

March 10, 2019

As a second term Woodford County Public Schools board member, I am saddened to submit the following complaint outlining numerous open meeting violations over the past year by our current board of education. Throughout my tenure, our district has demonstrated continuous progress in all areas making my service an extremely rewarding experience. The collaborative efforts of the Woodford County Board of Education have been paramount in the district's success. Sadly, over the past fifteen months, since January 2019, these collaborative efforts are no longer present. As a result of the board's division, ethical standards, district policies and state statutes are often violated.

Regrettably, the board's questionable actions are not isolated incidents, rather it has become a pattern of behavior impeding focus on the most important thing – our students. School districts thrive when a board conducts itself as a cohesive team in an atmosphere of mutual respect and trust. Unfortunately, a majority of the board is now privately having conversations and discussions to secure votes on important matters in advance of public meetings and/or individual board members are acting on behalf of the board without official authorization. I understand I am often in the minority, but my legal right to participate in the decision-making process can not be denied. This intentional exclusion continues to hinder my ability to fully represent my constituents.

My goal in submitting this complaint is to restore ethical governance and lawful decision making to the Woodford County Board of Education. I have shared my concerns on multiple occasions with the chair and in open meetings, yet changes have not occurred. Additionally, October 21, 2019, I made a motion requesting the Kentucky School Boards Association provide additional training on appropriate behavior during school board meetings and roles and responsibilities of school board members. Unfortunately, my motion died without a second. I have been left with no other alternative than lodging this formal complaint detailing the many open meeting violations that have occurred over the past year. The board's problematic behavior is vast and extends far beyond open meeting violations, but my priority at this time is to bring transparency and inclusion back to the board's operating procedures. A fair remedy has been provided with each complaint. I look forward to working with the board to determine a response within three business days. My hope is this complaint will yield a positive result; however, if violations are not acknowledged and remedies are rejected, I am prepared to appeal to the Attorney General.

Respectfully,

A handwritten signature in black ink, appearing to read 'Sherri Springate', with a large, stylized flourish extending to the right.

Sherri Springate

## Violation #1

**Complaint:** April 22, 2019, in an open board meeting, the Woodford County Board of Education named members to a steering committee for the purpose of designing a new Woodford County High School. People named to the committee included board members Dani Bradley and Debby Edelen, Chief Academic Officer Jimmy Brehm, student Ryan Alvey, Versailles Mayor Brian Traugott, Midway resident Brenda Richards, WCHS teachers Tracy Probst and Andy Smith, guidance counselor Kristen Wilson, and superintendent Scott Hawkins.

Immediately following the April 22, 2019 meeting, the board went into closed session for the purpose of discussing the superintendent's evaluation. While in the closed session, several board members expressed their displeasure with Mr. Hawkins being named to the steering committee. Immediately, I left the meeting knowing this item was illegal and did not meet the criteria for closed session. A few days after the board meeting, vice-chair Debby Edelen informed Superintendent Hawkins he was being removed from the steering committee. This action by Mrs. Edelen was not authorized by the board in an open meeting; therefore, it violated the Open Meetings Act.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and board policies in an open meeting. Since Superintendent Hawkins, the board's chief advisor, was illegally and intentionally removed from the steering committee without the authorization of the full board, I am requesting an investigation of the steering committee's work including, but not limited to, authorization of a 50 million schematic design, authorization of a separate website, appropriate public notification of meetings, and the omission of communication from key stakeholders to district staff and board members. The written report of investigative findings should be shared with the full board and public in an open board meeting.

**Sources:** *The Woodford Sun*, April 24, 2019  
April 22, 2019 board meeting agenda

## Violation #2

**Complaint:** A few days prior to the May 15, 2019 board meeting, Melody Hamilton, a Woodford County High School teacher, contacted board members and Superintendent Hawkins to seek information about addressing the board at an upcoming planning meeting. Both Superintendent Hawkins and I informed Mrs. Hamilton public comment was not listed on the current agenda for the May 15 meeting, but invited her to address the board at the regular meeting scheduled for the following Monday, May 20, when public comment would be part of the agenda.

