

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

DEBBIE DOOLEY,	)	
	)	
Plaintiff,	)	Civil Action No.
	)	
v.	)	_____
FANI T. WILLIS, OFFICE OF THE	)	
DISTRICT ATTORNEY OF FULTON	)	
COUNTY, GEORGIA,	)	
	)	
Defendant.	)	

**VERIFIED PETITION FOR WRIT OF MANDAMUS**

Now Comes DEBBIE DOOLEY, Plaintiff in the above-styled action files her *Verified Petition for Writ of Mandamus*, pursuant to the Official Code of Georgia §9-6-20 entitled, “*Enforcement of Official Duty; Inadequacy of Legal Remedy*”, to compel Respondent FANI T. WILLIS, individually and in her official capacity as the Fulton County District Attorney to faithfully, properly, and timely perform mandatory public duties under the Georgia Open Records Act, O.C.G.A. § 50-18-70 *et seq.* and regulations promulgated in accordance with this law, to process and deliver the information requested by Plaintiff.

Petitioner seeks this Court’s immediate help. Petitioner has experienced unreasonable delays in obtaining the information requested from Respondent as follows (Request #R000803-032123 attached hereto as **Exhibit “A”**):

- All records relating to any and all **federal grants** received by the Fulton County District Attorney’s Office for the past five (5) years from the date of the Georgia Open Records Act request made on March 21, 2023.

- All records relating to any and all **federal funding** from any departments whatsoever and received by the Fulton County District Attorney's Office for the past five (5) years from the date of the Georgia Open Records Act request made on March 21, 2023.
- All records or accountings of where federal funds received by the Fulton County District Attorney's Office were used, and the amounts of each individual grant received within 5 years from the date of the Georgia Open Records Act request made on March 21, 2023.

On the 21<sup>st</sup> day of March 2023, Petitioner formally requested the information listed herein immediately above from Respondent. Respondent is required to “*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*”, pursuant to O.C.G.A. §50-18-71(b)(1)(A). (Emphasis Added). This three-day timeline applies to all documents which are in existence at the time of a request. In the event such a request includes certain documents in which cannot be produced within the general three-day window, the Respondent is obligated to provide any of the documents in which can be provided within the timeline and then notify the requesting citizen of the timeline in which the agency will be able to produce such records for inspection “*as soon as practicable.*” *Id.*

As of the date of this petition, Ms. Dooley's Georgia Open Records Act request has been completely ignored. No one contacted Ms. Dooley within the initial three (3) day period, nor did they respond with an estimated cost and timeline to comply with her requests as Georgia law requires. Dooley subsequently contacted the Fulton County District Attorney's Office to follow up on April 4<sup>th</sup>, 2023 and informed Respondent that she had not received any information

requested, nor any communication concerning a request for additional time or informing Dooley of the estimated expense for doing so.

On April 13, 2023, Dooley made a formal complaint to the Georgia Attorney General's Office in light of the Fulton County District Attorney's Office ignoring her March 21, 2023 Georgia Open Records Act request. On April 19, 2023, Kristen Settlemire of the Georgia Attorney General's Office requested copies of Dooley's Georgia Open Records Act request via email and any other correspondence related to the request. On April 21, 2023, Dooley responded and delivered the requested information via email to Settlemire. On April 24, 2023, Settlemire emailed Dooley and informed her that the Georgia District Attorney's Office "*is unable to mediate complaints against District Attorneys.*"

Petitioner has no other remedy in law or equity, but a writ of mandamus pursuant to the Georgia Open Records Act, to obtain the documents sought in Dooley's request from Respondent.

### **Jurisdiction and Venue**

1.

This Superior Court of Fulton County has subject matter jurisdiction pursuant to O.C.G.A. § 50-18-73 over this mandamus action as it concerns the failure of Respondent to perform a ministerial duty that O.C.G.A. § 50-18-71 requires public officials to perform concerning Georgia public records. Ga. Const. art. VI, §I, ¶ IV; Ga. Const. art. VI, §IV, ¶ I; Ga. Code § 9-6-20.

2.

Venue is proper because the Respondent, in her individual and official capacities, is a resident of residents in Fulton County, Georgia, Ga. Const. art. VI, § II, ¶ VI.

### The Parties

3.

Plaintiff, Debbie Dooley, is a U.S. Citizen and a taxpayer who resides in Barrow County, Georgia.

4.

Respondent, Fani T. Willis, is a U.S. Citizen, a resident of Fulton County, Georgia, and a public servant employed by the State of Georgia. Fani T. Willis is a party in her individual and official capacity. More specifically, Fani T. Willis is the District Attorney of Fulton County, Georgia.

### Georgia Open Records Act

5.

O.C.G.A. §50-18-71 state in relevant part as follows:

**“(a) All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure.** Records shall be maintained by agencies to the extent and in the manner required by Article 5 of this chapter.

