



**OFFICE OF THE PUBLIC ACCESS COUNSELOR  
FORMAL COMPLAINT**

State Form 49407 (R6 / 3-14)

**PUBLIC ACCESS COUNSELOR**  
Indiana Government Center South  
402 West Washington Street  
Indianapolis, Indiana 46204  
Telephone: (317) 234-0906  
Toll free: (800) 228-6013  
Fax: (317) 233-3091

*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) <b>11-19-19</b>	Complaint number <b>19-FC-127</b>	Date due (month, day, year) <b>12-19-19</b>

COMPLAINANT INFORMATION			
Name (last, first, middle initial) <b>JOHNSON, JASON E</b>			
Address (number and street) <b>625 INDIAN CREEK CAMP RD</b>		City <b>SPRINGVILLE</b>	State <b>IN</b>
Telephone number <b>( 812 ) 276-6952</b>		Fax number <b>( )</b>	E-mail address <b>jasjohn@gmail.com</b>

INFORMATION ABOUT PUBLIC AGENCY DENYING ACCESS			
Name of public agency <b>Bedford North Lawrence School Board</b>			
Address (number and street) <b>460 W St</b>		City <b>Bedford</b>	State <b>IN</b>
Telephone number <b>( 812 ) 279-3521</b>		Fax number <b>( )</b>	E-mail address <b>clampitta@nlcs.k12.in.us</b>
Name of elected / appointed official or presiding officer responsible for the denial			

COMPLAINT (Check all that apply.)	
<input checked="" type="checkbox"/> <b>Open Door Law Violation</b> <input type="checkbox"/> Executive Session <input type="checkbox"/> Notice <input checked="" type="checkbox"/> Other: <u>School board meetings</u>	<input type="checkbox"/> <b>Public Records Access Violation</b> <input type="checkbox"/> Denial of Access <input type="checkbox"/> Copy Fee <input type="checkbox"/> Denial of Electronic Access <input type="checkbox"/> Other: _____
<input type="checkbox"/> <b>Request for priority status</b> [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)	Date notified of denial of access to meeting (month, day, year)

*Please describe denial of access to meeting or public records below. Attach additional sheets if necessary. (Required)*

**I feel that the Bedford North Lawrence school board, including the Superintendent, have violated the state's open door law by not identifying those chosen to sit on the Visionary Committee and by not disclosing to the public the time and place of these meetings. The meetings to discuss the district's school closings should have been open to the public to observe. The school board members are elected by the community to serve and the community needs to be present at these meetings due to the effect it would have on our kids. A lot of the business of the community is conducted behind closed doors then announced afterwards. It's not only ethically and morally wrong, but unlawful.**

**RECEIVED**

NOV 19 2019

PUBLIC ACCESS COUNSELOR

PLEASE ATTACH COPIES OF ANY WRITTEN DENIAL OR DOCUMENTATION CONCERNING DENIAL.	
Signature 	Date (month, day, year) <b>11-19-2019</b>

LAW OFFICES

# PITTMAN LAW FIRM

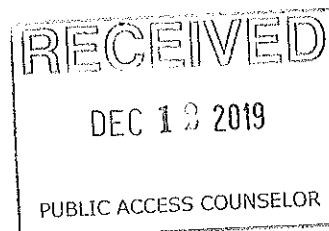
JAMES G. PITTMAN  
MICHELLE WOODWARD

1324 K STREET, SUITE 130  
BEDFORD, INDIANA 47421-3885

PHONE (812) 279-8181  
FAX (812) 279-8203

December 11, 2019

Office of the Public Access Counselor  
Attn: Kaitlyn Holmecki  
Indiana Government Center South  
402 West Washington Street, Room W470  
Indianapolis, IN 46204-2745



Re: Formal Complaint No: 19-FC-127  
Complainant: Jason E. Johnson

Dear Mrs. Holmecki:

Please be advised that I represent the North Lawrence Community School Corporation ("NLCS"). I write in response to the above-referenced complaint.

