

IN THE DISTRICT COURT OF LITTLE ROCK, CRIMINAL DIVISION

LITTLE ROCK DISTRICT COURT
FILED

2015 JUN -5 PM 12:15

STATE OF ARKANSAS

VS.

RODNEY FORTE

LRCR 14-6705

BY: _____

ORDER

The Court has reviewed the evidence submitted at trial in this case brought pursuant to the complaint and warrant issued to the defendant, Rodney Forte, and finds that the defendant is guilty of a class C misdemeanor pursuant Ark Code Annotated 25-19-104, which states that a person who is in negligent violation of the FOIA, "shall be guilty". Beyond that finding there is no guidance as to how the public interest is to be served. This Court cannot order compliance absent statutory authority allowing same. Therefore any true resolution of this issue is before a higher court or the Arkansas Legislature.

Specifically the court finds that the Defendant as the Executive Director of the Metropolitan Housing Authority is the custodian of records of the Agency. As such it is his duty to act for and on behalf of the Agency in response to requests under the FOIA, ACA 25-19-101 et seq. The Court has spent a good deal of time reviewing all of the exhibits submitted at trial and finds the State has presented ample evidence to show that the Defendant received the FOIA requests from the aggrieved parties in this case; that these requests were proper requests for government documents under the FOIA; that while the Defendant assigned an employee to deal with the requests, he was himself involved both directly and indirectly with responding to these requests; that said requests were not responded to within the allowable statutory timeframe; and that ultimately this is found to be a negligent violation of the FOIA and the Defendant is therefore found guilty of a class C misdemeanor. While these requests were numerous and may have been burdensome, the law requires that a custodian of the records must ensure full

compliance with a request brought under the FOIA. It is the responsibility of the head of an agency to ensure this full compliance. Given the facts and evidence and testimony the State has sustained its burden of proof beyond a reasonable doubt. Any other result would defeat the purpose of the FOIA and would undermine the accountability of an agency.

As with any other first offense C misdemeanor, there will be assessed a minimal fine of \$100 and court costs of \$140. There are thirty days in which a de novo appeal of this order may be filed with the circuit court. That will be the order of the court.

IT IS SO ORDERED this 4th day of June, 2015.

 
ALICE F. LIGHTLE, DISTRICT JUDGE