

IN THE PULASKI COUNTY CIRCUIT COURT
_____ DIVISION

HELEN DAVIS

PLAINTIFF

VS.

NO. _____

THE PUBLIC EDUCATION FOUNDATION
OF LITTLE ROCK, A Non Profit Corporation

DEFENDANT

COMPLAINT

1. This is an action to enforce provisions of Arkansas Code Annotated 25-19-101, et. seq.

2. The plaintiff is a citizen of the State of Arkansas who resides in Pulaski County, Arkansas.

3. On April 13, 2007, plaintiff made a request to the defendant pursuant to the provisions of ACA Annotated § 25-19-105 to inspect, copy, and/or receive copies of public records in the manner provided therein, § 2(a) and (b). The request was sufficiently specific to enable to the custodian to locate the records with reasonable effort as provided by Section C.

4. The defendant is a public agency as defined by Arkansas Code Annotated § 25-19-103(4). It was created and has been supported wholly or in part by public funds or it has expended public funds. The defendant is a non profit

corporation created by the former Superintendent of Schools of Little Rock Public Schools, Dr. Ken James, former member of the Board of Education of the Little Rock School District and former State Senator, John Riggs, several Arkansas State Legislators and other citizens, public and private, of the State of Arkansas.

5. Upon the creation of the Public Education Foundation, the LRSD expended public funds under its control therefor and in due course it delegated certain of its work and work responsibility to the Public Education Foundation. That delegation continues to this day.

6. Each month the Board of Education of the LRSD makes payments to the Public Education Foundation for certain services that it renders to the LRSD in connection with a project known as SOAR. On information and belief, payments by the LRSD are used to pay administrative salaries of the Public Education Foundation.

7. For five years, from 2002 through 2006, the LRSD paid the salary for the Executive Director of the Public Education Foundation and for other expenses associated with her administration.

8. Upon plaintiff's request for information on April 13, 2007, the defendant responded through Attorney Philip E. Kaplan that the defendant was not subject to the FOIA and declined to provide the requested information. See letter dated April 13, 2007, Exhibit A hereto from Philip E. Kaplan.

9. Plaintiff has been denied rights granted to her by the provisions of the Arkansas Freedom of Information Act as provided by Arkansas Code Annotated § 25-19-107(a).

10. The defendant, its agents and attorneys, have refused to provide information requested in violation of the Arkansas Freedom of Information Act. The plaintiff is entitled to prompt and effective relief.

WHEREFORE, the plaintiff respectfully prays that this petition be set for early hearing and thereafter that the defendant be required to provide the public information sought by the plaintiff along with her fees and reasonable costs as provided by Arkansas Code Annotated § 25-19-107(b)(c)(d).

Respectfully submitted,

/s/John W. Walker

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