Dr. Thomas T. Mungle, the NLCS Superintendent of Schools, hired ESOLVE Consulting Group in July 2019 to assist him in developing a plan for consolidating elementary schools and middle schools within the NLCS school district. ESOLVE recommended that Dr. Mungle invite community members who represent a cross-section of the community to meet and discuss the status of NLCS and discuss options available to Dr. Mungle relating to school consolidation. The group selected by Dr. Mungle represented different occupations, ages, socio-economic groups and geographical areas from the school district. As stated by the Complainant, the name given to the group was the "Visionary Committee".

The NLCS School Board did not appoint the Visionary Committee and the Board's presiding officer did not appoint the Visionary Committee. Dr. Mungle, with ESOLVE'S advice, personally invited the participants. All participants of the Visionary Committee were volunteers from the community. The Visionary Committee met eight (8) times at the StoneGate Arts and Education Center in downtown Bedford, Indiana free of charge. The Visionary Committee was advisory to Dr. Mungle and had no authority to take action of any kind. It had no control over public funds and is not subject to audit by the State Board of Accounts. The Visionary Committee was not required. More importantly, the intent behind creating a Visionary Committee was to get public input, not avoid it.

The Visionary Committee met for the final time on December 4, 2019. ESOLVE presented a survey of the Visionary Committee to the NLCS School Board on December 5, 2019 in an open public meeting. The survey showed different percentages of the Visionary Committee participants' opinions on certain issues relating to NLCS, including plans for consolidation. All information reviewed by the Visionary Committee and all information gathered from the Visionary Committee was presented to the NLCS School Board in meetings open to the public. No information was presented to the Board in executive sessions.

The Visionary Committee is not a public agency and is not subject to the Open Door Law. It was not created by statute, ordinance or executive order as set forth in Indiana Code § 5-14-1.5-2(a)(5). It is not a governing body because it was not appointed directly by the NLCS School Board or its presiding officer as set forth in I.C. § 5-14-1.5-2(b)(3). Because it was not a public agency subject to the Open Door Law, the names of the Visionary Committee participants are not subject to public disclosure. Although it is noteworthy to mention that the Complainant never requested a list of the participants of the Visionary Committee.

If you need additional information, please feel free to contact me at my office.

Very Truly Yours,  
PITTMAN LAW FIRM

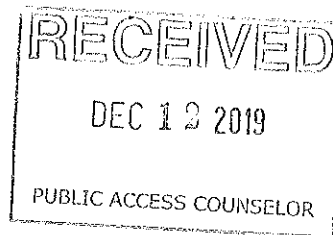


James G. Pittman

JGP/lz

Encl.: Affidavit of Dr. Thomas T. Mungle  
Affidavit of Larry Arnold

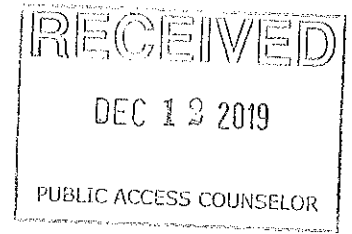
cc: NLCS  
Complainant



COUNTY OF LAWRENCE , )  
 ) SS:  
STATE OF INDIANA )

RE: Complaint Number 19-FC-127

AFFIDAVIT OF THE SUPERINTENDENT OF SCHOOLS  
FOR NORTH LAWRENCE COMMUNITY SCHOOLS



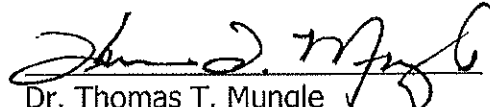
DR. THOMAS T. MUNGLE, being first duly sworn upon his oath, states:

