

Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

COVER SHEET
STATE OF ARKANSAS
CIRCUIT COURT: CIVIL

To Save a copy of this form to your computer, please click the disk icon on the toolbar above.

The civil reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number B. Instructions are located on the back of the form.

FILING INFORMATION

County: Lonoke District: 23 Docket Number: CV-2011-389
Judge: Division: 711 Filing Date: 6-9-11

Plaintiff: June Elliott Defendant: Pulaski County Special School District, et al.

Attorney Providing Information: Luther Sutter Post Office Box 2012, Benton, AR 72018
Plaintiff Defendant Intervenor Address

Litigant, if Pro Se: Address
Related Case(s): Judge Case Number(s)

Type of Case:

Torts

- (NM) Negligence: Motor Vehicle
(NO) Negligence: Other
(BF) Bad Faith
(FR) Fraud
(MP) Malpractice
(PL) Product Liability
(OD) Other

Contracts

- (IS) Insurance
(DO) Debt: Open Account
(PN) Debt: Promissory Note
(EM) Employment
(OC) Other

Equity

- (FC) Foreclosure
(QT) Quiet Title
(IJ) Injunction
(PT) Partition
(OT) Other

Miscellaneous

- (CD) Condemnation
(RE) Replevin
(DJ) Declaratory Judgment
(UD) Unlawful Detainer
(IN) Incorporation
(EL) Election
(FJ) Foreign Judgment
(WT) Writs
(AA) Administrative Appeal
(CF) Property Forfeiture
(RD) Remove Disabilities
(NC) Name Change
(OM) Other AGRA

Jury Trial Requested: Yes No Manner of Filing: Original Re-open Transfer Return from Federal/Bankruptcy Court

DISPOSITION INFORMATION

Disposition Date: Bench Trial Non-Trial Jury Trial

Judgment Type:

- (DJ) Default Judgment
(SJ) Summary Judgment
(CJ) Consent Judgment
(TJ) Trial Judgment
(OJ) Other Judgment
(PG) Petition Granted
(PD) Petition Denied
(DF) Decree of Foreclosure

Dismissal Type:

- (DW) Dismissed with Prejudice
(DN) Dismissed without Prejudice

Other:

- (TR) Transferred to Another Jurisdiction
(RB) Removed to Bankruptcy Court
(RF) Removed to Federal Court
(AR) Arbitration

Judgment For:

Plaintiff Defendant Both

Judgment Amount: \$

Clerk's Signature
AGC 23 10-01
625 Marshall Street
Little Rock, AR 72201

Date

Send 1 paper or electronic copy to AGC upon filing.
Send 1 paper or electronic copy to AGC upon disposition.
Keep original in court file.

Effective 1-1-2002

DIVISION 3

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS

JUNE ELLIOT

2011 JUN 13 11:17
PLAINTIFF

vs.

CASE NO. CV-2011-389

PULASKI COUNTY SPECIAL
SCHOOL DISTRICT, and CHARLES HOPSON

ja
DEFENDANTS

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, Harrill & Sutter P.L.L.C., and for her Complaint, she states:

PARTIES AND JURISDICTION

1. June Elliot (Plaintiff) is now, and has been at all times relevant, a resident of Lonoke County, Arkansas, who was employed by Defendant, Pulaski County Special School District, a public entity as defined by the Arkansas Whistleblower Protection Act. Defendant, Charles Hopson is the superintendent of the school district organized and existing under the laws of the State of Arkansas, with its principal place of business in Pulaski County, Arkansas. He is sued in individual capacity under the ACRA and official capacity on all other claims. This action is also brought under the Arkansas Civil Rights Act of 1993 (ACRA) for an amount exceeding that required for diversity jurisdiction. Accordingly, venue is proper, and this court has personal jurisdiction. There is no federal question jurisdiction because no federal claims are brought.

GENERAL ALLEGATIONS OF FACT

2. Plaintiff is a white female who began working for the School District in July of 2009, as a Deputy Superintendent of Learning Services whose job responsibilities included being Superintendent Designee when the Superintendent was out of the district.

