

MISSISSIPPI ETHICS COMMISSION

P. O. BOX 22746
JACKSON, MISSISSIPPI 39225-2746
TELEPHONE (601) 359-1285

Case No. R-

PUBLIC RECORDS COMPLAINT

PLEASE READ THE FOLLOWING STATEMENTS BEFORE COMPLETING THIS FORM:

You may only file this complaint if you have already requested public records from a public body, and you have not received the records within the period of time allowed by law. You must attach the written denial of your records request, if any, to this form, as well as any other correspondence involving your records request. Pursuant to Section 25-61-13, Miss. Code of 1972, the Ethics Commission must forward a copy of this complaint to the head of the public body involved, and the public body may file a response. After completing, signing and dating the form, please mail it postage prepaid to the address listed above.

PERSON MAKING COMPLAINT (Complainant):

Name: Kenneth E. Aasand

Mailing Address: 207 John Wesley Rd

Telephone No.: 601 988-2788 Email Address: aasand3804@bellsouth.net

PUBLIC BODY AGAINST WHICH COMPLAINT IS MADE (Respondent):

Name of Public Body: Mayor and board of Aldermen Starkville Ms.

Name of Head of Public Body: Mr. Parker Wiseman

Title or Position: Mayor of Starkville

Mailing Address: 110 W Main Street Starkville Ms. 39759

Telephone No.: 6623232525 Email Address: p.wiseman@cityofstarkville.org

Name of Individual from whom Records Were Requested: Mr. Parker Wiseman

Title or Position: Mayor of Starkville

Mailing Address: 110 W Main Street Starkville Ms. 39759

Telephone No.: 6623232525 Email Address: p.wiseman@cityofstarkville.org

ALLEGATIONS AND STATEMENT OF FACTS:

In your own words, please describe as specifically as possible the documents you requested and give any reasons why you believe the records should have been produced to you.

On 19 April 2017 I requested copies of any public records including emails, records of interviews, fuel quantity log sheets from Starkville airport or any written correspondence relating to the investigation of the Mayor of Starkvilles investigation into my claim that the city of Starkville sold aircraft fuel belonging to Grassroots Aviation.

As of today almost one complete month after this request the city of Starkville has not responded in any way. There appears to have been no attempt to write, e mail or call or contact me in any way.

The documents should be produced because they are relevant to my claim that the city of Starkville owes Grassroots Aviation (my Company) \$2081.56. for aviation fuel.

Since Starkville claims they conducted an investigation and concluded the fuel in question does not exist they should then be able to produce the records of such investigation.

For background information the following are attached. *including FOIA request*

1. A copy of the invoice sent to Starkville Airport manager dated 24 Jan 2017

This invoice was never acknowledged in any manner.

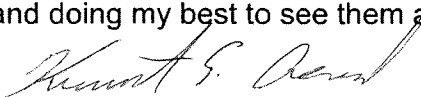
2. A copy of the letter read to the Starkville board of Aldermen dated 7 Feb 2017. The fuel inventory is addressed on page 3. It was at this meeting that Mayor Wiseman promised a full investigation.

3. I met with city attorney on 14 Feb 2017 and provided copies of my fuel inventory sheets showing my record of 10.5 inches of Jet fuel and eight and seven eights inches of avgas. copies of those sheets are attached.

4. A copy of the Mayors letter dated 31 March 2017 stating that his investigation found the fuel level was to low to be measured.

5. I have also attached a fuel tank level chart showing the amount of fuel I had and the showing that the tank level can be measured down to one eighth of an inch.

Additionally I would like to inform the Ethic Commision that I do not consider myself a "Bad person" or anything else. I am just a citizen wishing to hold a local government accountable for their actions and doing my best to see them act in a fair and responsible manner.

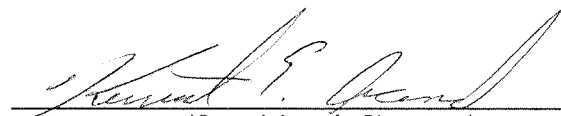


Thank You
Kenneth E. Aasand
207 John Wesley rd
Starkville Ms. 39759

I have read and understood everything in this complaint, and I certify that the statements, matters and allegations set forth in this complaint are true and correct to the best of my knowledge, information and belief and are made of my own free will.