(b)(1)(A) 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. 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.

(B) A request made pursuant to this article may be made to the custodian of a public record orally or in writing. An agency may, but shall not be obligated to, require that all written requests be made upon the responder's choice of one of the following: the agency's director, chairperson, or chief executive officer, however denominated; the senior official at any satellite office of an agency; a clerk specifically designated by an agency as the custodian of agency records; or a duly designated open records officer of an agency; provided, however, that the absence or unavailability of the designated agency officer or employee shall not be permitted to delay the agency's response. At the time of inspection, any person may make photographic copies or other electronic reproductions of the records using suitable portable devices brought to the place of inspection. Notwithstanding any other provision of this chapter, an agency may, in its discretion, provide copies of a record in lieu of providing access to the record when portions of the record contain confidential information that must be redacted.

(2) Any agency that designates one or more open records officers upon whom requests for inspection or copying of records may be delivered shall make such designation in writing and shall immediately provide notice to any person upon request, orally or in writing, of those open records officers. If the agency has elected to designate an open records officer, the agency shall so notify the legal organ of the county in which the agency's principal offices reside and, if the agency has a website, shall also prominently display such designation on the agency's website. In the event an agency requires that requests be made upon the individuals identified in

subparagraph (B) of paragraph (1) of this subsection, the three-day period for response to a written request shall not begin to run until the request is made in writing upon such individuals. An agency shall permit receipt of written requests by email or facsimile transmission in addition to any other methods of transmission approved by the agency, provided such agency uses email or facsimile in the normal course of its business.

(3) The enforcement provisions of Code Sections 50-18-73 and 50-18-74 shall be available only to enforce compliance and punish noncompliance when a written request is made consistent with this subsection and shall not be available when such request is made orally.

(c)(1) An agency may impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records pursuant to this article. An agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents. Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply when certified copies or other records to which a specific fee may apply are sought. In all other instances, the charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.

(2) In addition to a charge for the search, retrieval, or redaction of records, an agency may charge a fee for the copying of records or data, not to exceed 10¢ per page for letter or legal-size documents or, in the case of other documents, the actual cost of producing the copy. In the case of electronic records, the agency may charge the actual cost of the media on which the records or data are produced.

(3) Whenever any person has requested to inspect or copy a public record and does not pay the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully estimated and agreed to pursuant to this article, and the agency has incurred the agreed-upon costs to make the records available, regardless of whether the requester inspects or accepts copies of the records, the agency shall be authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments by such agency.

(d) In any instance in which an agency is required to or has decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph within a reasonable amount of time not to exceed three business days or in the event the search and retrieval of records is delayed pursuant to this subsection or pursuant to subparagraph (b)(1)(A) of this Code section, then no later than three business days after the records have been retrieved. In any instance in which an agency will seek costs in excess of \$25.00 for responding to a request, the agency shall notify the requester within a reasonable amount of time not to exceed three business days and inform the requester of the estimate of the costs, and the agency may defer search and retrieval of the records until the requester agrees to pay the estimated costs unless the requester has stated in his or her request a willingness to pay an amount that exceeds the search and retrieval costs. In any instance in which the estimated costs for production of the records exceeds \$500.00, an agency may insist on prepayment of the costs prior to beginning search, retrieval, review, or production of the records. Whenever any person who has requested to inspect or copy a public record has not paid the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully incurred, an agency may require prepayment for compliance with all future requests for production of records from that person

until the costs for the prior production of records have been paid or the dispute regarding payment resolved.

(d.1) Any other provision of this Code section to the contrary notwithstanding, the period within which any production, access, response, or notice is required from an agency with respect to a request for records, other than salary information for nonclerical staff, of intercollegiate sports programs of any unit of the University System of Georgia, including athletic departments and related private athletic associations, **shall be 90 business days from the date the agency received the request.**” (Emphasis Added)

**O.C.G.A. §50-18-73** establishes the superior court’s subject matter jurisdiction and directs the court to award the complaining party with attorney’s fees and litigation costs associated with bringing the action, unless special circumstances exist, when a party’s actions lack substantial justification.

**O.C.G.A. §50-18-74** establishes the appropriate penalty scales for both criminal and civil actions where violations of the Georgia Open Records Act are found. In civil actions, violations of this chapter are subject to, in addition to attorney’s fees and litigation expenses, \$1,000.00 for the first violations and for later violations, up to \$2,500.00 per subsequent violations within twelve (12) months of the initial fine or penalty imposed.



## COUNT I

### MANDAMUS ABSOLUTE

#### **(Failure of Respondent to Produce Government Documents for Inspection to Plaintiff)**

6.

On the 21<sup>st</sup> day of March, 2023, Ms. Dooley filed her Georgia Open Records request with the Fulton County District Attorney's Office. Ms. Dooley's request: "*Requesting information on Federal Grants and Federal money received by the Fulton County District Attorney's office [for] the past 5 years. Requesting what federal funds were used for and the amount of the grants received in the past 5 years.*"

7.

