

Robert Davis
PO Box 1196
Dewey, Arizona 86327
Telephone: [REDACTED]
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Plaintiff, Self-Represented

ORIGINAL FILED THIS
DAY OF AUG 26 2026
DONNA McQUALITY
Clerk of Superior Court
By: A GARCIA
Deputy

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

ROBERT DAVIS,

Plaintiff,

v.

TOWN OF DEWEY-HUMBOLDT,
an Arizona municipal corporation,

Defendant.

Case No.:

SI300CV 202601091

**COMPLAINT FOR STATUTORY
SPECIAL ACTION**

(Arizona Public Records Law -
A.R.S. §§ 39-121 et seq.)

Plaintiff Robert Davis, appearing self-represented, brings this Complaint for Statutory Special Action against Defendant Town of Dewey-Humboldt to enforce his rights under the Arizona Public Records Law, A.R.S. §§ 39-121 et seq., and alleges as follows:

PARTIES

1. Plaintiff Robert Davis is an Arizona resident who submitted public records requests to the Town of Dewey-Humboldt pursuant to Arizona's Public Records Law.
2. Defendant Town of Dewey-Humboldt ("Town") is an Arizona municipal corporation located in Yavapai County, Arizona, and is a "public body" within the meaning of A.R.S. § 39-121.01(A)(2).

3. Defendant maintains public records relating to its official activities, including financial records, correspondence, and records concerning Town real estate transactions.
4. Dewey-Humboldt Town Code § 32.04(B) provides: "The Town Clerk shall be the Custodian of Records and liaison to the Arizona Department of Library, Archives, and Public Records."
5. Accordingly, the Town Clerk is the official expressly designated by the Town Code as the Town's Custodian of Records.

JURISDICTION AND VENUE

6. Plaintiff brings this statutory special action pursuant to A.R.S. § 39-121.02 and the Arizona Rules of Procedure for Special Actions.
7. A.R.S. § 39-121.02(A) authorizes a person who requested to examine or copy public records and was denied access to appeal the denial through a special action in Superior Court against the officer or public body.
8. This is an original statutory special action arising from Defendant's alleged failure to promptly respond to and produce records responsive to Plaintiff's public records requests.
9. This Court has jurisdiction over this action.
10. Venue is proper in Yavapai County because Defendant is located in Yavapai County and the acts and omissions giving rise to this action occurred in Yavapai County.

FACTUAL ALLEGATIONS

A. February 20, 2026 Public Records Request - Checks

11. On February 20, 2026, Plaintiff submitted a written public records request to Defendant requesting copies of all checks signed by Mayor Fenn during the months of June, July, and August 2025.
12. Defendant's electronic public records system generated an automated acknowledgment confirming submission and receipt of the request.
13. A true and correct copy of Plaintiff's February 20, 2026 public records request and acknowledgment is attached as Exhibit A.
14. Plaintiff's request sought identifiable Town financial records covering a specific three-month period.
15. Defendant has not produced the requested records.
16. The Town Clerk has not provided Plaintiff with a substantive response explaining why the records have not been produced.
17. The Town Clerk has not provided Plaintiff with an anticipated production date.
18. The Town Clerk has not identified any responsive records being withheld or provided a legal basis for withholding responsive records.

B. May 28, 2026 Public Records Request - Property Emails

19. On May 28, 2026, Plaintiff submitted a second written public records request to Defendant.
20. Plaintiff requested copies of all emails concerning the sale, purchase, negotiation, discussion, or transfer of parcels 402-06-025K and 402-06-025X that were sent to,

received from, or exchanged between Dan Field and Matthew Fenn during the period of March 1, 2024, through July 1, 2024.

21. Defendant's electronic public records system generated an automated acknowledgment confirming submission and receipt of the request.
22. A true and correct copy of Plaintiff's May 28, 2026 public records request and acknowledgment is attached as Exhibit B.
23. Plaintiff's request identified the subject matter, two specific parcels, the persons whose communications were sought, and a specific four-month period.
24. Defendant has not produced the requested records.
25. The Town Clerk has not provided Plaintiff with a substantive response explaining why the records have not been produced.
26. The Town Clerk has not provided Plaintiff with an anticipated production date.
27. The Town Clerk has not identified any responsive records being withheld or provided a legal basis for withholding responsive records.

