

BEFORE THE MISSISSIPPI ETHICS COMMISSION

ANTHONY ZEPPONI

COMPLAINANT

VS.

PUBLIC RECORDS CASE NO. R-20-012

WASHINGTON COUNTY SHERIFF'S DEPARTMENT

RESPONDENT

FINAL ORDER

This matter came before the Mississippi Ethics Commission through a Public Records Complaint filed by Anthony Zepponi against the Washington County Sherriff's Department ("Sheriff's Department"). The Ethics Commission has jurisdiction over this matter pursuant to Section 25-61-13, Miss. Code of 1972. In accordance with Rule 5.6, Rules of the Mississippi Ethics Commission, the hearing officer prepared and presented a Preliminary Report and Recommendation to the Ethics Commission at its regular meeting on June 5, 2020. The respondent did not object to the Preliminary Report and Recommendation and has thereby waived a right to a hearing on the merits. Accordingly, the hearing officer enters this Final Order in accordance with Rule 5.6, Rules of the Mississippi Ethics Commission.

I. FINDINGS OF FACT

1.1 On February 27, 2020, Anthony Zepponi filed a public records complaint with the Ethics Commission. He claims that he has made numerous, in-person, requests for "any public records regarding Chapter 25, Section 19-25-63 of the Mississippi Code." He claims that each request was refused, with the most common responses as "this information was not generally given out to the public" and "why do you want to see it." Mr. Zepponi did not attach a copy of a written request or denial, but on March 12, 2020, he provided an email to the Ethics Commission directed to the Washington County Sherriff's Department "requesting the opportunity to inspect public arrest records" for the previous 12 month period. The Washington County Sheriff's Department did not file a response to the complaint.

II. CONCLUSIONS OF LAW

2.1 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. See Section 25-61-2. 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) states that "[i]f a public body is unable to produce a public record by the seventh working day after the request is made, the public body must provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period." Section 25-61-5(3) states that "[d]enial[s] by a public body of a request for

access to or copies of public records under this chapter shall be in writing and shall contain a statement of the specific exemption relied upon by the public body for the denial.”

2.2 The Mississippi Code, Section 19-25-63, requires sheriffs to keep a record, to be called the “Jail Docket” as a public record. The Jail Docket must note, among other things, the name and date of each individual taken into custody upon arrest, and the crimes that they are charged with committing. Section 19-25-63. Accordingly, any denial of Mr. Zepponi’s request to view the Jail Docket violates the Mississippi Public Records Act.

III. CONCLUSION

WHEREFORE, IT IS HEREBY ORDERED as follows:

3.1 The Ethics Commission finds that the Washington County Sheriff’s Department violated Section 25-61-5 by denying Mr. Anthony Zepponi’s request to view the Jail Docket.

3.2 The Ethics Commission orders the Washington County Sheriff’s Department to make the Jail Docket available to Mr. Zepponi to review during regular business hours. This action shall occur within seven working days from the Washington County Sheriff’s Department’s receipt of a final order in this case.

SO ORDERED, this the 17th day of June, 2020.

TOM HOOD, Executive Director & Chief Counsel
Mississippi Ethics Commission