

OFFICE OF THE CITY ATTORNEY  
500 West Markham, Ste. 310  
Little Rock, Arkansas

Thomas M. Carpenter  
City Attorney

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August 30, 2022

Larry Jegley  
Prosecuting Attorney  
Sixth Judicial District  
224 South Spring Street  
Little Rock, Arkansas 72201

via email: pulaskipa.org and  
regular mail

Re: Freedom of Information Act

Dear Mr. Jegley,

The City is in receipt of your August 25, 2022, letter addressing the City's compliance with the Arkansas Freedom of Information Act ("AFOIA") as it relates to two requests made by Mr. Jimmie Cavin. Mr. Cavin asserted that the City withheld production of records of financial transactions made by Mayor Scott on a City issued credit card. First, the City's responses to Mr. Cavin's requests were complete. Mr. Cavin may believe that the City withheld documents, but it did not. Finance officials did their due diligence to locate the requested information, but it did not exist. Mr. Cavin was provided emails explaining that individual credit card statements are not generated by the financial institution if the card is not used during the statement period<sup>1</sup>. So, the City is not withholding documents for a particular statement period, there is no record because the credit card was not used. In regard to the request concerning the Mayor's compensation package for 2022, a personalized benefits statement for Mayor Scott does not exist for 2022, to date; however, the City released financial records responsive to the request as it related to the year 2022.

Your letter also referenced Ar. Code Ann. § 25-19-105(e), the three day requirement. The City made its best efforts to comply with that provision of AFOIA, however Mr. Cavin's requests were robust, and the City had to devote considerable resources to pull, review, redact and release them.<sup>2</sup> However, as your letter highlighted, city officials maintained contact with Mr. Cavin, and updated him as to when he would be able to receive the records he requested, and in some cases gave him partial releases at regular intervals in the City's best effort to comply with subsection

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<sup>1</sup> See Exhibit A – email communications between CLR Finance officials, First Security Bank and First Horizon Bank

<sup>2</sup> Emails will show that Mr. Cavin had the City of Little Rock's Finance Director, Deputy Finance Director, City Attorney, Chief Deputy City Attorney, FOIA Coordinator among others communicating with him concerning his requests.

OFFICE OF THE CITY ATTORNEY

Mr. Larry Jegley  
Re: Freedom of Information Act  
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(e) of AFOIA. Mr. Cavin repeatedly told City Officials that he understood that his requests were robust and that he would not hold us to the three day time limit. Obviously, his complaints to you did not reflect that same sentiment. Regardless of that this office has implemented certain measures in the interim to improve efficiency and compliance with subsection (e) of AFOIA.

Finally, under AFOIA, the City is only obligated to provide the documents that are in its possession. The City is not required to create a document or answer questions. In Mr. Cavin's case city officials went over and beyond that obligation. As mentioned above city officials from Little Rock's finance department communicated with the cities banking institutions to answer Mr. Cavin's questions concerning what he believed were missing statements. They did not have to do that under AFOIA, but that extra effort is indicative of the spirit of customer service in City Hall. Due to the nature of the current climate I am sure that you will receive future complaints concerning the city and AFOIA, the City is addressing the citizenry's concerns by hiring more staff and revising our practices. In all cases, the city is releasing all the documents in its possession that are responsive to the requests. Upon your request the city is willing to provide your office with all of the email communication that Mr. Cavin had with multiple city officials concerning his AFOIA requests. The city will also provide Mr. Cavin's requests and the cities responses. I hope this information provides you with a complete perspective of the facts and circumstances concerning Mr. Cavin's AFOIA requests and the city's responses.

Best Regards,



Thomas M. Carpenter  
City Attorney

By: Alexander J. Betton  
Chief Deputy City Attorney

Cc : Frank Scott, Jr., Mayor (via email)  
The Board of Directors (via email)  
Bruce Moore, City Manager (via email)  
Kendra Pruitt, Chief of Staff to the Mayor (via email)  
Alexander J. Betton, Chief Deputy City Attorney  
Aaron Sadler, Communications Director and Spokesperson (via email)  
John Johnson, Chief Deputy Prosecuting Attorney  
Debbie Wisdom, Executive Legal Manager

August 9, 2022

City of Little Rock  
500 W Markham St, Ste 108  
Little Rock, AR 72201-1414

To Whom It May Concern:



This letter is in reference to credit card ending 4365 in the name of City of Little Rock for Mayor Frank Scott Jr. The credit card was opened in March 2020. Since the opening of the credit card there has been no activity. Statements are not generated on credit card accounts with no activity. Please use this letter as confirmation of no activity on Mayor Frank Scott Jr's credit card tied to City of Little Rock's account.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Martin".

Stephanie Martin, AAP, NCP  
SVP | eBanking/Bookkeeping Manager  
First Security Bank  
[stephanie.martin@fsbank.com](mailto:stephanie.martin@fsbank.com)  
O: 501-279-3490 | F: 501-207-5600

314 North Spring  
PO. Box 1009  
Searcy, AR 72145  
501) 279-3400  
Fax (501) 279-3455  
fsbank.com  
Member FDIC

Exhibit A

**Lenehan, Sara**

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**From:** Worley, Anita  
**Sent:** Thursday, August 11, 2022 10:44 AM  
**To:** Lenehan, Sara; Carreiro, Debbie  
**Subject:** Fwd: Credit Card Statements CRM:004014492  
**Attachments:** image001.png; image001.png; City of Little Rock Mayor Ghost Card 1.31.2020.pdf; City of Little Rock Mayor Ghost Card 8.30.2019.pdf; City of Little Rock Mayor Ghost Card 7.31.2019.pdf; City of Little Rock Mayor Ghost Card 2.28.2019.pdf; City of Little Rock Mayor Ghost Card 11.29.2019.pdf; City of Little Rock Mayor Ghost Card 3.29.2019.pdf; City of Little Rock Mayor Ghost Card 9.30.2019.pdf; City of Little Rock Mayor Ghost Card 1.31.2019.pdf; City of Little Rock Mayor Ghost Card 4.33.2019.pdf; City of Little Rock Mayor Ghost Card 5.31.2019.pdf; City of Little Rock Mayor Ghost Card 6.28.2019.pdf; City of Little Rock Mayor Ghost Card 10.31.2019.pdf

FYI.

Thank you,

Anita Worley

Begin forwarded message:

**From:** First Horizon PCard Admin Support <fhpcardadminsupport@pcard.firsthorizon.com>  
**Date:** August 11, 2022 at 10:02:26 AM CDT  
**To:** "Worley, Anita" <aworley@littlerock.gov>  
**Subject:** FW: RE: RE: RE: Credit Card Statements CRM:004014492

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Original Message -----

**From:** Scott.Day@firsthorizon.com;  
**Received:** Thu Aug 11 2022 09:57:14 GMT-0400 (Eastern Daylight Time)  
**To:** IBERIABANK <fhpcardadminsupport@pcard.firsthorizon.com>; First Horizon PCard Admin Support <fhpcardadminsupport@pcard.firsthorizon.com>; AUDRIE HUBBLE <ahubble@firsthorizon.com>; Starr.Williams@firsthorizon.com; James.Lee@firsthorizon.com;  
**Subject:** RE: RE: RE: Credit Card Statements CRM:004014492

I was able to find the card in the archives, but it looks like the card has since purged due to inactivity. It would not generate a statement if there was no activity. I have attached the statements. Thanks!

**SCOTT DAY**  
AVP Purchasing Card Implementations