



**IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS
CIVIL DIVISION**

TAMMY BELL AND CHERYL ROE

PLAINTIFFS

v.

CASE NO. 18CV-23-897

**WEST MEMPHIS SCHOOL DISTRICT;
WEST MEMPHIS SCHOOL DISTRICT BOARD OF EDUCATION**

DEFENDANTS

AGREED ORDER

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NOW on this 23rd day of February, 2024, comes before the Court the above-styled matter on the request for a hearing pursuant to the Arkansas Freedom of Information Act, codified at Ark. Code Ann. § 25-19-101, *et seq.* (“FOIA”). The Complaint in this matter was brought by the Plaintiffs, Tammy Bell and Cheryl Roe, and was brought against the West Memphis School District (“District” or “WMSD”) and West Memphis School District Board of Education (“Board”) for the actions of its Board Members. Based upon the agreement of the parties, statements of counsel and all matters properly before the Court, the Court hereby finds and orders as follows:

1. Tammy Bell and Cheryl Roe are adult citizens of the State of Arkansas and are taxpayers who reside in the District. Tammy Bell and Cheryl Roe brought this cause of action as a matter of right under Ark. Code Ann. § 25-19-107.
2. The District is a school district organized pursuant to the laws of the State of Arkansas. The Board is the governing body of the District.

3. This Court has subject matter jurisdiction over the cause now pending, personal jurisdiction over the parties hereto and venue is proper.

4. As the governing body of the District, the Board is a public governing body that is bound by the open meeting provisions of FOIA, specifically, Ark. Code Ann. § 25-19-106.

5. Defendants admit that the Board interviewed four candidates for the District superintendent position on or about May 23-24, 2023. Defendants admit that no notice of these interviews was given by the Defendants to any media organizations or the public.

6. Defendants acknowledge that the failure to provide notice of these special meetings and record these special meetings before and after conducting the interviews in executive session could be construed as a violation of FOIA..

7. The Court hereby finds the Defendants violated FOIA by holding special meetings without notifying the media at least two (2) hours before each meeting in order that the public shall have representatives present.

8. The Court further finds the Defendants violated FOIA by not recording the special meetings as required by Ark. Code Ann. § 25-19-106 (d)(1) and maintaining the recordings for at least one year as required by Ark. Code Ann. §25-19-106 (d)(2).

9. Pursuant to the Arkansas Freedom of Information Act, the Defendants shall pay Plaintiffs' costs and reasonable attorney's fees in this matter in the total amount of \$1,500.00.

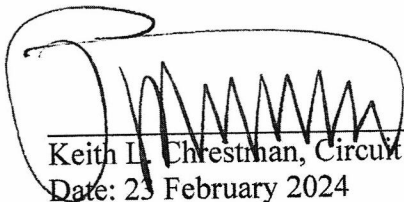
IT IS SO ORDERED

Approved as to form and substance:
/s/ Joey McCutchen (with permission)

Joey McCutchen
Attorney for Plaintiff

/s/ Lawrence W. Jackson

Lawrence W. Jackson
Attorney for Defendants


Keith L. Chrestman, Circuit Judge
Date: 23 February 2024