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November 15, 2016

VIA E-MAIL open.records@cot.tn.gov

Ann V. Butterworth
Open Records Counsel & Assistant to the Comptroller for Public Finance
Tennessee Comptroller of the Treasury
Suite 1700, James K. Polk Building
Nashville, Tennessee 37243-1402

Re: Blount County Sheriff's Office – Records Request of Tona Monroe

Dear Ms. Butterworth:

Chief Jeff French of the Blount County Sheriff's Office has asked that I respond to you regarding the litany of correspondence that has taken place between you, Chief French and Commissioner Tona Monroe regarding a purported open records request. Chief French has expressed to me that he is frustrated with this correspondence which seems to suggest that he and the Sheriff's Office are not complying with the Tennessee Open Records Act.

First, it would appear to me that the original email sent by Commissioner Monroe to Chief Deputy French on May 3, 2016, was not an open records request under the Tennessee Open Records Act. I have previously corresponded with you and Ms. Monroe on this subject and made it clear that the Sheriff's Office does not treat every request from a County Commissioner as an open records request. The email in question is dated May 3, 2016, was sent at 9:52 p.m., and in no way does it identify the correspondence as an open records request. The email asks for a copy of the new agreement with the Marshals Service. The email went further to ask that she please be sent "what the Summerhill Group provided regarding federal housing inmates, including but not limited to, how they determined the per diem and travel rates." Ms. Monroe was provided a copy of the Marshals' Service contract, but the Sheriff's Office had no further documents responsive to her request.

Some five (5) months later, we see an email correspondence from Ms. Monroe to you acknowledging that she received the Marshals' contract, but said she never received Form USM-243. I would note that there was no mention of this form ever made in the initial email she sent to Chief French back in May. According to your October 3, 2016, correspondence to Ms. Monroe you apparently had no documents in your system referencing this as an open records request. The Sheriff's Office was not aware that there was any problem until Chief French was included in the email chain between you and Ms. Monroe in October 2016.

I would note at this point, there has never been a request by Ms. Monroe directly to the Sheriff's Office for this purported form USM-243. I would also note that your correspondence of October 3, 2016, that you had done some research on the form, but this form was never requested by Ms. Monroe in writing and therefore, no written response was required. Chief French did indicate in his response to you that the Sheriff's Office does not have a copy of this

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form in their possession. Your additional correspondence to Ms. Monroe on October 3, 2016, also questions whether the information requested was, in fact, a Tennessee Open Records Request or was made in her role as a County Commissioner.

Chief French is very conscientious and well-aware of his responsibilities for making a proper response to a proper request under the Tennessee Open Records Act. It is clear that this was not such a request and that Chief French has not been at all neglectful in his response.

The only reference to this Form USM-243 came from you and not from Commissioner Monroe. Chief French clearly responded to you by email dated October 7, 2016, that the Sheriff's Office did not have this form and that any request for the Form USM-243 would need to be sent to the Summerhill Group. Despite this response on October 7, 2016, Chief French then received the correspondence dated November 7, 2016, which included the email from you to Ms. Monroe questioning whether the TPRA issue regarding the request Form USM-243 has been resolved. Ms. Monroe responded "No it has not", and then you sent the email dated November 7, 2016 to Chief French suggesting that his action constituted a denial of the requested record under the Public Records Act. This is simply not the case because Ms. Monroe never requested the subject form from the Sheriff's Office, but only mentioned it in her correspondence with you.

It is the concern of the Blount County Sheriff's Office that this correspondence from you can potentially be used by Ms. Monroe to suggest that the Sheriff's Office has failed to comply with the Tennessee Open Records Act when that is simply not the case. The initial request was not an open records request and certainly the forwarded correspondence from you (between you and Ms. Monroe) relative to this form was not an open records request. We will vigorously dispute any accusation that the Sheriff's Office has, in any way, violated the open records request. Chief French wanted our position documented in the event this matter is brought up in any subsequent proceedings which based on history, is very likely.

With kind regards, I am

Very Truly Yours,

Craig L. Garrett

Craig L. Garrett

Attorney for Blount County, Tennessee

CLG/jr

cc: Chief Deputy Jeff French
Tona Monroe