

**IN THE CIRCUIT COURT FOR LOUDON COUNTY, TENNESSEE**

RICHARD L. TRUITT )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 LOUDON COUNTY BOARD OF EDUCATION, )  
 )  
 MEMBERS OF THE LOUDON COUNTY )  
 BOARD OF EDUCATION: )  
 LEROY TATE, Chairman, )  
 WILLIAM JENKINS, Vice-Chairman )  
 SCOTT NEWMAN, KENNY RIDINGS, )  
 BOBBY JOHNSON, JR, PHILIP MOFFETT )  
 DR. GARY UBBEN, BRIAN BROWN, )  
 DR. RIC BEST, CRAIG SIMON )  
 )  
 and JASON VANCE, DIRECTOR OF )  
 LOUDON COUNTY SCHOOLS )  
 )  
 Defendants. )

Docket # 2017-EV-113

FILED  
 TIME 11:44 AM/PM  
 SEP 07 2017  
 LISA NILES  
 CIRCUIT COURT CLERK  
*Lisa Niles*

**COMPLAINT FOR VIOLATION OF TENNESSEE OPEN MEETINGS ACT**

Comes the Plaintiff, by and through counsel, and sues Defendants and states as

follows:

**The Parties**

1. Petitioner is a citizen and resident of Loudon County, Tennessee and is, therefore, a proper party to bring an action for enforcement of the Tennessee Open Meetings Act ("TOMA") codified at T.C.A. §8-44-101, et seq., and has standing to bring this action pursuant to the provisions of T.C.A. §8-44-106(a).

2. Defendant Loudon County Board of Education is a governing body as defined in T.C.A. §8-44-102.

3. The individual Defendants listed in the caption of this cause, with the exception of

Jason Vance, are citizens and residents of Loudon County, Tennessee, and are elected members of the Loudon County Board of Education ("LCBOE").

4. Defendant Jason Vance is the appointed Director of Loudon County Schools for Loudon County, Tennessee.

5. This Court has jurisdiction to enforce the requirements of TOMA pursuant to T.C.A. §8-44-106(a).

6. The General Assembly of the State of Tennessee has declared it to be the public policy of this state that the public must have "adequate public notice" of regular and special called meetings of a governmental body. T.C.A. §8-44-103(a) and (b).

7. The General Assembly of the State of Tennessee has declared it to be the policy of this state that "the formation of public policy and decisions is public business and shall not be conducted in secret." T.C.A. §8-44-101(a)

8. A meeting ("Meeting") of Loudon County School Board members took place on August 31, 2017 at approximately 4:00 PM at the Loudon County Commission Conference Room, 100 River Road, Loudon, Tennessee.

9. Upon information and belief, there was no Notice to the public of the August 31, 2017 Meeting or, alternatively, there was inadequate notice to the public of the August 31, 2017 Meeting.

10. Ten individuals comprise the LCBOE: LeRoy Tate, William Jenkins, Bobby Johnson, Jr., Dr. Gary Ubben, Scott Newman, Dr. Ric Best, Brian Brown, Philip Moffett, Kenny Ridings, and Craig Simon.

11. Eight of the ten members of the LCBOE were in attendance at the Meeting.

12. Those school board members in attendance at the Meeting were Chair

LeRoy Tate, Vice-Chair William Jenkins, Bobby Johnson, Jr., Dr. Gary Ubben, Scott Newman, Dr. Ric Best, Brian Brown, and Philip Moffett.

13. Also in attendance at the Meeting was Director of Loudon County Schools Jason Vance.

14. School board members absent from the Meeting were Kenny Ridings and Craig Simon.

15. Upon information and belief, the August 31, 2017 Meeting was used as a means to deliberate on public business in secret, outside of a properly noticed meeting, in contravention of both the letter and spirit of TOMA, T.C.A. §8-44-101(a)

16. Upon information and belief, the Meeting was also used by Director of Loudon County Schools Vance as a means to poll school board members and obtain input from school board members concerning an issue of public concern that was to be considered at a future school board meeting with the intention of reducing or eliminating discussion and deliberations on the public records policy at the next school board meeting at which a vote would be taken and in so doing violated the letter and spirit of TOMA and/or procured and facilitated the violation of TOMA by LCBOE members.