19 May 2017

(Date)



(Complainant's Signature)

REQUEST FOR PUBLIC RECORDS UNDER THE MISSISSIPPI PUBLIC RECORDS ACT
OF 1983

CITY OF STARKVILLE, MS

City Hall
110 West Main Street, Starkville, MS 39759
662-323-2525

ATTN: CITY CLERK'S OFFICE

Ladies and Gentlemen:

I have received, read and understand the procedures outlined and adopted by the City to comply with the Mississippi Public Records Act of 1983. I wish to personally inspect (yes or no) , Personally copy by hand (yes or no) , or have copies mailed/faxed/emailed (circle one) for me (yes or no) of the following public records:

Any public records, email, fuel quantity log sheets from 26 Feb 2016 until 29 Feb 2016, or any written correspondence relating to the Mayor's investigation of my claim that Starkville sold aircraft fuel belonging to Grassroots Aviation. The investigation is described in a letter from Mayor Wiseman dated 31 March 2017 and a copy is attached.

Please mail (yes or no) this material to me at the address indicated below or call (yes or no) me at the telephone number listed below and I will personally pick them up. I understand that I will be charged for the actual cost of searching, reviewing and/or duplicating; and if applicable, postage fees with said costs to be paid in advance of receipt of any information.

Mailing Address: arasand3804@bellsouth.net
Phone Number/Fax Number: 601 988-2788

Sign: Shirley E. Russell Date: 19 April 2017

**** Please note that the nature of the material requested may prohibit the option of faxing or emailing the requested documents. If the request is unable to be filled by faxing or emailing, with a receipt request required for the confirmation of receipt, then the applicant will be notified and the documents will be held for pickup or mailed provided there is a notice of mailing location.

RECEIVED
APR 19 2017
Starkville City Hall

George Bryan Airport
120 Airport Road
Starkville Ms. 39759

Attn: Mr. Rodney Lincoln

- 1 Fuel
- 2 IRS
3. Notify those billed of
4. Reimbursed 17th No

24 Jan 2017

Mr. Lincoln,

Reviewing my year end fuel sales it has come to my attention that we never settled up on the fuel that remained in the fuel storage tanks when Grassroots Aviation left the airport on 29 February 2016. As you will recall when Grassroots Aviation opened its doors on 3 March 2015 you witnessed measuring of the residual fuel by stick, the calculations and the settlement between myself and RAS.

When Grassroots Aviation left Starkville the airport put fuel on top of my inventory prior to sticking the tanks with me present. I contacted the city attorney who directed me to send the airport an invoice. Since the airport has made no attempt to reimburse me for this fuel I am now as per direction of the city attorney presenting the airport with the following invoice.

1. Jet A - On Feb 27 2016 10.5 inches or 528 gallons purchased on 12/16/15 for \$1.67 my cost total due \$688.04
2. Avgas- On Feb 17 2016 8 7/8 inches or 412 gallons purchased on 1/13/16 for \$2.64 my cost total due \$1393.92
3. Total due for both avgas and Jet A is \$2081.56

Please send a check payable to Grassroots Aviation Inc. mailed to 1001 Airport Lane Hazlehurst Ms. 39083.

I am also inclosing my fuel inventory sheet from that time frame. You have the tank capacity chart I used and copies of the invoices which also show the prices I paid. As always I ask if you have a question or comments on why this should not be paid please feel free to write or call.

Thank You
Kenneth Aasand
Grassroots Aviation Inc.
1001 Airport Lane
Hazlehurst Ms. 39759
601 988-2788

To City of Starkville Aldermen

7 Feb 2017

Subject Airport Issues

Mayor and Aldermen,

Thank you for giving me a few minutes to express a few issues that I feel you need to be made aware of and that I feel require your attention.

For just a little background you may recall my company Grassroots Aviation Inc. operated the FBO in Starkville from March 2015 until 29 Feb 2016. During that time we never had any negative complaints we only had very positive comments and internet reviews on flight planning programs. We were responsible for welcoming numerous dignitaries and congressmen, governors and ambassadors to Starkville treating all travelers with the greatest respect and courtesy. Our business exceeded all expectations and even Budget Rental cars reported to us they had their best year ever.

On 2 Feb 2016 the Board of Aldermen cancelled our lease giving us a 90 day notice to wind down our business and close our doors. We closed all of our accounts, phone service, we sold our inventory. We closed our doors as directed on 29 Feb 2016. Even up until that day every customer who needed fuel was able to buy it from Grassroots Aviation.

