

Prosecuting Attorney's Form Affidavit
Form supplied by [Signature]

Date: 10-30-14

LITTLE ROCK DISTRICT COURT
FILED

2014 OCT 30 PM 3:22

BY: _____

Forte, Rodney

IN THE DISTRICT COURT OF LITTLE ROCK, PULASKI COUNTY, ARKANSAS

AFFIDAVIT FOR WARRANT OF ARREST FOR THE FOLLOWING PERSON:

<u>RODNEY L. FORTE</u> POTENTIAL DEFENDANT'S NAME	<u>05/17/1964; B/M</u> DOB/RACE/SEX	<input type="checkbox"/> Felony
<u>100 S. Arch Street, Little Rock, AR</u> ADDRESS	<u>501-340-4821</u> PHONE NUMBER	<input checked="" type="checkbox"/> Misdemeanor
		<input type="checkbox"/> Violation

Pursuant to Rule 7.1 of the Arkansas Rules of Criminal Procedure, the undersigned affiant(s) being duly sworn, deposes and says that she has reason to believe that the above-named person has committed the offense of failure to comply with **The Arkansas Freedom of Information Act (FOIA) Ark. Code Ann. § 25-19-101 et seq.** committed by unlawfully, negligently failing to provide copies of or make available for inspection requested public documents, in Pulaski County, Arkansas, against the peace and dignity of the State of Arkansas.

FACTS CONSTITUTING REASONABLE CAUSE

I, Chelsea Boozer (04/04/1991; W/F), am a reporter for the Arkansas Democrat Gazette, and I swear that the following is true and correct. I, Daniel Shameer (06/25/1958), am the City Editor for the Arkansas Democrat Gazette, and I swear that the following is true and correct. Rodney Forte (05/17/1964; B/M) is the Executive Director of the Metropolitan Housing Alliance, a public agency.

On August 14, 2014, the Arkansas Democrat-Gazette, via Chelsea Boozer, made an FOIA request with the Metropolitan Housing Alliance. The request (attached as Exhibit A) included "A list of who has been fired, laid off or who resigned in the past three years. (Name, title, start/end date, and whether it was a termination, resignation or layoff)". On August 19, 2014, the Metropolitan Housing Alliance partially complied with a list titled "Termination List"

044400

10-30-14

(attached as Exhibit B) that contained none of the clarifying information requested regarding in what manner the employee left. Several emails (attached as Exhibit C) were exchanged between the parties requesting the manner in which the employees left.

On September 16, 2014, Arkansas Democrat-Gazette made another request (attached as Exhibit D) for the detailed end of employment information. The newspaper followed up on the request via email on September 17, 2014 (attached as Exhibit E) also noting that some documents provided by the Metropolitan Housing Alliance pursuant to a previous FOIA request contained redacted information (examples attached as Exhibit E-1) and the Arkansas Democrat-Gazette requested that the redacted documents be provided in full. On September 22, 2014, the Metropolitan Housing Alliance provided documents showing the termination status of 11 of the 36 employee previously provided on the "Termination List." (attached as Exhibit F). The Arkansas Democrat Gazette immediately responded via email (attached as Exhibit G), noting the incomplete response and requested the same information on the omitted 25 employees. The newspaper also detailed other outstanding requests including full disclosure of the previously redacted documents.

On September 29, 2014, I, Chelsea Boozer, appeared in person at the Metropolitan Housing Alliance office to follow up on the unanswered FOIA requests. I was only allowed to speak with a secretary. I attempted to make an additional FOIA request in person but my request was refused. However, the secretary informed the designated party that my request was made.

On October 20, 2014, I, Daniel Shameer, followed up on the outstanding FOIA requests via email (attached as Exhibit H). I was told that the Metropolitan Housing Alliance had complied with the requests in that the documents previously provided to us was the "entire

record relative to [your] FOIA request” and that the Metropolitan Housing Alliance had no additional documents.

On October 20, 2014, I, Chelsea Boozer, made another FOIA request (attached as Exhibit I) for additional documents which included work orders and tenant complaints during the time period of January 2012 and October 2014. The Metropolitan House Alliance responded (attached as Exhibit J) on October 27, 2014, indicating that they were in the process of collecting the information and notified the newspaper that the cost of compliance would exceed twenty-five dollars. The Metropolitan Housing Alliance asked if there was a particular dollar amount in costs that the Arkansas Democrat-Gazette did not want to exceed for the compliance with the FOIA request. The newspaper noted via email (attached as Exhibit K) that there was not a request for physical copies of the documents and asked for an itemized breakdown of the costs pursuant to ACA 25-19-105(d)(B). The cost estimate provided to the Arkansas Democrat-Gazette (attached as Exhibit L) on October 28, 2014, was in the amount of \$16,231.00 under the heading of “Additional Manpower” and \$147.00 under the heading of “Additional Supplies” for a total of \$16, 378.00 that was requested to be paid prior to the providing of the documents to satisfy the October 20, 2014, FOIA request.

A complaint was filed with the Office of the Prosecuting Attorney on October 22, 2014. At that time, documents serving as examples of the partial or noncompliance were provided in support of the complaint. Those documents were supplemented on October 29, 2014.

I swear that the allegations contained herein are the truth, the whole truth, and nothing but the truth.

1. Chelsea Boozer
Affiant's Signature

Chelsea Boozer
Print Name

121 E. Capitol Ave, Little Rock, AR 72201
Address

(501) 399-3666
Phone

2. Daniel Shameer
Affiant's Signature

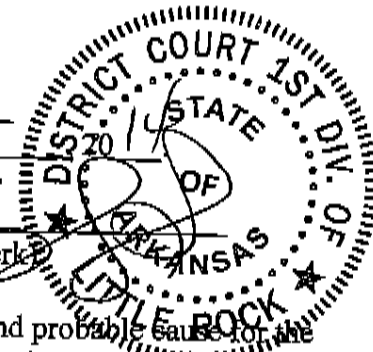
Daniel Shameer
Print Name

121 E. Capitol, Little Rock, AR 72201
Address

(501) 378-3568
Phone

Subscribed and sworn to before me this 30th day of Oct

District Court Clerk By _____
(Deputy Clerk)



I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of a warrant of arrest for the above-named individual for the above-stated offense.

Ain J. English
District Judge

LRDC
District Court, Little Rock, AR