

PETITIONERS Jason Hoover, Clarence Styvar, Jacqueline Oceanak, Kathleen Bain, Russell Bain and Mike Lackey petition this Honorable Court, pursuant to the Wyoming Public Meetings Act, specifically, Wyo. Stat. Ann. § 16-4-401 et seq., to issue an order to show cause and alternatively or contemporaneously award civil damages pursuant to Wyo. Stat. Ann. § 16-4-408(a) and rule upon declaratory judgment pursuant to Wyo. Stat. Ann. § 1-37-101 et seq. as the Respondents are actively conducting illegal public meetings that are not compliant with the Wyoming Public Meetings Act and this is a continuing pattern of conduct that is harming the Defendants and those similarly situated.

PARTIES AND JURISDICTION

1. Petitioner Jason Hoover is a resident of Laramie County. He requested and was denied access to the Laramie County School District Board meetings (“public meeting”) on May 17, 2021 and on April 19, 2021.
2. Petitioner Representative Clarence Styvar is a resident of Laramie County and a sitting legislator who was denied access to a public meeting and threatened with a trespass citation on April 19, 2021.
3. Petitioner Jacqueline Oceanak is a resident of Laramie County and was told by Superintendent Boyd Brown that the May 3, 2021 meeting was not an “open meeting”, and she was denied access. On May 17, 2021 she was also denied access to the public meeting.
4. Kathleen Bain is a resident of Laramie County who requested and was denied access to the public meeting on May 17, 2021 despite calling ahead of time to request reasonable accommodations because she is both blind and hearing impaired.
5. Russell Bain is a resident of Laramie County who requested and was denied access to the public meetings on April 19, 2021 and May 17, 2021.
6. Mike Lackey is a resident of Laramie County who requested and was denied access to the public meeting on April 19, 2021.
7. Laramie County School District No. 1 (“District”) and the Laramie County School District No. 1 Board of Trustees (“Trustees”) are a political subdivision as defined by Wyoming law and more specifically an “entity” as defined in Wyo. Stat. Ann. § 16-4-501(b) and the individual board members and school officials may be held individually and civilly liable pursuant to Wyo. Stat. Ann. § 16-4-408(a).
8. Boyd Brown is the Superintendent of Laramie County School District No. 1 who aided and abetted in the illegal administration of public meetings that were not open to the public.

9. David Bartlett is the Assistant Superintendent of Laramie County School District No. 1 who aided and abetted in the illegal administration of public meetings that were not open to the public.

THE LAW

10. The agencies of Wyoming exist to conduct public business. Certain deliberations and actions shall be taken openly as provided in the Wyoming Public Meetings Act. Wyo. Stat. Ann. § 16-4-401.
11. All meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided by statute. Wyo. Stat. Ann. § 16-4-403(a).
12. No action of a governing body of an agency shall be taken except during a public meeting following notice of the meeting in accordance with this Wyoming Public Meetings Act (“the act”). Action taken at a meeting not in conformity with the act is null and void and not merely voidable. Wyo. Stat. Ann. § 16-4-403(a).
13. A “meeting” means an assembly of at least a quorum of the governing body of an agency which has been called by proper authority of the agency for the expressed purpose of discussion, deliberation, presentation of information or taking action regarding public business. Wyo. Stat. Ann. § 16-4-402(a)(3).
14. “Action” means the transaction of official business of an agency including a collective decision of a governing body, a collective commitment or promise by a governing body to make a positive or negative decision, or an actual vote by a governing body upon a motion, proposal, resolution, regulation, rule, order or ordinance. Wyo. Stat. Ann. § 16-4-402(a).
15. No meeting shall be conducted by electronic means or any other form of communication that does not permit the public to hear, read or otherwise discern meeting discussion contemporaneously. Wyo. Stat. Ann. § 16-4-403(d).