17. The August 31, 2017 Meeting began with prayer and the pledge of allegiance.

18. During the August 31, 2017 Meeting, there were extensive deliberations among school board members concerning the Loudon County School Board policy regarding school records. [Exhibit A, DVD video of the August 31, 2017 Meeting, attached in envelope]

19. Items deliberated upon by school board members at the Meeting included, but were not limited to, the number of records that would be provided to a requester free of

charge, whether to charge and how much to charge for labor in providing public documents, and placing board packet materials on the Loudon County Schools website.

20. The August 31, 2017 Meeting ended with public comments.

**PREMISES CONSIDERED, PETITIONER PRAYS:**

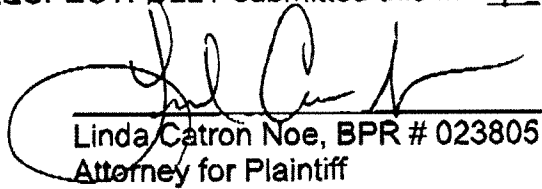
1. That process issue and be served upon the Defendants, individually, and upon the Loudon County Board of Education through Chairman LeRoy Tate.
2. That upon hearing of this cause, the Court declare and find that the Loudon County Board of Education violated the Tennessee Open Meetings Act.
3. That the Court issue finding of fact and conclusions of law which shall be recorded in the minutes of the LCBOE. T.C.A. §8-44-106(b)
4. That the Court issue a permanent injunction against each person found to have violated the Tennessee Open Meetings Act, enjoining each such person from further violations of this part. T.C.A. §8-44-106(c).
5. That, in conformity with the authority conferred upon the Court to impose penalties and otherwise enforce the purposes of this part upon application of any citizen of the state, the Court award Plaintiff discretionary costs and fees in connection with this litigation. T.C.A. §8-44-106(a).
6. That Defendants be required to report semi-annually to the court of their compliance with this part. T.C.A. §8-44-106(d).
7. That the Court find and decree each separate occurrence of meetings not held in accordance with the Tennessee Open Meetings Act constitutes a separate violation. T.C.A. §8-44-106(c).
8. That, time being of the essence, this matter be expedited upon the Court's

docket.

9. That this matter proceed regardless of the holding of any special or scheduled meeting of the LCBOE at which the LCBOE attempts or claims to cure the instant violations.

10. That all court costs be taxed to Defendants.

RESPECTFULLY submitted this the 7<sup>th</sup> day of September 2017.




Linda Catron Noe, BPR # 023805  
Attorney for Plaintiff

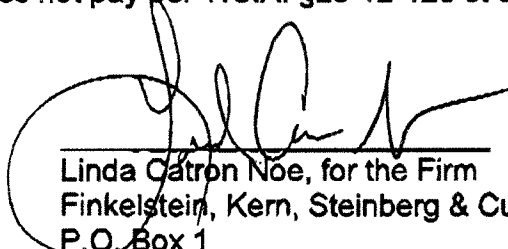
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**COST BOND**

I, as principal, hereby acknowledge myself held and firmly bound for all court costs incurred which are required to be included in the clerk's bill of costs in this civil action per T.C.A. §20-12-120 et seq.

  
Richard L. Truitt, Principal  
100 TURNER LANE  
LEWISVILLE, TN 37077

Linda Catron Noe, attorney for Finkelstein, Kern, Steinberg & Cunningham, PC, acknowledges that the Firm is surety for all court costs incurred in this civil action which the Principal does not pay per T.C.A. §20-12-120 et seq.

  
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