

**STATE OF RHODE ISLAND
KENT, S.C.**

SUPERIOR COURT

ANTHONY E. SINAPI,

Plaintiff,

v.

**WARWICK PUBLIC SCHOOL
COMMITTEE, alias, JENNIFER
AHEARN, alias, EUGENE NADEAU,
alias, M. TERRI MEDEIROS, alias,
BETHANY FURTADO, alias, in their
individual capacities and in their official
capacities as members of said School
Committee, WARWICK SCHOOL
DEPARTMENT, alias, PHILIP
THORNTON, alias, in his official capacity
as the superintendent of the Warwick
School Department,**

Defendants.

C.A. No.

COMPLAINT

This is an action brought by the Plaintiff, Anthony E. Sinapi, against Defendants seeking declaratory and injunctive relief, and other equitable relief, as well as attorney's fees, litigation expenses, and civil penalties against the Defendants for violations of the Rhode Island Open Meetings Act ("OMA"), R.I.G.L. § 42-46-1, *et seq.*

PARTIES

1. Plaintiff Anthony E. Sinapi ("Plaintiff Sinapi" or "Sinapi") is a taxpayer, resident, and constituent of the city of Warwick, county of Kent, in the state of Rhode Island.
2. Warwick School Committee ("Defendant SC" or "School Committee") is a public body with a duty to oversee the Warwick School Department, funded by and serving the city of Warwick in Kent County, Rhode Island.

3. Defendant School Committee, at all times relevant, was comprised of five (5) members, four (4) of which are named as individual Defendants in this complaint.
4. Defendant Bethany Furtado, alias, (“Defendant Furtado”, “Furtado”, or “Chair”), was and is at all relevant times the Chair of the Warwick School Committee and, upon information and belief, is a resident of the City of Warwick, county of Kent, in the state of Rhode Island.
5. Defendant Jennifer Ahearn, alias, (“Defendant Ahearn” or “Ahearn”), was a Warwick School Committee member at all relevant times and, upon information and belief, is a resident of the City of Warwick, county of Kent, in the state of Rhode Island.
6. Defendant Eugene Nadeau, alias, (“Defendant Nadeau” or “Nadeau”), was and is at all relevant times a Warwick School Committee member and, upon information and belief, is a resident of the City of Warwick, county of Kent, in the state of Rhode Island.
7. Defendant M. Terri Medeiros, alias, (“Defendant Medeiros” or “Medeiros”), was and is at all relevant times a Warwick School Committee member and, upon information and belief, is a resident of the City of Warwick, county of Kent, in the state of Rhode Island.
8. Defendant Phillip Thornton, alias, (“Defendant Thornton” or “Thornton”), was and is at all relevant times the superintendent of the Warwick School Department.
9. Defendant Warwick School Department, alias, (“Defendant WSD”, “Warwick School Department”, or “WSD”) was and is at all relevant times a public body funded by and serving the city of Warwick in Kent County, Rhode Island.
10. “Defendants” as used herein shall collectively refer to each and every named Defendant.

JURISDICTION

11. This Court has jurisdiction over the Plaintiff's claims pursuant to R.I.G.L. § 42-46-8.

VENUE

12. Venue is proper in accordance with R.I.G.L. §9-4-3 insofar as the Plaintiff resides in the County of Kent, State of Rhode Island.

MATERIAL FACTS

13. Based on information and belief, at an unknown point in time the School Committee¹ sought to create an elementary school consolidation plan to address the city's declining student population and resultant budget expenses for the Warwick School Department.

14. The majority of the Warwick School Department's budget for the year prior was composed of public funds.²

15. On information and belief, at an unknown time this task of creating an elementary school consolidation plan was delegated to a sub-committee, the Elementary Consolidation Committee ("ECC").

16. On information and belief, the ECC is the sub-committee of the Warwick Consolidation Committee.³

17. The Consolidation Committee is co-chaired by the chair of the School Committee, Defendant Furtado.

18. Membership of both the Consolidation Committee and the ECC is restricted and invite-only.⁴

¹ There are seventeen entities that list "Warwick School Committee" as its parent entity according to the secretary of state, including the Warwick School Redistricting/Consolidation Advisory Committee, the Long Term Facilities Planning Committee, the Warwick District Strategic Planning Committee, and the Buildings and Grounds Review Committee.