16. A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance. Wyo. Stat. Ann. § 16-4-403(b).
17. If the provisions of the Wyoming Public Meetings Act are in conflict with any other statute, the provisions of Wyoming Public Meetings Act shall control. Wyo. Stat. Ann. § 16-4-407.
18. Any member or members of an agency who knowingly or intentionally violate the provisions of the Wyoming Public Meetings Act shall be liable for a civil penalty not to exceed seven hundred fifty dollars (\$750.00). Wyo. Stat. Ann. § 16-4-408(a).
19. Any member of the governing body of an agency who attends or remains at a meeting knowing the meeting is in violation of the Wyoming Public Meetings Act shall be liable if they remained without a legitimate and recorded objection. Wyo. Stat. Ann. § 16-4-408(a).
20. Any person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by the Wyoming constitution or by a statute, municipal ordinance, contract or franchise, may have any question of construction or validity arising under the instrument determined and obtain a declaration of rights, status or other legal relations. Wyo. Stat. Ann. § 1-37-103.
21. The public has the right to know what its government is doing. *Sheridan Newspapers, Inc. v. City of Sheridan*, 660 P.2d 785, 791–95 (Wyo.1983); *Cheyenne Newspapers, Inc. v. Bldg. Code Bd. of Appeals of City of Cheyenne*, 2010 WY 2, ¶ 6, 222 P.3d 158, 161 (Wyo. 2010).
22. In interpreting statutes, the primary consideration is to determine the legislature's intent. All statutes must be construed in *pari materia*. *Cheyenne Newspapers, Inc. v. Bldg. Code Bd. of Appeals of City of Cheyenne*, 2010 WY 2, ¶ 9, 222 P.3d 158, 162 (Wyo. 2010).
23. When a statute is sufficiently clear and unambiguous, effect must be given to the plain and ordinary meaning of the words and a statute must not be given a meaning that will nullify its

- operation. *Cheyenne Newspapers, Inc. v. Bldg. Code Bd. of Appeals of City of Cheyenne*, 2010 WY 2, ¶ 9, 222 P.3d 158, 162 (Wyo. 2010).
24. A statute must not be enlarged, stretched, expanded, or extended to matters that do not fall within its express provisions. *Cheyenne Newspapers, Inc. v. Bldg. Code Bd. of Appeals of City of Cheyenne*, 2010 WY 2, ¶ 9, 222 P.3d 158, 162 (Wyo. 2010).
25. A statute is unambiguous if reasonable people are able to agree as to its meaning with consistency and predictability. *Cheyenne Newspapers, Inc. v. Bldg. Code Bd. of Appeals of City of Cheyenne*, 2010 WY 2, ¶ 10, 222 P.3d 158, 162 (Wyo. 2010).
26. Disclosure, not secrecy, is the dominant objective of the open government statutes so that citizens have public access to governmental information and operations. *Sheridan Newspapers v. Sheridan*, 660 P.2d 785, 793 (1983).
27. This notion is of critical importance when it comes to public meetings and an individual citizen's ability to be present, see and hear government in action and testify in real time. "Where the public interest is affected, an interpretation is preferred which favors the public." *Houghton v. Franscell*, 870 P.2d 1050, 1052 (Wyo. 1994).
28. Open government statutes must be interpreted "liberally in favor of disclosure" and all exemptions must be construed narrowly. *Id.*

FACTS

Petitioner Jason Hoover

29. Petitioner Jason Hoover ("Hoover") requested and was denied access to the Laramie County School District Board meetings on May 17, 2021 and on April 19, 2021.
30. On May 17, 2021 he was denied access to a meeting after having engaged in email exchanges with the school district where he noted several concerns with the zoom format and conditions precedent it requires. He stated in part,

To the Board of Trustees of Laramie County School District 1:
Regarding the Regular Board Meeting of April 19, 2021 at 6PM, your web page advises the Public that "Meetings are Virtual for the Public and Live for LCSD1 Trustees and Staff." This is very concerning to me, so I ask you for clarification on your apparent decision. I believe that restricting the attendance of the Public will violate the provisions of W.S. 16-4-403(b), which provides, in relevant part, as follows: "A member of the public is not required as a condition of attendance at any meeting to register his name, to supply information, to complete a questionnaire, or fulfill any other condition precedent to his attendance."

31. The zoom format is a direct violation of Wyo. Stat. Ann. § 16-4-403(b).
32. Zoom's own policies are quite clear that significant data is required to both login and to attend a meeting and this data is saved and includes significant privacy concerns and public record implications and contains highly sensitive data including but not limited to the following:

On the Meeting Details page, all current and past participants will be listed on the page, including the following information:

Participant: The display name of the participant.