Mrs. Hamilton was granted permission to address the board by board member Dani Bradley. Ten to fifteen minutes prior to the May 15, 2019 planning meeting, the board conducted an unannounced meeting by allowing Mrs. Hamilton to address the board regarding matters related to the construction of a new high school. After Mrs. Hamilton spoke, a short break ensued before the official May 15, 2019 planning meeting was called to order approximately 15 to 20 minutes later than the official start time. The meeting with Mrs. Hamilton was illegal and a clear violation of the Open Meetings Act.

A similar situation occurred at a special called meeting, August 12, 2019. However, the situation was handled differently. Chair Ambrose Wilson advised attendees no public comment would be permitted during the special called meeting. Mr. Wilson advised the audience public comment was allowed at the board's regular meeting Monday, August 26. The comment was captured in the August 14, 2019 edition of *The Woodford Sun*. Additionally, a recording of the August 12, 2019 meeting is available on the Woodford County Public Schools website.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and board policies in an open meeting and receive additional training on the Open Meetings Act.

**Sources:** *The Woodford Sun*, May 23, 2019  
May 15 Board Agenda  
*The Woodford Sun*, August 14, 2019  
August 26, 2019 video recording of board meeting



### Violation #3

**Complaint:** Special called board meetings were held the evenings of July 23-24, 2019, to train board members on their roles and responsibilities. Presenters were Amy Peabody and Debbie Wesslund of the Kentucky School Boards Association.

As the July 24 special meeting began, former chair, Ambrose Wilson IV requested the board authorize him to solicit potential attorneys to advise him in matters related to the superintendent. The vote was 4-1 with me being the only dissenting vote. This action item was not on the July 24 special meeting agenda; therefore, it constitutes a violation of the Open Meetings Act. Additionally, any changes to agendas for special called meetings must be made at least twenty-four hours prior to the special meeting and this clearly did not occur.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and board policies in a public meeting. Terminate the contract with attorney Joshua Salsburey and follow the board action approved July 22, 2019 granting Mr. Wilson and Mrs. Smith the authority to create a Request for Proposal for new legal representation.

**Source:** July 24, 2019 Board Meeting Agenda

### Violation #4

**Complaint:** The board interviewed Joshua Salsburey, August 6, 2019. Prior to his interview, Mr. Salsburey provided the board with a packet of information including a letter dated April 12, 2019 from him to Mr. Wilson. The letter began, "As requested, I am writing to provide some information about our law firm, Sturgill, Turner, Barker & Maloney, PLLC." I had no knowledge of the communication between Mr. Wilson and Joshua Salsburey until reading this letter.

The opening statement of Mr. Salsburey's letter was a clear indication Mr. Wilson had contacted attorney Salsburey at least four months prior to his August 6, 2019 interview. However, no board action was ever taken authorizing Mr. Wilson to seek outside counsel prior to April 12, 2019. This is a clear violation of the Open Meetings Act.

Additionally, Woodford County Board Policy 01.411 outlines the duties and responsibilities of the chairperson. Statement six in the policy states, "When outside agencies send communications and notifications only to the chairperson, s/he shall bring before the Board information intended for all Board members." Mr. Wilson's decision to withhold the communication from Joshua Salsburey from the full board violates WCPS board policy.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and board policies in an open meeting and receive additional training on roles and responsibilities of board members.

**Sources:** Letter dated April 12, 2019 from attorney Joshua Salsburey to Ambrose Wilson  
Woodford County Board Policy 01.411

### Violation #5

**Complaint:** After hiring Joshua Salsburey, the board accumulated \$11,773.80 in attorney fees from August 12, 2019 through November 30, 2019. During this period of time, forty-five separate communications occurred between board members and Mr. Salsburey. I was privy to only one of those conversations. The very night Mr. Salesbury was hired, August 12, 2019, he privately met with "some" board members. I was unaware of this meeting until I had the opportunity to review attorney expense reports. Oddly enough, this meeting was not listed on the August statement. I did not find out about the meeting until it appeared on the September bill. It is apparent the board held individual or two person meetings with the attorney to exclude me from conversations with attorney Joshua Salsburey.