3. In July of 2010, Charles Hopson, a Black male, was hired as Superintendent. Superintendent Hopson divided the district into two regions. Superintendent Hopson hired Rodney Matheney (Black Male) to be the Deputy Superintendent over one of the regions. Mr.

Matheney did not have a superintendent's license, no central office experience, no doctorate and is making the same amount of money as Plaintiff. In the interview process, qualified white candidates were not interviewed. On Matheney's application, "interview per Dr. Hopson" was written. Mr. Matheney's job performance has come into question throughout the year. This is a violation of a policy designed to protect the public interest.

4. Board minutes from December 20, 2010 indicate that all out-of-state travel must be approved by the board 30-days prior to traveling, but Dr. Hopson continued to allow out-of-state travel without board approval until May 2011. The board, to date, has not rescinded its motion to allow travel without approval. Jenny Dunn, Special Education Director, submitted out of state travel to Memphis for approval by the board in January. The travel was not approved. Dr. Hopson directed Ms. Dunn to change the travel to West Memphis so that it would not show out of state. Ms. Dunn asked that Plaintiff to sign the travel request as directed by Dr. Hopson. Plaintiff referred Ms. Dunn to Dr. Hopson for the approval signature. Later Special Education was removed from the Plaintiff's responsibilities and placed under the direction of Mr. Rodney Matheney

5. Dr. Hopson directed Derrick Brown who then directed Dr. Elliott to "split" an iPad order in order to violate board policy that requires board approval for any purchase \$25,000 or higher. Dr. Elliott refused to allow her p-card to be used to make the transaction.

6. Dr. Hopson signed a contract with Arkansas Leadership Academy for the 2011-2012 school year in the amount of \$629,662.98. This contract was not presented to or approved by the board.

7. Dr. Hopson has changed the organizational chart/structure on three different occasions without the required approval of the board mentioned in Board Policy CC and CCA. Even yesterday, Dr. Hopson drew a new line to move federal funds and categorical money spending authority from one area to another without Board approval. Personnel - Dr. Hopson has not conducted an evaluation on Dr. June Elliott, which in itself violates policy. He also has

placed administrators in positions without interviewing or going through the hiring process. He is placing these administrators in positions that are deemed as promotions. Last year, four administrators were "red lined" with the understanding that they would receive their salary for one school year. Their salary would then go to the salary that the position paid.....To date three black administrators (Clark, Forrest, and Booth) remain at their higher salary in lower salary positions. The one white female (Rankin) has been told that she cannot maintain her higher salary and remain in her current position.

8. Regina Saine, a black secretary for Federal Programs, called Plaintiff a bitch while in the presence of other black employees. It was reported to her supervisor, who in turn recommended that she be suspended for 10 days without pay. Dr. Hopson became involved and he reprimanded her supervisor who is white and decreased the suspension to the time she had already been off. In May, Federal Programs was removed from Plaintiff's responsibilities and placed under the supervision of Anita Farver, Black CFO, who in September 2010 had incorrectly transferred funds within Title I and was directed by ADE to restore funds to the ending balance. Plaintiff brought this to the attention of Ms. Farver in an attempt to rectify the incorrect accounting to no avail. Only after the Plaintiff contacted ADE was the account corrected. Ms. Farver inadvertently moved Title I money again in December 2010. When this was brought to her attention, she displayed unprofessional behavior, yelling and screaming in the hallway in front of one of the people she supervises. Dr. Hopson called Ms. Farver and Dr. Elliott into his office where he directed Dr. Elliott to not contact ADE again unless directed to do so by him. Under Ms. Farver's supervision, AARA (Stimulus Funds) were incorrectly expended resulting in an audit exception.

