

IN THE CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

No. 09-5731

JUN JUN -3 A 11: 22

DIVISION "-"

B-15

REV. ARTHUR WADSWORTH, REV. PATRICK KEEN, and ALEC SELICO-DUNN

vs.

ALGIERS CHARTER SCHOOLS ASSOCIATION, INC. (ACSA), AND THE MEMBERS OF THE BOARD OF THE
ACSA BOARD OF TRUSTEES, CHARLES RICE, ELSIE ROSE, GLENN ORGERON, CASSANDRA BOOKMAN,
STEPHANIE BRIDGES, MARK McNAMARA, and DONNA St. LOUIS,
INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITY

FILED: _____

DEPUTY CLERK

PETITION FOR WRIT OF MANDAMUS, INJUNCTIVE RELIEF, AND DECLARATORY JUDGMENT

NOW INTO COURT, through the undersigned counsel of record, comes Rev. Arthur Wadsworth, Rev. Patrick Keen, and Alec Selico-Dunn, on behalf of themselves and those similarly situated, and file this Petition for Mandamus, Injunctive Relief, and Declaratory Judgment against Defendant the Algiers Charter Schools Association (ACSA), and its Board of Trustees, individually and in their official capacity, Charles Rice, Esq. (President), Elsie Rose (Vice President), Glenn Orgeron, Cassandra Bookman, Stephanie Bridges, Mark McNamara, and Donna St. Louis. Petitions claim as follows:

I.

Introductory Statement

1. The Open Meetings Law was enacted to insure "that public business be performed in an open and public manner and that citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy."
2. There can be no more important an arena for civic participation and transparent governance than in our public schools and their administration. Thus, it is imperative that school systems and the boards governing schools be as accessible to the public and, especially parents, to ensure the "double-edged sword" of accountability, i.e., by school administrators and by parents.
3. It is because of these mandates – in Louisiana that public bodies perform their business in an open and public manner, and that parents and the community be engaged and

accountable for the education of our youth – that the actions of the Algiers Charters School Board, as charged below, are so troubling and damaging.

II.
Parties

4. Rev. Arthur Wadsworth is a New Orleans resident and public education advocate.

5. Rev. Patrick Keen is a New Orleans resident, public education advocate, and grandparent/guardian of a student attending an Algiers Charter School.

6. Alec Selico-Dunn is a New Orleans resident, business owner, and public education advocate.

7. Defendant in this matter is the Algiers Charter School Association, a non-profit corporation authorized to do business in the State of Louisiana, and specifically mandated by statute to comply with the Louisiana Public Meetings Law.

8. Defendants in this matter, individually and in their official capacity as members of the Board of Trustees of the Algiers Charter School Association, Inc., are Charles Rice, Elsie Rose, Glenn Orgeron, Cassandra Bookman, Stephanie Bridges, Mark McNamara, and Donna St. Louis.

III.
Jurisdiction and Venue

9. Venue and subject matter jurisdiction in this Court are proper as all individual parties are residents of Orleans Parish, and the registered office for the Algiers Charter Schools Association is in Orleans Parish.

IV.
Facts Giving Rise to Violation of Louisiana Law

10. On May 19, 2009, the Algiers Charter School Association and its Board of Trustees, in their official capacity, convened a meeting of ACSA purportedly to “gain public input” about the selection of a new chief executive officer for ACSA.

11. At this May 19, 2009, ACSA meeting, Andrea Thomas-Reynolds of New Jersey was interviewed by ACSA and its members individually and in their official capacities as members of the ACSA Board of Trustees, for the position of chief executive officer.

12. On May 21, 2009, the Algiers Charter Schools Association and its Board of Trustees, in their official capacity, convened a meeting of ACSA purportedly to “gain public input” about the selection of a new chief executive officer for ACSA.

13. At this May 21, 2009, ACSA meeting, David Linzewy of Huntington Beach, California was interviewed by ACSA and its members individually and in their official capacities as members of the ACSA Board of Trustees, for the position of chief executive officer.

14. A quorum, or a majority of the seven members of ACSA, was present at each of these meetings.

15. ACSA and its Board of Trustees, individually and acting in their official capacities, held this public meeting by invitation only, contacting only certain individuals to let them know when the meeting would be held.

