

May 4, 2023

Herb Cranford Jr.
District Attorney
Coweta Judicial District

Mr. Cranford,

This letter is a follow-up to our previous correspondence regarding the Grantville Recreation Committee and City Council member David Clark. In my opinion you will see the information that was gathered is sufficient to meet the reasonable suspicion standard that a crime or crimes may be afoot, and some individuals listed in this letter may be connected to those crimes. I am asking for a fair and professional law enforcement investigation to determine if probable cause exists for further legal action.

Synopsis:

The following are issues involving Public Trust and Abuse of Office.

In my opinion, this is a very sophisticated scheme implemented by Grantville Council member David Clark which began prior to January 2023. In my opinion, Mr. Clark had the intent to do wrong. Mr. Clark signed an oath of office acknowledging his understanding of the limitations of the recreation committee as listed in the city charter and he willfully ignored those regulations.

Council Member David Clark organized and led a group of citizen volunteers of the recreation committee into collecting donations from the private sector and those donations were not properly documented and accounted for. The recreation committee does not have authority to collect any donations.

Some cash donations were received and never deposited with the city, while other cash donations did get turned over to the city. This is consistent with what is commonly known as skimming. According to the City Attorney, the committee did not maintain any type of written ledger documenting money in and money out. It appears cash donations may have been commingled with personal funds. Some donations were used to purchase personal food items and even \$ 25.00 for gasoline. After David Clark learned he was being looked into, he began a campaign of soliciting donors to use a historical date on receipts for their donations.

During my research gathering of the evidence you had requested, several major issues developed, and what appears in conflict with state law were discovered. These will be articulated later in this letter.

It should be noted that the information contained in this letter is based on the limited records which existed at the city hall and with David Clark's wife. Many records were never preserved or never existed.

Location:

"Post Street Community Building" is located at 92 Post Street, Grantville GA.

Reference Info:

It is important to understand the "Powers and Responsibilities" of the Grantville Recreation Committee.

Grantville City Charter Sec. 2-160. - *Purpose.*

The parks and recreation advisory board is established to enhance the lives of current and future generations of Grantville's residents and to provide vision, leadership, and recommendations to the city council for the best use and development of Grantville's parks, trails, open spaces, and recreation programming.

Grantville City Charter Sec. 2-161. - *Parks and recreation advisory board.*

(a)Creation and designation. There is hereby created a board whose title shall be the Grantville Parks and Recreation Advisory Board described hereinafter as "board."

(b)Powers and responsibilities.

(1)The board serves as an advisory board providing recommendations to the city council on matters of the parks and recreation department which pertain to the planning, programming, evaluating, and funding of park and recreation facilities and programs in accordance with local and state law.

Related laws:

Georgia Code, Title 36-64-6: *A park or recreation board or other authority in which is vested the power to provide, establish, maintain, and conduct a recreation program may accept any grant or devise of real estate or any gift or bequest of money or other personal property or any donation, the principal or income of which is to be applied for either temporary or permanent use for playgrounds or recreation purposes... Money received for such purposes, unless otherwise provided by the terms of the gift or bequest, shall be deposited with the treasurer of the county or municipality to the account of the recreation board or commission or other body having charge of such work or shall be deposited directly with the recreation board; it shall be withdrawn and paid out by such body in the same manner as money appropriated for recreation purposes.*

Georgia Code, Title 36-64-11: The city council shall have exclusive control of all moneys collected or donated to the credit of the "recreation fund".

Georgia Code, Title 16-8-4: *It appears unknown member(s) of the recreation committee set their personal desks and or property in the publicly owned building at 92 Post Street and used that space for personal matters at times the general public did not have equal access to the building (the mayor is even stated in his recorded statement the public did not have equal access to the building. Additionally, the locks had been changed on the building without city approval), which may have been a conversion of public property to personal use. No documents were located authorizing this activity.??*

Georgia Code, 45-10-1: *Any person in government service should - II. Uphold the Constitution, laws, and legal regulations of the United States and the State of Georgia and of all governments therein and never be a party to their evasion. It appears Mr. Clark has failed in this category.*

GA Code § 16-10-20.1 *A. As used in this Code section, the term "document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form and shall include, but shall not be limited to, liens, encumbrances, documents of title, instruments relating to a security interest in or title to real or personal property, or other records, statements, or representations of fact, law, right, or opinion.*