9. Dr. Hopson agreed to write a chapter for Glen Singleton's book. Afterwards, Hopson asked for approval of a \$281,000.00 contract with Singleton's company.....He admits that Singleton is an associate of his from Portland. Glen Singleton was hired by Dr. Hopson for Cultural Diversity Training. Mr. Singleton is a controversial CEO of Pacific Educational Group

that espouses, "We will shine the light on racial dominance to uncover how Whiteness challenges the performance of students of color while shaping and reinforcing the racial perspective of White children." He harasses whites so that whites can experience the way blacks feel (or his perception of how blacks are treated). His seminar states, "Anger, guilt, and shame are just a few of the emotions whites should expect to experience as they move toward greater understanding of whiteness." Plaintiff experienced all these feelings. Plaintiff was subjected to all of this by Mr. Singleton, acting under the direction of the Defendant as a condition of her employment.

10. On December 7, 2010, Mr. Singleton met with the Cabinet, including the Plaintiff. Whites were harassed, belittled, and threatened. Mr. Singleton specifically told Plaintiff that if this initiative failed it would be her fault. Mr. Singleton was very pointed and accusatory in his comments. When Plaintiff declined to answer one of his assaults Mr. Singleton asked her why? Plaintiff replied, "Plaintiff does not want to be jumped on again." Mr. Singleton threw back his chair, folded his arms, and said to the black members of the Cabinet, "See what I am talking about." He indicated that the Plaintiff had made a racial slur. Plaintiff ended up crying...Plaintiff was embarrassed and humiliated.

11. The same night, the principals, assistant principals, and other administrators experienced some of the same treatment. Plaintiff received numerous calls complaining about the harassment that took place.

12. Plaintiff expressed her concern to Dr. Hopson the following Monday because she believed such conduct violated the ACRA and the School Board's policy and code of conduct.

13. On January 4, 2011, Brenda Bowles, Assistant Superintendent whose daughter owes the district over \$21,000.00 and refuses to pay, displayed inappropriate behavior in front of two classified staff. She became angry at the Plaintiff. When Plaintiff did not respond, she directed that anger toward Dr. Bruce Bryant. In fact, she tried to close a door on him. Dr. Hopson called everyone to his office where Bowles proceeded to call Dr. Bryant a "slave

master." Hopson did not correct her in any way. Plaintiff rebuked her for the comment. Her response was, "that is the way Plaintiff feels." Plaintiff addressed this in the January 5, 2011, meeting with Dr. Hopson. Dr. Hopson responded that he understood how Bowles felt.

14. On January 5, 2011, Dr. Hopson sent an email restructuring the principal meeting which Plaintiff had been responsible for in the past. Plaintiff sent a response to that e-mail. He called Plaintiff to his office to express displeasure in the Plaintiff's response. The discussion continued on the Defendant's feelings about the Glen Singleton philosophy. He told Plaintiff that Singleton's beliefs were his (Hopson's) core beliefs. Plaintiff told him that Plaintiff could not support those who Plaintiff supervises to be treated in such a manner, and that Plaintiff would not be treated in such a manner. (PLAINTIFF has a copy of the tape). Plaintiff told him Plaintiff felt harassed, threatened, and it had created a hostile work environment for the Plaintiff. Plaintiff told him that Plaintiff was not going back to a session. Plaintiff has returned because Plaintiff knew that Plaintiff would be fired for insubordination. Things have digressed since that time. A potential group grievance has been addressed to Dr. Hopson that may violate the PNA. Dr. Hopson's emails indicate that he has no desire to address the grievance and invites further litigation with the district concerning the closure of Jacksonville Elementary School.

15. Further, Dr. Hopson has sent emails stating, in part, "This is not the position or quality of relationship any person at this level needs to have with a sitting superintendent." A text message states:

Can you talk, It is just June doing another end run around me after I said wait trying to have her way by doing a power play with board members. This could get ugly and public if she continues to pout and make comments. I made a huge mistake in keeping June. I should have fired her. I have no trust in her at all. I am going to move all money oversight from her. She plays too many games. She is just just too toxic. There are plenty of other white females with twice her skill set and maturity. I would fire her now if we were not already under so much scrutiny. I only kept her because of my respect for you when you called me. Other than that, she would have been history. Tim, Regretfully I have no confidence or desire for June to continue on my cabinet. It has just become too toxic with her on the cabinet and with me. You as a board might want to meet in executive session to discuss retaining her despite my intent and deciding whether there is the confidence for me to continue as your superintendent in light of my decision, but I will not support June continuing on the cabinet. I am sorry it has come to this, but I will respect

the will of the board in this matter. I called Bill and left him the same message. I think regardless of the outcome, you all collectively know what is best for the future of PCSSD.