A portion of the accumulated attorney fees included a sum of \$3,000 paid to Mr. Salsburey to attend board meetings with no designated purpose. He was not part of any meeting agenda and simply sat in the audience. Furthermore, the board never authorized Mr. Salsburey to attend board meetings. My assumption is Mr. Salsburey was asked to attend board

meetings by Mr. Wilson. It is not legal for the chair to act on behalf of the board without authorization from the full board in an open meeting. This is especially problematic when expenses are incurred.

I brought the attorney fees to the board's attention during an open meeting in December. The following month, I brought forth an action item seeking a specific protocol be put in place to govern communication between board members and board attorneys. The motion failed on a 3-2 vote.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and board policies in an open meeting. I would like a written summary of all board contacts with all attorneys from March 1, 2019 to present. Additionally, I would like to be contacted from this point forward when a board member communicates with an attorney.

**Sources:** Analysis of attorney bills shared at the December 16, 2019 board meeting  
January 27, 2020 board agenda and minutes

### Violation #6

**Complaint:** August 12, 2019, Chair Ambrose Wilson shared a privileged communication from attorney Bob Chenoweth during an open session without first seeking approval from the board. Mr. Wilson clearly acted outside his role of authority by reading portions of the letter from Mr. Chenoweth thus waiving the board's attorney-client privilege. A vote should have occurred in an open session granting Mr. Wilson the authority to share this specific, privileged communication from attorney Bob Chenoweth.

**Remedy:** Publicly acknowledge the violation of the attorney-client privilege and acknowledge incorrect information was provided to the public during the August 12, 2019 meeting. The board was the first to contact an outside attorney related to Superintendent matters, not Mr. Hawkins.

**Sources** August 12, 2019 video recording of board meeting  
Letter from attorney Bob Chenoweth

### Violation #7

**Complaint:** June 24, 2019, the board approved, on a 3-2 vote, a BG-1 for a 36.2-million-dollar project.

December 16, 2019, the board approved, on a 4-1 vote, a schematic design for a full high school valued at approximately 50 million dollars.

The board never authorized the steering committee or architect to design a building greater than the amount initially approved by the board in June. Currently, the board has received bills from the architect based on a schematic that is in excess of the originally approved BG-1. Although two board members served on the steering committee, they did not have the authority to authorize the architect to design a larger building than the board approved. I do not believe this violation would have occurred if Superintendent Hawkins had been allowed to serve on the steering committee.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and board policies in an open meeting. Additionally, I'm requesting the board reverse the approval of the schematic design as it was not authorized by the board.

**Sources:** June 24, 2019 board agenda and minutes  
December 16, 2019 board agenda and minutes



## Violation #8

**Complaint:** A need for security arose after board member Allison Richardson posted a controversial meme on her personal Facebook account. Two board members, Mrs. Bradley and Mrs. Edelen, reached out to Superintendent Hawkins to inquire about having security at the upcoming, August 19, 2019 board meeting. Mr. Hawkins emailed the following message to the board. "Good evening, Debby and Dani feel it may be necessary to have a law enforcement presence at Monday's meeting. Before proceeding, I wanted to get your opinion. I can try and secure a couple of our district officers to be there. Let me know your thoughts."

All board members responded with a positive response with the exception of Mrs. Richardson. She replied to all, "Scott, I'll make sure I talk to the Versailles PD but you can do what you want."

It is clear from Mrs. Richardson's response; she was acting as an individual and not on behalf of the board. Therefore, I did not expect the board to incur any expenses as a result of Mrs. Richardson's actions.

September 23, 2019, the board voted 3-1 to ratify payment to the Versailles Police Department for security expenses incurred at the August 19, 2019 board meeting. The board should not have been held responsible for this payment given there was no board action to secure services from the Versailles Police Department nor were district purchasing procedures followed.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and board policies. Additionally, Mrs. Richardson should reimburse the district for the cost incurred for the utilization of the Versailles Police Department.

**Sources:** Email exchange between superintendent and board members  
September 23, 2019 board agenda and minutes

## Violation #9

**Complaint:** The board held a public forum, March 3, 2020, to provide information and gather feedback from the community.

