



# JOHN H. CRANFORD, JR.

DISTRICT ATTORNEY  
COWETA JUDICIAL CIRCUIT

JEP BENDERGER  
CHIEF ADA

ROBERT MOORADIAN  
CHIEF DEPUTY ADA

December 8, 2022

D.A. King  
2984 Lowe Trail  
Marietta, GA 30066  
404-316-6712  
[Dking1952@comcast.net](mailto:Dking1952@comcast.net)

Dear Mr. King,

As Carroll County Sheriff's Office Chief Deputy Brad Robinson informed you via email on November 3, 2022, the Carroll Sheriff's Office forwarded the District Attorney's Office all of the information and correspondence that you have had with them regarding Carroll County's alleged non-compliance with various state laws relating to illegal immigration. Among the information provided to me were your letters to Sheriff Langley on October 3, 2022, and October 31, 2022. For ease of reference, I have included with this letter the November 3 email, and the letters from October 3 and 31.

Chief Deputy Robinson forwarded me your correspondence and related information so that I could review all of it to determine if I believe it warranted further investigation by the Carroll County Sheriff's Office or the Georgia Bureau of Investigation (GBI). I have also reviewed your website, to which you cite and link in your letters and emails. As I understand it, you are alleging that Carroll County has violated various statutes, sometimes in more than one way. I have listed these allegations below and provided my legal analysis of these allegations. As in all cases where I am asked to consider requesting further law enforcement investigation, my analysis is focused on whether there is an articulable reasonable suspicion (ARS) that a criminal statute has been violated. ARS is a legal concept commonly used in United States jurisprudence to define whether law enforcement had a non-arbitrary basis to initiate an investigation or stop of a citizen. If I believe there is a reasonable articulable suspicion, then I will exercise my discretion to decide whether further investigation is warranted.

1) In your October 3, 2022, letter to Sheriff Langley, you link to a September 29, 2022, website post, (<https://immigrationpoliticsga.com/carroll-county-and-the-save-affidavit-comparing-the-required-version-to-the-carroll-co-version-in-use/>) wherein you allege that Carroll County is not using the "SAVE affidavit" posted on the state auditor's website. In your September 29, 2022 website post, you state: "The affidavit required for use by state law i[s] posted on the state auditor's website."

OCGA 50-36-1 does require the state auditor to "create affidavits for use under this subsection," but it does not require agencies and political subdivisions to use the affidavit created by the state auditor. The Carroll County Affidavit, which is featured on your website post and has a "Revision Date" of "2/25/2020" appears to be in compliance with the requirements of OCGA 50-36-1. Therefore, I have seen no evidence supporting an articulable reasonable suspicion that Carroll County is violating Georgia law for not using the "SAVE affidavit" from the state auditor's website.

2) In the above referenced September 29, 2022 website post, you allege that Carroll County has "no requirement for foreigners to complete the affidavit for renewals (*sic*)."

Carroll County Courthouse  
PO Box 338  
Carrollton, GA 30112  
Phone: (770) 830-2171  
Fax: (770) 830-2170

Coweta Co. Justice Center  
PO Box 1918  
Newnan, GA 30264  
Phone: (770) 254-7300  
Fax: (770) 254-7305

Heard County Courthouse  
PO Box 730  
Franklin, GA 30217  
Phone: (706) 675-0955  
Fax: (706) 675-0958

Meriwether County Courthouse  
PO Box 520  
Greenville, GA 30222  
Phone: (706) 672-1302  
Fax: (706) 672-1801

Troup Co. Government Center  
100 Ridley Ave. - Suite 3500  
LaGrange, GA 30240  
Phone: (706) 298-3708  
Fax: (706) 298-3709

OCGA 50-36-1(f)(4) provides: “The requirements of this subsection shall not apply to **any applicant** applying for or renewing an application for a public benefit within the same agency or political subdivision if the applicant has previously complied with the requirements of this subsection . . .” (emphasis added). The law does not appear to distinguish between citizens and non-citizens regarding whether they have to complete a redundant affidavit for a renewal, and it is clear that the law does not require “any applicant” to submit a redundant affidavit for a renewal. Therefore, I have seen no evidence supporting a reasonable articulable suspicion that Carroll County is violating OCGA 50-36-1 regarding applications for renewed licenses and public benefits.

3) In the same September 29, 2022, website post, you allege that Carroll County is violating Georgia law by failing to include in the Carroll County SAVE affidavit the Georgia law requirement that applicant’s provide a secure and verifiable document.

