

Case No. \_\_\_\_\_

---

**Supreme Court  
of the State of Ohio**

---

STATE OF OHIO *ex rel.* DIANE HUGHES,

Relator,

v.

BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT,

and

ADAM ZINK, Treasurer.  
Lakota Local School District,

Respondents.

---

*Original Action in Mandamus*

---

VERIFIED COMPLAINT FOR WRIT OF MANDAMUS

---

**Curt C. Hartman (0064242)**  
THE LAW FIRM OF CURT C. HARTMAN  
7394 Ridgpoint Drive, Suite 8  
Cincinnati, Ohio 45230  
(513) 379-2923  
*hartmanlawfirm@fuse.net*

*Counsel for Relator*

**Brodi J. Conover (0092082)**  
BRICKER & ECKLER LLP  
2 East Mulberry Street  
Lebanon, Ohio 45036  
(513) 870-8220  
*bconover@bricker.com*

*Counsel for Respondents Board of Education of  
the Lakota Local School District and Adam Zink*



1. This is an action for a writ of mandamus pursuant to the Public Records Act, R.C. 149.43, to compel Respondents BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and ADAM ZINK to comply fully with their legal obligations under the Public Records Act.

2. This Court possesses subject matter jurisdiction over this original action pursuant to Article IV, Section 2 of the Ohio Constitution.

3. Relator DIANE HUGHES is a resident and taxpayer of the State of Ohio and of the Lakota Local School District, located in Butler County, Ohio.

4. Respondent BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT is the governing body for the Lakota Local School District and, pursuant to Section 3313.17 of the Ohio Revised Code, is a body politic and corporate capable of suing and being sued. The BOARD OF EDUCATION is the public office whose public record is at issue herein.

5. Respondent ADAM ZINK is the Treasurer of the Lakota Local School District and, in that capacity, is a person responsible for the public record at issue herein.

\* \* \* \* \*

6. On August 22, 2022, the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT received a written complaint from a resident and taxpayer of the school district concerning alleged conduct of the school district's superintendent.

7. On September 12, 2022, the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held a regular meeting.

8. At the beginning of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022, the members of the BOARD OF EDUCATION convened in an executive session for over 90 minutes under the

claimed auspices or authority “to consider the employment of a public employee, and to conference with legal counsel concerning disputes that are the subject of pending or imminent court action.” Based upon information and belief, discussions in the executive session involved or included the complaint concerning the school district’s superintendent received on August 22, 2022.

9. During the course of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT held on September 12, 2022, Lynda O’Connor (the president of the BOARD OF EDUCATION) made the following public statement “from the Board” regarding the complaint concerning the school district’s superintendent:

I have a statement from the Board that I’d like to share.

On August 22, 2022, the Board of Education received a complaint from a member of the community regarding Superintendent Matt Miller. The materials submitted to the Board did not contain any direct evidence of misconduct or that Mr. Miller presented a threat to students or to staff. Moreover, the complaint stated that this issue had already been submitted to law enforcement.

Because there were no credible allegations against Mr. Miller, the Board waited for law enforcement to complete their investigation. On Friday, September 9, at the end of the workday, the Board of Education received notice that the Butler County Sheriff’s Office completed an investigation regarding the superintendent. The Sheriff’s Office determined that there was no probable cause to initiative criminal charges.

To date, the Board has not received any credible evidence of wrongdoing. However, in order to execute due diligence and with the support of the superintendent, a neutral party with no ties to Lakota has begun a review of the facts to confirm that the superintendent is not a threat to students or to staff.

The Board will make no additional comments regarding the complaint until after the investigation is concluded.

10. The foregoing statement by Lynda O’Connor is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on

YouTube at <https://www.youtube.com/watch?v=0QldGvgIIGc>, from approximately 2:24:40 to 2:26:04 of the recording.

11. After she made the statement set forth in paragraph 9, *supra*, and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Lynda O'Connor explicitly and publicly inquired of Isaac Adi, another member of the BOARD OF EDUCATION, whether he supported the statement she had just made, *i.e.*, the statement set forth in paragraph 9, *supra*.