The public forum appeared as a discussion item on the February 24, 2020 special agenda. However, Chairperson Edelen unilaterally made decisions regarding the format of the forum. A recording of this meeting is available on the district website. At approximately the 47-minute mark, Mrs. Edelen begins talking about the forum. An excerpt from her prepared statement is below.

*I have decided in an effort to hear from as many people as possible during the forum and answer as many questions as we can to allow people to submit questions by email and in writing at the start of the forum. The moderator will read the questions and help keep the forum moving so that we can get through as many questions as we can. We hope by taking questions over email anyone not able to make it to the high school will get to hear the response by watching the video posted online after the event.*

The public forum had been discussed on multiple occasions during a six month period leading up to the forum. The February 24, 2020 meeting was the first time the idea of submitting questions via email had been mentioned. Also, the forum was listed on the agenda as a discussion item, but clearly action was taken by Mrs. Edelen to establish the format of the forum without a vote from the full board. This is a violation of the Open Meetings Act. It is illegal to list an item under discussion and then take action.

Two days following the February 24, 2020 board meeting, Superintendent Hawkins forwarded an email from Vice-Chair Bradley to me and two other board members. The email stated Vice-Chair Bradley had secured a moderator for the March 3, 2020 public forum. The board did not authorize Mrs. Bradley to secure a moderator at the February 24, 2020 meeting.

**Remedy:** Public board acknowledgement of a violation of the Open Meetings Act and board policies.

**Sources:** February 24, 2020 agenda and minutes  
Email from Superintendent Hawkins  
February 24, 2020 video recording of board meeting

### Violation #10

**Complaint:** January 21, 2020, the board went into closed session to discuss pending litigation. Prior to the closed session, Chair Ambrose Wilson informed the public of the need to discuss pending litigation.

The first thirty minutes of the closed session were spent on a conference call with WCPS board attorney, Bob Chenoweth, who is NOT representing the district in the case the board was discussing. Superintendent Hawkins and Human Resource Director Garett Wells nor the attorney representing the board in the lawsuit were allowed in the room for the conference call. All board members can attest to the fact we did not discuss pending litigation during this window of time. Clearly, this was a violation of the Open Meetings Act.

**Remedy:** Publicly acknowledge the violation of the Open Meetings Act and receive training on the Open Meetings Act.

**Source:** January 21, 2020 video recording of board meeting

### Violation #11

**Complaint:** The following letter was obtained by a community member through an open records request.

Mr. Hawkins:

Over the past several months, the Board has asked you to provide prioritized recommendations for expense reductions, if needed, to help balance the District's budget. You have either refused or declined to do so, including when recently asked a meeting on January 10, 2020, between you, me, and Vice-Chair Edelen. However, under both policy and statute it is entirely reasonable for the Board to ask for such recommendations from its executive agent. Therefore, I am writing as Chair to let you know, I expect you to provide the Board with a prioritized list of expense cuts that could be made that have the least effect on students.

Since the Board is meeting on January 27 to receive your draft budget presentation, your list of prioritized recommended cuts should be sent to the Board so they receive it by no later than January 23. While I do not anticipate the cuts to be finalized at that meeting, the information must be included in budget discussions. Ideally, the list would have been provided by our planning meeting on January 21, but the delays have precluded this option.

Your prioritized list should include, but not necessarily be limited to, a description of the programs or areas affected by the expense reduction, the functions each listed program or area entails, what limits would be placed on the program due to cutbacks, how many students are served by the program or area and at what school(s), and the amount you estimate the District will save.

I recognize these may not be easy or pleasant recommendations to make, but they are recommendations the board needs from you. The Board understands it is ultimately responsible for any budget cut decisions it makes, but it must have informed recommendations from you to consider as part of that process.

Thanks in advance for your cooperation. I look forward to hearing from you.

Sincerely,

Ambrose Wilson IV  
Chairperson, Woodford County Board of Education



The above prioritized recommendations for expense reductions request was not approved by the full board prior to the date of Mr. Wilson's letter. Additionally, I had no knowledge he was making the request nor any knowledge of the meeting between Superintendent Hawkins, Mr. Wilson and Mrs. Edelen until this document was shared with me as a result of a community member's open records request more than a month later. Furthermore, I feel certain other members of the board were aware of the January 10, 2020 meeting and Mr. Wilson's January 15, 2020 letter which would constitute a serial meeting since three or more board members had discussion about a board matter outside a public meeting.

