



MISSISSIPPI ETHICS COMMISSION

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June 5, 2015

VIA US MAIL

Donald J. Rafferty
Attorney for the City of Bay Saint Louis
PO Box 4252
Gulfport, MS 39502

Re: Mississippi Ethics Commission Case No. R-15-011
Thorp v. City of Bay Saint Louis

Dear Mr. Rafferty:

Enclosed please find a copy of the Final Order in the above referenced case. This Final Order was issued in accordance with Rule 5.6, Rules of the Mississippi Ethics Commission.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sonia Shurden".

Sonia Shurden
Hearing Officer, Mississippi Ethics Commission

✓ cc: Ronald Thorp

BEFORE THE MISSISSIPPI ETHICS COMMISSION

RONALD R. THORP

COMPLAINANT

VS.

NO. R-15-011

CITY OF BAY SAINT LOUIS

RESPONDENT

FINAL ORDER

This matter came before the Mississippi Ethics Commission through a Public Records Complaint filed by Ronald R. Thorp against the City of Bay Saint Louis. The Ethics Commission has jurisdiction over this matter pursuant to Section 25-61-13, Miss. Code of 1972. The Ethics Commission voted on a Preliminary Report and Recommendation at its meeting on May 8, 2015. Neither party filed an objection to the Preliminary Report and Recommendation. Accordingly, the hearing officer enters this Final Order in accordance with Rule 5.6, Rules of the Mississippi Ethics Commission.

I. FINDINGS OF FACT

On February 6, 2015, Ronald R. Thorp submitted a request to the City of Bay Saint Louis (the "city") for ten (10) separate categories of financial documents. On February 18, 2015, seven working days after receiving the request, the city acknowledged receipt of the public records request and notified Mr. Thorp that the production of the documents would be delayed due to being shorthanded and computer network problems, but "anticipate[d] having these documents available to you on or before 5 p.m. on February 25, 2015." On March 3, 2015, Mr. Thorp filed a formal public records complaint with the Ethics Commission. On the same day¹, Mr. Thorp received all of the documents he requested from the city. After receiving the documents from the city, Mr. Thorp requested that the Ethics Commission do "whatever [the commission] can do to make this non compliance with the public records request public and punitive."

II. CONCLUSIONS OF LAW

The Mississippi Public Records Act of 1983 (the "Act"), codified at Section 25-61-1, et seq., Miss. Code of 1972, provides that public records shall be available for inspection by any person unless otherwise provided by law, and places a duty upon public bodies to provide access to such records. Section 25-61-2, Miss. Code of 1972. Section 25-61-5(1)(a) mandates that "[n]o public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than seven (7) working days from the date of the receipt of the request for the production of the record." Section 25-61-5(1)(b) allows up to fourteen working days for production of public records when the public body provides a specific, written explanation why the records cannot be produced within seven days. The City of Bay Saint Louis

¹ March 3 was sixteen (16) working days after the City of Bay Saint Louis received the original request from Mr. Thorpe.

did not produce the requested records within the statutory fourteen-day period as mandated by law.

IT IS HEREBY ORDERED as follows:

1. The Mississippi Ethics Commission hereby finds that the City of Bay Saint Louis violated Section 25-61-5, Miss. Code of 1972, by failing to produce requested records within the statutory fourteen-day period as mandated by law.

2. The commission hereby orders the City of Bay Saint Louis to refrain from further violations and comply strictly with Section 25-61-5, Miss. Code of 1972.

SO ORDERED this the 5th day of June 2015.

MISSISSIPPI ETHICS COMMISSION



By: SONIA SHURDEN, Hearing Officer