Letter to Fulton County Agency ORA Officers and County Attorney  
Re: Numerous Outstanding ORA Requests and Notice Of Potential Official Complaint to  
Georgia Attorney General and Potential Civil Action  
January 24, 2024  
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**I. Requests For Contracts and Invoices for Outside Legal Counsel (Original ORA Request No. R007353-090123 (Re-requested in ORA Request Nos. R000483-011424 and R000129-010424))**

On September 1, 2023 (**Request No. R007353-090123**), I requested “any and all bids, contracts, or agreements for the appointment and payment of the following contractors with Fulton County for Nathan Wade, Christopher Campbell, Anna Cross/The Cross Firm, Bondurant Mixon & Elmore (for John Floyd) and Terrence Bradley.” I was only provided partial documents in response to my request. Based on this, I had to follow up on this request several times. I spoke with Erica Willingham from the FCDA who supplied the documents and claimed she provided all that were available.

On September 13, 2023, I again followed up and explained that we had not received all the invoices that were requested. I continued to follow up, but to no avail. To date, you have not provided us with a single invoice from either Campbell or Bradley despite the Fulton County open checkbook showing they were paid several times under these contracts. We also have not received a single invoice for Wade since his April 2023 invoice. It has been almost five months since my original request, and it remains unfulfilled. We have not received one single invoice for Bradley or Campbell.

We have only received one contract for Anna Cross dated July 15, 2022. We asked for all contracts and invoices. We have not received her current contract and we have only received two invoices, one for July 2022 and one for August 2022.

We have only received contracts for John Floyd for dates, 2/23/21 and 4/1/22. We do not have a current contract for any work done after October 31, 2022, including his current contract. We have invoices for work done in April 22, May 22, June 22, July 22, November 22, December 22, May 23, January 23. Nothing for any work in 2023 other than January and nothing after January 2023.

Despite my open records request not being completed, it was closed by Fulton County as completed. Therefore, I had to file an additional request in order to re-open the original open records request that had been improperly closed as “completed” and this request was assigned a new “request number” but I did reference my prior request that was not truly completed despite being closed out as “completed”.

My first such additional follow up request was on January 4, 2023, (**Request No. R000129-010424**) in which I requested updated records, including invoices, payments, contracts and agreements for vendor Nathan Wade. This request still shows that it is “in progress” but we have not received any response.

I also refiled this request in R000483-011424 and cited to my previous request R007353-090123 and explained we clearly had not received everything in response. We were provided one additional contract for John Floyd April 2022 but nothing else. Your office closed that request as “completed” but it still is not completed as a significant portion of the requested documents have not been provided.

### **ITEMS OUTSTANDING UNDER THESE REQUESTS**

- (1) We have not received invoices for May 2023 through December 2023 despite Wade receiving payment for those months.**
- (2) We have not received one single invoice for Bradley or Campbell.**
- (3) We have only received two contracts for Campbell from 2/24/21 and 1/24/22. We have not received his current or additional contracts.**
- (4) We have not received Anna Cross’ current contract and we have only received two invoices one for July 2022 and one for August 2022.**
- (5) We have not received John Floyd’s current contract and have no invoices for any work done after January 2023.**

### **II. Fulton County Outside Counsel Protocol (Request R007843-091523)**

I filed this open record request over four months ago for “any procedures, rules, law, or other county policy that governs a county agency requesting money for outside legal assistance such as a contract lawyer. I am trying to obtain the policy and procedure for the approval of the funds to pay a non-county employee lawyer and the process for review and oversight of the payment of these services.” In response the County sent me a copy of the 2015 “Fulton County Outside Counsel Protocol”. It is my understanding now that the District Attorney’s Office might be claiming that this protocol does not apply to the District Attorney’s Office. Therefore, I am following up on this request to make sure that I am provided the documents I requested if the County is now claiming that this is a different protocol or that this protocol somehow does not apply to the District Attorney. I am requesting documentation that this protocol does not apply to the District Attorney and copies of whatever protocol is being claimed applies to the District Attorney if her office is not subject to the same rules that all other county agencies are subject to.

Letter to Fulton County Agency ORA Officers and County Attorney  
Re: Numerous Outstanding ORA Requests and Notice Of Potential Official Complaint to  
Georgia Attorney General and Potential Civil Action  
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**III. All Attorneys Hired By Ms. Willis (Request R000198-010824)**

On January 8, 2024, I requested a list of all attorneys hired since Ms. Willis took office along with the date they were hired. The District Attorney's Office responded, on January 18, 2024, that "there are no records that are responsive to this open records request."