Mr. Wilson clearly was speaking on behalf of the board through this communication with Mr. Hawkins without the full board's authorization. Agendas and videos clearly show the board never voted to request a prioritized list of cuts until the February 6, 2020 special board meeting.

**Remedy:** Publicly acknowledge this violation of the Open Meetings Act. Additional training on the roles, responsibilities and the Open Meetings Act and a public apology from Mr. Wilson and Mrs. Edelen to the board.

**Source:** January 15, 2020 letter from Mr. Wilson to Superintendent Hawkins

### Violation #12

Friday, December 20, 2019, Superintendent Hawkins sent the following information via email to the full board regarding chief academic officer Jimmy Brehm's pending resignation.

"I wanted to let you know that Jimmy is resigning his position to accept a VP job with Scholastic Education. He will begin in mid January. I will be looking for an interim to finish out the year. Please keep this confidential until later today as he will be sharing the news with staff. Let me know if you have any questions."

Later the same day, former chair Ambrose Wilson responded to Superintendent Hawkins' email as follows:

"Thank you for letting us know about Jimmy's plans. I want to bring this position up with the entire board at our January meeting. While I understand it is within your discretion to assign the duties to an interim, and to post the vacancy and begin conducting interviews, it will be appreciated if you would **hold off filling the vacancy until a discussion of this position can be had, in open session, at our January meeting.** If this position is filled promptly, it would remain the Board's discretion to eliminate or modify the position. I'm giving you a heads up so you can avoid unnecessarily creating a transfer/reassignment situation for yourself to deal with in the Spring, depending on the Board's decision."

The board had not discussed the possibility of eliminating or reducing any staff positions prior to December 20, 2019. Therefore, I was surprised by Mr. Wilson's email. His response to Superintendent Hawkins was an overreach of his chairmanship and should not have been sent without approval of the full board. Additionally, the board does not have authority to oversee or meddle in personnel decisions. Mr. Wilson's request for Mr. Hawkins to "hold off filling the vacancy until a discussion of this position can be had, in open session, at our January meeting" was not within the scope of an individual board member's responsibilities.

According to Matt McCarty, a staff writer for the Kentucky School Boards Association (KSBA), "School boards are prohibited from influencing who is hired, transferred, non-renewed, etc. An attempt by a board member to influence the hiring of any school employee can lead to disqualification from the school board. They should not limit or attempt to limit the superintendent's discretion in personnel matters." The previous quote came from a 2017 article published in the *Kentucky School Advocate*, a KSBA publication.

Mr. Wilson's directive to Mr. Hawkins was DO NOT fill the permanent position of chief academic officer. To date, this position has not been posted nor permanently filled. The December 20, 2019 communication from Mr. Wilson is concerning because it violates the Open Meetings Act and his duties as an elected board member.

**Remedy:** Public acknowledgement by board member Wilson of his wrongful actions and training on the legal roles and responsibilities of school board members.



**Source:** Email exchange from Superintendent Hawkins to full board and former chair Ambrose Wilson's reply all response

### Violation #13

**Complaint:** Board member Ambrose Wilson added the following item to the February 6, 2020 special meeting agenda.

IV.B. Request that superintendent, as statutory professional advisor in all matters to the Board of Education, create for consideration by the Board of Education not later than February 11, 2020, a prioritization of educational programs and services with budgetary implications breaking that prioritization into not fewer than three (3) subsets: 1) expenditures for educational programs and services mandated to be provided by Federal law (statutes and regulations) and/or State law (statutes and regulations); 2) necessary supplemental expenditures needed to implement mandated educational programs and services; and 3) educational programs and services that have been discretionally provided for enrolled students in the Woodford County Schools

This agenda item was written by Attorney Bob Chenoweth at the request of individual board member Ambrose Wilson. The action did not come as a request from the full board nor did the full board have knowledge Mr. Wilson was making the request of Attorney Bob Chenoweth. Clearly, this is a violation of the Open Meetings Act.

