

**IN THE CIRCUIT COURT OF LAWRENCE COUNTY, ARKANSAS  
CIVIL DIVISION**

**DARRELL PICKNEY**

**PLAINTIFF**

v.

**CASE NO. 38CV-24-37**

**CITY OF HOXIE,  
a municipal corporation**

**DEFENDANT**

**ORDER**

On this date this cause was submitted to the Court. The Complaint in this matter was brought by the Plaintiff, Darrell Pickney, against the City of Hoxie. From the pleadings and evidence presented at the trial held before this Court on March 13, 2024, the Court does hereby find, and order as follows:

1. Plaintiff Darrell Pickney is an adult citizen of the State of Arkansas and brought forth this matter pursuant to the Arkansas Freedom of Information Act of 1967 (herein "FOIA"), as amended, codified as Ark. Code. Ann. § 25-19-101 *et seq.*

2. On or about October 20, 2023, Plaintiff made a verbal FOIA record request for footage from a municipally owned surveillance system, which was acknowledged by City Attorney Nancy Hall. This public record was not turned over to Plaintiff until approximately three weeks later. The City's production of public records was untimely and in violation of Ark. Code Ann. § 25-19-105(e).

3. Furthermore, regarding the \$220.00 cost charged by Blaine Davis Computing Corporation for the production of the surveillance footage, the City of Hoxie cannot pass on the cost of hiring outside personnel to retrieve the footage onto Plaintiff. The act of passing costs of hiring outside personnel to the requester is a violation of FOIA.

4. On February 17, 2024, Plaintiff sent a second FOIA request by electronic mail to Hoxie Mayor Dennis Coggins requesting public records including bank statements for the City of Hoxie Job Stimulus Fund (“Reuse Fund”) from October 2023 to present. These public records were not turned over to Plaintiff until March 5, 2024. The City’s production of public records was untimely and in violation of Ark. Code Ann. § 25-19-105(e).

5. On February 25, 2024, Plaintiff sent a third FOIA request to Mayor Coggins requesting the audio/video footage of the February 13, 2024, regular monthly Hoxie city council meeting. These public records were not turned over until the morning of the trial. Information Technology Specialist Blaine Davis testified that the City of Hoxie did not contact him regarding the video until the day before the trial on March 12, 2024. The City’s production of public records was untimely and in violation of Ark. Code Ann. § 25-19-105(e).

6. The Court hereby enjoins the Defendant from passing on to a requester the cost of personnel time associated with searching for, retrieving, viewing, inspecting, copying, or obtaining copies of public records.

7. The Court further requires that the City of Hoxie comply with the Arkansas Freedom of Information Act in the future. And although Mayor Dennis Coggins testified that he does not know about FOIA, it is his responsibility to ensure that the City of Hoxie strictly complies with the requirements of FOIA. The buck stops with him as mayor.

8. The City of Hoxie is ordered to pay the court costs of this action. Plaintiff is also awarded attorneys fees and shall submit a bill to the Court for its consideration.

IT IS SO ORDERED.

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Honorable Rob Ratton  
CIRCUIT JUDGE

DATE: March \_\_\_\_\_, 2024



**Case Title:** DARRELL PICKNEY V CITY OF HOXIE

**Case Number:** 38CV-24-37

**Type:** ORDER OTHER

So Ordered

A handwritten signature in black ink that reads "Rob R. Ratton".



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Rob R. Ratton, 3rd Circuit Division 1 Judge