**Does this mean that Ms. Willis has not hired a single attorney in her time in office or that Fulton County is claiming they do not have a list of the attorneys Ms. Willis has hired and when they began?**

**IV. Critical Mention Media Monitoring Data (Request R000272-010924 and R000675-011824)**

On January 9, 2024, I requested any and all correspondence including "all analytics and/or reports to and/or from Critical Mention, Inc. and any member of the District Attorney's Office." I received some emails in response which clearly had attachments of analytics and reports between Critical Mention and the District Attorney's Office.

The emails make clear that the District Attorney's Office used county funds to contract with Critical Mention to monitor the media presence of Fani Willis. This company was hired to track and monitor all of the media coverage of Fani Willis and "build reports to share and analyze coverage.". The entire service that this contract provided for was these reports and they were not provided in response to our open records. These reports are what the taxpayers paid for and are not subject to any privilege or restrictions.

There are a number of emails between District Attorney employees Jeff DiSantis, Robin Bryant, Reta Keppler, Pallavi Purkayastha, and Fani Willis where they are discussing media involving Fani Willis or the District Attorney's Office. It also references a proposal that was sent to the District Attorney when they first discussed hiring this media monitoring company and appears to be attached to the email. And finally, it appears that there were reports on a regular basis that monitored Ms. Willis and the Fulton County District Attorney's Office and then created sharable reports that had analytics. None of these were provided in response to our open records request.

Because the County closed my initial request R000272-010924 when they released only part of these records, I re-filed this request under R000675-011824 on January 18, 2024 and specifically referenced the original request number.

**I have still not received these documents.**

**V. Confidentiality/Non Disclosure Agreements (Request R000305-010924)**

On January 8, 2024, I requested copies of any documents, agreements, contracts, memos or writings that employees, staff or independent contractors of the District Attorney were required to sign regarding speaking to the media and/or confidentiality. The District Attorney's Office acknowledged that an updated confidentiality was required recently but then was rescinded. We are requesting the original one and the updated one, whether it was rescinded or not. This request shows it is still in progress.

**VI. CARES ACT/COVID RELIEF REPORTS (Request R007844-091523)**

On September 15, 2023, I asked for "Copies of the monthly CARES act reports for the District Attorney's Office showing how CARES act money was spent each month." I received the response that "no records exist". It is my understanding that Fulton County received CARES Act funding and the District Attorney received a large portion of this money. I also understand that there are reporting requirements to show how this money was used. I am trying to ascertain if there truly are "no records" in existence as I was told in response to my open records request.

**VII. Forfeiture Disclosure Reports (R000528-011624)**

On January 16, 2024, I requested reports and itemization that was required by law to be submitted to the county as the local governing authority showing what was done with all property and funds obtained through forfeiture including reports showing where funds were spent and who was paid. This request shows it is in progress.

**VIII. Communications Between Purchasing and District Attorney's Office (R000581-011724)**

On January 17, 2024, I requested any and all correspondences and communication between Purchasing and the District Attorney's Office for 2021 until present regarding (1) outside counsel including any payments, requests for payments, process for hiring/bids and paying outside counsel. I specifically referenced this to include "the referenced retraining of the District Attorney by purchasing that was discussed during the BOC meeting in November 2023."

I also asked for "(2) Promotional Material: any payment, requests for payments, process for hiring/bids and paying vendors for promotional material including promotional brochures, fliers, or mailers. (3) re-branding: any payment, requests for payment, process for hiring/bids and paying vendors for re-branding material. (4) Critical Mention: any payment, requests for payment, bids, process for hiring/bids and paying Critical Mention (5) TVEye: any payment, requests for payment, process for hiring/bids and paying TV Eye."

Letter to Fulton County Agency ORA Officers and County Attorney  
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Georgia Attorney General and Potential Civil Action  
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This request shows in progress still but without any response or responsive documents.

**IX. Vacation/Time Off Requests (R000515-011624)**

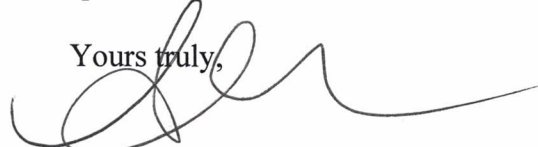
On January 16, 2024, I requested a copy of any and all vacation or time off requests for county employee Fani Willis from January 1, 2022, until current. I was told that it would take 10 business days. Therefore, responsive documents should be provided by January 26, 2024.

**X. Reimbursements For Fani Willis (R000580-011724)**

On January 17, 2024, I requested copies of travel reimbursements, requests for reimbursements, and communications regarding and proof of reimbursements for DA Willis for 2020 through current. This request shows that it is "in progress".

It is very much my hope that this can be easily remedied and that we can obtain copies of these public documents as soon as possible. Several of the requests have been outstanding for months. We look forward to your response and attention to this matter.

Yours truly,

A handwritten signature in black ink, appearing to be 'Ashleigh Merchant', written over the 'Yours truly,' text.

Ashleigh Merchant

cc: ssb/ABM