
From: [REDACTED]
Sent: Monday, May 9, 2022 2:29 PM
To: [REDACTED]
Cc: Open Records Law; Law Department; [REDACTED]
Subject: RE: [EXTERNAL] Midtown Music Festival - TSA Style Screening / Weapons Policy / Open Records Request
Attachments: 2021 Music Midtown Grid Map.pdf; MUSIC MIDTOWN.pdf; GPE Permit -Music Midtown 2021--updated.pdf; MM2021_Current Event Map LN_2021-07-12.pdf; MUSIC MIDTOWN.pdf

Good afternoon, Mr. Evans

The City of Atlanta Department of Law is in receipt of your request made under the Georgia Open Records Act, OCGA Sec. 50-18-70, et seq., sent via email in the email chain below on Wednesday, May 4, 2022 at 3:19 PM. Accordingly, the Department of Law's statutorily required response to your Wednesday, May 4, 2022 3:19 PM request is due today, Monday, May 9, 2022. Please accept this response sent on Monday, May 9, 2022 as the Department of Law's statutorily required response to your Wednesday, May 4, 2022 3:19 PM request.

In your Wednesday, May 4, 2022 3:19 PM request, contained in the email chain below, you asked for the following. The City of Atlanta Department of Law's responses to your individual requests are below in **Red**.

1. *Digital copies of any permits, leases, or any other agreements the City of Atlanta holds with the Midtown Music Festival entity or organizers.*

The City of Atlanta is not currently in receipt of an application for a permit for an outdoor event filed by the organizers of Music Midtown for 2022. Accordingly, the City of Atlanta is not the custodian of any records responsive to your request. Nevertheless, attached hereto are the application, site plans, approved security plan and executed application for the event which occurred in September, 2021. These records are provided to you at no cost.

2. *Digital copies of any email communications between any City Official or Department and the Midtown Music Festival entity or organizers with regard to their screening or weapons policy.*

As currently worded, your present request is too broad to allow for a reasonable search for responsive electronic correspondence (email) records. To enable such a search, please provide a keyword or keywords likely to be contained in any email records that you would like to identify as well as the date range pursuant to which the search can be defined. Furthermore, you may also wish to identify the specific City employees/officials within whose email accounts you would like the search for responsive records to be conducted. While it is not necessary for you to identify any specific employees/officials, should you decline to identify any specific employees/officials within whose email accounts you would like us to conduct a search, a City-wide search for responsive records will be required. Please note that such a City-wide search may result in a large volume of potentially responsive records which may prolong the time required to make records available and may result in increased costs associated with this request. Upon receipt of your confirmation of a keyword or keywords, and the date range, will be able to provide you with both an estimated cost of the search and production pursuant to OCGA Sec. 50-18-71(c), and an estimated time to complete the search and production.

3. *Digital copies of any email communications between any City Official or Department and any Atlanta Police Department Official with regard to the Midtown Music Festival's screening or weapons policy.*

As currently worded, your present request is too broad to allow for a reasonable search for responsive electronic correspondence (email) records. To enable such a search, please provide a keyword or keywords likely to be contained in any email records that you would like to identify as well as the date range pursuant to which the search can be defined. Furthermore, you may also wish to identify the specific City employees/officials within whose email accounts you would like the search for responsive records to be conducted. While it is not necessary for you to identify any specific employees/officials, should you decline to identify any specific employees/officials within whose email accounts you would like us to conduct a search, a City-wide search for responsive records will be required. Please note that such a City-wide search may result in a large volume of potentially responsive records which may prolong the time required to make records available and may result in increased costs associated with this request. Upon receipt of your confirmation of a keyword or keywords, and the date range, will be able to provide you with both an estimated cost of the search and production pursuant to OCGA Sec. 50-18-71(c), and an estimated time to complete the search and production.

Thank you,

[REDACTED]

Senior Attorney

From: [REDACTED]

Sent: Wednesday, May 4, 2022 3:21 PM

To: [REDACTED]

Subject: FW: [EXTERNAL] Midtown Music Festival - TSA Style Screening / Weapons Policy / Open Records Request

Please handle the response and keep me in the loop.



[REDACTED], City Attorney
City of Atlanta Department of Law
55 Trinity Avenue, Suite 5000 Atlanta, GA 30303

[REDACTED]
[REDACTED]

CONFIDENTIALITY NOTICE: This message, including attachments, may contain confidential information and is protected by the attorney-client privilege, work product doctrine and may be otherwise legally exempt from disclosure. It is intended exclusively for the individual or entity to which it is addressed. If you are not the intended addressee, you are not authorized to read, print, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

From: Phil E. [REDACTED]

Sent: Wednesday, May 4, 2022 3:19 PM

To: *Law Department [REDACTED]

Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: [EXTERNAL] Midtown Music Festival - TSA Style Screening / Weapons Policy / Open Records Request

Dear City Attorney [REDACTED] et al.,

The website for the Midtown Music Festival states the following:

"By purchasing a ticket, **you agree to submit to a full body pat-down before entry.** If you would like to be

screened by security personnel of your same gender, please let security personnel know prior to the search process. Screening of children will always take place with the consent of a parent or guardian.

All bags will be searched before entry.

Persons that refuse to comply with the search policy will be refused entry into the event." (emphasis mine)

The website additionally states that weapons of any kind are prohibited.

There are a couple of problems with this. First of all, I do NOT agree that purchasing a ticket is a surrender of my 2nd and 4th Amendment Rights. And I would highly object to being groped by privately hired security.

The second problem is that lawfully carried weapons CANNOT be banned in public parks UNLESS a lessee of the park holds a lease which confers an estate for years (Georgia Supreme Court case Georgia Carry and Phillip Evans v. Atlanta Botanical Garden), and I can assure you that no private entity is leasing the general public area of Piedmont Park with this type of lease.

If the Atlanta Police Department will in any way participate in or enforce the pat-down and weapons policy of the Festival organizers, that would be an unlawful abuse of citizens' rights under color of law, and such a violation would not be covered under the qualified immunity doctrine.

Because the Festival organizers have publicly stated their intent to screen for and ban weapons contrary to state law, I'm demanding that you revoke their permit to hold the event unless they agree to follow state law and rescind this policy.

In addition, let this email be an OFFICIAL OPEN RECORDS REQUEST for the following:

- 1. Digital copies of any permits, leases, or any other agreements the City of Atlanta holds with the Midtown Music Festival entity or organizers**
- 2. Digital copies of any email communications between any City Official or Department and the Midtown Music Festival entity or organizers with regard to their screening or weapons policy**
- 3. Digital copies of any email communications between any City Official or Department and any Atlanta Police Department Official with regard to the Midtown Music Festival's screening or weapons policy**

Please email the document copies to [REDACTED]

Thanks and best regards,

Phillip Evans