² As stated in R.I.G.L. 42-46-2, in pertinent part, a public body is any "committee...that funded at least twenty-five percent (25%) of its operational budget in the prior year with public funds." According to their budget, approximately 75% of the Warwick School Department's budget for the 2015/2016 school year consisted of public funds obtained via local taxes.

³ Defendants have stated that this Consolidation Committee is a non-public entity under the Warwick School Department; which is different from the existing Redistricting/Consolidation Advisory Committee under the School Committee. According to their minutes, the Redistricting/Consolidation Advisory Committee has not met since 2009.

19. On information and belief, the ECC's various recommendations regarding an elementary school consolidation plan were finalized during a closed meeting on or about August 22, 2016.
20. This recommendation heard by the School Committee during an open meeting on or about September 6, 2016.
21. On information and belief, the ECC met in another closed meeting on or about October 19, 2016, to again finalize a recommendation to which elementary schools should be closed.
22. On or about October 25, 2016, the ECC's October 19th recommendation was heard by the School Committee during an open meeting.

Warwick Elementary Consolidation Committee Violates OMA

23. On or about August 22, 2016 ("August Meeting"), and October 19, 2016 ("October Meeting"), the EEC held meetings that were improperly closed to the public.
24. Members of the public, including the Plaintiff, wished to attend and participate in both the August Meeting and the October Meeting, but were prevented from doing so due to the meetings being closed to the public.
25. At the August Meeting, the ECC decided on a recommendation for an elementary consolidation plan to present to the School Committee.
26. Part of the ECC's elementary consolidation plan identified which elementary schools would be recommended for closure.
27. As a result of the August Meeting, the ECC's recommendation was added as an agenda item for the School Committee's September 6, 2016, meeting as "Presentation on Elementary Consolidation."

⁴ "Quite a few parents expressed issues with the committee having members from Scott and Holliman Schools (Scott Principal Virginia Bolano and Holliman Principal Joseph Coffey), but none from any of the schools recommended for closure." Tessa Roy, '*Slow Down*' Message Echoed at Final Consolidation Hearing Ahead of Committee Decision, Warwick Beacon (Oct. 20, 2016), <http://johnstonsunrise.net/stories/slow-down-message-echoed-at-final-consolidation-hearing-ahead-of-committee-decision,118852>. Invitations for ECC membership were, at least in part, handled by Elementary Education Director Lynn Dambruch.

28. At the October Meeting, the ECC decided on further recommendations and for the elementary consolidation plan.
29. These additional recommendations again identified, among other things, which elementary schools would be recommended for closure.
30. As a result of the ECC's October Meeting, the ECC's recommendation was added as an agenda item for the School Committee's October 25, 2016 meeting as "Elementary Consolidation Committee Recommendation."
31. When the Warwick Beacon inquired as to the ECC's decision after its October Meeting, the Beacon was told the ECC "would not share the decision with the Beacon as it first needed to be presented to the School Committee on Thursday, but said it would be made public before the October 25th meeting."⁵
32. On information and belief, the public was purposefully left uninformed and unable to learn details of the business conducted by the ECC after both the August and October Meetings because no substantive information was presented.
33. On information and belief, the ECC's minutes for the August Meeting and the October Meeting fail to comport with R.I.G.L. 42-26-7.

Warwick School Committee Violates OMA

34. On or about September 6, 2016 ("September Meeting"), the School Committee was notified by the Plaintiff that attorneys had stated the ECC's August meeting was unlawfully closed to the public according to the Open Meetings Act.

⁵ Tessa Roy, 'Slow Down' Message Echoed at Final Consolidation Hearing Ahead of Committee Decision, Warwick Beacon (Oct. 20, 2016), <http://johnstonsunrise.net/stories/slow-down-message-echoed-at-final-consolidation-hearing-ahead-of-committee-decision,118852>.