Device: Type of device the participant is or was connecting from.

IP Address: IP address of the device the participant is or was connecting from.

Location: Geographical location of the participant.

Network Type: Network type of participant. For example, wired, WiFi, or 4G.

Health: Notifies if there were any Warning level or Critical level issues in the meeting.¹

33. Hoover further expressed concern in clear detail stating:

In order to "virtually attend" via Zoom, the Public would need to have internet access, a device, and install privately owned software on the device that registers ones device information, among other personal information. Further, the "attendance" of the Public would then be subject to the control of whoever is the Moderator of the meeting, and the Public (user) would not have the benefit of connecting with others of the Public before, during or after the Meeting in a contemporaneous fashion. For these and other reasons, the Meeting would then be "public" in name only, and in any event, clearly inconsistent with the provision cited above, no matter how the moderator might operate the application, the limitations thereof, or the loss of a connection, etc.

34. On April 19, 2021 legal counsel Tim Bush responded by stating, "As legal counsel for Laramie County School District Number One, Hickey & Evans, LLP is in receipt of the e-mail you provided the Board of Trustees last evening. Please be advised we have reviewed the concerns raised and have concluded that the District is acting in accord with governing law which authorizes public meetings through electronic means."

¹ See <https://support.zoom.us/hc/en-us/articles/360039017432-Dashboard-for-meetings-and-webinars>.

35. This direct correspondence was later forwarded by Boyd Brown to Representative Clarence Styvar when he inquired as to why he was not allowed in the meeting. This breach of privacy may waive attorney-client privilege and was inappropriate at best.

Petitioner Clarence Styvar

36. On April 19, 2021, Petitioner Clarence Styvar ("Styvar") was denied entry into the public meeting being held by the District.

37. Upon inquiry as to the legal grounds of such a denial, Representative Styvar was threatened with a trespass citation by Cheyenne City Police Officer Gay III who was working as off-duty, contracted security and paid for by the District, by his own admission.

38. Styvar reached out to attorney David Evans to no avail.

Petitioner Jacqueline Oceanak

39. Petitioner Jacqueline Oceanak ("Oceanak") was told by Superintendent Boyd Brown that the May 3, 2021 meeting was not an "open meeting", and she was denied access.

40. On May 17, 2021 she was also denied access to the public meeting.

Petitioner Kathleen Bain

41. Kathleen Bain ("Kathleen") requested and was denied access to the public meeting on May 17, 2021 despite calling ahead of time to request reasonable accommodations because she is both blind and hearing impaired.

42. On May 17, 2021 at approximately 11:12 a.m., Kathleen called the District and asked to talk to someone about attending the Laramie County School District No. 1 Board of Trustees meeting at 6:00 p.m. on May 17, 2021.

43. She was transferred to Darlene in the Superintendent's office. She asked Darlene who she needed to speak with, to be added to the agenda or have the opportunity to ask questions about concerns that she had.

44. Darlene stated that the public was not permitted to attend the Board of Trustees meeting.
- Kathleen then asked if the meeting was a “closed meeting” and was told, “no” and that it was a “public meeting”.
45. Kathleen asked, “If this is a public meeting then why can’t the public attend?”. Darlene said, “there isn’t enough room”. She went on to explain that the public may attend via internet zoom.
46. Kathleen then explained that she is blind and hearing impaired and that option would not accommodate her needs.
47. Darlene then stated that she could ask about a “special request”, allowing Kathleen to go into the meeting at the end of the meeting when most people had left the meeting space but then stated, “we would just prefer you call in”.
48. No reasonable accommodation was ever made.
49. On May 17, 2021 Kathleen appeared at the door to the meeting and was turned away. Most disturbingly staff and school leadership walked right by her and ignored her as they went into the meeting.
50. Kathleen was standing directly outside the door talking with Officer Gay III and is very clearly a blind woman who was wearing sunglasses and holding a walking stick.
51. No reasonable accommodations were ever advanced to her despite her call ahead request. She was not allowed into the meeting room which is held in a small board room off of the large Storey Gym.
52. This location for the meeting was not appropriate or conducive for the social distancing claimed to be so important by the District.

