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72CV-26-3999
C04D05 : 38 Pages

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS

CIVIL DIVISION

[redacted] PLAINTIFF

v. CASE NO. _____

CITY OF ELKINS, ARKANSAS DEFENDANT

COMPLAINT FOR ENFORCEMENT OF THE

ARKANSAS FREEDOM OF INFORMATION ACT

Plaintiff [redacted] appearing pro se, states for his Complaint against Defendant City of Elkins, Arkansas:

PARTIES

1. Plaintiff [redacted] is a citizen and resident of Washington County, Arkansas.

2. Defendant City of Elkins, Arkansas, is a municipal corporation located in Washington County, Arkansas and is subject to the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq.

JURISDICTION AND VENUE

3. This action arises under the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq.

4. Jurisdiction and venue are proper in Washington County because Defendant is located in Washington County and the requested public records are maintained by or under the control of Defendant.

FACTUAL ALLEGATIONS

5. On June 24, 2026, Plaintiff submitted an Arkansas Freedom of Information Act request seeking records relating to construction stormwater management, erosion and sediment control, inspections, compliance activities, enforcement activities, communications, and MS4-related activities associated with construction sites within the Stokenbury Farms subdivision and the construction site adjacent to Dollar General in Elkins, Arkansas.

Exhibit A.

6. On June 30, 2026, Plaintiff submitted follow-up correspondence seeking confirmation of receipt of the request and a status update regarding the availability of responsive records.

Exhibit B.

7. On June 30, 2026, Defendant acknowledged receipt of the request and advised that responsive records would be reviewed and produced.

Exhibit C.

8. On July 7, 2026, Defendant produced certain records and advised Plaintiff that additional records were still being obtained from Garver and would be provided upon receipt.

Exhibit D.

9. On July 12, 2026, Plaintiff submitted correspondence seeking clarification regarding the completeness of Defendant's response and whether records encompassed by the original request had been searched for, obtained, reviewed, and produced.

Exhibit E.

10. On July 20, 2026, Plaintiff submitted follow-up correspondence regarding the status and completeness of Defendant's response.

Exhibit F.

11. On July 20, 2026, Defendant advised Plaintiff that J.D. DeMotte would be the individual possessing information responsive to Plaintiff's inquiries and that Mr. DeMotte was out of the office and expected to return during the first week of August.

Exhibit G.

12. Plaintiff agreed to allow additional time and requested that any records already available to Defendant be produced on a rolling basis as they became available.

Exhibit H.

13. On August 3, 2026, Plaintiff submitted a second follow-up seeking clarification regarding Defendant's search efforts, the status of records previously identified as outstanding, and whether Defendant considered its response complete.

Exhibit I.

14. On August 4, 2026, Plaintiff contacted counsel for Defendant seeking clarification regarding responsibility for Plaintiff's pending FOIA matters and requesting a status update concerning the search for and production of records responsive to Plaintiff's June 24, 2026, request.

Exhibit J.

15. Despite repeated requests for clarification, Defendant has not informed Plaintiff:

a. Whether additional responsive records exist;

b. Whether additional responsive records have been located but not produced;

c. Whether any responsive records are being withheld;

d. The legal basis for any withholding;

e. Whether records previously identified as outstanding have been received and produced;

f. Whether Defendant has completed its search for responsive records; or

g. Whether Defendant considers its response complete.

16. Plaintiff has made repeated good-faith efforts to obtain compliance without court intervention.

17. Defendant has failed to complete its response to Plaintiff's June 24, 2026, FOIA request.

18. Defendant's July 7, 2026, response represented that additional records were being obtained from Garver and would be produced upon receipt. Plaintiff has not been informed whether those records were received, whether those records were produced, whether those records do not exist, or whether those records are being withheld.

Exhibit D.

19. Plaintiff's July 12, 2026, correspondence identified categories of records encompassed by the original request for which Plaintiff was unable to determine whether responsive records had been searched for, located, produced, withheld, determined not to exist, or remained outstanding.

Exhibit E.

20. Defendant advised Plaintiff on July 20, 2026, that J.D. DeMotte was the individual possessing information responsive to Plaintiff's inquiries and that Mr. DeMotte would return during the first week of August.