12. In response to the explicit inquiry from Lynda O'Connor and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Isaac Adi publicly declared or indicated his support of the statement Lynda O'Connor had just made, *i.e.*, the public statement set forth in paragraph 9, *supra*.

13. The foregoing exchange between by Lynda O'Connor and Isaac Adi, as well as comments by Isaac Adi in response to the inquiry, is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIGc>, from approximately 2:26:25 to 2:27:41 of the recording.

14. After she made the statement set forth in paragraph 9, *supra*, and after obtaining the public approbation of Issac Adi to the statement, and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Lynda O'Connor then explicitly and publicly inquired of Kelley Casper, another member of the BOARD OF EDUCATION, whether Ms. Casper supported the statement that she had just made, *i.e.*, the statement set forth in paragraph 9, *supra*.

15. In response to the explicit inquiry from Lynda O'Connor and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Kelley Casper publicly declared or indicated her support of the statement Lynda O'Connor had just made, *i.e.*, the public statement set forth in paragraph 9, *supra*, including explicitly declaring "I support what we have done."

16. The foregoing exchange between by Lynda O'Connor and Kelley Casper is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIgc>, from approximately 2:27:41 to 2:27:52 of the recording.

17. After she made the statement set forth in paragraph 9, *supra*, and after obtaining the approbation of Issac Adi and Kelley Casper to the statement, and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Lynda O'Connor then explicitly and publicly inquired of Julie Shaffer, another member of the BOARD OF EDUCATION, whether Ms. Shaffer supported the statement that she had just made, *i.e.*, the statement set forth in paragraph 9, *supra*.

18. In response to the explicit inquiry from Lynda O'Connor and as part of the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT on September 12, 2022, Julie Shaffer publicly declared or indicated her support of the statement Lynda O'Connor had just made, *i.e.*, the public statement set forth in paragraph 9, *supra*, including explicitly declaring "I support the statement."

19. The foregoing exchange between by Lynda O'Connor and Julie Shaffer is available on the audiovisual recording of the meeting published or disseminated by the Lakota Local

School District on YouTube at <https://www.youtube.com/watch?v=0QldGvgIIgc>, from approximately 2:27:52 to 2:28:09 of the recording.

20. After she made the statement set forth in paragraph 9, *supra*, and after obtaining the approbation of Issac Adi, Kelley Casper, and Julie Shaffter to the statement, Lynda O'Connor did not make any inquiry of the fifth member of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, Darbi Boddy, whether Ms. Boddy supported the statement that she had just made, *i.e.*, the statement set forth in paragraph 9, *supra*.

\* \* \* \* \*

21. On September 19, 2022, at 9:07 *a.m.*, undersigned counsel, on behalf of DIANE HUGHES, tendered a *Public Record Request Email* to ADAM ZINK, with a copy to legal counsel for the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT, specifically requesting to inspect (not to obtain a copy of) “the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to [the] Superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.”

22. A true and accurate copy of the *Public Record Request Email* is attached hereto as *Exhibit A*.

23. In response to the *Public Record Request Email*, undersigned counsel received on September 19, 2022, at 9:07 *a.m.*, an *Automatic Reply Email* from ADAM ZINK indicating that Mr. ZINK was out of the office for the week but he provided alternative contacts for urgent matters.

24. A true and accurate copy of the *Automatic Reply Email* is attached hereto as *Exhibit B*.

25. Consistent with ADAM ZINK identifying alternative contacts in the *Automatic Reply Email*, undersigned counsel, on behalf of DIANE HUGHES, forwarded the *Public Record Request Email* to one of the contacts indicated by ADAM ZINK, viz., Meghan Livermore, via the *Forwarded Public Record Request Email* which was sent on September 19, 2022, at 9:20 a.m.,

26. A true and accurate copy of the *Forwarded Public Record Request Email* is attached hereto as *Exhibit C*.

27. By 9:36 a.m., on September 19, 2022, counsel for the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT had confirmed receipt of *Public Record Request Email* that sought the inspection (not a copy) of a single public record, i.e., the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to the district's superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.

