

FILED

2019 JUN -3 PM 1:23

MAUREEN G. KELLY
LAKE CO. CLERK OF COURT

**IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO**

State of Ohio
Ex rel. BRIAN MASSIE
8196 Rainbow Dr, Concord, OH 44077

Relator,

)
) **CASE NO. :**
19CV000890
EUGENE A. LUCCI

v.

LAKE COUNTY BOARD OF
COMMISSIONERS
105 Main St
Painesville, OH 44077

and

Lake County Visitors Bureau, Inc.
1 Victoria Place, Suite 265 A
Painesville, OH 44077

Respondents

)
) **VERIFIED COMPLAINT IN**
) **DECLARATORY JUDGMENT,**
) **INJUNCTION, and MANDAMUS**
)
) **DESIGNATION: OTHER CIVIL**
)
)
)
)
)
)

JURISDICTION

1. This Court has original jurisdiction of this action under R.C. 121.22.

STANDING

2. R.C. 121.22(I)(1) provides that "[a]ny person may bring an action to enforce this section. ...".

PARTIES

3. Relator, Brian Massie ("Massie") resides in Concord Township, in Lake County, Ohio.
4. The Lake County Board of Commissioners ("Board") is established pursuant to R.C. 305.01 consisting of three members.
5. Lake County Visitors Bureau, Inc ("Bureau") is a nonprofit corporation established pursuant to Chapter 1702 of the Revised Code, the Ohio Nonprofit Corporation Law, on October 22, 1987, Charter No. 712529.

STATEMENT OF FACTS

6. The Board is currently comprised of three members: Jerry C. Cirino, Ron Young, and John R. Hamercheck.
7. The Board is a public body as defined by R.C. 121.22.

8. The Bureau is controlled by a Board of Directors currently comprised of 5 members, with 3 members appointed by the Lake County Commissioners , and .
9. The Bureau is a public body as defined by R.C. 121.22.

COUNT I
Holding A Meeting Not Open To The Public

10. Relator incorporates the above paragraphs as if fully rewritten herein.
11. On Tuesday, February 19, 2019 from 9:00am until 10:00am, the Board and Bureau held a joint meeting as defined by R.C. 121.22.
12. A quorum of the Board was present at said meeting.
13. A quorum of the Bureau was present at said meeting.
14. Public business was discussed at said meeting.
15. The public was excluded from said meeting.
16. This conduct constitutes a violation of R.C. 121.22.

COUNT II
Taking Official Action Outside a Public Meeting

17. Relator Massie incorporates the above paragraphs as if fully rewritten herein.
18. Effective March 1, 2019, Respondents entered into a Memorandum of Understanding ("MOU").
19. Entering into said MOU was an official act of the Board.
20. No discussion of said MOU occurred in any open meeting of the Board.
21. A quorum of the Board must be present in person to take official action.
22. A quorum of the Board was not present to enter into said MOU.
23. The County Administrator lacks authority to sign said MOU.
24. Entering into said MOU was an official act of the Bureau.
25. This conduct constitutes a violation of R.C. 121.22.

PRAYER FOR RELIEF

WHEREFORE, Relator prays for judgment against the Board, and that the Court:

- (1) Declare that the Board has violated the provisions of R.C. 121.22 as set forth in Counts 1 through 2.
- (2) For each violation enumerated in Counts 1 through 2, permanently enjoin the Board under R.C. 121.22(I)(1) to comply with the provisions of R.C. 121.22.
- (3) For each violation enumerated in Counts 1 through 2, order Respondents to pay a five hundred dollar civil forfeiture to Relator as specified by R.C. 121.22(I)(2)(a).

- (4) Award all court costs and reasonable attorney's fees under R.C. 121.22(I)(2)(a).
- (5) Order Respondents to create meeting minutes to reflect the discussions improperly held in executive session.
- (6) Any other relief which this Court deems just and equitable.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Brian Massie".

Brian Massie
8196 Rainbow Dr
Concord, OH 44077

VERIFICATION

State of Ohio)
)SS
County of Lake)

Now comes Brian Massie, who, having first been duly cautioned and sworn deposes and says as follows:

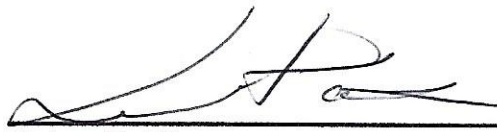
1. I am, and have been during all time periods relevant to the foregoing Complaint, a citizen residing in Lake County.
2. I have read the foregoing Complaint and swear that I have personal knowledge of the facts stated therein and that the facts stated therein are true and accurate to the best of my information, knowledge, and belief.
3. Further, Affiant sayeth naught.



Brian Massie

Before me, a Notary Public in and for said county and state, personally appeared Brian Massie who swore to the truth of the foregoing Verification and subscribed same in my presence at 7525 Crib Rd Concord, Ohio on this 15th day of June, 2019.

LAURA PATAKI
Notary Public, State of Ohio
My Commission Expires July 6, 2019



Notary Public