

IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO

BRIAN M. AMES
2632 Ranfield Rd, Mogadore, OH 44240

Plaintiff,

v.

MCDONALD LOCAL SCHOOL DISTRICT BOARD
OF EDUCATION
600 Iowa Ave, McDonald, OH 44437
C/O The Treasurer pursuant to R.C. 3313.34

Defendant

CASE NO.:

JUDGE:

COMPLAINT IN DECLARATORY
JUDGMENT AND INJUNCTION FOR
ENFORCEMENT OF R.C. 121.22

Jurisdiction

1. This Court has original jurisdiction over this action.

Venue

2. The activity that gave rise to these claims for relief was conducted in Trumbull County.
Therefore, venue is proper in Trumbull County pursuant to Civ.R. 3(C)(3).

Standing

3. Plaintiff Brian M. Ames ("Mr. Ames") has statutory standing under R.C. 121.22(I)(1) to bring this action.

No injury claimed

4. Mr. Ames claims no injury, neither an "errors and omissions injury" nor an "employment practices injury".

Parties

5. Mr. Ames is a citizen and taxpayer who resides in Randolph Township, Portage County, Ohio.
6. Defendant McDonald Local School District Board of Education (the "Board") is the board

of trustees consisting of five members established by R.C. Section 505.01 for McDonald Local School District (the “District”).

Statement of Facts

7. The Board is currently comprised of five members: Donna M. Shields, Jessica L. Krumpak, Nicholas A. Gallo, Kristina L. Merola, and Michael Morris.
8. During the period of time relevant to this Complaint, the Board was comprised of five members: Donna M. Shields, Jessica L. Krumpak, Nicholas A. Gallo, Kristina L. Merola, and Michael Morris.
9. The District is a member of Ohio School Plan (“OSP”).
10. During the period of time relevant to this Complaint, the District’s liability coverage was provided under OSP policy number 40000485PKEOHP03.
11. The Treasurer is a public office or person responsible for the public records of McDonald Local School District.
12. R.C. 121.22, the Open Meetings Act, applies to the conduct of all the official business of the Board.
13. The District has a website on the internet at URL <http://www.mcdonald.k12.oh.us/>.
14. R.C. 121.22(F) requires each public body to establish a rule for notification of meetings:

Every public body, by rule, shall establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings. A public body shall not hold a special meeting unless it gives at least twenty-four hours' advance notice to the news media that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place, and purpose of the meeting.

The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may

include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

15. The members of a public body may hold an executive session only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session.
R.C. 121.22(G).
16. Members of a public body may adjourn into executive session only after a majority of a quorum of the public body approves the motion by a roll call vote.
17. The vote on the motion to hold an executive session may not be by a show of hands, and the public body should record the vote in its minutes.
18. A public body may hold an executive session only for one or more of the approved matters or purposes listed in R.C. 121.22(G) for which the executive session is to be held.
19. R.C. 121.22(G) imposes a duty on the public body to inform the public of the approved purpose(s) or matter(s) for which the executive session is to be held:

If a public body holds an executive session pursuant to division (G)(1) of this section, the motion and vote to hold that executive session shall state which one or more of the approved purposes listed in division (G)(1) of this section are the purposes for which the executive session is to be held, but need not include the name of any person to be considered at the meeting.

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (8) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

20. Before a public body may hold an executive session, it must state in a motion one or more of the approved matters or purposes listed in R.C. 121.22(G).
21. A public body must keep full and accurate minutes of its meetings. *White v. Clinton Cty. Bd. of Commrs.*, 76 Ohio St.3d 416, 420 (1996); *State ex rel. Patrick Bros. v. Putnam Cty.*

Bd. of Commrs., 3d Dist. Putnam No. 12-13-05, 2014-Ohio-2717; *State ex rel. Ames v. Portage Cty. Board of Commrs.*, 165 Ohio St.3d 292, 2021-Ohio-2374.