28. Several days, if not weeks, before the tendering of the *Public Record Request Email* on September 19, 2022, ADAM ZINK and/or the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and/or legal counsel for the BOARD OF EDUCATION had received other public records requests specifically seeking copies of the complaint received by the BOARD OF EDUCATION on August 22, 2022, concerning the district's superintendent, i.e., seeking the same record sought by the *Public Record Request Email*.

29. Based upon information and belief, the number of other public records requests specifically received, prior to receiving the *Public Record Request Email*, by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and/or ADAM ZINK and/or



legal counsel for the BOARD OF EDUCATION that also sought copies of the complaint received by the BOARD OF EDUCATION on August 22, 2022, is in the order of magnitude of 20 to 30 such requests.

30. Thus, in light of having received other public record requests days, if not weeks, before receiving the *Public Record Request Email*, ADAM ZINK and/or the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and/or legal counsel for the BOARD OF EDUCATION had sufficient time and opportunity in advance of the *Public Record Request Email* to assess the single public record sought, *i.e.*, the complaint concerning the district's superintendent received by the BOARD OF EDUCATION on August 22, 2022, and couch the response thereto or make any needed redactions.

31. At approximately 1:30 *p.m.*, on September 19, 2022, undersigned counsel, on behalf of DIANE HUGHES, presented himself at the District Office of the Lakota Local School District in Butler County to inspect the single public record identified in the *Public Record Request Email* at 9:06 *a.m.* that same day, *i.e.*, the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to the district's superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.

32. While at the District Office of the Lakota Local School District on September 19, 2022, undersigned counsel was met by Darian Ascoli who identified himself as the Assistant Treasurer for the Lakota Local School District.

33. With respect to the effort of undersigned counsel, on behalf of DIANE HUGHES, to inspect the single public record identified in the *Public Record Request Email* while at the

District Office of the Lakota Local School District on September 19, 2022, Darian Ascoli indicated to undersigned counsel:

- a. that ADAM ZINK, the Treasurer of the Lakota Local School District, was “out of the country”;
- b. that ADAM ZINK, the Treasurer of the Lakota Local School District, was not able to be present as the custodian of the records;
- c. that, with ADAM ZINK being out of the country and not at the District Office, the Lakota School District and the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT were not able to release any public records, except those that ADAM ZINK could possibly approve the release of records if and when he had access to email in light of the fact that he was out of the country;
- d. that, because he was not the custodian of records, Darian Ascoli was unable to provide any public records to undersigned counsel.

34. With respect to the effort of undersigned counsel, on behalf of DIANE HUGHES, to inspect the single public record identified in the *Public Record Request Email* at the District Office of the Lakota Local School District on September 19, 2022, and based upon information and belief, Darian Ascoli feigned or indicated ignorance as to the public record that was being sought (even though the *Public Record Request Email* was transmitted earlier that morning to the Treasurer’s Office through the *Forwarded Public Record Request Email* sent to Meghan Livermore who, the website of the Lakota Local School District indicates, is the Administrative Assistant to the Treasurer). Instead, Darian Ascoli claimed that, regardless of whatever public record was being sought, he would not be able to provide any record because he was not the custodian of the record.

35. Based upon information and belief, when undersigned counsel, on behalf of DIANE HUGHES, was present at the District Office of the Lakota Local School District on September 19, 2022, to inspect the record sought via the *Public Record Request Email*, Darian Ascoli knew and was well aware of the specific record that was being sought.

36. Ultimately, when undersigned counsel was present at the District Office of the Lakota Local School District on September 19, 2022, undersigned counsel, on behalf of DIANE HUGHES, was denied the inspection of the single public record sought via the *Public Record Request Email*, i.e., the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to the district's superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.

37. When undersigned counsel, on behalf of DIANE HUGHES, was present at the District Office of the Lakota Local School District on September 19, 2022, and was denied the inspection of the single public record sought via the *Public Record Request Email*, Darian Ascoli (or any other person on behalf of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and/or ADAM ZINK) failed to provide an explanation, including legal authority, setting forth why the request was denied in violation of the requirements of R.C. 121.22(B)(3) and further doing so in writing as the *Public Record Request Email* itself was in writing.

