

LAW OFFICE
AVERY LAW, LLC
Post Office Box 1446
DUBLIN, GEORGIA 31040
(478) 353-0146

L. PERRY AVERY, JR.
perry@averylaw.us

October 8, 2018

Fax and/or Electronic Mail

MuckRock News
DEPT MR 24247
4141A Highland Avenue
Somerville, MA 02144-2516

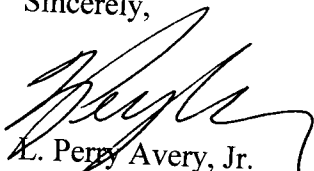
RE: Wheeler County Open Records Request dated October 5, 2018

To Whom It May Concern:

The Wheeler County Clerk of Superior Court's office received a fax on October 5 and October 8 allegedly from MuckRock News. The fax purports to be an open-records request, but does not meet the requirements of the aforementioned request pursuant to Georgia law. The correspondence also reflects prior request being made as well. The October 5 and October 8 request are the only such request this office has ever received. However, in an effort not to belabor the issue please know that Superior Court Clerk's office does not possess public records responsive to the above-referenced open-records request. In further response to your request, please be aware that the Georgia Open Records Act specifically provides that "[n]o public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request." O.C.G.A. § 50-18-71(j). See also *Schulten, Ward & Turner, LLP v. Fulton DeKalb Hosp. Auth.*, 272 Ga. 725, 726 (2000) (the Open Records Act "places no duty on an officer or agency to create a record").

You are welcome, however, to inspect and copy the public records in the custody of this office. If you have any questions or need further information to facilitate your inspection of these records, please do not hesitate to contact me.

Sincerely,



L. Perry Avery, Jr.
Wheeler County Attorney