On 18 February 2016 I notified the Airport Manager that Grassroots Aviation last day in Starkville would be 29 Feb 2016 to which the Airport Manager replied who is going to sell fuel? To show how much goodwill Grassroots Aviation has toward the city of Starkville Grassroots Aviation put together an interim proposal to sell fuel during the transition to a new FBO. Your airport board rejected this proposal and again on 29 Feb 2016 Grassroots Aviation closed all accounts including its credit card processing account even mailing the credit card machine back to the vendor.

I would now like to make you aware of several issues that has surfaced since Grassroots closed its doors on 29 February 2016

On 2 December 2016 I received a phone call from a gentleman questioning why Grassroots Aviation had billed his credit card during the months of April, August, September and October 2016 for a total of \$131.57. I informed him I was unaware but I would research the issue and asked him to do the same from his end.

This gentleman called back several minutes later to state the issue was he had swiped his credit card at the self-serve fuel terminal at the Starkville Airport. He stated that the airport manager knew and was aware that people buying fuel at the Starkville Airport were getting bank statements indicating they were being billed by Grassroots Aviation. The airport manager is reported as stating that he was unable to change anything until "the board met" on Tuesday night.

I contacted all three of companies involved in processing of credit cards while Grassroots Aviation was at Starkville.

Imagine my shock and dismay when Ms. Karen Bain of QT pod called me to explain that she had discovered the City of Starkville had been processing credit card transactions using my old account that had been reactivated in March of 2016 just weeks after I had closed it. Ms. Bain indicated she had just called the Starkville Airport Manager who stated that he did not want the Grassroots Aviation account closed. That he needed some type of board approval. I directed Ms. Baine to again stop the use of my account by the close of business on 2 Dec 2016 which she did but only by having to threaten the Starkville airport manager with shutting off the fuel terminal.

I contacted Mrs. Lynn Weyerhaeuser of Eastern Aviation Fuels. Mrs. Weyerhaeuser stated she had no control over the fuel terminal but she was aware the Starkville Airport manager was using my credit card processing account. Mrs. Weyerhaeuser stated it was a weekly phone call to try and get the airport manager to stop using the Grassroots Aviation account. Mrs. Weyerhaeuser works close with QT pod and stated Mr. Bill Eckord of QT pod and herself had "hounded and badgered" the Starkville airport manager to stop using the account of Grassroots Aviation to process credit cards.

Mr. Mayor, and Aldermen. What the Starkville airport has done here fits the exact definition of identity theft. The airport manager has used the credit card processing account of Grassroots Aviation knowingly and without permission for the benefit of the airport. And he refused repeated request to stop this action. This action has also resulted in a payment card data breach as over 240 customers of the City of Starkville airport unknowingly gave their credit card information, aircraft registration, addresses etc. to a third party without their knowledge or consent.

I am asking you as community leaders to imagine my position. Consider the liability exposure this action by a city employee exposed my company to. For several months the airport operated selling aircraft fuel under the name Grassroots Aviation while no employee at the airport had any formal training on fuel quality control procedures. What if the city sold contaminated fuel resulting in an accident or aircraft damage while under the name Grassroots Aviation?

I am asking you as community leaders to consider the credit card data issue. Grassroots Aviation maintains payment card industry standards. It is referred to as PCI compliance. Having untrained and unauthorized personnel handling credit cards and credit card reading equipment under the disguise of Grassroots Aviation without my knowledge exposed my company to an unacceptable risk. The Starkville Airport circumvented all credit card security requirements.

As community leaders I am sure you cannot condone this behavior by a city employee. Any excuse of well they let me do it so I did is blatantly irresponsible and unacceptable. I am asking you to hold your employee accountable for this and ask what corrective action do you intend to take? Does the city feel an obligation to address the breach of credit card data? Would Starkville like for me to invoice the city airport for the use of my credit card processing account?

An additional issue has risen from the fallout of Starkville's unauthorized use of my credit card processing account. US Bank has reported to the Internal Revenue service \$37,461.89 in proceeds from the City of Starkville's sale of aircraft fuel. These proceeds are listed as being received by Grassroots Aviation. The Internal Revenue Service will be expecting Grassroots Aviation to report this as income on

our corporate tax return when in fact no such proceeds were ever received. I am asking the how Starkville plans to address this issue so that I may file my tax returns on time. Will Starkville contact US Bank to get a corrected 1099 issued and does Starkville plan on reimbursing me for any increased tax liability caused by your city employee's unauthorized use of my credit card account?