Respondent failed to communicate with Dooley within the statutory three (3) period with either a transmission of the requested information, nor did Respondent communicate a need for additional time to comply or the costs associated with gathering said documents. Respondent has completely ignored Dooley's March 21, 2023 request, and refused to communicate with her as Georgia law requires as quoted herein above.

8.

On April 4, 2023, Dooley contacted the Fulton County District Attorney's Office through their online portal to request an update or any communication concerning her March 21, 2023 Georgia Open Records Act request. Respondent failed or otherwise refused to communicate in any way as is required by Georgia Law. As of the date of this petition, Respondent has completely ignored Dooley's March 21, 2023 request for no legitimate or substantial reason.

9.

Subsequently, Dooley made a written complaint to the Georgia Attorney General's Office on April 13, 2023 concerning these ignored requests. Although, Kristen Settlemire of the Georgia AG's Office requested copies of all requests and correspondence, she later informed Dooley via email that their office "*is unable to mediate complaints against District Attorneys.*"

### PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests relief as follows:

- a) Grant a mandamus nisi setting this matter for a hearing not less than ten (10) and no more than thirty (30) days after the filing of this Petition;
- b) Upon hearing, issue a mandamus absolute compelling Respondent to produce the document requested by Plaintiff pursuant to O.C.G.A. § 50-18-71;
- c) Award civil penalties as this Court deems appropriate pursuant to O.C.G.A. § 50-18-74;
- d) Award Plaintiff reasonable attorney's fees and litigation costs in this action pursuant to O.C.G.A. §50-18-73; and
- e) Such other and further relief as this Court deems just and proper

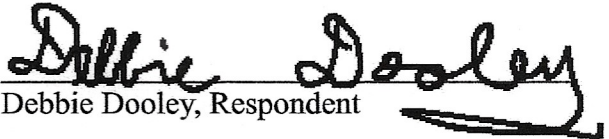
Submitted this \_\_\_ day of \_\_\_\_\_, 2023

/s/ Jared B. Craig, Esq.  
JARED B. CRAIG  
Attorney for Plaintiff  
Georgia Bar Number 940430

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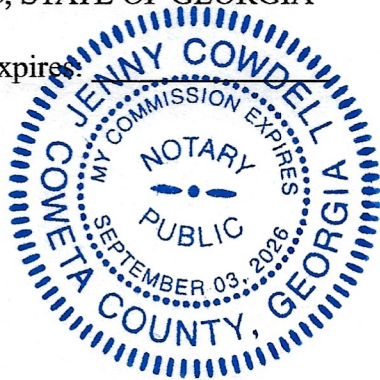
VERIFICATION

Personally appeared before the undersigned attesting officer duly authorized to administer oaths, **Debbie Dooley**, who on oath, deposes and states that the information contained in the foregoing *Verified Petition for Writ of Mandamus* is true and correct to the best of her knowledge and belief.

  
Debbie Dooley, Respondent

Sworn to and subscribed  
before me this 13 day  
of June, 2023.

  
NOTARY PUBLIC, STATE OF GEORGIA  
My Commission Expires





Message History (4)

On 4/4/2023 6:01:39 PM, Deborah Dooley wrote:

Can I please have an update?

On 3/21/2023 10:19:21 AM, Fulton County DA - Public Records wrote:

Subject: [Records Center] Open Records Request :: R000830-032123

Body:

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, any associated cost and time frame to process your request.

If you have any questions or concerns, please feel free to contact me at erica.mccray@fultoncountyga.gov

Sincerely,

Open Records

On 3/21/2023 10:15:26 AM, Fulton County DA - Public Records wrote:



Dear Deborah Dooley:

Thank you for submitting an Open Records Request to Fulton County District Attorney

Your Open Records Act request dated March 21, 2023 and has assigned the reference number R000830-032123 for tracking purposes.

Record(s) Requested: *Requesting information on Federal Grants or Federal money received by the Fulton County District Attorney's office the past 5 years.*

*Requesting what federal funds were used for and the amount of the grants received in the past 5 years.*

We will send out the request to the appropriate department(s). If you should have any questions or concerns about the requested documents, please feel free to contact the Fulton County District Attorney Open Records team. If there should be a cost associated with the Open Records Request we will contact you in a timely manner.

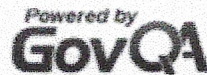
Fulton County District Attorney has a new Open Records Center that allows you to submit and track Open Records Act requests. Please visit the link below to monitor request progress and submit future requests.

[Open Records Department](#)

Fulton County District Attorney.

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To monitor the progress or update this request please log into the [Open Records Department](#)



On 3/21/2023 10:15:25 AM, Deborah Dooley wrote:

Request Created on Public Portal