

COPY

STATE OF ILLINOIS  
IN THE FIFTH JUDICIAL CIRCUIT  
MARSHALL, CLARK COUNTY, ILLINOIS

KIRK ALLEN

Plaintiff

~~and~~ vs.

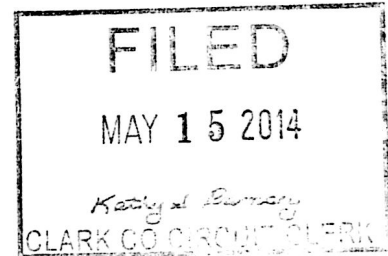
CLARK COUNTY PARK DISTRICT

and

ROY SWEET, GLENN KUEHNEL,  
RON STONE, JEFF WALLACE,  
JOE EWING, and LARRY YARGUS  
in their Official Capacity as Commissioner  
of the Clark County Park District

Defendants

2014-MR-18



COMPLAINT FOR DECLARATORY JUDGMENT,  
RELIEF BY MANDAMUS, AND INJUNCTIVE RELIEF

NOW COMES Plaintiff, Kirk Allen, *pro se*, who prays this Court render a declaratory judgment, grant relief by Mandamus, and grant injunctive relief under the Open Meetings Act ("OMA"), 5 ILCS 120/1, *et seq*, For this Complaint as follows:

1. Plaintiff, Kirk Allen, *pro se*, is a resident of the State of Illinois.
2. Plaintiff has standing to bring this Complaint pursuant to Section 3 of the Open Meetings Act [5 ILCS 120/3].
3. Defendants, Clark County Park District is a "public body" in Clark County as that term is defined by 5 ILCS 120/1.02, and Roy Sweet, Glenn Kuehnel, Ron Stone,

Jeff Wallace, Joe Ewing, and Larry Yargus are Commissioners of the Clark County Park District.

4. On May 12, 2014 at approximately 6:00 PM, the Clark County Park District Board ("Board") held a Special Meeting. A true and correct copy of the meeting agenda is attached hereto and incorporated herein as Exhibit A.
5. The Board voted to enter into a closed "executive session" of the meeting to discuss "Executive Director's evaluation".
6. Approximately two and one-half hours later, the Board entered into open session again. Voted to table an agenda item, and entertained a motion and a second to adjourn the meeting.
7. Public comments were disallowed during this meeting even after a request was made for an opportunity to address the Board.
8. The Board then adjourned the meeting.

### **COUNT ONE**

(Violation of the Open Meetings Act, 5 ILCS 120/1, *et seq.*)

9. Plaintiff reaffirms paragraphs 1-7 as though fully restated herein.
10. Plaintiff violated 5 ILCS 120/2.06 (g) when they failed to allow Plaintiff the opportunity to address the Board during the meeting.
11. Plaintiff has been irreparably harmed by Defendant's failure to allow any person to address public officials during the public meeting of May 12, 2014.
12. Plaintiff has no adequate remedy at law.

WHEREFORE, Plaintiff prays that this Court:

- A. Declare Defendants to be in violation of the Open Meetings Act, 5 ILCS 120/1, *et seq.*; and,
- B. Grant Relief by Mandamus by directing that future Clark County Park District board meetings be open to the public and to allow any person to address public officials during the meetings; and,
- C. Grant an injunction against future violations of the Open Meetings Act; and,
- D. Award Plaintiff attorney fees, should he require the services of an attorney, and also award Plaintiff any litigation costs reasonably incurred; and,
- E. Order such other relief as outlined in 5 ILCS 120/4 as the Court deems just and equitable.

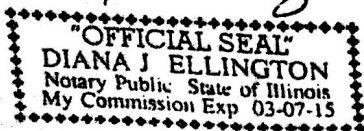
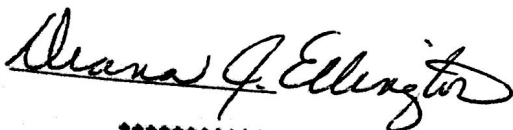
Dated: May 15, 2014

Respectfully submitted,



Kirk Allen  
3894 Coach Road  
Kansas, Illinois 61933  
Tel: (217) 508-0564  
*Plaintiff, pro se*

Signed and Sworn  
Before me this 15<sup>th</sup>  
Day of May, 2014



## **EXHIBIT A**

**Clark County Park District  
Special Board Meeting  
Monday, May 12, 2014  
6:00 PM**

### **Tentative Agenda:**

Call to order  
Approval of agenda  
Pledge of allegiance

**Executive Session:** Executive Director's evaluation

### **New Business**

1. Status of Executive Director

### **Adjournment**