

Exhibit "E"

53C01-2110-PL-002222



OFFICE OF THE PUBLIC ACCESS COUNSELOR FORMAL COMPLAINT

State Form 49407 (R6 / 3-14)

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INSTRUCTIONS: This form is to be used only when filing complaints under Indiana Code 5-14-5. All information provided is disclosable under the Access to Public Record Act. PLEASE TYPE OR PRINT.

FOR OFFICE USE ONLY

Date received (month, day, year)	Complaint number	Date due (month, day, year)
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COMPLAINANT INFORMATION

Name (last, first, middle initial)
Shipp, Stephen, L (Headmaster, submitting on behalf of Seven Oaks Classical School, Inc.)

Address (number and street) 200 East Association Street	City Ellettsville	State IN	ZIP code 47429
Telephone number (812) 935-5003	Fax number (812) 935-5040	E-mail address stephen.shipp@sevenoaksclassical.org	

INFORMATION ABOUT PUBLIC AGENCY DENYING ACCESS

Name of public agency
Monroe County Board of Commissioners

Address (number and street) 100 W Kirkwood Ave	City Bloomington	State IN	ZIP code 47404
Telephone number (812) 349-2550	Fax number (812) 349-7320	E-mail address commissionersoffice@co.monroe.in.us	

Name of elected / appointed official or presiding officer responsible for the denial
Julie Thomas

COMPLAINT (Check all that apply.)

<input checked="" type="checkbox"/> Open Door Law Violation	<input type="checkbox"/> Public Records Access Violation
<input checked="" type="checkbox"/> Executive Session	<input type="checkbox"/> Denial of Access <input type="checkbox"/> Copy Fee
<input checked="" type="checkbox"/> Notice	<input type="checkbox"/> Denial of Electronic Access
<input checked="" type="checkbox"/> Other: <u>Official action taken outside a public meeting</u>	<input type="checkbox"/> Other: _____

Request for priority status [See Indiana Administrative Code (62 IAC 1-1-3).] (Must include in narrative the reason for priority status.)

IMPORTANT

Date denied access to public record (month, day, year) N/A	Date notified of denial of access to meeting (month, day, year) N/A - No formal denial notification (see below)
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Please describe denial of access to meeting or public records below. Attach additional sheets if necessary. (Required)
See Exhibit A attached hereto.

PLEASE ATTACH COPIES OF ANY WRITTEN DENIAL OR DOCUMENTATION CONCERNING DENIAL.

Signature 	Date (month, day, year) 10/08/2021
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Exhibit A

Priority Status Request

Priority status is requested pursuant to 62 IAC-1-1-3(1): the complainant may file an action in circuit court under IC 5-14-1.5-7 for one or more of the purposes set forth in subsection (1).

Description of Complaint

The Monroe County Health Administrator issued a citation to Seven Oaks Classical School (the "School"), which the School appealed to the Monroe County Board of Commissioners, pursuant to Chapter 307 of the Monroe County Code. A more than two and one-half hour appeal hearing was held on Monday, September 20, 2021.

[Hearing recording can be accessed here: <https://catstv.net/m.php?q=10198> (The County has not provided a link to a recording of this meeting as it generally does with other public meetings)]

No executive session was noticed between the conclusion of the appeal hearing and the commencement of the Commissioners' regular weekly meeting on Wednesday, September 22, 2021. (Nor would an executive session have been appropriate as the subject matter would not have been litigation involving the Commissioners as a party.) However, at the end of the Wednesday meeting, the Commissioners continued the meeting until 3 pm Thursday, September 23, 2021. The continued meeting opened with President Julie Thomas announcing that there is a motion; Vice President Lee Jones promptly read a motion denying the appeal; Commissioner Penny Githens promptly seconded the motion. They then voted without further public deliberation.

At no point in time between the hearing and the September 23 meeting was notice posted of an execution session, nor did the Seven Oaks appeal appear on the agenda for the September 22 or 23 meetings, nor was there a motion to amend the agenda. The September 23 meeting denying the appeal was completed in less than three minutes. Not only does it appear that deliberation (i.e., official action) took place outside of the public eye through an unauthorized execution session or otherwise, but also lack of notice regarding the appeal made it nearly impossible for members of the public to comment or even observe the decision.

[Meeting agenda and recording can be accessed here:

<https://www.co.monroe.in.us/egov/apps/events/calendar.egov?view=detail;id=2611>

The Seven Oaks decision begins around 0:34:30 of the recording and the voting is concluded at 0:36:56. (Note that the recording includes the portion of the meeting that occurred on Wednesday, prior to the continuance.))

On Wednesday September 29, 2021, the Commissioners approved a written denial of the appeal at the end of an approximately five-hour long meeting. Again, the Seven Oaks matter was neither on the agenda nor was the agenda amended to add the matter, nor was the draft written decision part of the

Commissioners' work packet. Ms. Thomas (who had been assigned the task of drafting the decision) left the meeting at approximately 4:26:38. Following another half hour of meeting, Ms. Jones announces the completion of the agenda, at which point the county attorney requests that the Commissioners address two time-sensitive issues, including taking action on the written decision with regard to the appeal. Note that Ms. Thomas had left the meeting prior to this time and thus may not herself have been aware of the attorney's plan to ask for consideration of the written decision. Further, the county attorney's urgency was misplaced as he tells the Commissioners that they must issue a decision to meet a 15-day deadline, when in fact the Appeal Ordinance specifies 15 *working* days. The only Commissioners present to vote (Ms. Jones and Ms. Githens) had not reviewed the draft prior to the meeting, according to their own statements during the meeting, but after brief consideration on their screens, they voted to approve the decision without public deliberation. Again, circumstances give rise to the inference the deliberation took place outside of the public eye, but lack of notice regarding the written decision also made it nearly impossible for members of the public to comment or observe the decision. (Commissioner Jones asks for any public comment on the item, but as the public could not have been aware of the item, it is not surprising that there no public comment was offered).

[Meeting agenda and recording can be accessed here:

<https://www.co.monroe.in.us/egov/apps/events/calendar.egov?view=detail;id=2251>

Ms. Jones begins to conclude the meeting at 5:01:09; attention to the decision begins at 5:03:04 and concludes and is completed at 5:08:34.]