

From: JEAN MONTES <jeanmonts@mac.com>
Subject: Re: Lycée Board Meeting – February
Date: February 1, 2013 4:10:54 PM CST
To: Marta Jewson <marta.jewson@gmail.com>
Cc: Mike Pinkerton <mikepink@yahoo.com>, Rebecca Catalanello <rcatalanello@thelensnola.org>

Dear Ms. Jewson and Ms. Catalanello,

After review by our counsel, we now understand that the emails of nearly a year ago, March 28, 2012, before I became Board chairman, were a technical violation of the Open Meetings law, which generally requires public bodies to perform business in an open and public manner.

However, we cured the violation on April 2, 2012, during an open meeting where the Board entered executive session to discuss this particular personnel issue. We've attached for your convenience the public minutes of that meeting, which The Lens attended and reported on at the time. (<http://www.lfno.org/BOD/Minutes/LFNO%20BOD%20Minutes%20040212.pdf>)

Our counsel have also advised that the information contained in the emails is also protected by Section 17 of the Open Meetings law, which permitted us to enter into executive session to discuss character, professional competency, or health of an employees. Any minutes or discussions during executive session are confidential and we are not required to disclose them.

So the information contained in the emails are protected and to protect the privacy rights of individual employees, we would have never discussed it in an open meeting setting.

Furthermore, the action in the email – although non-compliant with the Open Meeting law – was not an absolute nullity and we cured that issue by subsequent ratification at the open meeting on April 2, 2012.

The emails would have never been released to the public and on behalf of Lycée I am requesting that the Lens refrain from publishing the emails due to the potential impact upon the former employee.

As I stated back in August, we are a public entity and should embrace transparency at all times so the community and taxpayers can be fully aware of how public funds are being managed.

Parents and the community at large have expressed their appreciation for being included in the process, and we are continuing to work with the Louisiana Department of Education and our consulting to address Board training and education and identify a permanent CEO to manage the school's day-to-day operations.

Please see the following cases as reference

(See Op.Atty.Gen., No. 09-0048 (April 29, 2009), 2009 WL 1416466)

(See Delta Development v. Plaquemines Parish, 451 So.2d 134 La.App. 4 Cir.), writ denied, 456 So.2d 172 (La.1984); Marien v. Rapides Parish Police Jury, 98-77 (La. App. 3 Cir. 6/17/98), 717 So. 2d 1187, 1192 writ denied, 98-1935 (La. 10/30/98), 727 So. 2d 1166.

Cordially,

Dr. Jean Montès
Chairman of the LFNO Board of Directors

Sent from my iPhone