38. When undersigned counsel was present at the District Office of the Lakota Local School District on September 19, 2022, undersigned counsel verbally requested of Darian Ascoli to inspect, at that moment, a public record different than the one sought in the *Public Record Request Email*.

39. Even though Darian Ascoli had previously declared to undersigned counsel on September 19, 2022, that he was unable to provide any public records to undersigned counsel because he was not the custodian of records, *see paragraph 33d, supra*, Darian Ascoli readily produced and allowed the inspection of this other requested public record, *see paragraph 38, supra*, and, in fact, provided a copy of that public record to undersigned counsel.

40. Thus, the contentions and propositions posited by Darian Ascoli on behalf of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and/or ADAM ZINK as to why inspection of the single record sought via the *Public Record Request Email* would not be allowed when undersigned counsel sought to inspect the single record, *see paragraphs 33 to 33(d)*, were false and were deliberately designed and calculated to delay the ultimate inspection of the complaint filed with the BOARD OF EDUCATION and to otherwise frustrate the distribution of the public record (and the information contained therein).

41. On September 19, 2022, at 8:49 *p.m.*, *i.e.*, several hours after undersigned counsel, on behalf of DIANE HUGHES, was present at the District Office of the Lakota Local School District on September 19, 2022, to inspect the single public record sought via the *Public Record Request Email* and was denied the inspection of that single public record, counsel for the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT transmitted a belated *Rejection Email* to undersigned counsel indicating that “all responsive public records” would be produced but only after “the completion of the related investigation”. Counsel further indicated or made clear that, at that time, the BOARD OF EDUCATION and ADAM ZINK would not be producing the single public record sought in the *Public Record Request Email* (for inspection or copying) based upon the contention that such records “at this point” are “not...public records.”

42. A true and accurate copy of the *Rejection Email* is attached hereto as *Exhibit D*.

43. Thus, to date and in violation of the Public Records Act, the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and ADAM ZINK have failed to allow the inspection or copying of the single public record sought via the *Public Record Request Email*, *i.e.*, the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to the district's superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.

\* \* \* \* \*

44. The singular public record sought by the *Public Record Request Email* to ADAM ZINK, *i.e.*, the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to the district's superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022, is both a "record" as defined in R.C. 149.011(G) and a "public record" as defined in R.C. 149.43(A)(1), as, *inter alia*, such record is being kept or maintained by the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and ADAM ZINK, and that requested record, *i.e.*, the complaint concerning the district's superintendent, was already, *inter alia*:

- a. reviewed, assessed, considered, and/or relied upon by the BOARD OF EDUCATION, including a majority of its members, for the drafting and ultimate issuance of the public statement "from the Board" as read by Lynda O'Connor (the president of the BOARD OF EDUCATION) at the regular meeting of the BOARD OF EDUCATION on September 12, 2022. *See paragraph 9, supra.*

- b. reviewed, assessed, considered, and/or relied upon by the BOARD OF EDUCATION by which, as pronounced by Lynda O'Connor during the regular meeting of the BOARD OF EDUCATION on September 12, 2022, the conclusion was reached by the BOARD OF EDUCATION that "there were no credible allegations" against the district's superintendent. *See paragraph 9, supra.*
- c. reviewed, assessed, considered, and/or relied upon by the BOARD OF EDUCATION by which, as pronounced by Lynda O'Connor during the regular meeting of the BOARD OF EDUCATION on September 12, 2022, the determination was made by the BOARD OF EDUCATION to "wait[] for law enforcement to complete their investigation". *See paragraph 9, supra.*
- d. reviewed, assessed, considered, and/or relied upon by the BOARD OF EDUCATION by which, as pronounced by Lynda O'Connor during the regular meeting of the BOARD OF EDUCATION on September 12, 2022, the decision was made by the BOARD OF EDUCATION to engage the services of "a neutral party with no ties to Lakota [to begin] a review of the facts to confirm that the superintendent is not a threat to students or to staff". *See paragraph 9, supra.*
- e. reviewed, assessed, considered, and/or relied upon by the BOARD OF EDUCATION and Kelley Casper, in particular, as Kelley Casper acknowledged and declared during the regular meeting of the BOARD OF EDUCATION on September 12, 2022, that she "support[ed] what we have done" – "we" being the BOARD OF EDUCATION and the record served as support for whatever the BOARD OF EDUCATION had done to date. *See paragraph 14, supra.*

