



Chris Carr, Esq.
The Office of the Georgia State Attorney General
47 Trinity Street, SW
Atlanta, Georgia 30334

January 24, 2024

SUBMITTED THROUGH WEB FORM and EMAIL

Dear Sirs and Madams:

I represent Bentley Media Group, which produces “*Just The News*” a nation-wide 24/hour web and television based news agency. I am writing this complaint¹ pursuant to THE GEORGIA OPEN RECORDS ACT, §50-18-70, *et. seq.*

Specifically, and as shown below, in violation of §50-18-71(b)(1)(A), the Fulton County District Attorney’s office has improperly executed a constructive denial of a properly submitted and acknowledged Open Records request.

FACTS

On January 11, 2024, reporter Steven Richards submitted through the Fulton County web portal the following request:

I am requesting all records of meetings between District Attorney Fani Willis, special prosecutor Nathan Wade, or any other staff of the District Attorney's Office with any White House or federal Department of Justice officials both in Georgia and the District of Columbia from Jan. 1, 2021 to the present.

I am also requesting all communications between DA Willis or special prosecutor Wade with White House or Department of Justice officials from Jan. 1, 2021 to the present.

EXPEDITED TREATMENT REQUESTED/NEWS MEDIA

Please be advised that this request is segregable, and if any exemptions are asserted, I prefer the agency grant a partial fulfillment of my request by providing our office with any documents which are not in dispute at this time.

Expedited treatment is requested because we are a news organization, and the documents requested relate to currently unfolding governmental proceedings. These inquiries overwhelmingly relate to an issue of great public concern.

As a non-commercial requester there should be no fees related to this request.

On January 18, 2024, Mr. Richards received the acknowledgment attached herewith, stating in relevant part that “The Fulton County District Attorney office is in receipt of your open records request. Your request is in the process of being reviewed.”

Although Mr. Richards has called and left voicemails several times, there has been no response from the Fulton County District Attorney’s Office.

¹ To the extent required by Georgia administrative law, please consider this complaint an administrative appeal of the actions described therein, thereby allowing us to pursue this matter in litigation if not resolved quickly.



POINTS OF LAW

A. THE GEORGIA OPEN RECORDS ACT in the most clear and unambiguous terms states that:

Agencies **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. **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.**

§ 50-18-71, (b)(1)(A) (Emphasis added).

The failure to produce any records is at best a constructive denial, and at worst a flagrant disregard for state law.

B. THE GEORGIA OPEN RECORDS ACT also states that:

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.

Id. (Emphasis added).

In clear violation of state law, the Fulton County District Attorney's Office has refused to provide any acknowledgement of the existence of the records, any description thereof, no statutory basis of exemptions, nor any timeframe for disclosure.

CONCLUSION

In light of the above, we respectfully request that the Office of the Georgia State Attorney General open an investigation into the violations of state law as described above, and to the extent possible, order the Fulton County District Attorney's Office to provide the documents required by law.

Very truly yours,

Charles J. Glasser, Jr., Esq



CC: Email to Taylor Tinley; Wright Banks, Esq.; Hon. Brian P. Kemp

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

Greetings,

The Fulton County District Attorney office is in receipt of your open records request. Your request is in the process of being reviewed. Once the request has been reviewed, we will notify you of the next steps, associated cost, and time frame to process your request.

If you have any questions or concerns, please feel free to contact the Fulton County Open Records Team.

Sincerely,

Open Records