35. During this meeting, School Committee member Karen Bachus, in part due to the Open Meetings Act issue, moved to table the “Presentation on Elementary Consolidation” agenda item prior to the item’s discussion.
36. Despite being notified that the August Meeting was unlawfully closed to the public according to the Open Meetings Act, Defendants Nadeau, Furtado, Medeiros, and Ahearn voted against Ms. Bachus efforts to table the “Presentation on Elementary Consolidation” agenda item.
37. At the September Meeting, as a result of Defendants Nadeau, Furtado, Medeiros, and Ahearn defeating Ms. Bachus’ efforts to table the Presentation on Elementary Consolidation agenda item, the aforementioned agenda item was not only discussed, but voted upon.
38. Voting on the elementary consolidation plan was improper under OMA in respect to the agenda item labeled “Presentation on Elementary Consolidation” failed to give proper notice to the public of the School Committee’s discussion and impending vote.
39. On or about October 25, 2016, the School Committee met again with the ECC’s October recommendation on its agenda.
40. At the meeting, Karen Bachus, again in part due to the Open Meetings Act issue, moved to table the “Elementary Consolidation Committee Recommendation” agenda item.
41. Despite having notice that the ECC’s August Meeting was unlawfully closed to the public - according to the Open Meetings Act- and despite the fact that the ECC’s October Meeting was also unlawfully closed to the public, Defendants Nadeau, Furtado, Medeiros, and Ahearn defeated Ms. Bachus’s efforts to table the “Elementary Consolidation Committee Recommendation” agenda item.
42. At the School Committee’s October Meeting, as a result of Defendants Nadeau, Furtado, Medeiros, and Ahearn defeating Ms. Bachus’ efforts to table the Elementary Consolidation Committee Recommendation agenda item, the aforementioned agenda item was discussed and voted upon.

Continuous Refusals to Abide by OMA

43. According to the Defendants, every meeting of the Warwick Consolidation Committee is closed to the public.
44. Upon information and belief, the Warwick Consolidation Committee consistently does not post its meeting agendas at the principal office of the Warwick School Department or in the building in which its meetings are held.
45. Upon information and belief, additionally, the Consolidation Committee consistently does not post its meeting agendas in at least one other prominent place within the Warwick School Department.
46. The Consolidation Committee consistently does not electronically file its meeting agendas with the secretary of state.
47. Upon information and belief, the ECC consistently does not post its meeting agendas at the principal office of the Warwick School Department or in the building in which its meetings are held.
48. Upon information and belief, additionally, the ECC consistently does not post its meeting agendas in at least one other prominent place within the Warwick School Department.
49. The ECC consistently does not electronically file its meeting agendas with the secretary of state.
50. According to the Defendants, each Consolidation Committee meeting is closed to the public.

Intentional and Willful Violations

51. The School Committee's discussion and vote on the elementary school consolidation plan at the September Meeting drew heavy public criticism.
52. Three public hearings regarding the aforementioned elementary consolidation plan were scheduled, where members of the public would be allowed to comment on the plan.
53. The School Committee told members of the public that the public hearings were held due to requirements set forth by the Department of Education.

54. These public hearings, however, were perfunctory, consisting of the same presentation on the ECC's elementary consolidation plan followed by a short question and answer period directed by the Defendants.

55. At each meeting, the Defendants staunchly defended the aforementioned plan, offering the public only their conclusions on the plan but never provided the public with the full basis for selecting the schools chosen for closing by the ECC or for not choosing other schools for closure.

56. Collectively between the ECC's lack of meeting minutes and the Defendants' limited responses on the consolidation plan, the public was left uninformed as to the exact reasons how and why both Committees selected the three schools to be closed under the consolidation plan.

57. Even the manner in which the Defendants conducted these hearings drew public criticism "that the three hearings had been rushed."⁶

58. Joining the public outcry, the mayor of Warwick stated he "believe[d] slowing down the consolidation process is the 'best way to ensure every scenario has been thoroughly examined,'" further illustrating the fictitious nature of the three hearings.⁷

59. Prior to the School Committee's October Meeting, it was clear that the "public, including teachers and parents and children, w[ere] overwhelmingly against consolidating schools."⁸

60. Regardless of the public's input, the School Committee voted affirmatively during their October Meeting on the ECC's recommendation to close the three particular schools, echoing their vote on the ECC's recommended elementary consolidation plan the during September Meeting.