45. “Public records are one portal through which the people observe their government, ensuring its accountability, integrity, and equity while minimizing sovereign mischief and malfeasance.” *Kish v. Akron*, 109 Ohio St.3d 162, 846 N.E.2d 811, 2006-Ohio-1244 ¶16.

46. In fact, “the essential purpose of Ohio’s Public Records Act [is] that the public be informed and be able to scrutinize and monitor the government’s work and decisions.” *State ex rel. Data Trace Info. Servs., L.L.C. v. Cuyahoga County Fiscal Officer*, 131 Ohio St. 3d 255, 963 N.E.2d 1288, 2012-Ohio-753 ¶41.

47. And. “[t]he rule in Ohio is that public records are the people’s records, and that the officials in whose custody they happen to be are merely trustees for the people; therefore anyone may inspect such records at any time, subject only to the limitation that such inspection does not endanger the safety of the record, or unreasonably interfere with the discharge of the duties of the officer having custody of the same.” *Dayton Newspapers, Inc. v. Dayton*, 45 Ohio St.2d 107, 109, 341 N.E.2d 576 (1976).

48. Notwithstanding the belated claim on behalf of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and ADAM ZINK that, “at this point”, the singular public record sought by the *Public Record Request Email* is not a “record” or “public record”, *see paragraph 41, supra, & Exhibit D*, the the complaint filed with or received with the Board of Education on August 22 with respect to the district’s superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022, is a “record” and “public record” as defined in R.C. 149.011(G) and R.C. 149.43(A)(1).

49. Under R.C. 149.011(G), a “record” “includes any document, device, or item, regardless of physical form or characteristic, including an electronic record as defined in section

1306.01 of the Revised Code, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.”

50. “As [courts] interpret the definition of ‘record’...[courts] must be mindful of the vitality of public-document law...and construe the statute liberally to effectuate broad access to records.” *Kish v. City of Akron*, 109 Ohio St. 3d 162, 846 N.E.2d 811, 2006-Ohio-1244 ¶19.

51. Furthermore, the Ohio Supreme Court has “held that the General Assembly’s use of ‘includes’ in R.C. 149.011(G) as a preface to the definition of ‘records’ is an indication of expansion rather than constriction, restriction, or limitation.” *Kish v. City of Akron*, 109 Ohio St. 3d 162, 846 N.E.2d 811, 2006-Ohio-1244 ¶20; *accord State ex rel. Cincinnati Post v. Schweikert*, 38 Ohio St.3d 170, 172, 527 N.E.2d 1230 (1988)(“[i]n R.C. 149.011(G), the General Assembly prefaces its definition of ‘records’ with the term ‘includes,’ a term of expansion, not one of limitation or restriction”).

52. In fact, “any record that a government actor uses to document the organization, policies, functions, decisions, procedures, operations, or other activities of a public office can be classified reasonably as a record. So can any material upon which a public office could rely in such determinations.” *Kish v. City of Akron*, 109 Ohio St. 3d 162, 846 N.E.2d 811, 2006-Ohio-1244 ¶20 (emphasis added).

53. Thus, “[t]here can be no dispute that there is great breadth in the definition of ‘records’ for purposes here.” *Kish v. City of Akron*, 109 Ohio St. 3d 162, 846 N.E.2d 811, 2006-Ohio-1244 ¶20.

