



# SHELBY COUNTY LEGISLATIVE DELEGATION OFFICE



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October 17, 2017

Dr. Douglass C. Clark, O.D.  
1108 Woodwind Circle  
Birmingham, Alabama 35244

Dear Dr. Clark,

Last year we wrote to you that we had appointed you to a term on the Shelby County Judicial Commission beginning January 1, 2017. After reviewing Amendment 804 to the Alabama Constitution, however, we have realized that we made a mistake regarding the terms of the Shelby County Legislative Delegation's two appointees to the Commission. In fact, the terms of the current appointees, Dr. Dale Elliott and Rux Bentley, have not ended yet. As a result, there was no vacancy in either of those positions at the time we purported to appoint you to the Commission.

By way of explanation, the Amendment providing for the Judicial Commission became effective in 2008. The Amendment states that the terms of the two Commission members first elected by the Delegation were for three years and four years, respectively. The terms of all Commission members the Delegation subsequently appointed were for six years. As a result, Dr. Elliott's term on the Commission ends on December 31, 2017, and Rux Bentley's term ends on December 31, 2018.

We sincerely apologize for the confusion we have caused by purporting to appoint you to a seat on the Commission that was not actually vacant and subject to appointment yet. Although that appointment was invalid, we thank you for your willingness to serve on the Commission. Please forgive our oversight in this matter. Should you have any questions or concerns, please feel free to contact us at (205) 620-6610 or by email at [mimi@shelbylegislators.com](mailto:mimi@shelbylegislators.com).

Respectfully,

Mimi W. Penhale  
Legislative Director for Shelby County

cc: Judge Jim Fuhrmeister