Exhibits G and H.

21. Following Mr. DeMotte's anticipated return, Plaintiff submitted additional correspondence on August 3, 2026, seeking clarification regarding the City's search efforts, the status of records previously identified as outstanding, and whether Defendant considered its response complete.

Exhibit I.

22. Plaintiff's June 24, 2026, request expressly included records maintained on personal devices and personal accounts when used for official City business. Plaintiff remains unable to determine whether Defendant searched such locations for responsive records.

COUNT I

ARKANSAS FREEDOM OF INFORMATION ACT

23. Plaintiff incorporates by reference Paragraphs 1 through 22 as though fully set forth herein.

24. Defendant is subject to the Arkansas Freedom of Information Act.

25. The records requested by Plaintiff constitute public records unless specifically exempt by law.

26. Defendant has failed to complete its response to Plaintiff's request by failing to identify whether responsive records remain outstanding, whether responsive records are being withheld, whether previously identified records have been received and produced, whether Defendant has completed its search for responsive records, and whether Defendant considers its response complete.

27. Plaintiff is entitled to judicial relief under the Arkansas Freedom of Information Act.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Set this matter for an expedited hearing as provided by Arkansas law;

B. Determine whether Defendant has complied with the Arkansas Freedom of Information Act;

C. Order Defendant to produce all non-exempt records responsive to Plaintiff's June 24, 2026, Arkansas Freedom of Information Act request;

D. Order Defendant to identify any responsive records withheld and the specific legal basis for each withholding;

E. Order Defendant to provide a sworn affidavit or declaration identifying:

(1) all custodians consulted;

(2) all City-issued email accounts searched;

(3) all personal email accounts used for official City business that were searched;

(4) all City-issued mobile devices searched;

(5) all personal devices used for official City business that were searched;

(6) all text-message repositories searched;

(7) all messaging platforms searched, including Microsoft Teams;

(8) all locations, systems, repositories, cloud-storage locations, databases, and archived records searched;

(9) all search terms utilized;

(10) all categories of records located;

(11) all categories of records withheld, if any;

(12) whether records were requested from Garver, Crafton Tull, or any other third party possessing responsive records;

(13) whether responsive inspection records, stormwater inspection records, MS4 records, SWPPP inspection records, corrective-action records, complaint records, photographs, videos, enforcement records, field notes, call summaries, email attachments, complete email chains, text messages, or related communications exist; and

(14) whether Defendant has completed its search for records responsive to Plaintiff's request.

F. Award Plaintiff his costs and such additional relief as permitted by law; and

G. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

John Brady 08-20-26

John [redacted]

[redacted]

Elkins, Arkansas 72727

(870) [redacted]

[redacted]

Plaintiff, Pro Se

EXHIBIT A

June 24, 2026, Arkansas FOIA Request

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

[redacted] Wed, Jun 24, 2026 at 9:23 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>, Troy Reed <troyreed@elkins.arkansas.gov>, seiland@elkins.arkansas.gov, jddemotte@elkins.arkansas.gov

This email constitutes a request under the Arkansas Freedom of Information Act, Ark. Code Ann. § 25-19-101 et seq.

Dear Records Custodian,
Pursuant to the Arkansas Freedom of Information Act, I request access to and copies of public records in the possession, custody, or control of the City of Elkins, including records created, received, maintained, or relied upon by City officials, employees, agents, contractors, consultants, engineers, inspectors, or third parties acting on behalf of or relied upon by the City, relating to construction stormwater management, erosion and sediment control, and MS4-related activities associated with the following locations:

Construction sites within the Stokenbury Farms subdivision
Construction site adjacent to the Dollar General in Elkins

Time Period
January 1, 2024 – Present

Records Requested
1. Inspections and Site Activity
All records reflecting any inspection, site visit, observation, monitoring activity, follow-up visit, or informal compliance review, including:

Inspection reports, summaries, and logs
Handwritten or electronic field notes
Photographs or videos

This includes work performed by:

City personnel
Contractors or consultants
Engineers (including Garver, LLC)
Third-party or builder-paid inspectors, erosion control monitors, or SWPPP inspectors, to the extent such work was submitted to, reviewed by, relied upon, or communicated with the City