54. And as admitted and acknowledged in the statement read “from the Board” by Lynda O’Connor at the regular meeting of the BOARD OF EDUCATION OF THE LAKOTA



LOCAL SCHOOL DISTRICT held on September 12, 2022, *see paragraph 9, supra*, together with the support and verbal ratification by a majority of the other members of the BOARD OF EDUCATION and their associated comments, *see paragraphs 11-19, supra*, the BOARD OF EDUCATION and the Lakota Local School District, as well as officials thereof, have reviewed, assessed, considered, and/or relied upon the single public record sought via the *Public Record Request Email*, *see paragraphs 44-44e, supra*, in undertaking and performing the functions, policies, decisions, procedures, operations, or other activities of the BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and the Lakota Local School District. Thus, single public record sought via the *Public Record Request Email* is a public record the inspection or copying of which is required under the Public Records Act.

**Issuance of a Writ of Mandamus, Together With  
an Award of Statutory Damages, Attorney Fees and Costs Is Warranted**

55. Pursuant to the Public Records Act, a person allegedly aggrieved by the failure of a public office or person responsible for public records to comply with an obligation under the Public Records Act is empowered and authorized to commence a mandamus action to obtain a judgment that orders the public office or person responsible for the public record to comply with their legal duties and obligations.

56. The BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT and ADAM ZINK have a clear legal duty under the Public Records Act to allow for the prompt inspection of public records, in general, and, in particular, the single public record sought via the *Public Record Request Email*.

57. Having tendered through counsel a request specifically identifying the single public record for which inspection was sought, Relator DIANE HUGHES has a clear legal right under

the Public Records Act for her or her agent/designee to inspect public records, in general, and, in particular, to inspect the single public record sought via the *Public Record Request Email*.

58. Relator DIANE HUGHES need not demonstrate or allege the lack of an adequate remedy at law in order to be entitled to the issuance of a writ of mandamus pursuant to the Public Records Act. *State ex rel. Findlay Pub. Co. v. Schroeder*, 76 Ohio St. 3d 580, 582 (1996); *Gaydosh v. Twinsburg*, 93 Ohio St.3d 576, 580, 757 N.E.2d 357 (2001).

59. Additionally, the public interest will be advanced and a sufficient public benefit exists through issuance of a writ of mandamus as doing so will, *inter alia*: allow the Relator and the general public to know and appreciate the scope and extent of the complaint filed with BOARD OF EDUCATION OF THE LAKOTA LOCAL SCHOOL DISTRICT concerning the the district's superintendent, *i.e.*, the alleged conduct of a public official; allow the Relator and the general public to know and assess the bases underlying the various decisions and actions already undertaken by or on behalf of the BOARD OF EDUCATION as it relates to the complaint and the conduct of the district's superintendent alleged therein; and ensure compliance with clear precedent of the Ohio Supreme Court concerning public records.

WHEREFORE, the STATE OF OHIO, by and through Relator DIANE HUGHES, and, in support of its claim, hereby applies and request this Court to order the issuance of a peremptory writ of mandamus or, alternatively, an alternative writ of mandamus, compelling the Respondents to allow the inspection of the single public record sought in the *Public Record Request Email*, *viz.*, the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to the district's superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of

Education on September 12, 2022, together with an award of statutory damages, attorney fees and costs.

Respectfully submitted,

*/s/ Curt C. Hartman*

---

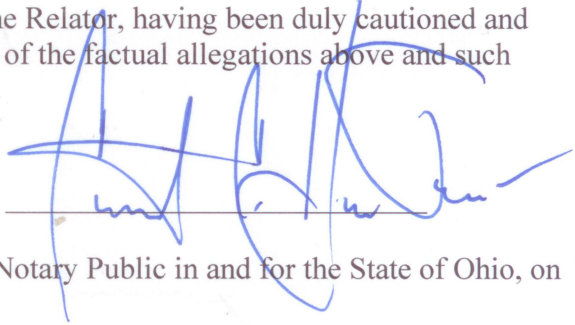
Curt C. Hartman  
THE LAW FIRM OF CURT C. HARTMAN  
7394 Ridgepoint Drive, Suite 8  
Cincinnati, Ohio 45230  
(513) 379-2923  
*hartmanlawfirm@fuse.net*

*Attorney for Relator Diane Hughes*

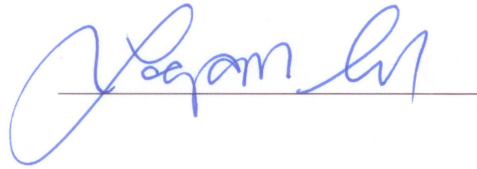
**VERIFICATION**

State of Ohio, County of Clermont ) ss:

Comes now, Curt C. Hartman, counsel for the Relator, having been duly cautioned and sworn, and declares that he has personal knowledge of the factual allegations above and such allegations are true and accurate.



Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, on this the 20th day of September 2022.



LOGAN ARD  
Notary Public, State of Ohio  
My Commission Expires  
September 30, 2023

**Lakota Schools - Public Records Request**

---

**From :** hartmanlawfirm@fuse.net

Mon, Sep 19, 2022 09:07 AM

**Subject :** Lakota Schools - Public Records Request

**To :** adam zink <adam.zink@lakotaonline.com>

**Cc :** Brodi Conover <BConover@bricker.com>

Mr. Zink -

Pursuant to the Public Records Request and on behalf of a client, I request the prompt inspection of the following public records from the Lakota School District

- the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to Superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.

Consistent with the provisions of the Open Meetings Act allowing for the prompt inspection of public records, I intend to present myself at the main office later today in order to inspect this specific record.

I thank you, in advance, for your attention to this request.

Sincerely,  
Curt Hartman

***The Law Firm of Curt C. Hartman***

7394 Ridgepoint Drive, Suite 8

Cincinnati, Ohio 45230

(513) 379-2923

---

**Exhibit A**

**Automatic reply: Lakota Schools - Public Records Request**

---

**From :** Adam Zink <adam.zink@lakotaonline.com>

Mon, Sep 19, 2022 09:07 AM

**Subject :** Automatic reply: Lakota Schools - Public Records Request

**To :** hartmanlawfirm@fuse.net

I will be out of the office until 9/26/2022

If you have an urgent matter, please reach out to [accountspayable@lakotaonline.com](mailto:accountspayable@lakotaonline.com) , [payroll@lakotaonline.com](mailto:payroll@lakotaonline.com) , or [meghan.livermore@lakotaonline.com](mailto:meghan.livermore@lakotaonline.com)

## **CONFIDENTIALITY/PRIVACY NOTICE:**

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information as defined by State and Federal laws. If you are not the intended recipient or an agent of the intended recipient, you are hereby notified that you received this message in error and any review, disclosure, copying, printing, distribution, dissemination, or the taking of any action in reliance on the contents of the information contained herein is strictly prohibited. If you received this e-mail message in error, please notify the sender by return e-mail, and immediately and permanently delete the original from your computer and destroy all copies of this communication. Thank you.

**PLEASE NOTE:** This e-mail message, and any response to it, may be archived for later retrieval and is subject to retention, disclosure, and disposal in accordance with Board Policy and State law.

**[Lakota Local Schools](#)**

---

---

**Fwd: Lakota Schools - Public Records Request**

---

**From :** hartmanlawfirm@fuse.net  
**Subject :** Fwd: Lakota Schools - Public Records Request  
**To :** meghan livermore  
<meghan.livermore@lakotaonline.com>  
**Cc :** Brodi Conover <BConover@bricker.com>

Mon, Sep 19, 2022 09:20 AM

Ms. Livermore -

As an auto-reply from Mr. Zink indicates he is out of the office for this week, I am forwarding this public records request to you for immediate action.

Sincerely,  
Curt Hartman

***The Law Firm of Curt C. Hartman***  
7394 Ridgepoint Drive, Suite 8  
Cincinnati, Ohio 45230  
(513) 379-2923

---

**From:** "hartmanlawfirm" <hartmanlawfirm@fuse.net>  
**To:** "adam zink" <adam.zink@lakotaonline.com>  
**Cc:** "Brodi Conover" <BConover@bricker.com>  
**Sent:** Monday, September 19, 2022 9:07:03 AM  
**Subject:** Lakota Schools - Public Records Request

Mr. Zink -

Pursuant to the Public Records Request and on behalf of a client, I request the prompt inspection of the following public records from the Lakota School District

- the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to Superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.