OCGA 50-36-1(f)(1)(A) does require applicants for public benefits to “provide at least one secure and verifiable document, as defined by Code Section 50-36-2[.]” The SAVE affidavit available to the public on the state auditor’s website does have a provision to which the applicant swears the applicant “has provided at least one secure and verifiable document, as required by O.C.G.A. 50-36-1(f)(1), with [their] affidavit.” However, OCGA 50-36-1(f)(a)(B), which stipulates what is required to be in the SAVE affidavit, does not require that the affidavit contain any reference to having provided “a secure and verifiable document.” The fact the state auditor included this provision in their affidavit does not make a crime of Carroll County’s decision not to do so. Therefore, I have seen no evidence supporting a reasonable articulable suspicion that Carroll County is violating OCGA 50-36-1 regarding Carroll County’s failure to include in its affidavit language referencing the affiant having provided “a secure and verifiable document.”

4) In your October 3, 2022, letter to Sheriff Langley you link to a September 28, 2022, website post, (<https://immigrationpoliticsga.com/carroll-county-e-verify-affidavit-january-1-2020-version-screenshot-from-county-website-sept-28-2022/>) wherein you allege that Carroll County is violating OCGA 36-60-6(d). Your allegation is that Carroll County is not requiring persons seeking a business license to provide the specific affidavit, required by law, that their business is authorized to use the federal work authorization program or that their business is not required to use that federal program.

As of July 1, 2013, OCGA 36-60-6 requires all employers with more than ten employees to sign this affidavit. More specifically, the statute requires that the form of the affidavit be “as provided by the Attorney General[.]” According to you, as of August 2022, Carroll County was not using the affidavit provided by the Attorney General, and as of September 28, 2022, Carroll County was using a different affidavit that was still different from the affidavit provided by the Attorney General. I assume these assertions to be true for purposes of this analysis.

As of November 24, 2022, when I first began to review this matter, and as of the writing of this letter, the “Private Employer Affidavit Pursuant to OCGA 36-60-6(d)” available on the Carroll County website, to which your September 28, 2022, website post links, is exactly the same as the affidavit provided by the Attorney General. It appears Carroll County was previously out of compliance with this Code Section in this respect, but is now in compliance with this code section.

According to OCGA 36-60-6(h) “Any government official or employee knowingly acting in violation of this Code section shall be guilty of a misdemeanor[.]” However, the same Code Section states: “It shall be a defense to a violation of this Code section that such person acted in good faith and made a reasonable attempt to comply with the requirements of this Code section.” In light of Carroll County’s current compliance with OCGA 36-60-6 and a lack of evidence that Carroll County was knowingly violating this code section, I decline to request further investigation of a violation of this Code Section.

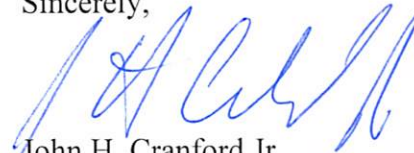
5) In your October 31, 2022, letter to Sheriff Langley, you allege that Carroll County may be violating OCGA 13-10-91, which requires public employers, contractors, and subcontractors to submit affidavits attesting to various things, including having registered with the federal work authorization program. In this letter you also cite to a website post (<https://immigrationpoliticsga.com/open-records-request-carroll-county-ocga-13-10-91/>).

I have reviewed OCGA 13-10-91 and determined that there is no criminal punishment for violating it. This means the District Attorney's Office has no jurisdiction or lawful basis to pursue charges for violating this statute. Because one does not commit a crime by violating this statute, I have no basis to request a criminal investigation as to whether the statute has been violated.

If you review the consequences of failing to comply with OCGA 13-10-91, you will see that all of the consequences are non-criminal in nature. The only crimes referenced in this statute are for making a false statement on the affidavit, which is punishable as a violation of OCGA 16-10-20. Furthermore, under OCGA 13-10-91(9), "A public employee, contractor, subcontractor, or sub-subcontractor shall not be held civilly liable or criminally responsible for unknowingly or unintentionally accepting a bid from or contracting with a contractor, subcontractor, or sub-subcontractor acting in violation of this subsection." Therefore, I have no basis to request an investigation for a violation of OCGA 13-10-91.

Having reviewed all of your stated concerns about Carroll County's compliance with the above referenced code sections, I decline to pursue charges and I decline to request additional investigation by any other law enforcement agency. However, please note that OCGA 50-36-1(q) gives the Attorney General "the authority to conduct a criminal and civil investigation of an alleged violation of this chapter by an agency or agency head and to bring a prosecution or civil action against an agency or agency head for all cases of violations under this chapter." Similarly, OCGA 36-60-6(j) gives the Attorney General the authorization "to conduct an investigation and bring any criminal or civil action he or she deems necessary to ensure compliance with the provisions of this Code section." I consider this matter closed.

Sincerely,



John H. Cranford Jr.  
District Attorney  
Coweta Judicial Circuit