2. Compliance and Enforcement

Notices of violation, stop-work orders, warnings, or compliance directives
Records of verbal directives or required corrective actions
Records reflecting:

Non-compliance determinations
Unpermitted or potentially unpermitted activity
Decisions to defer, decline, or forego enforcement

3. Communications
All communications (including email, text messages, messaging platforms, letters, call logs, or summaries) between City officials or employees and:

Any builder, developer, contractor, engineer, inspector, or their representatives associated with the identified sites
Garver, LLC, or any other engineering, inspection, or consulting firm
ADEQ
EPA (including Region 6)

relating to:

Stormwater BMPs
Erosion or sediment control
MS4 discharges
Inspections, compliance determinations, or corrective actions
Permitting status

4. MS4 and Oversight Records

Records reflecting City review, oversight, acceptance, or reliance upon stormwater BMPs
Records relating to MS4 obligations, construction runoff, or illicit discharge concerns
Records reflecting coordination with or referrals to ADEQ or EPA

5. Internal City Records

Internal communications regarding inspections, compliance, or enforcement decisions
Interdepartmental coordination records
Records identifying City personnel responsible for inspection, compliance determinations, or enforcement decisions

Clarifications (For Avoidance of Misinterpretation)

Inspection Definition
"Inspection" includes any site visit, drive-by, observation, monitoring activity, or informal review conducted to evaluate stormwater conditions or compliance, regardless of whether a formal report was created.

Records Definition
"Records" include draft, preliminary, or informal records, including notes, emails, text messages, photographs, videos, database entries, and summaries, whether finalized or not.

Personal Devices
This request includes records created, sent, received, or stored on personal devices or personal accounts when used for official City business.

Third-Party / Builder-Paid Inspectors
This request includes records created by builder-paid or third-party inspectors where such records were submitted to, reviewed by, relied upon by, referenced by, or communicated with the City.

No-Records Response Requirement
If the City asserts that no responsive records exist, please state whether:

(a) the activity did not occur, or
(b) the activity occurred but no records were created or retained,
and identify the responsible department.

Third-Party Custody
The City may not deny access based on third-party possession where the City has the right to access, obtain, or rely upon such records. Please identify any such entity.

Search Obligation
Please confirm that a reasonable, good-faith search was conducted, including:

Email systems (including archived folders)
Messaging platforms
Shared drives and cloud storage
Databases
Mobile devices used for official business

Independence from Prior Requests
This request is independent of any prior FOIA requests and seeks records relating to distinct subject matter and sites. Prior requests do not limit the City's obligations with respect to this request.

Retention / Non-Retention of Records

If responsive records were created but are no longer maintained, please identify the nature of such records and the circumstances under which they were not retained.

Production

Provide records in electronic format where available
Provide database exports where applicable
Notify in advance if costs exceed $25

Statutory Compliance
If any portion of this request is denied or withheld, please identify the specific statutory exemption relied upon and release all reasonably segregable non-exempt portions.

Please confirm receipt of this request.

[redacted]
Elkins, Arkansas
[redacted]
(870) [redacted]

EXHIBIT B

June 30, 2026, Follow-Up Correspondence

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

[redacted] Tue, Jun 30, 2026 at 7:38 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>, Troy Reed <troyreed@elkins.arkansas.gov>, seiland@elkins.arkansas.gov, jddemotte@elkins.arkansas.gov

Dear Records Custodian,

I am writing to follow up on my Arkansas Freedom of Information Act request submitted on June 24, 2026, regarding construction stormwater management, erosion control, and MS4-related records.

As of today, I have not received any acknowledgement or response.

Under the Arkansas FOIA, public records are to be made available immediately when available, and requests are expected to be handled within a reasonable timeframe. Please confirm receipt of this request and provide a status update regarding the existence and availability of responsive records.

If responsive records exist but are not immediately available, please provide an estimated date for production.

If the City contends that no responsive records exist, please state that explicitly and identify the department(s) responsible for the subject matter.

Thank you for your prompt attention to this matter.