**Remedy:** Public acknowledgement by board member Wilson of his wrongful actions and training on the legal roles and responsibilities of school board members.

**Source:** February 6, 2020 Board Agenda

### Violation #14

**Complaint:** Board member Allison Richardson added the following item to the October 28, 2019 regular meeting agenda: Restrict General Fund Property Taxes. The resolution, included below, is currently attached to the October 28, 2019 online agenda. (Note: the resolution was not attached to the agenda prior to the October 28 meeting. According to the KSBA portal it was added October 31, 2019.) The resolution is problematic because it contains language to indicate there had been some type of prior approval before the October 28, 2019 meeting (see information in bold type). It is also evident this resolution was provided by an outside entity. At no time did the board authorize either Mrs. Richardson or Mr. Wilson to seek an outside source to provide language for this agenda item. The late addition of this agenda item is also concerning. It was added the Friday afternoon, October 25, 2019, prior to the Monday, October 28, 2019 board meeting. No agenda item should be handled in this manner, much less one of this magnitude. Board members have never been provided a copy of the resolution. The chair had an obligation to share a copy of the resolution with all board members per board policy 01.411. Also problematic, is the chair's decision, at the beginning of the board meeting, to advance this agenda item before other budgetary items listed on the agenda. The late addition of this agenda item coupled with the lack of discussion in the open meeting clearly indicates outside conversations related to this agenda item had occurred prior to the meeting.

The resolution states:

Thereupon, after discussion of the use of General Fund tax revenues toward payment of the costs of school building construction projects and/or debt service on bonds issued to finance construction costs, **a motion was made and seconded that the following Resolution be adopted:**

A RESOLUTION OF THE, BOARD OF EDUCATION WOODFORD COUNTY SCHOOL AUTHORIZING THE USE OF UP TO \$350,000 PER FISCAL YEAR OF GENERAL FUND REVENUES TOWARD THE PAYMENT OF THE COSTS OF CONSTRUCTION PROJECTS AND/OR DEBT SERVICE ON SCHOOL BUILDING REVENUE BONDS ISSUED TO FINANCE SCHOOL BUILDING CONSTRUCTION PROJECTS.



WHEREAS, the Board of Education ("Board") of the Woodford County School District (the "District") desires to undertake the acquisition, construction, installation and equipping of school building improvements within the District ("Construction Projects") and to direct the Woodford County School District Finance Corporation ("Corporation") to issue school building revenue bonds ("Bonds") in order to finance all or a portion of the costs of such Construction Projects; and

WHEREAS, the board has determined that the dedicated sources of revenue for payment of the costs of such Construction Projects and/or debt service on Bonds would not be sufficient and it is therefore necessary and desirable for the Board each fiscal year to supplement such dedicated sources of revenue with up to \$350,000 of revenues from the school district's General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE WOODFORD COUNTY SCHOOL DISTRICT:

That the Board hereby authorizes the use of up to \$350,000 of General Fund revenues each fiscal year, commencing with the fiscal year ending June 30, 2020, for the Construction Projects and to make necessary lease payments to the Corporation to be used by the Corporation toward debt service on Bonds issued to finance the Construction Projects.

**Passed and approved the 28th day of October, 2019.**

Upon a vote being taken on the motion to adopt the above Resolution, the result was as follows: *(Note: the names in this section are handwritten. All other information included in the resolution was typed.)*

**Yeas**

Bradley

Richardson

Edelen

**Nays**

Edelen

Springate

**Thereupon, the Chairman declared that the motion had carried and that the Resolution had been adopted.**

**Thereupon, a motion was made, seconded and unanimously carried that the meeting be adjourned.**

**Remedy:** Publicly acknowledge the Open Meetings violation and unethical behavior. I am also requesting a full investigation surrounding this agenda item including, but not limited to, the source of the agenda item language, all communication between board members related to this agenda item, and the manner in which the resolution was attached to the agenda. In addition, I am requesting the findings of the investigation be reported to the full board and public.

**Source:** October 28, 2019 Board Agenda and Minutes