GA Code § 16-10-20 *A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.*

Georgia Code, Title 16-10-1: *It appears that Council Member David Clark may have willfully and intentionally violated the terms of his oath by knowingly failing to follow the state law and city Charter as it pertains to the donation process and accountability of public funds. The direct evidence associating Mr. Clark with the donation debacle was captured in social media posts where he is directly selling donated food items on social media from a publicly owned building and stating further involvement with the overall scheme.*

The Open Records Act: *"The principles of openness in government are found in Georgia's Constitution, in its judicial decisions, and in its laws. The statute that applies to most government records, the "Open Records Act," is found in the Official Code of Georgia Annotated (O.C.G.A.) §§ 50-18-70 through 50-1876. As*

Chief Justice Charles L. Weltner stated in the case of Davis v. City of Macon: "Public men and women are amenable 'at all times' to the people, they must conduct the public's business out in the open." Open government is not merely a good way for government to operate, it is the only way for it to operate effectively."

People involved:

Council member David Clark is the person responsible for organizing the Recreation Committee and hands on with the recreation department. The following are members of that committee (obtained from the city website).

1. Melissa Walls
2. Dustin Mitcho
3. Tiffany "Nikki" Clark (wife of council member David Clark & Vice Chair of the committee)
4. Valerie Mapson (Chair of the Recreation Committee)
5. Ashley Mitcho (Secretary of the committee)
6. Nicholas Dobson

Others Involved:

Robbi Higgins (Grantville City Clerk)

Russell Pickron received written documents from Nikki Clark and shared those with me.

Mayor Richard Proctor is a witness and would be the best resource for information. Pursuant to the Grantville Code of Ordinances, he is not allowed to disclose any confidential city information to me.

Council Member David Clark is a witness and would be the best resource for his information. Pursuant to the Grantville Code of Ordinances, he is not allowed to disclose any confidential city information to me.

Nikki Clark is a witness and has made a written statement about the cash donation activities.

Robbi Higgins appears to have engaged conduct in her official duties which are in conflict with state laws.

Donor's information:

1. Krispy Kreme Donuts Inc. (4080 Millenia Blvd., Orlando FL 32839)
2. Sue Morrell (citizen – [REDACTED], Grantville, GA)
3. Hunters Mexican Grill (1875 E. Main Street, Hogansville)
4. Graces on Main of Grantville (26 Main Street, Grantville)
5. All Trades of Grantville (184 Lagrange Street, Grantville)
6. Tuckers Merchandise of Grantville (Highway 29, Grantville)
7. Reds Grub Shack of Grantville (1054 Hwy 70, Newnan GA)
8. Cindy Baker (citizen)

9. Valerie Mapson (citizen)
10. Shelly Smith (citizen)
11. Rodgers BBQ (1863 E. Main Street, Hogansville)
12. The Neighborhood Grocery (20 Lagrange Street, Grantville)
13. Nachos restaurant (1879 E. Main Street, Hogansville)
14. Spice Rack (1879 E. Main Street, Hogansville)
15. Van Puymbrouch Photography (Grantville)
16. Pete Stacio (citizen - [REDACTED] Grantville)

Events:

- On or about April 4, 2023, Mayor Richard Proctor published on social media a video of himself talking about the recreation committee issues with donations and he called their actions unlawful.
 - Mayor Proctor stated the collection of cash donations was unlawful.
 - Mayor Proctor stated the recreation committee was using the public building for personal use and restricting the public's access.
 - Afterwards all committee members but Nikki Clark resigned.
- Council Member David Clark and recreation committee member(s) solicited monetary and other types of donations from businesses and individuals for the alleged purpose of benefiting the recreation department.
- No documents have been located which indicate David Clark advised any of the donors their donation money would be used for personal lunches, gas purchases or office supplies being used at David Clark's residence.
- I was unable to determine the total amount of cash donations received because complete records were not maintained. No ledger and no receipt book according to the city attorney.
- From the records I was provided, members of the committee and David Clark spent over \$ 830.00 in cash or ATM or personal credit card charges on things they claim were related to the recreation department. This would include personal meals, gasoline (no mileage records maintained or purpose of the fuel and no city authorization) and other items arguably are not related to the recreation department.
 - An unanswered question is did David Clark and the committee maintain their own personal record keeping and paid themselves back directly from the donated cash? Or did they commingle the cash donations with their personal bank accounts. David Clark refused to share his personal bank information regarding this issue.
- Committee member Valory Mapson participated in the collection of donations (This information is written in a document in the evidence attached). On March 11, 2023, she made a cash purchase at Office Depot for 85.07 and paid cash. The city council did not authorize this transaction, or any other purchases stated in this entire letter.

