BEFORE THE MISSISSIPPI ETHICS COMMISSION

VICKI EGGERS MASON **COMPLAINANTS**

VS. **PUBLIC RECORDS CASE NO. R-24-033**

BOARD OF MAYOR AND ALDERMEN,
CITY OF ABERDEEN **RESPONDENT**

FINAL ORDER

This matter came before the Mississippi Ethics Commission through a Public Records Complaint filed by Vicki Eggers Mason against the Mayor and Board of Aldermen for the City of Aberdeen, Mississippi (the "city"). The city filed a response to the complaint by and through its attorney. The Ethics Commission has jurisdiction over this matter pursuant to Section 25-61-13, Miss. Code of 1972. A Preliminary Report and Recommendation of the hearing officer was issued in this matter on May 2, 2025, in accordance with Rule 5.6, Rules of the Mississippi Ethics Commission. The parties did not object to the Preliminary Report and Recommendation and have thereby waived a right to a hearing on the merits. Accordingly, this Final Order is entered in accordance with Rule 5.6 of the Rules of the Mississippi Ethics Commission.

I. FINDINGS OF FACT

1.1 Vicki Eggers Mason alleges that the Board of Mayor and Aldermen for the City of Aberdeen, Mississippi violated the Public Records Act. On May 29, 2024, Ms. Mason filed a request for the city's claims docket approved by the board of aldermen at its May 21, 2024 meeting. She was provided a fee estimate and paid $11.22 for the records but states she has not yet received them.

1.2 On May 30, 2024 Ms. Mason also filed two more public records requests. One, for the quotes, bids or agreements for the acquisition of two trucks, and the other for documents the city attorney used or provided to the board regarding the board's decision to discontinue filming and posting its meetings on social media platforms.

1.3 In response to Ms. Mason's May 29, 2024 request, the city states that it emailed responsive documents to Ms. Mason on May 30, 2024. The city also re-sent the responsive documents to Ms. Mason two more times, on August 14, 2024 and August 27, 2024. The city notified Ms. Mason that Ms. Mason could also request a hard-copy of the claims docket.

1.4 In response to Ms. Mason's May 30, 2024 requests, Ms. Mason provided a copy of an email dated May 30, 2024 stating that "the information [about the truck acquisition] will be put in the Board Minutes for approval at the next Board Meeting on June 4, 2024. The Minutes will be available and downloaded to the City website the day following the Board Meeting." Ms. Mason also provided a copy of an email dated June 7, 2024 from the city attorney stating that there were no public records responsive to her request for documents he used or presented to the board concerning their decision to discontinue filming and posting its meetings on social media.

1.5 The undersigned hearing officer reviewed the city's website at https://www.cityofaberdeenms.com/ to review the city's minutes. The city's minutes do not contain any attachments of any documents reviewed by the aldermen at its meetings.

II. CONCLUSIONS OF LAW

2.1 The Mississippi Public Records Act of 1983 (the "Act") declares that public records shall be available for inspection or copying by any person unless otherwise provided by law. Section 25-61-2, Miss. Code of 1972. "Public records" are defined as all documents or records "having been used, being in use, or prepared, possessed or retained for use in the conduct, transaction or performance of any business, transaction, work, duty or function of any public body." Section 25-61-3(b). A public body must provide access to public records upon request of any person, unless a statute or court decision "specifically declares" a public record to be confidential, privileged, or exempt. Section 25-61-11.

2.2 In this case, it appears that the city attempted to provide Ms. Mason with responsive documents to her May 29, 2024 request and timely denied one of her May 30, 2024 requests by stating in writing that no responsive documents existed.

2.3 Moreover, a public body may fulfill its obligation to provide "reasonable access" to public records by making those records available on the public body's website. However, since the documents regarding the acquisition of the trucks are not available on the city's website, the city violated the Public Records Act by not providing those documents.

III. CONCLUSION

WHEREFORE, it is hereby ordered as follows:

3.1 The Ethics Commission finds the City of Aberdeen violated Section 25-61-5 of the Mississippi Public Records Act by failing to provide responsive documents to Ms. Mason regarding the acquisition of trucks, since those documents were not posted on the city's website.

3.2 The Ethics Commission orders the City of Aberdeen to respond to Ms. Mason's request within seven (7) working days after a Final Order is issued in this case.

3.3 The Ethics Commission orders the City of Aberdeen, through its officials and employees, to strictly comply with the Public Records Act, and find that further violations may result in the imposition of penalties, including payment of reasonable costs incurred by the person seeking public records.

SO ORDERED, this 19th day of June 2025

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TOM HOOD, Executive Director and Chief Council
Mississippi Ethics Commission