[redacted]
[Quoted text hidden]

EXHIBIT C

June 30, 2026, Acknowledgment from Mayor Troy Reed

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Troy Reed <troyreed@elkins.arkansas.gov> Tue, Jun 30, 2026 at 10:25 AM
To: [redacted] Donna Campbell <donnacampbell@elkins.arkansas.gov>, [redacted] Eiland <SEiland@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>
Cc: Gayla Stahman <gaylastahman@elkins.arkansas.gov>, Thomas Kieklak [redacted] Emily Hill [redacted]

Good morning,

We have received your request; our records clerk is out of the office this week June 29 - July 3, 26. Our records clerk will work on this further when she returns next week and can get it to you by the end of the week July 10,26. Your request list is quite extensive; Arkansas FOIA Law does award the City reasonable extended time to respond to such a large request.

Mayor Troy Reed

City of Elkins, Arkansas
1874 Stokenbury Road
Elkins, AR. 72727
Office - (479) [redacted]
Fax - (479) [redacted]
troyreed@elkins.arkansas.gov

ELKINS

From: [redacted]
Sent: Tuesday, June 30, 2026 7:38 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>; Troy Reed <troyreed@elkins.arkansas.gov>; [redacted] Eiland <SEiland@elkins.arkansas.gov>; Jd Demotte <jddemotte@elkins.arkansas.gov>
Subject: Re: Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

[Quoted text hidden]

EXHIBIT D

July 7, 2026, Production Email

Showing Additional Records Were Expected from Garver

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Donna Campbell <donnacampbell@elkins.arkansas.gov> Tue, Jul 7, 2026 at 12:22 PM
To: [redacted] Troy Reed <troyreed@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>, [redacted] Eiland <SEiland@elkins.arkansas.gov>

cidB0E801E5-BEBB-49B0-8038-6E5C1403334D 2.pdf

Good afternoon,

Attached, you will find the links to the records, etc. that you have asked for. We are still waiting on a few more things from Garver, and we will send those as soon as we receive that information.

COO [redacted] 2.pdf
Council Meeting approved minutes 2.pdf
Drainage Deviation Report Revised 2.pdf
DRAINAGE REPORT 5.11 (1) 2.pdf
DRAINAGE REPORT ADD 7.13 (1) 1.pdf
Drainage Report 1.jpg
elec permit [redacted] 1.pdf
FEMA [redacted] 1.pdf
mech permit [redacted] 1.pdf
Ordinance No. 09-12-2019 Rezoning (Rausch Coleman) PUD 1.pdf
Phone call 1 1.png
Phone call 2 1.png
Planning Meeting Minutes Dec 2019 1.pdf
plum permit [redacted] 1.pdf
Stokenbury Ph 2 Prelim Plat Staff Report_12.16.19.pdf
Text Message with [redacted]

Clipchamp

Violation Video 2.mov
crofton tull lmor f.pdf
Crofton Tull SWPPP email.pdf
emails with garver.pdf
emails with garver_2.pdf
emails with garver_3.pdf
emails_stehanie_jd.pdf
Final Plat.pdf
final plt phase 4.pdf
LOMR filling.pdf
misc lot 71.pdf

outline of flood plane.pdf
Preliminary Plat.pdf
[redacted] [redacted] emails.pdf
Stormwater Contruction Permit ARR 150000.pdf
Stormwater Contruction Permit ARR 150000_pg2.pdf
violation pictures.pdf

Thank you,

Donna Campbell
Admin. Asst.
Elkins City Hall
donnacampbell@elkins.arkansas.gov
1874 Stokenbury Rd
Elkins, AR 72727
Ph. (479) [redacted]
Fax (479) [redacted]

From: [redacted]
Sent: Tuesday, June 30, 2026 10:37 AM
To: Troy Reed <troyreed@elkins.arkansas.gov>; Jd Demotte <jddemotte@elkins.arkansas.gov>; [redacted] Eiland <SEiland@elkins.arkansas.gov>; Donna Campbell <donnacampbell@elkins.arkansas.gov>
[Quoted text hidden]

[Quoted text hidden]

EXHIBIT E

July 12, 2026, Clarification Request

Regarding Completeness of City's Response

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

[redacted] Sun, Jul 12, 2026 at 5:34 PM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>
Cc: Troy Reed <troyreed@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>, [redacted] Eiland <SEiland@elkins.arkansas.gov>

Subject: Clarification Regarding Completeness of Response – June 24, 2026 Arkansas FOIA Request (Construction Stormwater & MS4 Records)

Ms. Campbell,

Thank you for the records provided on July 7, 2026, and for advising that additional materials were still being obtained from Garver.

