



MISSISSIPPI ETHICS COMMISSION

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Jackson, MS 39225
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Case No.
M- _____

OPEN MEETINGS COMPLAINT

PLEASE READ THE FOLLOWING INSTRUCTIONS BEFORE COMPLETING THIS FORM:

Pursuant to Section 25-41-15, Miss. Code of 1972, the Ethics Commission must forward a copy of this complaint to the head of the public body involved. The commission, in its discretion, may dismiss this complaint or proceed in accordance with rules and regulations promulgated by the Ethics Commission. **After completing, signing and dating the form, please email or mail it to the address listed above. Please note, we cannot accept handwritten forms.**

PERSON MAKING COMPLAINT (Complainant):

Name: Rosenberg Eric Brian
(Last) (First) (Middle)

Mailing Address: [REDACTED] Ocean Springs MS 39564
(Street) (City) (State) (Zip Code)

[REDACTED]
(Area Code, Prefix, Number)

PUBLIC BODY AGAINST WHICH COMPLAINT IS MADE (Respondent):

Name of Public Body: City of Ocean Springs

Name of Presiding Officer: Cox Bobby
(Last) (First) (Middle)

Title or Position: Mayor

Mailing Address: 1018 Porter Ave. Ocean Springs MS 39564
(Street) (City) (State) (Zip Code)

Telephone No.: 228-875-4236 Email Address: cmillard@oceansprings-ms.gov
(Area Code, Prefix, Number)

ALLEGATIONS AND STATEMENT OF FACTS:

In your own words, please provide a description of the violation(s) of the Open Meetings Act which you believe have occurred. The description should include the alleged violation and any details relating to it, such as names, titles, dates and places where possible and where applicable.

PLEASE SEE PAGES BELOW. ALLEGATIONS AND STATEMENTS OF FACTS ARE ATTACHED TO THIS FILE BELOW.

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I have read and understood everything in this complaint. By printing and physically signing **or** by typing my electronic signature, I certify that the statements, matters and allegations set forth in this complaint are true and correct to the best of my knowledge, information and belief and are made of my own free will.

May 22, 2026

(Date)

/s/ Eric Brian Rosenberg

(Complainant's Signature)

BEFORE THE MISSISSIPPI ETHICS COMMISSION

COMPLAINT ALLEGING VIOLATIONS OF THE MISSISSIPPI OPEN MEETINGS ACT

COMPLAINANT:

Eric Brian Rosenberg
Resident of Ocean Springs
Publisher, GC Wire

RESPONDENT:

City of Ocean Springs

INTRODUCTION

In simplest terms, the minutes of the May 17, 2022 Recess Board Meeting once properly attached the Grant Agreements that were approved on that day. But now, the official minutes for May 17, 2022 attach a different set of agreements that were drafted over a year later in July 2023 and never approved by the Board.

This complaint concerns a simple but fundamental question that is **relevant to current 2026 events** in the City of Ocean Springs:

Which grant agreements were actually approved by the Ocean Springs Board of Aldermen at their May 17, 2022 Recess Meeting?

The issue only became material in 2025 and 2026 after the City relied upon and publicly referenced the May 17, 2022 approved agreements during ongoing discussions concerning the downtown parking garage project, including public debate and recent Board votes regarding obligations tied to the project.

As those discussions unfolded, public records requests seeking the agreements approved by the Board on May 17, 2022 revealed significant discrepancies between:

- the agreements previously identified by the City as the agreements approved by the Board the evening of May 17, 2022,
- and different agreements later attached to the official minutes records associated with that meeting.

The **Open Meetings Act** requires “an accurate recording of any final actions taken” during public meetings.

This complaint alleges the official records associated with the May 17, 2022 meeting no longer satisfy that requirement because the records no longer accurately reflect the agreements actually approved by the Board during its final action at that meeting.

On May 17, 2022, the Ocean Springs Board of Aldermen publicly voted to approve Mississippi Development Authority Gulf Coast Restoration Fund grant agreements related to the City's downtown parking garage project.

Those agreements were executed and notarized by all parties a few weeks later in August 2022.

In public records responses, the City identified those executed agreements as the agreements associated with the Board's May 17, 2022 approval.

The dates of those agreements align: drafted in January 2022, approved by the Board in May 2022, executed and notarized in August 2022.

However, later public records responses produced official minutes of the May 17, 2022 meeting containing different agreements – agreements that were drafted over a year later in 2023 that were never approved by the Board.

Further review revealed that at least one agreement attached to the official minutes packet is internally inconsistent on its face, combining a 2022 "Grant Agreement" cover page with substantive pages originating from a later 2023 "Amended and Restated Grant Agreement."

As a result, the official records associated with the May 17, 2022 meeting no longer clearly identify which agreements were actually approved by the Board as part of its final action during that meeting.

When these discrepancies were later presented publicly to the Board of Aldermen, a motion to correct the official records failed.

This complaint requests that the Mississippi Ethics Commission determine whether the official records associated with the May 17, 2022 meeting satisfy Mississippi's requirement for "an accurate recording of any final actions taken at such meeting."

FACTUAL BACKGROUND

I. The Board Approved Grant Agreements on May 17, 2022

On May 17, 2022, the Ocean Springs Board of Aldermen held a public meeting during which then-Mayor Kenny Holloway requested authorization to execute Mississippi Development Authority Gulf Coast Restoration Fund grant agreements related to the downtown parking garage project.

According to the official meeting transcript and publicly available City meeting video hosted on YouTube, Holloway informed the Board that the grants had been approved and authorization was needed to execute the agreements.

See YouTube Video at: <https://www.youtube.com/live/geths76mOzQ?si=UqdfPMjnOLziPtJT&t=3472>
(Motion begins at 57:52)

Then-City Attorney Robert Wilkinson addressed the Board and stated words to the effect of:

“Mayor, I reviewed and it's been a work in progress but from the city's standpoint I certainly would approve.”