22. A public body's minutes are not required to be a verbatim transcript of the proceedings, but they must include enough facts and information to permit the public to understand and appreciate the rationale behind the public body's decisions.
23. The Supreme Court of Ohio held that minutes must include more than a record of roll call votes, and that minutes are inadequate when they contain inaccuracies that are not corrected. *White v. Clinton Cty. Bd. of Commrs.*, 76 Ohio St.3d 416, 419 (1996); *State ex rel. Long v. Cardington Village Council*, 92 Ohio St.3d 54,58 (2001).
24. A public body cannot rely on sources other than their approved minutes to argue that their minutes contain a full and accurate record of their proceedings. *State ex rel. Long v. Cardington Village Council*, 92 Ohio St.3d 54, 58 (2001); *State ex rel. Patrick Bros. v. Putnam Cty. Bd. of Commrs.*, 3d Dist. Putnam No. 12-13-05, 2014-Ohio-2717.
25. The Board's meeting minutes are a permanent record of its proceedings.

COUNT 1
Holding an Executive Session for an Unapproved Purpose

26. Plaintiff incorporates the above paragraphs as if fully rewritten herein.
27. In its meeting held on January 27, 2025, the Board held an executive session at 6:02pm "on items(s) A2".
28. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
29. In its meeting held on March 19, 2025, the Board held an executive session at 6:34pm "on items(s) A2 and D".
30. The matter stated as the purpose for said executive session is not specifically approved by

R.C. 121.22(G).

31. In its meeting held on April 16, 2025, the Board held an executive session at 6:49pm “on items(s) A2”.
32. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
33. In its meeting held on April 24, 2025, the Board held an executive session at 5:02pm “on items(s) A2”.
34. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
35. In its meeting held on April 28, 2025, the Board held an executive session at 6:02pm “on items(s) A2”.
36. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
37. In its meeting held on May 27, 2025, the Board held an executive session at 6:01pm “on items(s) A2”.
38. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
39. In its meeting held on May 27, 2025, the Board held an executive session at 7:11pm “on items(s) J”.
40. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
41. In its meeting held on June 25, 2025, the Board held an executive session at 7:09pm “on item(s) A1”.

42. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
43. In its meeting held on June 26, 2025, the Board held an executive session at 8:24pm “on items(s) A2”.
44. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
45. In its meeting held on September 17, 2025, the Board held an executive session at 6:19pm “on items(s) A2, and F”.
46. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
47. In its meeting held on February 18, 2026, the Board held an executive session at 6:49pm “on items(s) A2”.
48. The matter stated as the purpose for said executive session is not specifically approved by R.C. 121.22(G).
49. The Board has violated and threatens to continue violating R.C. 121.22 by holding executive sessions for matters not specifically excepted in R.C. 121.22(G).
50. All resolutions, rules, and formal actions adopted in an open meeting that result from deliberations in executive sessions held for a purpose not specifically authorized in R.C. 121.22(G) are invalid by the operation of R.C. 121.22(H).

COUNT 2

Failure to Establish a Rule for Notification of Meetings Compliant with R.C. 121.22(F)

51. Plaintiff incorporates the above paragraphs as if fully rewritten herein.
52. In its meeting held on January 8, 2025, the Board established its rule (the "2025 Rule") for providing notices of its meetings.

53. The 2025 Rule is silent as to any method or manner of notifying the general public of the time, place and purpose of special meetings.
54. The 2025 Rule does not provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.
55. In its meeting held on January 7, 2026, the Board established its rule (the "2026 Rule") for providing notices of its meetings.
56. The 2026 Rule is silent as to any method or manner of notifying the general public of the time, place and purpose of special meetings.
57. The 2026 Rule does not provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed.
58. The Board has violated and threatens to continue violating R.C. 121.22 by its failure to establish a rule for notification of meetings compliant with R.C. 121.22(F).

COUNT 3

Holding a Special Meeting without First Having Established a Rule for Notification of Meetings Compliant with R.C. 121.22(F)

59. Plaintiff incorporates the above paragraphs as if fully rewritten herein.
60. On January 27, 2025, the Board held a special meeting.
61. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
62. On February 4, 2025, the Board held a special meeting.
63. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).