⁶ Tessa Roy, '*Slow Down*' Message Echoed at Final Consolidation Hearing Ahead of Committee Decision, Warwick Beacon (Oct. 20, 2016), <http://johnstonsunrise.net/stories/slow-down-message-echoed-at-final-consolidation-hearing-ahead-of-committee-decision,118852>; Bill Tomison, Madeleine Wright, and Kelly Sullivan, *Warwick School Committee Takes Final Action on Consolidation*, WPRI 12 Eyewitness News (Oct. 26, 2016), <http://wpri.com/2016/10/25/warwick-school-committee-set-to-vote-on-more-consolidation/>.

⁷ Tessa Roy, *Vote Slated on Consolidation of Elementary Schools*, Warwick Beacon (Oct. 25, 2016), <http://warwickonline.staging.communityq.com/stories/committee-slated-to-vote-on-school-consolidation-tonight,118949?>.

⁸ Tessa Roy, *Consolidation Plan Passed by School Committee*, Warwick Beacon (Oct. 27, 2016), <http://warwickonline.staging.communityq.com/stories/consolidation-plan-passed-by-school-committee,119080?>.

61. According to the Defendants, the Warwick Consolidation Committee is a committee of the Warwick School Department.
62. Therefore, according to the Defendants, the Consolidation Committee is not a public entity bound by the Open Meetings Act.
63. Furthermore, according to the Defendants, the ECC, as a subcommittee of the Consolidation Committee, is not a public entity bound by the Open Meetings Act.
64. Consequently, the Defendants' logic shows they purposefully attempted to keep details involving the elementary consolidation plan from public view by utilizing subcommittees under the Warwick School Department, of which the head committee happens to be co-chaired by the chair of the School Committee, rather than the School Committee's own preexisting subcommittee, the Warwick School Redistricting/Consolidation Advisory Committee, because the School Redistricting/Consolidation Advisory Committee is known to be bound by the Open Meetings Act.

Claims for Relief

65. Plaintiff incorporates in the counts below the allegations set forth in paragraphs 1 through 64 above.

Violations of Rhode Island Open Meetings Act

COUNT I – Closed Meetings

66. Defendants, by their individual and/or concerted acts and/or omissions, including but not limited to those alleged herein, committed violations of the OMA, and/or willful and/or knowing violations of the OMA under R.I.G.L. §§ 42-46-3, 42-46-4, and 42-46-5, causing Plaintiff to be aggrieved and entitled to relief as provided under R.I.G.L. § 42-46-8.

COUNT II - Notice

67. Defendants, by their individual and/or concerted acts and/or omissions, including but not limited to those alleged herein, committed violations of the OMA, and/or willful and/or knowing violations of the

OMA under R.I.G.L. § 42-46-6, causing Plaintiff to be aggrieved and entitled to relief as provided under R.I.G.L. § 42-46-8.

COUNT III - Minutes

68. Defendants, by their individual and/or concerted acts and/or omissions, including but not limited to those alleged herein, committed violations of the OMA, and/or willful and/or knowing violations of the OMA under R.I.G.L. § 42-46-7, causing Plaintiff to be aggrieved and entitled to relief as provided under R.I.G.L. § 42-46-8.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- (1) Judgment against the Defendants;
- (2) A declaratory judgment declaring the acts and/or omissions of the Defendants, including, but not limited to, those complained of herein, to be in violation of OMA;
- (3) Imposition of civil penalties against the Defendants for each willful and/or knowing violation of OMA pursuant to R.I.G.L. § 42-46-8(d);
- (4) An award of reasonable attorney's fees and costs of litigation to Plaintiff pursuant to R.I.G.L. § 42-46-8(d) and/or other applicable law;
- (5) Any injunctive relief as deemed just and proper by this Court; and
- (6) Such other and further relief as this Court deems just and proper.

February 1, 2017

Respectfully Submitted by,

Plaintiff Anthony E. Sinapi,
By his attorney,

/s/ Michael J. Carlin
Michael J. Carlin, #9666
2 Valley Drive
Bristol, RI 02809
P: (401) 410-4869
E-Mail: mjcattlaw@gmail.com