



## GEORGIA DEPARTMENT OF LAW

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January 13, 2016

**Via Facsimile No. 404.815.3509**

James P. Monacell, Esquire  
Promenade II, Suite 3100  
1230 Peachtree Street, NE  
Atlanta, Georgia 30309-3592

RE: Open Meetings Act Complaint from David Mattingly regarding the  
Avondale Estates Downtown Development Authority

Dear Mr. Monacell:

I am writing to you in your capacity as the attorney for the Avondale Estates Downtown Development Authority (DDA). Our office received an open meetings complaint from Mr. David Mattingly, dated January 10, 2016, alleging the DDA violated the Open Meetings Act. Specifically, Mr. Mattingly alleges the Act was violated when the board disregarded citizens' questions at its January 7, 2016 meeting. Mr. Mattingly also asserts that on January 7, 2016 and October 27, 2015, the board convened executive sessions (upon the advice of City Manager Clai Brown) to discuss openings on its board and to interview applicants for those positions. In addition, Mr. Mattingly complained that the DDA's meeting agenda for January 7, 2016 stated that an executive session would be held for the purpose of discussing "personnel," despite the fact that the DDA does not employ any staff.

Under Georgia law the Attorney General, as an independent constitutional officer, has the discretionary authority to enforce the Open Records Act and the Open Meetings Act. O.C.G.A. §§ 50-14-5(a) and 50-18-73(a). The Attorney General has chosen to exercise that discretion by establishing a mediation program where citizens may raise issues and concerns with us regarding the Acts and we will attempt to resolve disputes between citizens and local government. This office also reserves the right to pursue litigation in these matters where it deems doing so is appropriate.

I recognize that the Open Meetings Act does not require an agency to allow public comments or questions. Therefore, I am only inquiring about the other issues in Mr. Mattingly's complaint.

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The Act states that meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public.  
O.C.G.A. § 50-14-5(b)(2).

I am not aware of all the circumstances surrounding the allegations, and I am not assuming the DDA violated the law. I ask that the DDA provide a response to Mr. Mattingly's allegations within the next ten days.

Thank you for your prompt attention to this matter.

Sincerely,

*Jennifer Colangelo*

JENNIFER COLANGELO  
Assistant Attorney General

Enclosures

cc: Mr. David Mattingly  
(without enclosures)