

## WILKES ELECTED CHAIRPERSON OF STATE AUTHORITY

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February 1, 2012

Liberty County Clerk of Superior Court Barry Wilkes was elected on January 24, 2001, as chairperson of the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA), the state entity responsible for creation and operation of Georgia's Uniform Commercial Code (UCC) financing statements, real estate, notary public, and judicial information systems.

Wilkes, who is currently serving his seventh term of office as Liberty County's Clerk of Superior Court, has served as vice-chairperson of the authority since 2001 after his appointment in 2000 to the Authority's board of directors by the executive board of the Council of Superior Court Clerks of Georgia.

"It is a tremendous honor that my fellow board members selected me to chair the board but it is a great responsibility that I do not take lightly. Fortunately, we have great minds and hard workers on the board and, even though ours is limited in size, staff



2012 GSCCCA Board Members (left to right) include William Howard, chairperson Sumter County Commission; Charles Baker, Clerk of Superior Court Hall County; Barry Wilkes, chairperson (Clerk of Superior Court of Liberty County); Connie Cheatham, Clerk of Superior Court of McDuffie County; Jean Rogers, vice chairperson (Clerk of Superior Court of Crisp County); Cindy Mason, secretary-treasurer (Clerk of Superior Court of Columbia County); Rhett Walker, Clerk of Superior Court of Dodge County; David Burge, attorney-at-law; and Arch McGarity, chief superior court judge, Flint Judicial Circuit.

unequaled by any in state government, which makes my job a lot easier," Wilkes said, adding, "It was with great trepidation that I accepted the nomination. The demands of my job (as clerk of superior, state, juvenile, and magistrate courts of Liberty County) and all the other responsibilities I have at home were a consideration. As I said back in 2000 when I became a member of the board, I am deeply committed to the Authority, what it has accomplished since its creation, and what it is doing for those of us in the trenches who are trying to provide excellent services to the citizens of our counties without putting more tax burden on their backs. It's a paradigm of how government

ought to work and how simple solutions to complex problems can be solved without taxing everyone to death," Wilkes said.

He explained that the Authority was created, implemented, and continues to operate "without ever having received one 'red cent' of funding from local, state or federal taxes." Instead, it operates on funds derived from user-based fees, which are

assessed on UCC and real estate documents filed in the superior court clerks' offices throughout the state.

“My estimates are that various governmental agencies and departments of Liberty County — not just the Clerk’s Office — have received over a half million dollars combined in equipment, consulting, technological assistance and high-speed communications and funds for recreating real estate records from the Authority. Although the Authority provided this assistance to enable us (clerks’ office and other governmental entities) to do our jobs as a result of mandates required for the UCC and real estate information systems and other projects, what we have received has helped us locally to advance technologically and to create other systems for doing other jobs that are not even related to the Authority projects. We would not have been able to do otherwise. I’ve always known where we need to go technologically in this office, but I’ve never been willing to ask for funding from local tax dollars. We don’t have the financial resources locally. So, I am extremely thankful for everything we have received from the Authority,” Wilkes said.

The Authority has “deep roots in Liberty County.” Former State Representative Jimmy Floyd was serving on the Banking Committee of the Georgia House of Representatives in 1984 when the financial community called for a system for securing financial interest in personal property, such as cars, tractors, mobile homes, and crops. At the time, a lending institution was required to file a UCC “financing statement” in every county in which the debtor resided or did business in order to secure a loan. The system had many inherent flaws and was very costly to the party borrowing money since, in many instances, the financing statement had to be delivered to and filed for a fee in superior court clerks’ offices in the 159 counties of the state. The Banking Committee first considered implementing a statewide system under the auspices of the Secretary of State’s office. “At that time, every project that office was responsible for had a lot of shortcomings. Estimates were that the proposed system would cost over \$15 million and would have to be funded from tax revenues. So, we (clerks of superior court) asked the leadership of the Banking Committee to authorize us to create our own system for the purpose of providing one-stop filing of financing statements, with statewide applicability.” With the assistance of Floyd and members of the banking community, other members of the committee readily accepted the concept. Almost all bankers throughout the state endorsed and supported the initiative.

“This was and remains to be quite a novel idea. Several of us (clerks of superior court) worked with legislators to formulate legislation that provided for the system, as it exists today. We worked hard to enact the bill but, once the bill became law, the real work began for us. I was president of the Council (of Superior Court Clerks of Georgia) at the time (a post Wilkes held for five years, from 1991 until 1995, he being the first president of the organization). We didn’t have any funds at our disposal, so all we (clerks involved in the project) had at our disposal was “sweat equity” and the will to achieve. Everyone had to sacrifice hundreds of hours of ‘sweat and tears’ to put all the components in place. We worked around the clock for several months,” Wilkes said.

On January 3, 1995, the first financing statement was received electronically in the newly created Authority office in Marietta. As president of the Council, Wilkes was at the helm as the inaugural executive director of the Authority (a position he served in for almost three months until a fulltime director was employed) when the first UCC arrived at the Authority office for processing into the statewide system. “It’s an event I will never forget. It was like watching a child being born, much akin to a miracle,” he said.

Since then, the Georgia General Assembly has required the Authority to create and operate similar statewide systems for providing access to records pertaining to real estate, civil cases (for superior and state court), and notaries public. This year, state legislators are expected to mandate that the Authority expand its information systems to include data pertaining to criminal cases filed in superior and state courts. Additionally, the Authority is partnering with the Criminal Justice Coordinating Council to create a system for delivering criminal justice data to the Georgia Crime Information System in an expedient and cost-effective manner.

“Every year, the demand for information housed in (clerks’ of superior court) offices continues to mushroom and, since we are in the Information Age, it’s never going to stop. As a board member and as chairperson of the Authority, I want to make sure that we provide a balance between the need for information and the privacy rights of everyone. I also want to ensure that we continue to operate without taxpayers—local citizens—having to foot the bill. They are taxed enough already,” he added.

Tom Lawler, former Clerk of the Superior Court of Gwinnett County, served as chairman of the board from 2006 until his death in November of last year. Woodson Daniel, former Clerk of the Superior Court of Pulaski County, served from 1985, when the Authority was created, until his retirement as clerk in 2005.

Other current members of the Authority include Jean Rogers, Clerk of the Superior Court of Crisp County and Connie Cheatham, Clerk of the Superior Court of McDuffie County, who, in addition to Wilkes, are appointed by law by the Council of Superior Clerks of Georgia; Cindy Mason, Clerk of the Superior Court of Columbia County, appointed by the lieutenant governor; Rhett Walker, Clerk of the Superior Court of Dodge County, appointed by the speaker of the Georgia House of Representatives; Charles Baker, Clerk of the Superior Court of Hall County, David Burge, an attorney practicing with the Atlanta-based law firm of Smith, Gambrell and Russell, Michael Johnson, an attorney practicing in Eastman and William Howard, chairperson of the Sumter County Commission, all four members appointed by the governor; and Arch McGarity, chief superior court judge of the Flint Judicial Circuit, appointed by the chief justice of the Georgia Supreme Court.

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