1. That I have personal knowledge of the facts set forth herein.
2. That I began serving as Interim Superintendent of Schools for North Lawrence Community Schools on or about February 15, 2019 and was later hired as the permanent Superintendent of Schools for NLCS on or about July 25, 2019 and continue to serve in that capacity.
3. That proper notice of all meetings held by the NLCS School Board for the calendar year 2019 was given in accordance with Indiana's Open Door Law, Indiana Code Section 5-14-1.5-5.
4. That in July 2019, in my capacity as Superintendent, I appointed a committee of 30 community members to help me gather information about the possibility of consolidating elementary schools and middle schools within the NLCS school district.
5. That the Visionary Committee was formed to advise me along with my consultant, ESOLVE, in making a recommendation to the NLCS School Board about school consolidation.
6. That the NLCS School Board did not appoint the Visionary Committee.
7. That the President of the NLCS School Board did not appoint the Visionary Committee.
8. That the Visionary Committee met on eight (8) occasions at the same location.
9. That the NLCS School Board has not discussed the topics of the formation of the Visionary Committee, recommendations of the Visionary Committee or school consolidation in executive session.

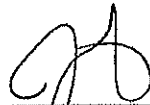
10. That any meetings of the NLCS School Board, where the topic of the Visionary Committee and plans for school consolidation were discussed, were held in meetings open to the public in compliance with the Open Door law.

11. That all information presented to the Visionary Committee and any recommendations made as a result of the Visionary Committee have been presented to the NLCS School Board in open public meetings.

Further the affiant saith not.

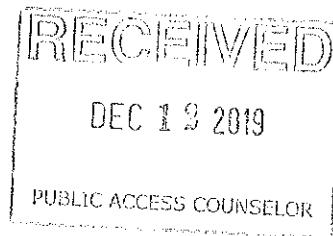
  
Dr. Thomas T. Mungle

Subscribed and sworn to before me, a Notary Public, this 11<sup>th</sup> day of December, 2019.

  
James G. Pittman Notary Public  
Residing in Lawrence County, IN

My Commission Expires:

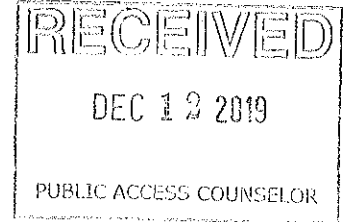
July 21, 2022



COUNTY OF LAWRENCE )  
 ) SS:  
STATE OF INDIANA )

RE: Complaint Number 19-FC-127

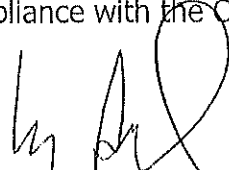
AFFIDAVIT OF THE SECRETARY  
OF NORTH LAWRENCE COMMUNITY SCHOOLS



LARRY ARNOLD, being first duly sworn upon his oath, states:

1. That I have personal knowledge of the facts set forth herein.
2. That at all times pertinent herein, I was the Secretary of the Board of Trustees for North Lawrence Community Schools (NLCS).
3. That the NLCS School Board gave notice to both the Times Mail Newspaper and WBIW/WQRK Radio Station (the only news media in the NLCS School District) of all NLCS School Board meetings held in 2019 pursuant to the Indiana Open Door Law, Indiana Code Section 14-5-1.5-5(b)(2).
4. That the NLCS School Board did not appoint the Visionary Committee.
5. That the President of the NLCS School Board did not appoint the Visionary Committee.
6. That the Visionary Committee was appointed by the NLCS Superintendent.
7. That the NLCS School Board has not discussed the topics of the formation of the Visionary Committee, recommendations of the Visionary Committee or school consolidation in executive session.
8. That any meetings of the NLCS School Board, where the topic of the Visionary Committee and plans for school consolidation were discussed, were held in meetings open to the public in compliance with the Open Door law.

Further the affiant saith not.

  
\_\_\_\_\_  
Larry Arnold

Subscribed and sworn to before me, a Notary Public, this 11th day of December, 2019.

*Jamie Norman*  
Jamie Norman, Notary Public  
Residing in Lawrence County, IN

My Commission Expires:

July 15, 2023