I would also like to bring up an action typical of your airport manager and airport board. Recall that we did our best to provide for a smooth transition to a new FBO but was rejected. It was on 26 Feb 2016 three days before we closed our doors that the airport manager and an airport board member entered the locked offices of Grassroots Aviation after hours and removed keys and books. There was no emergency or crisis that warranted such action. They then received fuel after normal working hours into the avgas storage tank under the muse that I had abandoned the tank when in fact Grassroots Aviation was still in business at the airport. This fuel receipt into the storage facility had the effect of comingling fuel inventories. Normally when one FBO leaves and a new one arrives a fair orderly professional transition takes place and fuel inventories are purchased by the new FBO. I have waited for the airport to reimburse me for my inventory but nothing has happened. The airport manager is now in receipt of an invoice for this action and I would like the city of Starkville's input on this action. Do you agree with the actions of your airport manager and board member? Do you feel the airport should pay this invoice?

To conclude

Grassroots Aviation always acted fairly, professionally and with the best interest of Starkville in mind. Grassroots Aviation was very highly recommended by all that came to Starkville. We employed 8 linemen. We paid all bills on time. We provided maintenance, spare parts, rental cars, aircraft fuel, food delivery and a host of other services. In return our contract was cancelled. The City of Starkville started using our credit card processing account unlawfully. There is a breach of credit card security that needs to be addressed. The airport manager and airport board enters offices after hours at will to do as they please. The airport board has been found in violation of public records laws and open meeting laws. The airport manager takes over inventory then fails to pay for it. Public internet reviews of the service at the airport has faltered. I am asking you as Community leaders to look at each and every one of the allegations I have brought before you to see that they are addressed in a fair and honest manner.

Would the Board of Alderman find it acceptable to give me a written reply to these issues and concerns within two weeks. I would also like a copy of this letter placed into the board minutes if possible. Thank you very much for your time and consideration in this matter and I stand before you ready to answer any questions you may have.

Kenneth Aasand
Grassroots Aviation Inc.
1001 Airport Lane
Hazlehurst Ms. 39083
601 988 2788

WE-MAC MANUFACTURING

Garsite - Starkville, MS

Description: 12,000 gallon Double Wall Tanks

Inner Tank: 10' dia x 21'

Order:

Depth (inches)	Capacity (gallons)	Depth (inches)	Capacity (gallons)	Depth (inches)	Capacity (gallons)
25 $\frac{1}{8}$ " →	1	5.125	182	10.125	500
50	2	5.250	189	10.250	509
75	4	5.375	196	10.375	518
100	6	5.500	203	10.500	528
125	8	5.625	210	10.625	537
150	10	5.750	216	10.750	546
175	13	5.875	224	10.875	556
200	16	6.000	231	11.000	565
225	19	6.125	238	11.125	574
250	22	6.250	245	11.250	584
275	26	6.375	252	11.375	594
300	29	6.500	260	11.500	603
325	33	6.625	267	11.625	613
350	37	6.750	275	11.750	623
375	41	6.875	282	11.875	632
400	45	7.000	290	12.000	642
425	49	7.125	298	12.125	652
450	53	7.250	305	12.250	662
475	58	7.375	313	12.375	672
500	63	7.500	321	12.500	682
525	67	7.625	329	12.625	692
550	72	7.750	337	12.750	702
575	77	7.875	345	12.875	712
600	82	8.000	353	13.000	722
625	87	8.125	361	13.125	732
650	93	8.250	370	13.250	742
675	98	8.375	378	13.375	753
700	103	8.500	386	13.500	763
725	109	8.625	395	13.625	773
750	115	8.750	403	13.750	784
775	120	8.875	412	13.875	794
800	126	9.000	420	14.000	805
825	132	9.125	429	14.125	815
850	138	9.250	438	14.250	826
875	144	9.375	446	14.375	836
900	150	9.500	455	14.500	847
925	157	9.625	464	14.625	858
950	163	9.750	473	14.750	869
975	169	9.875	482	14.875	879
1000	176	10.000	491	15.000	890

Nozzle/Reels

Piping

Pump

Filter/Bypass

Meter