A motion was then made and unanimously approved authorizing execution of the agreements.

The agreements approved that evening were subsequently executed and notarized by all parties in August 2022.

In later public records responses, the City identified the agreements associated with the May 17, 2022 Board approval as:

- “GCRF-20-09 Grant Agreement”
- and “GCRF-21-09 Grant Agreement.”

Copies of the executed August 2022 agreements are attached collectively as **Exhibit A**.

II. Public Records Requests Later Produced Different Agreements

In 2025 and 2026, Complainant submitted multiple public records requests seeking records reflecting the agreements approved during the May 17, 2022 meeting.

The City eventually produced records identified as the official May 17, 2022 minutes packet documenting the Board’s approval of the grant agreements. **See Exhibit B (Motion is on Page 6, associated Agreements begin on Page 191.)**

Those records purported to document the agreements approved by the Board as part of its final action during the meeting.

However, the agreements attached to those records were not the executed 2022 Grant Agreements approved by the Board.

Instead, the records contained agreements drafted and created in 2023, titled:

- “GCRF-20-09 AMENDED AND RESTATED GRANT AGREEMENT”
- and “GCRF-21-09 AMENDED AND RESTATED GRANT AGREEMENT.”

The agreements now attached to the May 17, 2022 minutes produced by the City were drafted and executed in July 2023 and materially differed from the agreements approved by the Board on May 17, 2022.

The 2023 “Amended and Restated” agreements were never approved by the Board of Aldermen. Yet those agreements now appear within the official minutes records associated with the May 17, 2022 meeting.

As a result, the official records produced by the City reflected contractual provisions and agreement language that did not exist at the time the Board took final action on May 17, 2022.

In short, the official minutes of the May 17, 2022 Board of Aldermen meeting no longer have the agreements attached that were approved that evening. Instead, they have been replaced with agreements that did not exist at the time and would not be created for another year.

III. The Official Minutes Packet Contains Internally Inconsistent Agreement Pages

Further review of the records produced by the City revealed that at least one agreement attached to the minutes packet appears internally inconsistent on its face.

Specifically, “Exhibit 11-c” attached to the May 17, 2022 minutes packet appears to combine pages originating from materially different agreements created in different years.

The cover page of the document identifies the GCRF-20-09 agreement as:

“GRANT AGREEMENT”

matching the title of the original August 2022 agreement approved by the Board.

However, the immediately following substantive page begins with the language:

“This Amended and Restated Grant Agreement (‘Agreement’), dated as of July 1, 2023...”

matching the later 2023 agreement that was never approved by the Board during the May 17, 2022 meeting.

Copies of the actual covers and relevant pages are attached as **Exhibits C**.

As a result, the records associated with the May 17, 2022 meeting appear to combine pages originating from different agreements executed at different times.

The resulting records reflect language that did not exist at the time the Board took final action on May 17, 2022.

IV. The Board Refused to Correct the Official Record

On May 5, 2026, members of the Board of Aldermen were presented with evidence demonstrating that the agreements attached to the May 17, 2022 minutes packet did not match the agreements actually approved by the Board during that meeting.

Alderman Karen Stennis presented evidence showing:

- the Board approved specific agreements in May 2022,
- those agreements were executed in August 2022,
- and the official records later reflected different agreements drafted in 2023.

Stennis then made a motion to correct the official records so the minutes packet would accurately reflect the agreements approved by the Board on May 17, 2022.

The motion failed.

As a result, the official records associated with the May 17, 2022 meeting continue to reflect agreements that were not approved by the Board during that meeting.

Days after the failed vote, Alderman Steve Tillis publicly commented on the issue in a Facebook discussion.

In his comments, Tillis stated:

“My vote the other night was not about avoiding transparency, but about following the law. Based on guidance from the City Attorney and conversations with outside counsel, I had concerns that attempting to change records or minutes from a previous board could create additional legal issues and taxpayer expense for the City. This could have involved hiring outside counsel and investigators, with the investigation potentially extending from Ocean Springs to the state level.”

Tillis further stated:

“In addition, a full investigation could potentially cost taxpayers upward of \$100,000...”

In a separate comment within the same discussion, Tillis also stated:

“I would agree that there has been much misappropriated documents.”

Copies of Alderman Tillis’s public statements are attached collectively as Exhibit D.

VIOLATION OF THE MISSISSIPPI OPEN MEETINGS ACT

Mississippi Code § 25-41-11 requires “an accurate recording of any final actions taken at such meeting.”

The final action taken by the Board on May 17, 2022 was approval of specific grant agreements presented during that public meeting.

However, the official records later produced by the City no longer accurately reflect those agreements.

Instead, the records contain:

- later-created 2023 agreements,
- agreements not approved by the Board,
- and at least one internally inconsistent document assembled from pages originating from different agreements executed in different years.

As a result, the official records associated with the May 17, 2022 meeting no longer constitute “an accurate recording” of the final action actually taken by the Board during that meeting.

REQUEST FOR RELIEF

Complainant respectfully requests that the Mississippi Ethics Commission:

1. Investigate the accuracy of the official records associated with the May 17, 2022 Board meeting;
2. Determine whether the official records satisfy the requirements of Mississippi Code § 25-41-11;
3. Determine whether the records associated with the meeting accurately reflect the final action taken by the Board;
4. Order corrective action sufficient to ensure the official records accurately reflect the agreements actually approved by the Board during the May 17, 2022 meeting;
5. Grant any additional relief authorized by law and deemed appropriate by the Commission.

Respectfully submitted,

/s/Eric Brian Rosenberg

Eric Brian Rosenberg
Publisher, GC Wire