- In the attached evidence there are numerous receipts for various purchases. Most were used with a personal Discover credit card or an ATM card. None of which was city issued.
 - Absent was any documentation of when any of these items were used as gifts for bingo. Some of these items would be hard for a reasonable person to believe that they were gifts at bingo. Many of these office type of items would be available through the city's supply room (mini stapler or Ms. Coffee maker).
- Council member David Clark, who operates his personal business (All Trades Landscaping & Home Improvement) from home had ordered a printer ink and 1500 pages of copy paper and appears to have paid for with donation money. He used the cover of the "Grantville Recreation Department" as the name for the PO and it was shipped to his home address. These supplies could have been obtained directly from the city.
- Several Bingo nights were held at the city owned building. The city is not a non-profit organization, so they must follow Georgia Code section 16-12-52 as "Recreational Bingo" as described in Georgia code section 16-12-51 (5). However, there were many "gift certificates" given as prizes. These could be considered equivalent to cash gifts (when the gift certificate is redeemed is the user refunded cash for the remaining balance not used on the gift certificate. The words "No Cash Value" or "Not Redeemable for Cash" were not visible on the gift certificates. There is circumstantial evidence that cash buy-ins for the games may have occurred.
 - On March 9, 2023, bingo was conducted and on the next day 54.20 was deposited into the city account which read "RH Bingo Night Donations.
 - On March 18, 2023, bingo was conducted and on the next day 11.00 was deposited into the city account which read "game night donations."
 - February 9, 2013, bingo was conducted and the next day 59.25 was deposited into the city account.
- There were no other documents pertaining to the other bingo games conducted or any money associated with them.
- On Friday, April 14, 2023, an open records act request was submitted to the city of Grantville. On Sunday, April 16, 2023, David Clark began soliciting individuals for receipts for items they allegedly donated (copy of emails). This is consistent with consciousness of guilt.
- The City Attorney denied the city was in possession of any type of money ledger pertaining to the recreation committee and the donation scheme. The documents Nikki Clark sent had a handwritten type of ledger. Was this ledger created after David Clark learned of the inquiry into this donation scheme. This is consistent with consciousness of guilt.
- Records were also provided that were titled "donation receipts" with the signature of the receiver of the donation listed as "Park & Rec". A reasonable person would

question if these were also just made up after the original records request was made to the city.

- There are records pertaining to soccer registration and kickball registration. They did document some payments.
 - On 3/20/2023, a check for 126.00 and cash collected was 45.00. 126.00 was deposited at the city hall and the 45.00 cash is unaccounted for.
 - On 3/20/2023, a check for 175.50 and cash collected was 85.50. 175.50 was deposited at the city hall. The 85.50 is unaccounted for.
- In the “February Meeting Minutes” for the recreation committee a budget was set for spending. That document was not provided pursuant to an ORA request. This document may have been intentionally concealed.
- On April 14, 2023, an open records request was made to the city of Grantville. They responded on April 20, 2023, that the cost was going to be over 400.00 dollars. A modified request was made, and that cost was 119.77. Robbi Higgins stated there are 150 pages of documents and would be ready in 7 days. How did she know there are 150 documents without first physically seeing them and counting them? A few days later 11 pages of documents were sent from City Attorney Mark Mitchell and there was no charge! The city attorney stated the city did not have any other documents. On May 1, 2023, Nikki Clark provided 54 additional pages of related information to Russell Pickron.
 - **Nikki Clark stated in writing that she provided 54 pages of documents to the city pertaining to the recreation committee. This would suggest Ms. Robbi Higgins provided false writings and intentionally concealed public documents when a lawful open records act request was made. (I would also be a victim of this concealing public records violation)**
 - **In my opinion, Ms. Higgins is intentionally overstating the cost for reproducing records to discourage the public from having access to public documents (there are incidents ORA requests with similar over charging. An example would be a citizen paid 93.00 to have a dash cam video reproduced. When he went to pick it up, Ms. Higgins upped the expense to over 600.00).**
 - *This is consistent with City Clerk Robbi Higgins scheme of making false writings public document (the ORA request and the response is a public document) and concealing other records that in the past had been requested by the ORA she claimed did not exist but was later determined to have existed. All that evidence is available for review but not included in this package.*

Documents submitted:

1. Video recording of Mayor Proctor speech about the recreation committee.
2. Documents sent from the city pursuant to ORA request.
3. Documents sent from Nikki Clark.

As a citizen of Grantville, I am only asking for a fair and professional law enforcement investigation into this matter to determine if any laws were violated.

Respectfully submitted,

Robert Royce

Robert Royce

