

Mike Jacobs



Your State Representative

District 80, DeKalb County

PKD Open Records: David 1, Goliath 0

DeKalb County homeowners scored a major victory last week in the open records lawsuit against the DeKalb County Government for access to records concerning flights into and out of DeKalb Peachtree Airport (PDK). The DeKalb County Government was hanging its hat on a misinterpretation of a narrow exception in the Georgia Open Records Act, incorrectly claiming that a confidentiality clause in a contract DeKalb County had signed with the Federal Aviation Administration enabled the County to escape the clear letter and purpose of our state's open records law. In handing down a ruling that requires DeKalb County to open the PDK records to the public, Judge Robert Castellani let the air out of DeKalb County's baseless legal defense:

"The court finds, however, the [contract] should not be used to subvert the letter and spirit of the Georgia [Open Records Act] in contravention of this state's stated policy of openness in government and, further, that no specific federal or state law has been cited by the [County] in support of the non-disclosure directive contained in the [contract]. Therefore, the court finds the [contract] does not operate to prohibit disclosure of the information sought by the [homeowners]."

You may recall I [reported earlier this year](#) on two efforts -- a pair of letters from me and Senator David Adelman requesting an opinion from Attorney General Thurbert Baker, and an amendment to fine tune the language of the Open Records Act -- in which I joined with fellow legislators to ensure the correct interpretation would be given to the Open Records Act. Judge Castellani's ruling is consistent with and further reinforces these efforts.

Ironically, the DeKalb County Commission will meet in executive session ("executive" means it's not open to the public) on Tuesday, August 16th, to decide whether to appeal Judge Castellani's open records ruling to the Georgia Court of Appeals. I encourage my friends and neighbors to contact their representatives on the Commission and request that DeKalb County refrain from appealing this decision. You can find contact information for the County Commission at www.co.dekalb.ga.us.

DeKalb County homeowners have been forced to spend their time and money prosecuting this lawsuit, and the DeKalb County Government has been spending our tax dollars defending it. The time has come to release the PDK records to the public. Each day the PDK open records lawsuit continues is one day too many.

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