16. ACSA did not post notice of this meeting, anywhere – not on its website, not on the door of its principal place of business, not in any bulletins.

17. The Louisiana Open Meetings Law grants the public the right to attend and record the deliberations of public bodies including school boards.

18. All charter school boards are subject to the Louisiana Open Meetings Law, including the Algiers Charter Schools Association.

19. On May 19, 2009 and again on May 21, 2009, ACSA convened a majority of its total membership to deliberate, act, or receive information of a matter over which ACSA has supervision, control, jurisdiction, or advisory power, specifically, the selection of the ACSA chief executive officer.

20. On information and belief, ACSA will vote on its selection of its next chief executive officer, based upon its deliberations, acts, or receipt of information from these May 18, 2009 and May 20, 2009 meetings.

21. ACSA and the members of its Board of Trustees, acting individually and in their official capacities, violated the Louisiana Open Meetings Law, 42:4.1 et seq. by convening a public meeting without notice to the public and as a quorum deliberating, acting, and/or receiving

information on a matter over which ACSA has supervision, control, jurisdiction, or advisory power, without notice to the public as prescribed by law.

V.
Prayer for Relief

22. Wherefore, Petitioners pray that after all legal delays and due proceedings be had:

- a. The Court issue an immediate temporary restraining order under CCP Article 3601 directing defendants to immediately cease and desist from taking any further actions concerning the selection of a chief executive officer for ACSA until such time as legally convened public meetings are noticed to gain the public input defendants acknowledge is required by law.
- b. The Court mandate the Board of Trustees of Algiers Charter Schools Association convene no less than two public meetings, properly noticed pursuant to the Louisiana Open Meetings Law, to ensure ACSA gain public input for the selection of its chief executive officer.
- c. The Court issue Declaratory Judgment under CCP Article 1871 that the Louisiana Open Meetings Law has been violation and, (1) issue declaratory judgment that the above described meetings were convened in violation of the Louisiana Open Meetings Law and any actions taken as a result of these meetings, including receipt of information, is illegal and void; and (2) issue declaratory judgment that Defendants are prohibited from moving forward with any actions associated with the above-described meetings.
- d. Award attorneys fees to Petitioners and other costs of litigation.
- e. Petitioners request all other relief that is just and appropriate in law and/or equity.

Dated: June 2, 2009.

Respectfully submitted:

LOUISIANA JUSTICE INSTITUTE



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STATE OF LOUISIANA

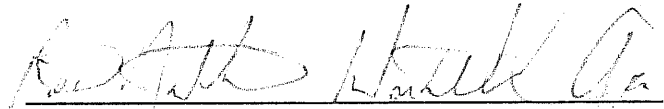
PARISH OF ORLEANS

VERIFICATION


BEFORE ME, the undersigned Notary Public in and for the parish aforesaid, did personally come and appear the undersigned, who after being duly sworn, did depose and state:

The undersigned swears the facts in this petition are true and accurate to the best of my knowledge. My counsel contacted the Attorney for Algiers Charter Schools Association to let them know this pleading was coming.

New Orleans, Louisiana this 2 day of June, 2009.



Name



Notary Public

TONYA S. JOHNSON
NOTARY PUBLIC
State of Louisiana
My Commission Is Issued For Life

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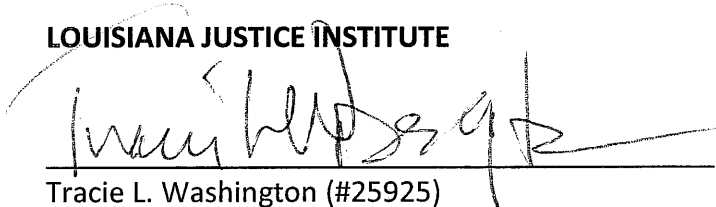
PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF

NOW INTO COURT, through the undersigned counsel of record, comes Rev. Arthur Wadsworth, Rev. Patrick Keen, and Alec Selico-Dunn, who respectfully request this court order a temporary restraining order, and after a full hearing in this matter, a preliminary injunction and a permanent injunction directing defendants immediately cease and desist from taking any further actions concerning the selection of a chief executive officer for ACSA until such time as legally convened public meetings are noticed to gain the public input defendants acknowledge is required by law.

Dated: June 2, 2009.

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