Consistent with the provisions of the Open Meetings Act allowing for the prompt inspection of public records, I intend to present myself at the main office later today in order to inspect this specific record.

I thank you, in advance, for your attention to this request.

Sincerely,  
Curt Hartman

***The Law Firm of Curt C. Hartman***  
7394 Ridgepoint Drive, Suite 8

**Exhibit C**



Cincinnati, Ohio 45230  
(513) 379-2923

---

---

**RE: Lakota Schools - Public Records Request**

---

**From :** Conover, Brodi <BConover@bricker.com> Mon, Sep 19, 2022 08:49 PM  
**Subject :** RE: Lakota Schools - Public Records Request  
**To :** hartmanlawfirm@fuse.net  
**Cc :** publicrecordsrequest  
<publicrecordsrequests@lakotaonline.com>, 'Adam Zink'  
<adam.zink@lakotaonline.com>, W. Joseph Scholler  
<JScholler@fbtlaw.com>, Alexander L. Ewing  
<AEwing@fbtlaw.com>

Curt –

To follow up on your request to inspect records submitted this morning, the Board of Education will produce all responsive public records following the completion of the related investigation. The Board is not producing the requested documents because they are not, at this point, public records. Ohio Rev. Code 149.011(G); *Bollinger v. River Valley Local School Dist.*, Ct. of Cl. No. 2020-00368PQ, 2020-Ohio-6337.

Thanks,  
Brodi

**Brodi J. Conover**

Associate

[bconover@bricker.com](mailto:bconover@bricker.com)

t: 513.870.6693

---

**From:** Adam Zink <adam.zink@lakotaonline.com>

**Sent:** Monday, September 19, 2022 10:21 AM

**To:** hartmanlawfirm@fuse.net; publicrecordsrequest <publicrecordsrequests@lakotaonline.com>; W. Joseph Scholler <JScholler@fbtlaw.com>; Alexander L. Ewing <AEwing@fbtlaw.com>

**Subject:** Re: Lakota Schools - Public Records Request

**This message originated outside your organization.**

---

Curt,  
I am in the Canadian Rockies this week for family vacation, so will not be available for in person unfortunately.

I do apologize for this inconvenience.  
Adam

**Exhibit D**

Sent from my iPhone

On Sep 19, 2022, at 7:07 AM, [hartmanlawfirm@fuse.net](mailto:hartmanlawfirm@fuse.net) wrote:

[EXTERNAL SENDER] Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Mr. Zink -

Pursuant to the Public Records Request and on behalf of a client, I request the prompt inspection of the following public records from the Lakota School District

- the complaint, including attachment and exhibits thereto, filed with or received with the Board of Education on August 22 with respect to Superintendent and specifically referenced by Board President O'Connor at the meeting of the Board of Education on September 12, 2022.

Consistent with the provisions of the Open Meetings Act allowing for the prompt inspection of public records, I intend to present myself at the main office later today in order to inspect this specific record.

I thank you, in advance, for your attention to this request.

Sincerely,  
Curt Hartman

***The Law Firm of Curt C. Hartman***  
7394 Ridgepoint Drive, Suite 8  
Cincinnati, Ohio 45230  
(513) 379-2923

#### **CONFIDENTIALITY/PRIVACY NOTICE:**

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information as defined by State and Federal laws. If you are not the intended recipient or an agent of the intended recipient, you are hereby notified that you received this message in error and any review, disclosure, copying, printing, distribution, dissemination, or the taking of any action in reliance on the contents of the information contained herein is strictly prohibited. If you received this e-mail message in error, please notify the sender by return e-mail, and immediately and permanently delete the original from your computer and destroy all copies of this communication. Thank you.

**PLEASE NOTE:** This e-mail message, and any response to it, may be archived for later retrieval and is subject to retention, disclosure, and disposal in accordance with Board Policy and State law.

**[Lakota Local Schools](#)**

---