Petitioner Russell Bain

53. Russell Bain ("Russell") requested and was denied access to the public meeting on April 19, 2021 and May 17, 2021.
54. On April 19, 2021 Russell and approximately nine other citizens attempted to attend the public Trustee meeting but were all denied access by a police officer in uniform and told that the public was not allowed to go into the facility.
55. Russell and the others were told that a zoom meeting had been made available in place of public access.
56. Russell was a witness to a portion of the exchange between Officer Gay III and Styvar wherein Styvar questioned the legality of the denial.
57. Russell was also denied entry to the public meeting on May 17, 2021 with his blind and hearing-impaired wife, Kathleen, as described above.
58. At that time, Officer Gay III admitted to acting in an off-duty, paid contractor capacity for the school district and also said the law was not "up to him to enforce" and stated, "the way that we're handling this is to go through civil litigation".
59. Officer Gay III could not cite any legal authority to keep the individuals out of the public meeting. He also stated that his job was to ensure there were no "disturbances or trespassing issues".

Petitioner Mike Lackey

60. Mike Lackey ("Lackey") requested and was denied access to the public meeting on April 19, 2021.
61. Lackey attempted to get on the illusive "list" that one needed to be on to attend yet despite his email to district officials he was told that the meeting set for April 19th was already "at capacity" and as such was denied legal access.

62. When he inquired further about the capacity limitations, he was told that only 50 people were allowed to attend pursuant to the public health order.

63. Lackey responded via email, stating in part:

Mr. Bartlett,

I am sure you are aware that Health Order #1, dated April 28, 2021 and effective May 1, 2021, no longer contains a provision limiting groups of students and teachers to 50 in each separate room. Although the prior Health Order limitation of 50 people pertained to "groups of students and teachers", and made no reference to parents/general public, as to such limit, please provide your current justification for not allowing the public to physically attend public meetings of the Board of Trustees. Alternatively, of course, please advise that there is no limit upon the physical attendance of Public Meetings for the Board of Trustees. In addition, you state that "we are governed by Health Order #1 (K-12 Schools)". Please confirm, or advise otherwise, that it is your position that Laramie County School District 1 Board of Trustees is considered to be a K-12 school and its Public Meetings are governed by Health Order #1.

Thank you in advance,
Mike Lackey

64. Lackey was denied legal entry into the meeting and was met only with a misinterpretation of the public health order's application to a public Board of Trustees public meeting.

65. The first illegal meeting was held in March of 2019.

LEGAL CLAIM

66. Health orders, even if accurately interpreted, do not circumvent state statute. Most importantly, school reopening plans do not override state statute. Citizens have a critical interest in engaging in public meetings, particularly with regard to education, a constitutional property right guaranteed by our Constitution. As described above, public meetings must not present any conditions precedent. The required zoom format completely violates that requirement. The Petitioners thus have no option but to seek relief from this Honorable Court, pursuant to the Wyoming Public Meetings Act, specifically, Wyo. Stat. Ann. § 16-4-401 et seq., to issue an order to show cause and alternatively or contemporaneously award civil damages pursuant to Wyo. Stat. Ann. § 16-4-408(a) and rule upon declaratory judgment pursuant to Wyo. Stat. Ann. § 1-37-101 et seq. as the Defendants are actively conducting illegal meetings that are not

compliant with the Wyoming Public Meetings Act and this is a continuing pattern of conduct that is harming the Defendants and those similarly situated.

PRAYER FOR RELIEF

WHEREFORE, Petitioners request the following relief:

67. An order directing Respondents to conduct legal public meetings in accord with the requirements of the statute as described above.
68. Civil damages in accord with statutory allowances.
69. An award of attorney fees due to the willful and damaging nature of excluding the public from public meetings when they have disabilities, are physically impaired or are without internet or computer capabilities.
70. A declaratory judgment from this Court that meetings held since March of 2019 were illegal, out of accord with statute and as such void under law, including the decisions made at said illegal meetings.
71. Such other further and additional relief as the Court deems just and proper, the premises considered.

DATED this 27th day of May, 2020.



Cassie Craven, 7-5664
Longhorn Law Limited Liability Company
P.O. Box 1769
Cheyenne, WY 82003
ccraven.law@gmail.com
(307)-823-3062
Attorney for Defendant