16. Documentation shows where bills are continuing to be paid twice. This issue was raised in previous legislative audits and should have been addressed with procedures to prevent this. In fact, a bill at Daisy Bates is one year past due.

17. A teacher is being paid \$20,000 above her correct rate of pay because procedures are still not in place to have checks and balances to ensure that personnel who change positions that have lower salaries are moved to the correct rate of pay. Grant funds are not being accounted for in the budget. Costs are being deducted from operating funds instead of the appropriate grant funds thereby lowering the operating fund balance.

18. According to legislative audit, this practice opens a window of opportunity for fraud. Anita Farver did not pay the payroll taxes in a timely manner. She also did not get approval from ADE before authorizing a check for over \$180,000.00 of which over \$100,000.00 was for penalty and interests.

19. Dr. Hopson continues to voice a disregard for the seriousness of the fiscal distress designation and refers to it as "purely political with a multifaceted agenda."

20. Dr. Hopson further indicates that additional litigation using desegregation as an issue may be warranted.

21. Dr. Hopson perjured himself at the ADE Board meeting stating that he had not asked for checks to be issued to Board Members or himself without going through the correct protocol. On one occasion he asked for advance travel checks for Ms. Mildred Tatum and Ms. Gwen Williams. On another occasion he requested a check be issued to him. Both of these incidents were reported to Legislative Audit by employees in the Business Department.

COUNT 1 - GENDER DISCRIMINATION

22. Plaintiff re-alleges the foregoing as if fully set out herein.

23. Based on the foregoing, Defendants have violated Plaintiff's right to remonstrate and for a name clearing hearing, the Arkansas Civil Rights Act of 1993 (ACRA) (Ark. Code Ann. 16-123-108), and the Arkansas Constitution (equal protection) by failing to pay her the salary for the same or similar work based on her gender in violation of state law. Furthermore, this constitutes a denial of equal protection based on gender in violation of the Arkansas Constitution and the ACRA.

24. As a direct and proximate cause of Defendants' acts or omissions, Plaintiff has suffered severe mental and emotional distress, lost wages, lost fringe benefits, lost earning capacity, and has incurred medical expenses which would not otherwise have been incurred.

25. The individual Defendants' acts have been in willful, intentional, and malicious violation of Plaintiff's rights under the Arkansas Constitution and are so egregious so as to warrant the imposition of punitive damages under the ACRA.

COUNT II - RETALIATION AND AWPBA

26. Plaintiff re-alleges the foregoing as if fully set out herein.

27. Based on the foregoing, Plaintiff exercised her rights to free speech and to remonstrate under the Arkansas Constitution, by virtue of speaking out about a matter of public concern, that being racial discrimination and retaliation to a degree that her career has been threatened. The Defendant has violated the Plaintiffs' rights under the Arkansas Constitution, the AWPBA, and the ACRA by retaliating against her, by creating a hostile work environment, damaging her reputation to the Board, demoting her, and threatening her.

28. Based on the foregoing, Plaintiff opposed race discrimination and reported her concerns to the Defendant. Plaintiff also requested the right to report the foregoing to the Board, but Defendant would not allow the report, choosing instead to further reduce her responsibilities. The Defendant has violated Plaintiffs' rights under the AWPBA and the ACRA by retaliating against her, by creating a hostile work environment, demoting her, and threatening her.

29. As a direct and proximate cause of Defendants' acts or omissions, Plaintiff has suffered severe mental and emotional distress, lost wages, lost fringe benefits, lost earning capacity, and has incurred medical expenses which would not otherwise have been incurred.