64. On February 24, 2025, the Board held a special meeting.
65. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
66. On April 24, 2025, the Board held a special meeting.
67. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
68. On April 28, 2025, the Board held a special meeting.
69. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
70. On June 25, 2025, the Board held a special meeting.
71. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
72. On June 30, 2025, the Board held a special meeting.
73. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
74. On July 9, 2025, the Board held a special meeting.
75. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
76. On November 6, 2025, the Board held a special meeting.
77. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
78. On December 10, 2025, the Board held a special meeting.
79. At the time of said special meeting, the Board had not established a rule for notification of

meetings compliant with R.C. 121.22(F).

- 80. On December 17, 2025, the Board held a special meeting.
- 81. At the time of said special meeting, the Board had not established a rule for notification of meetings compliant with R.C. 121.22(F).
- 82. The Board has violated and threatens to continue violating R.C. 121.22 by holding special meetings without first having established a rule for notification of meetings compliant with R.C. 121.22(F).

COUNT 4
Failure to Keep Full and Accurate Minutes

- 83. Plaintiff incorporates the above paragraphs as if fully rewritten herein.
- 84. The Board's minutes do not include enough facts and information to permit the public to understand and appreciate the rationale behind its decisions.
- 85. The minutes for January 27, 2025 minutes do not include the discussions held in the executive session.
- 86. The minutes for March 19, 2025 minutes do not include the discussions held in the executive session.
- 87. The minutes for April 16, 2025 minutes do not include the discussions held in the executive session.
- 88. The minutes for April 24, 2025 minutes do not include the discussions held in the executive session.
- 89. The minutes for April 28, 2025 minutes do not include the discussions held in the executive session.
- 90. The minutes for May 27, 2025 minutes do not include the discussions held in the executive sessions.

91. The minutes for June 25, 2025 minutes do not include the discussions held in the executive session.
92. The minutes for June 26, 2025 minutes do not include the discussions held in the executive session.
93. The minutes for September 17, 2025 minutes do not include the discussions held in the executive session.
94. The minutes for February 18, 2026 minutes do not include the discussions held in the executive session.
95. The Board has violated and threatens to continue violating R.C. 121.22(C) by its failure to keep full and accurate minutes of its meetings.

Prayer for Relief

- (a) Issue a declaratory judgment finding that Defendant McDonald Local School District Board of Education has violated the provisions of R.C. 121.22.
- (b) For the violations set forth in Count 1, as mandated by R.C. 121.22(I)(1), issue a statutory injunction enjoining the McDonald Local School District Board of Education and its members from holding an executive session for a purpose not listed in R.C. 121.22(G).
- (c) For the violations set forth in Count 2, as mandated by R.C. 121.22(I)(1), issue a statutory injunction compelling the McDonald Local School District Board of Education and its members to establish a rule for notification of its meetings in compliance with R.C. 121.22(F).
- (d) For the violations set forth in Count 3, as mandated by R.C. 121.22(I)(1), issue a statutory injunction prohibiting the McDonald Local School District Board of Education and its members from holding a special meeting until it has established a rule for notification of its

meetings that fully complies with R.C. 121.22(F).

- (e) For the violations set forth in Count 4, as mandated by R.C. 121.22(I)(1), issue a statutory injunction enjoining the McDonald Local School District Board of Education and its members to maintain full and accurate minutes of all meetings.
- (f) Issue a mandatory injunction ordering the McDonald Local School District Board of Education to prepare full and accurate minutes of its meetings.
- (g) Order Defendant McDonald Local School District Board of Education to pay to Plaintiff a five hundred dollar civil forfeiture for each violation as mandated by R.C. 121.22(I)(2)(a).
- (h) Award to Plaintiff Brian M. Ames, under R.C. 121.22(I)(2)(a), all his court costs and any reasonable attorney fees he may incur.
- (i) Any other relief which this Court deems just and equitable.

Respectfully submitted,



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