

STATE OF INDIANA) IN THE LAWRENCE CIRCUIT COURT
) SS:
COUNTY OF LAWRENCE) CAUSE NO: 47C01-2001-PL-000126

NORTH LAWRENCE COMMUNITY)
SCHOOL CORPORATION,)

Petitioner,)

v.)

LUKE H. BRITT, INDIANA PUBLIC)
ACCESS COUNSELOR, and)
JASON E. JOHNSON,)

Respondents.)

ORDER GRANTING MOTION TO DISMISS

This matter is before the Court on Respondent's, Indiana Public Access Counselor's, Motion to Dismiss under 12(B)(6). The Court, having read the pleadings and the filings of the parties, and the relevant law, now finds, pursuant to Ind. Civ. Rule 12(B)(6) and Indiana Code § 4-21.5-5 that Petitioner's Petition should be dismissed as his claim is not permissible under Indiana Code § 4-21.5-5, otherwise known as the Administrative Orders and Procedure Act (AOPA).

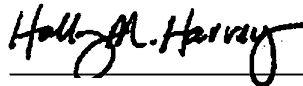
Under AOPA, for this Court to have jurisdiction, the order would have to be a "final agency action." Ind. Code 4-21.5-1-6. A "final agency action" under Ind. Code 4-21.5-1-6 means: (1) the entry of an order designated as a final order under this article; or (2) any other agency action that disposes of all issues in a proceeding for all parties after the exhaustion of all available administrative remedies concerning the action. The determination of the Indiana Public Access Counselor is not a final agency decision as

determined under AOPA, as it is merely an advisory opinion. An adequate remedy at law exists, namely a separate filing for declaratory judgment, which Petitioner has already filed in a separate case. See *North Lawrence Community School Corporation v. Jason E Johnson, Jerry Ford, Deanna Ford, et al.*, Case Number: 47C01-2001-PL-000135.

This Court does not possess jurisdiction over this judicial review as pled, and this matter should be dismissed under Indiana Rule 12(B)(6).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Public Access Counselor's Motion to Dismiss is hereby **GRANTED**.

SO ORDERED this 7th day of August 2020.



Special Judge
Lawrence Circuit Court

Distribution:

All Parties of Record.