



GEORGIA DEPARTMENT OF LAW

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April 20, 2012

Via Facsimile No. (770) 781-9191

Dana Miles, Esq.
Miles Patterson Hansford Tallant, LLC
202 Tribble Gap Road, Suite 200
Cumming, GA 30040-2540

RE: Alleged Open Meetings Act Violation by Mayor Gravitt

Dear Mr. Miles:

I am writing you in your capacity as attorney for the City of Cumming, Georgia. A complaint has reached the Office of the Attorney General alleging that City of Cumming Mayor Henry Ford Gravitt banned video recording of a public meeting on April 17, 2012. Mayor Gravitt was allegedly informed during the meeting that video recording of the meeting was allowed under Georgia law yet banned recording nonetheless. Since the meeting was in the process of being recorded when the recording was allegedly banned, a videotape exists of the event, and can be found on the internet at this link: <http://www.youtube.com/watch?v=vaulDwK6ou0>. On the video Ms. Nydia Tisdale appears to have been forcefully removed from the meeting for attempting to record it. She does not appear to have been disruptive and seems to have attempted to inform the mayor of the law and asked him to consult with you about it.

Under Georgia law the Attorney General has the discretionary authority to enforce the Open Records and Open Meetings Acts. O.C.G.A. §§ 50-18-73(a), 50-14-5(a). The Attorney General has the authority to bring both civil and criminal actions, and may seek fines of \$1,000 for a first violation of the law and \$2,500 for each additional violation within a one year period. *See* HB 397 (2012) (effective upon signature, which appears to have been before the alleged violation).

Georgia law expressly allows video recording of public meetings. O.C.G.A. § 50-14-1(c). This has been the law for many years. Of course, the members of the public are allowed to attend open meetings and cannot be wrongfully excluded from them. *See* O.C.G.A. § 50-14-1(b).

Dana Miles, Esq.
April 20, 2012
Page 2

I write today to obtain the city's position on these alleged violations and, should it agree that the Act was violated, to enlist its immediate cooperation in an appropriate resolution of this matter consistent with the law. I request that you respond to me regarding this no later than Friday, April 27, 2012.

I appreciate your attention to the above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stefan Ritter', written over the word 'Sincerely,'.

STEFAN RITTER
Senior Assistant Attorney General

SER/sg

cc: Nydia Tisdale