This email is not a new FOIA request and is not intended to expand, modify, or broaden the scope of my June 24, 2026 request. Rather, it seeks clarification regarding the completeness of the City's response and whether records already encompassed by the original request were searched for, obtained, reviewed, and produced.

This correspondence seeks clarification only as to whether records already encompassed by the original request were searched for, obtained, reviewed, and produced.

As reflected in my June 24 request, the subject matter of the request is limited to:

1. Construction sites within the Stokenbury Farms subdivision; and

2. The construction site adjacent to the Dollar General in Elkins;

and specifically concerns construction stormwater management, erosion and sediment control, inspections, monitoring activities, compliance activities, enforcement activities, MS4-related oversight, stormwater BMPs, construction runoff, and related communications.

For clarity, this request is independent of and separate from my prior FOIA requests concerning my property, floodplain issues, drainage issues affecting my property, building permits associated with my property, or related litigation.

After reviewing the July 7 production, I appreciate the records provided. However, a substantial portion of the production appears to consist of property-specific records, building permit records, occupancy-related records, rezoning records, plat and subdivision approval records, FEMA and floodplain records, LOMR-related records, drainage design reports, engineering calculations, and other development and planning documents.

While I appreciate receiving those materials, I am attempting to determine whether records responsive to the inspection, monitoring, stormwater compliance, MS4 oversight, enforcement, and third-party inspection portions of my June 24 request were searched for and produced.

Specifically, I have been unable to identify records responsive to the following categories:

Inspection, Monitoring, and Oversight Records

- Inspection reports;
- Inspection logs;
- Site visit records;
- Field notes;
- Monitoring records;
- Follow-up inspection records;
- Construction stormwater inspection records;
- Erosion and sediment control inspection records;
- Records documenting observations made during inspections or site visits;
- Records documenting deficiencies observed during inspections or site visits;
- Records documenting corrective actions required by the City;
- Records documenting follow-up regarding corrective actions; and
- Records documenting routine oversight activities performed by City personnel.

Third-Party and Builder Records

- SWPPP inspection reports;
- Third-party inspection reports;
- Builder-paid inspection reports;
- Erosion and sediment control inspection reports;
- BMP inspection records;
- Corrective-action records;
- Maintenance records;
- Inspection photographs;
- Inspection summaries; and
- Related records submitted to, reviewed by, relied upon by, referenced by, or communicated with the City.

Compliance and Enforcement Records

- Compliance determinations;
- Enforcement records;

• Warning notices;

• Compliance directives;

• Decisions to enforce;

• Decisions not to enforce;

• Decisions to defer enforcement;

• Records documenting verbal directives; and

• Records identifying personnel responsible for compliance determinations and enforcement decisions.

MS4 Records

• MS4 inspection records;

• MS4 oversight records;

• Construction runoff review records;

• Illicit discharge records;

• Referrals to ADEQ;

• Coordination with ADEQ;

• Records reflecting review of stormwater BMPs; and

• Other records relating to the City's MS4 responsibilities concerning the identified construction sites.

Communications and Attachments

I also noted multiple communications that appear to reference attachments, additional email chains, punch lists, photographs, SWPPP-related materials, inspection activities, engineering documents, and other records that were not included within the materials provided.

In addition, several communications appear to reference prior or subsequent communications that were not included in the production.

Accordingly, please clarify:

1. Whether all responsive email attachments were produced;

2. Whether all responsive email chains were produced in full;

3. Whether all responsive text messages were produced;

4. Whether all responsive photographs and videos were produced;

5. Whether additional responsive records remain pending from Garver or any other source; and

6. Whether the City considers its response complete.

In addition, my original request expressly included records created, received, maintained, relied upon, referenced by, communicated with, or possessed by City officials, employees, agents, contractors, consultants, engineers, inspectors, or third parties acting on behalf of or relied upon by the City.

