

**MISSISSIPPI ETHICS COMMISSION**

**KENNETH E. AASAND**

**COMPLAINANT**

**V.**

**CAUSE NO. R-17-013**

**MAYOR AND BOARD OF ALDERMEN,  
STARKVILLE, MISSISSIPPI**

**RESPONDENT**

**RESPONSE TO COMPLAINT**

The Mayor and Board of Aldermen of the City of Starkville, Mississippi (“the City”) respond to the above-styled Complaint as follows:

1. On March 28, 2017, Kenneth Aasand submitted a public records request to the City seeking “Starkville Airport Board Meeting Minutes for Dec. 2016, January 2017, and February 2017.”
2. Starkville’s City Clerk, Lesa Hardin, received the request on March 28, 2017.
3. According to Harden, she emailed the request that day to the Starkville Airport Manager, Rodney Lincoln. She also put hard copies of the request into the Starkville Airport box and Mayor’s box, both of which are at City Hall.
4. According to Lincoln, he brought the Minutes to City Hall the next morning and watched them be scanned into the City Hall copier to be placed in line for production by email, which was Aasand’s requested means for production. According to Harden, she was not notified that the Minutes had been scanned to the City Hall copier and were ready for production.
5. The actual production of the Minutes was not followed up on by anyone. Thus, the Minutes were not produced within seven (7) working days allowed by City policy in conjunction with the Public Records Act.

6. Instead of checking with the City on the status of the production, Aasand filed the Complaint in this case. The City received the Complaint on May 12, 2017. Upon receipt of the Complaint, the City produced the Minutes via email to Mr. Aasand on May 16, 2017.<sup>1</sup>

7. The City admits that it did not produce the requested Minutes within seven (7) working days allowed by its policy. Candidly, the untimely production is vexing given that the City has attempted to take steps to ensure timely production in light of Aasand's previous public records complaint.

8. However, the untimely production was not malicious or willful but rather was the result of a lack of communication and follow-up. The City realizes those are not excuses. The City continues to take remedial measures to tighten up its process and procedure for timely record production in response to a public records request.

WHEREFORE, the City admits that it did not timely respond to Aasand's public records request of March 28, 2017, but contends that the omission was inadvertent rather than willful or wanton, and requests that the Ethics Commission not impose sanctions or penalties as a result.

This the 24<sup>th</sup> day of May, 2017.

Respectfully submitted,

MAYOR AND BOARD OF ALDERMEN,  
STARKVILLE, MISSISSIPI

BY: /s/ Christopher J. Latimer (MSB #101549)  
*Its Attorney*

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<sup>1</sup> The facts stated herein were discovered based on interviews conducted by the undersigned of Hardin and Lincoln. Affidavits from Hardin and Lincoln can be supplemented if needed.

Of Counsel:

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### **CERTIFICATE OF SERVICE**

I do hereby certify that I have this day forwarded a true and correct copy of the above and foregoing instrument, via electronic mail, to the following:

Kenneth E. Aasand  
[aasand3804@bellsouth.net](mailto:aasand3804@bellsouth.net)

This the 24<sup>th</sup> day of May, 2017.

/s/ Christopher J. Latimer