C. July 27, 2026 Follow-Up to Custodian of Records

28. On July 27, 2026, Plaintiff sent an email directly to Town Clerk Judy Morgan concerning the two outstanding public records requests.
29. Plaintiff specifically requested the "status and a possible time of completion" for the two requests and advised the Town Clerk that one of the requests was becoming particularly old.

- 30. Plaintiff included screenshots identifying the two outstanding requests.
- 31. Town Manager Daniel Field was copied on Plaintiff's July 27 correspondence.
- 32. Plaintiff received no substantive response from the Town Clerk to his July 27 inquiry.
- 33. A true and correct copy of Plaintiff's July 27, 2026 correspondence is attached as Exhibit C.

D. August 14, 2026 Final Demand for Production

- 34. On August 14, 2026, at approximately 11:21 a.m., Plaintiff sent Town Clerk Judy Morgan and Town Manager Daniel Field a written final demand for production concerning both outstanding public records requests.
- 35. Plaintiff's final demand specifically identified the February 20, 2026 request for checks and the May 28, 2026 request for property-related emails.
- 36. Plaintiff explained that, other than automated acknowledgments, he had received no responsive records, substantive response, estimated production date, or explanation for the delay.
- 37. Plaintiff cited A.R.S. § 39-121.01(D)(1) and A.R.S. § 39-121.01(E) and requested production of the records.
- 38. Plaintiff provided the Town an additional five business days to produce the requested records or provide a substantive written response.

39. Plaintiff further requested that, if additional time was reasonably necessary, Defendant provide a written explanation for the delay, the status of its search and production efforts, and a specific anticipated production date.
40. Plaintiff advised Defendant that failure to provide the requested records or an adequate substantive response would cause Plaintiff to consider the remedies available under A.R.S. § 39-121.02, including filing a special action in Yavapai County Superior Court.
41. A true and correct copy of Plaintiff's August 14, 2026 final demand is attached as Exhibit D.
42. The five-business-day period provided in Plaintiff's final demand expired before the filing of this action.
43. As of the filing of this Complaint, the Town Clerk has neither produced the requested records nor provided Plaintiff with the requested substantive response concerning either outstanding request.

E. Communication from Mayor Matthew Fenn

44. On August 17, 2026, Mayor Matthew Fenn communicated with Plaintiff concerning Plaintiff's outstanding public records requests.
45. Mayor Fenn stated that he did not keep track of the checks he signed and did not have his previous councilmember email active.
46. Mayor Fenn further stated that the delay "sounds like an IT and finance matter that is taking so long."

47. Mayor Fenn acknowledged Plaintiff's lengthy wait by referring to "waiting months."
48. Mayor Fenn asked Plaintiff what he was attempting to determine from the records and offered to attempt to obtain answers to Plaintiff's questions.
49. Mayor Fenn expressly stated: "I can't personally produce these records."
50. Plaintiff responded to Mayor Fenn the same day and clarified: "I appreciate the offer but I am looking for the documents themselves."
51. Mayor Fenn's communication did not produce the requested records, did not state that the requested records were exempt from disclosure, and did not provide an anticipated date on which the records would be produced.
52. Plaintiff does not allege that Mayor Fenn is the Town's designated Custodian of Records. Dewey-Humboldt Town Code § 32.04(B) expressly designates the Town Clerk as Custodian of Records.
53. A true and correct copy of the August 17, 2026 correspondence between Plaintiff and Mayor Fenn is attached as Exhibit E.

F. Town Clerk as Custodian of Records

54. Dewey-Humboldt Town Code § 32.04(B) expressly designates the Town Clerk as Defendant's Custodian of Records.
55. A true and correct copy of Dewey-Humboldt Town Code § 32.04 is attached as Exhibit F.

56. Plaintiff directly contacted the Town Clerk concerning the outstanding requests and subsequently provided the Town Clerk with a final demand for production.
57. Despite Plaintiff's original requests, automated acknowledgments, July 27 follow-up, final written demand, and additional time provided for compliance, the requested records have not been produced.
58. Plaintiff made reasonable efforts to obtain the records and resolve this matter without judicial intervention.