To ensure I understand the completeness of the City's response, please clarify whether the City's search included records maintained by or obtained from entities falling within those categories, including records communicated with, submitted to, relied upon by, reviewed by, referenced by, or otherwise used by the City in connection with the identified construction sites.

This includes, to the extent encompassed by the original request:

• Emails and archived emails;

• Text messages;

• Messaging applications;

• Photographs;

• Videos;

• Inspection reports;

• SWPPP-related records;

• Compliance records;

• Corrective-action records;

• Notes;

• Call summaries;

• Attachments; and

• Records maintained on personal devices or personal accounts when used for official City business.

If records responsive to the categories described above do not exist, please advise whether:

(a) the activities did not occur; or

(b) the activities occurred but no responsive records were created, received, maintained, reviewed, relied upon, retained, or possessed by the City.

Thank you for your assistance. I look forward to your response regarding the completeness of the City's production.

Sincerely,

[redacted]
Elkins, Arkansas
[redacted]

(870) [redacted]

[Quoted text hidden]

EXHIBIT F

July 20, 2026, Follow-Up Correspondence

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

[redacted] Mon, Jul 20, 2026 at 7:26 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>
Cc: Troy Reed <troyreed@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>, [redacted] Eiland <SEiland@elkins.arkansas.gov>

Subject: Follow-Up Regarding Completeness of Response – June 24, 2026 FOIA Request

Ms. Campbell,

I am following up regarding my July 12, 2026 correspondence concerning the completeness of the City's response to my June 24, 2026 Arkansas FOIA request.

On July 7, 2026, the City provided records and advised that additional materials were still being obtained from Garver. On July 12, 2026, I submitted a clarification request regarding the completeness of the City's response and have not yet received a response.

Please advise:

- Whether additional records remain pending from Garver or any other source;
- Whether the City has reviewed the questions raised in my July 12 correspondence;
- Whether the City's search for responsive records is ongoing; and
- Whether the City considers its response complete.

Thank you for your assistance. I look forward to your response.

Sincerely,

[redacted]

[Quoted text hidden]

EXHIBIT G

July 20, 2026, Response from Donna Campbell

Stating J.D. DeMotte Had the Information Requested

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

Donna Campbell <donnacampbell@elkins.arkansas.gov> Mon, Jul 20, 2026 at 8:27 AM
To: [redacted]
Cc: Troy Reed <troyreed@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>, [redacted] Eiland <SEiland@elkins.arkansas.gov>

Mr. [redacted]

Mr. Demotte will be the one that would have that information, and he has been out of the office on vacation for a couple of weeks. He should return sometime the first week in August.

Thank you,

Donna Campbell
Admin. Asst.
Elkins City Hall
donnacampbell@elkins.arkansas.gov
1874 Stokenbury Rd
Elkins, AR 72727
Ph. (479) [redacted]
Fax (479) [redacted]

From: [redacted]
Sent: Monday, July 20, 2026 7:26 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>
Cc: Troy Reed <troyreed@elkins.arkansas.gov>; Jd Demotte <jddemotte@elkins.arkansas.gov>; [redacted] Eiland <SEiland@elkins.arkansas.gov>
[Quoted text hidden]
[Quoted text hidden]

EXHIBIT H

July 20, 2026, Response from Plaintiff

Agreeing to Allow Additional Time and Requesting Rolling Production

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

[redacted] Mon, Jul 20, 2026 at 8:57 AM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>
Cc: Troy Reed <troyreed@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>, [redacted] Eiland <SEiland@elkins.arkansas.gov>

Ms. Campbell,

Thank you for the update.

I understand that Mr. DeMotte is currently out of the office and expected to return during the first week of August.

I will await his return regarding the questions raised in my July 12, 2026 correspondence.

In the meantime, if any additional responsive records are already available to the City, including records received from Garver or records maintained by other City personnel, I would appreciate receiving those records on a rolling basis as they become available.

I also appreciate any update regarding whether additional records remain pending from Garver or any other source.

Thank you for your assistance.

