

August 13, 2026

David N. Harris, Jr.
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134 Rue Magnolia, Suite A
Biloxi, MS 39530

RE: Response to Mississippi Litigation Accountability Act Notice / Open Meetings Complaint No. M-26-012

Mr. Harris:

I am in receipt of your correspondence dated August 13, 2026. I decline your request to withdraw Mississippi Ethics Commission Open Meetings Complaint No. M-26-012.

Your letter relies on a fundamental mischaracterization of my complaint. At no point do I ask the Mississippi Ethics Commission to evaluate the "validity" or commercial wisdom of any action taken by the Board of Aldermen. The complaint does not ask the Commission to decide whether the Board made the "right" votes on May 17, 2022.

Rather, the complaint states a precise, statutory violation under Miss. Code Ann. § 25-41-11, which explicitly mandates that a public body maintain an **"accurate recording of any final actions taken at such meeting."**

My complaint focuses on a clear factual discrepancy: the official minutes packet for the May 17, 2022 meeting attaches unapproved agreements drafted more than a year later in July 2023. This means the minutes, as they currently stand, do not accurately reflect the actual final actions taken by the Board on that night in May 2022. The physical "existence" of paper is irrelevant if the substance of that paper misrepresents history. Determining whether meeting minutes contain the "accurate recording of any final actions" required by § 25-41-11 is precisely the Open Meetings Act issue presented by my complaint.

Additionally, your invocation of the Mississippi Litigation Accountability Act (MLAA) is legally baseless. By its own explicit terms, the MLAA applies to actions brought in a "court of record." It has no application to an administrative enforcement complaint before an executive commission. Your attempt to threaten a journalist with manufactured civil litigation fees in a non-judicial forum is noted.

I will not withdraw a factually sound complaint regarding public record accuracy under the threat of bad-faith financial penalties. Please file any further responses directly with the Mississippi Ethics Commission.

Sincerely,

Eric Brian Rosenberg

Publisher, GC Wire

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