COUNT ONE

VIOLATION OF THE ARIZONA PUBLIC RECORDS LAW

59. Plaintiff incorporates paragraphs 1 through 58 as though fully set forth herein.
60. Arizona's Public Records Law requires public officers and public bodies to maintain records reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and activities supported by public money. A.R.S. § 39-121.01(B).
61. Arizona law provides the public a right to inspect public records and requires the custodian of public records to promptly furnish copies of requested public records. A.R.S. §§ 39-121 and 39-121.01(D)(1).
62. A.R.S. § 39-121.01(E) provides that access to a public record is deemed denied if the custodian fails to promptly respond to a request for production of a public record.
63. Dewey-Humboldt Town Code § 32.04(B) designates the Town Clerk as Defendant's Custodian of Records.

A. February 20, 2026 Request - Checks Signed by Mayor Fenn

64. Defendant acknowledged receipt of Plaintiff's February 20, 2026 request.
65. Defendant has not produced the requested records.
66. The Town Clerk has not provided Plaintiff with a substantive explanation for the delay, an anticipated production date, or a legal basis for withholding responsive records.
67. Defendant's failure to promptly respond to Plaintiff's February 20, 2026 request constitutes a denial of access under A.R.S. § 39-121.01(E).

B. May 28, 2026 Request - Field/Fenn Property Emails

68. Defendant acknowledged receipt of Plaintiff's May 28, 2026 request.
69. Defendant has not produced the requested records.
70. The Town Clerk has not provided Plaintiff with a substantive explanation for the delay, an anticipated production date, or a legal basis for withholding responsive records.
71. Defendant's failure to promptly respond to Plaintiff's May 28, 2026 request constitutes a separate denial of access under A.R.S. § 39-121.01(E).

C. Entitlement to Statutory Special Action Relief

72. Each request independently seeks identifiable public records and each alleged failure to promptly respond independently supports relief under Arizona's Public Records Law.

73. Both denials involve the same Plaintiff, the same Defendant public body, the same statutory duties, and substantially the same requested judicial relief.

74. A.R.S. § 39-121.02(A) authorizes Plaintiff to appeal the alleged denials through a special action in Superior Court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

A. Accept jurisdiction over this statutory Special Action;

B. Find that Defendant failed to promptly respond to Plaintiff's February 20, 2026 public records request as required by Arizona law;

C. Find that Defendant failed to promptly respond to Plaintiff's May 28, 2026 public records request as required by Arizona law;

D. Find that Defendant's failure to promptly respond to each request constitutes a denial of access pursuant to A.R.S. § 39-121.01(E);

E. Order Defendant to conduct an adequate search for and produce all non-exempt public records responsive to Plaintiff's February 20, 2026 request within ten (10) business days of the Court's Order, or within such other period as the Court deems reasonable;

F. Order Defendant to conduct an adequate search for and produce all non-exempt public records responsive to Plaintiff's May 28, 2026 request within ten (10) business days of the Court's Order, or within such other period as the Court deems reasonable;

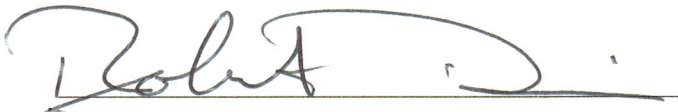
G. Require Defendant, within the time established by the Court for production, to state the legal basis for any responsive records or portions thereof withheld or redacted and to provide any index or other identification required by applicable law or ordered by the Court;

H. Require the Town's Custodian of Records, upon completion of production, to provide a signed written declaration or certification that, to the best of the Custodian's knowledge after reasonable inquiry, the Town conducted a reasonable and adequate search for records responsive to Plaintiff's February 20, 2026 and May 28, 2026 requests and produced all responsive non-exempt records located by that search, or such other confirmation of search adequacy and completion as the Court deems appropriate;

I. Award Plaintiff attorney fees and other legal costs reasonably incurred to the extent authorized by A.R.S. § 39-121.02(B), including recoverable filing and service costs if Plaintiff substantially prevails; and

J. Grant Plaintiff such other and further relief as this Court determines just and proper.

RESPECTFULLY SUBMITTED this 26th day of August, 2026.

A handwritten signature in dark ink, appearing to read "Robert Davis", is written over a horizontal line.

Robert Davis

Plaintiff, Pro Se

PO Box 1196

Dewey, Arizona 86327

Telephone: [REDACTED]

Email [REDACTED]