Sincerely,

[redacted]

[Quoted text hidden]

EXHIBIT I

August 3, 2026, Second Follow-Up

Requesting Clarification Regarding Completeness of Response

Gmail [redacted]

Subject: Arkansas FOIA Request – Construction Stormwater & MS4 Records (City of Elkins)

[redacted] Mon, Aug 3, 2026 at 5:16 PM
To: Donna Campbell <donnacampbell@elkins.arkansas.gov>
Cc: Troy Reed <troyreed@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>, [redacted] Eiland <SEiland@elkins.arkansas.gov>

Subject: Second Follow-Up and Request for Clarification Regarding Completeness of Response to June 24, 2026 FOIA Request

Dear Ms. Campbell,

I am following up regarding my June 24, 2026 Arkansas Freedom of Information Act request and my July 12, 2026 correspondence concerning the completeness of the City's response.

On July 7, 2026, the City produced records and advised that additional records were still being obtained from Garver. Since that time, I have not received any additional responsive records, any update regarding records pending from Garver, or a substantive response to the questions raised in my July 12 correspondence.

My July 12 correspondence did not expand, modify, or broaden the scope of the original request. Rather, it sought clarification regarding whether records already encompassed by the June 24 request had been searched for, located, produced, withheld, determined not to exist, or remained pending from Garver or another source.

More than six weeks have now elapsed since submission of the request, and I remain unable to determine the status and completeness of the City's response.

Accordingly, please provide the City's position regarding the following:

SEARCH CONDUCTED

1. Has the City completed its search for records responsive to my June 24, 2026 FOIA request?

2. Please identify whether the City's search included records maintained by, received from, communicated with, reviewed by, relied upon by, referenced by, or obtainable from:

- City employees and officials;
- Garver, LLC;
- Crofton & Tull;
- Rausch Coleman Homes;
- Builders and developers associated with Stokenbury Farms;
- Contractors and subcontractors associated with the identified construction sites;
- Engineers and engineering firms;
- SWPPP consultants and SWPPP inspectors;
- Erosion and sediment control inspectors;
- Third-party inspectors;
- Builder-paid inspectors;

• Environmental consultants; and

• Any other person or entity acting on behalf of, reporting to, communicating with, relied upon by, or providing information to the City concerning the identified construction sites.

3. Please identify whether the City's search included:

• Microsoft Outlook;

• Archived email systems;

• Microsoft Teams chats, channels, files, meeting messages, call records, and attachments;

• Text messages and SMS messages;

• Messaging applications;

• Voicemail systems;

• Shared drives and network storage;

• Cloud-based storage systems;

• Databases;

• City-issued mobile devices;

• Personal devices used for official City business;

• Personal email accounts used for official City business; and

• Any other repository containing records relating to the identified construction sites.

If any of the above locations, accounts, systems, devices, repositories, or custodians were not searched, please identify them and explain the basis for excluding them from the City's search.

RECORDS LOCATED

Please state whether responsive records were located within the following categories:

• Inspection reports;

• Inspection logs;

• Site visit records;

• Monitoring records;

• Field notes;

• Follow-up inspection records;

• Construction stormwater inspection records;

• Erosion and sediment control inspection records;

• SWPPP inspection records;

• BMP inspection records;

• Third-party inspection records;

• Builder-paid inspection records;

• Corrective-action records;

• Compliance determinations;

• Enforcement records;

• Warning notices;

• Compliance directives;

• Decisions to enforce, defer enforcement, or decline enforcement;

• MS4 inspection records;

• MS4 oversight records;

• Construction runoff review records;

• Illicit discharge records;

• Referrals to ADEQ;

• Coordination with ADEQ;

• Photographs and videos;

• Call summaries;

• Notes;

• Text messages;

• Email attachments;

• Complete email chains; and

• Communications regarding inspections, compliance, enforcement, stormwater BMPs, runoff concerns, permitting status, deficiencies, corrective actions, or follow-up activities.