30. The Defendants' acts have been in willful, intentional, and malicious violation of the law and are so egregious so as to warrant the imposition of punitive damages under the ACRA.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief: back pay, front pay or reinstatement, compensatory damages, punitive damages against the individual Defendants under 42 U.S.C. 1983 and the ACRA (constitutional violations and retaliation), for a jury trial of all issues so triable, for an injunction requiring Defendants to remove all adverse employment information from her personnel file, designating her as re-hirable, and for a positive employment recommendation, for a declaratory judgment that Defendant's acts and omissions have violated the AWPA, and the ACRA, for an injunction requiring Defendant to comply with the AWPA and ACRA, for a requirement that this lawsuit be posted and that it be posted that Defendant has violated the law, for investigation and disciplinary action against the appropriate individuals for committing discrimination, for a requirement that Defendant retain all complaints of discrimination for seven years, for a requirement that Defendant establish a hotline for complaints of discrimination, for a requirement of an independent monitor, for a requirement of training sessions for all personnel and management regarding discrimination and the handling of such complaints, for her reasonable attorney's fees and costs, for an Order requiring the Defendant to allow Plaintiff to address the Board and provide Plaintiff a name clearing hearing, and for all other proper relief.

Respectfully Submitted,

HARRILL & SUTTER, P.L.L.C.
Attorneys at Law
310 West Conway Street
P.O. Box 2012
Benton, Arkansas 72015
501/315-1910 FAX 501/315-1916
Attorneys for the Plaintiff

By:



Luther Oneal Sutter, Ark. Bar No. 95031

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS

III DIVISION

JUNE ELLIOT

PLAINTIFF

vs.

CASE NO. CV 2011-389

PULASKI COUNTY SPECIAL SCHOOL DISTRICT, and CHARLES HOPSON

DEFENDANTS

PLAINTIFF'S ATTORNEY: Harrill & Sutter, P.L.L.C.
ADDRESS: P. O. Box 2012
Benton, AR 72018

THE STATE OF ARKANSAS TO DEFENDANT: Charles Hopson

SUMMONS

NOTICE OF LAWSUIT

1. You are hereby notified that a lawsuit has been filed against you.
2. The attached Complaint will be considered admitted by you and a judgment by default may be entered against you for the relief asked in the Complaint unless you file a pleading and thereafter appear and present your defense. Your pleading or answer must meet the following requirements:
 - A. It must be in writing and otherwise comply with the Arkansas Rules of Civil Procedure.
 - B. It must be filed in the Court Clerk's office within 20 days from the day you were served with this Summons.
3. If you desire to be represented by an attorney, you should contact your attorney immediately so that your answer may be filed in time to prevent default.

Additional notices: NONE

WITNESS MY HAND, AND SEAL OF THE COURT ON THIS, THE 9th DAY OF June 2011.

Address of Clerk's Office:

DEBORAH OGLESBY Circuit Court Clerk

Lonoke County Circuit Court Clerk
301 North Center Street
Lonoke, Arkansas 72086

BY: Denise Brown
Deputy Clerk

IN THE CIRCUIT COURT OF LONOKE COUNTY, ARKANSAS

III DIVISION

JUNE ELLIOT

PLAINTIFF

vs.

CASE NO. CV-2011-389

PULASKI COUNTY SPECIAL
SCHOOL DISTRICT, and CHARLES HOPSON

DEFENDANTS

PLAINTIFF'S ATTORNEY: Harrill & Sutter, P.L.L.C.
ADDRESS: P. O. Box 2012
Benton, AR 72018

THE STATE OF ARKANSAS TO DEFENDANT: Pulaski County Special School District

SUMMONS

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Lonoke County Circuit Court Clerk
301 North Center Street
Lonoke, Arkansas 72086

DEBORAH OGLESBY Circuit Court Clerk

Denise Brown
By: *Steph Jenkins DC*
Deputy Clerk