BUILDER, DEVELOPER, CONTRACTOR, ENGINEER, INSPECTOR, AND CONSULTANT COMMUNICATIONS

Please specifically state whether the City searched for and produced communications between City personnel and any builder, developer, contractor, subcontractor, engineer, engineering firm, inspector, third-party inspector, SWPPP inspector, consultant, Crofton & Tull, Garver, LLC, Rausch Coleman Homes, or other associated parties relating to:

• Stormwater BMPs;

• Erosion and sediment controls;

• Stormwater compliance;

• SWPPP compliance;

• Inspections;

• Monitoring activities;

• Deficiencies;

• Corrective actions;

• MS4 responsibilities;

• Construction runoff;

• Enforcement decisions;

• Permitting status; and

• Follow-up activities associated with the identified construction sites.

If such communications were not produced, please state whether:

(a) no such communications were located;

(b) such communications exist but have not yet been produced; or

(c) such communications are being withheld.

GARVER RECORDS

On July 7, 2026, the City advised that it was still waiting on additional information from Garver.

Please specifically identify the records referenced in that statement and state:

(a) whether those records were received by the City;

(b) whether those records were produced;

(c) whether those records remain outstanding;

(d) whether the City requested those records;

(e) whether the City followed up regarding those records; and

(f) whether the City still intends to obtain and produce those records.

COMPLETENESS, OUTSTANDING RECORDS, AND WITHHOLDINGS

Please state:

1. Whether additional responsive records remain pending from Garver or any other source;

2. Whether additional responsive records have been identified but not yet produced;

3. Whether all responsive email attachments, complete email chains, text messages, Teams communications, photographs, videos, and related records have been produced;

4. Whether any responsive records have been withheld;

5. Whether the City considers its response to my June 24, 2026 FOIA request complete.

If responsive records have been withheld, please identify each category of withheld records and the specific legal basis relied upon for each withholding.

If additional responsive records remain outstanding, please identify the categories of records that remain pending and provide an estimated date for production.

If the City's position is that no additional responsive records exist, please state whether:

(a) no such records were located following the City's search; or

(b) no such records were created, received, maintained, reviewed, relied upon, retained, or possessed by the City.

For avoidance of doubt, this correspondence does not expand, modify, or broaden the scope of my June 24, 2026 FOIA request. It seeks clarification regarding the City's search, the status of records already encompassed by that request, the completeness of the City's production, and the basis for any withholding or non-production of responsive records.

Thank you for your attention to this matter. I look forward to receiving the City's position regarding the status, scope, and completeness of its response.

EXHIBIT J

August 4, 2026, Email to City Attorney Thomas Kieklak

Requesting Clarification Regarding Pending FOIA Matters

and Status of Responsive Records

Gmail [redacted]

Subject: Clarification Regarding FOIA Matters

[redacted] Tue, Aug 4, 2026 at 4:35 PM
To: Thomas Kieklak [redacted] Troy Reed <troyreed@elkins.arkansas.gov>, Donna Campbell <donnacampbell@elkins.arkansas.gov>, Jd Demotte <jddemotte@elkins.arkansas.gov>, [redacted] Eiland <seiland@elkins.arkansas.gov>, Emily Hill [redacted]

Hello Tom,

I hope you are doing well.

I am writing to clarify whether you and your office are currently handling all of my pending Arkansas FOIA matters involving the City of Elkins, or only certain requests.

At present, I have the following matters pending:

1. A FOIA matter relating to records concerning my property at [redacted] which is currently in litigation;

2. My June 24, 2026 FOIA request concerning construction stormwater, MS4, inspection, compliance, enforcement, and related records, for which I submitted follow-up correspondence on August 3, 2026; and

3. My July 20, 2026 FOIA request concerning the Stokenbury Farms moratorium, engineer certification, detention pond remediation, pond ownership, and HOA responsibilities.

I appreciate the City's efforts to locate and review responsive records and have attempted to provide reasonable time for the search and production process.

Would you please advise whether your office is handling all three matters on behalf of the City, or whether certain requests should continue to be directed to City personnel?

To avoid confusion and ensure future communications are directed appropriately, please also advise whether any future FOIA requests concerning City records should be submitted directly to your office or continue to be submitted to the City in the ordinary course.

If your office is handling any or all of these matters, I would also appreciate any status update you are able to provide regarding the search for and production of responsive records.

Thank you for your time and assistance. I look forward to your clarification.

Sincerely,

[redacted]