IN THE TENTH JUDICIAL CIRCUIT OF JEFFERSON COUNTY, ALABAMA

ALLAN PIZZATO, an individual, **Plaintiff,** **vs.** **ALABAMA EDUCATIONAL TELEVISION COMMISSION, a state agency, d/b/a ALABAMA PUBLIC TELEVISION; FERRIS W. STEPHENS, individually and in his capacity as Chairman of the Alabama Educational Television Commission; GREGORY O. GRIFFIN, SR., individually and in his Capacity as Vice-Chairman of the Alabama Educational Television Commission; DR. RODNEY D. HERRING, individually and in his capacity as Secretary of the Alabama Educational Television Commission; BEBE WILLIAMS, LES BARNETT, DR. DANNETTA K. THORTON OWENS, and J. HOLLAND, both individually and in their respective capacities as members of the Alabama Educational Television Commission,** **Defendants.**	)	**Civil Action Number:** CV201200937 **Preliminary Hearing:** _____ FILED IN OFFICE JUL 18 2012 ANNE-MARIE ADAMS Clerk

COMPLAINT

INTRODUCTION

Plaintiff, Allan Pizzato, files this lawsuit seeking relief against the individual Defendants, who are all appointed members of the Defendant Alabama Educational Television Commission ("the Commission"), as well as the Commission itself. The Commission, organized by statute for the purpose of making the benefits of educational television available to and promoting its use by inhabitants of Alabama, does business as Alabama Public Television. Until June 12,

2012, Pizzato was the Executive Director of Alabama Public Television.

During the Commission's quarterly meeting on June 12, 2012, the individual Defendants violated the Alabama Open Meetings Act by improperly discussing the job performance of Plaintiff Allan Pizzato during an executive session conducted during the quarterly meeting. (*See* June 12, 2012 Minutes of Alabama Educational Television Commission, a copy of which is attached hereto as Exhibit "A"). Because Pizzato is classified as a public employee who is required to file a statement of economic interests with the Alabama Ethics Commission, such a discussion of Pizzato's job performance was prohibited by the Open Meetings Act.

Additionally, despite multiple requests from Plaintiff's counsel under the Open Records Act, Defendants have refused to produce documentation that includes audio recordings of the March 20, 2012 and June 12, 2012 Commission meetings as well as any and all related materials, including but not limited to agendas, emails, and correspondence or other communications that relate to agenda items for those meetings or other documents that were given to the Commission members for those meetings. (*See* July 11, 2012 correspondence, a copy of which is attached hereto as Exhibit "B," and July 17, 2012 correspondence, a copy of which is attached hereto as Exhibit "C").

Plaintiff seeks the appropriate injunctive and compensatory relief set out below, in addition to whatever other relief this Court deems appropriate.

JURISDICTION

1. The Court has jurisdiction over Plaintiff's state law claims and the conduct complained of transpired in the Tenth Judicial Circuit, Jefferson County, Alabama.

PARTIES

2. Plaintiff ALLAN PIZZATO is an adult resident of Shelby County, Alabama who

is over the age of nineteen years. From August 2000 until June 12, 2012, Pizzato served as the Executive Director of Alabama Public Television.

3. Defendant ALABAMA EDUCATIONAL TELEVISION COMMISSION, d/b/a ALABAMA PUBLIC TELEVISION is an Alabama state agency. Its primary place of business is in Jefferson County, Alabama.

4. Defendant FERRIS W. STEPHENS is an adult resident of Jefferson County, Alabama who is over the age of nineteen years. At all times relevant to this Complaint, Stephens has been the Chairman of the Commission.

5. Defendant GREGORY O. GRIFFIN, SR., is an adult resident of Montgomery County, Alabama who is over the age of nineteen years. At all times relevant to this Complaint, Griffin has been the Vice-Chairman of the Commission.

6. Defendant DR. RODNEY D. HERRING is an adult resident of Lee County, Alabama who is over the age of nineteen years. At all times relevant to this Complaint, Herring has been the Secretary of the Commission.

7. Defendant BEBE WILLIAMS is an adult resident of Madison County, Alabama who is over the age of nineteen years. At all times relevant to this Complaint, Williams has been a member of the Commission.

8. Defendant LES BARNETT is an adult resident of Mobile County, Alabama who is over the age of nineteen years. At all times relevant to this Complaint, Barnett has been a member of the Commission.

9. Defendant DR. DANNETTA K. THORNTON OWENS is an adult resident of Jefferson County, Alabama who is over the age of nineteen years. At all times relevant to this Complaint, Thornton Owens has been a member of the Commission.

10. Defendant J. HOLLAND is an adult resident of Etowah County, Alabama who is over the age of nineteen years. At all times relevant to this Complaint, Holland has been a member of the Commission.

STATEMENT OF FACTS

11. Plaintiff was recruited from a position managing another public broadcasting station to join Alabama Public Television as its Executive Director in August 2000.

12. Plaintiff is an experienced leader in the field of public broadcasting with over 35 years of work in the industry. He has received numerous community awards for his leadership.

13. Under Plaintiff's guidance as Executive Director, Alabama Public Television developed its first documentary division. The division enjoyed great success with works such as "The Quiltmakers of Gee's Bend," which won the 2005 Southeast Regional Emmy Award for Outstanding Achievement in a Documentary Program, and "Mr. Dial Has Something to Say," which won the award in 2008.

14. Plaintiff was responsible for growth in Alabama Public Television's education department, initiating the network's online educational resource that more than 80% of the state's public school teachers registered to use.

15. Plaintiff worked to grow Alabama Public Television's educational department from a minor video repository to a vibrant and collaborative learning cooperative that partners with educators across the state beginning at the preschool level and following through adult education.

16. Plaintiff was also responsible for Alabama Public Television's leadership in a ten-state consortium of public television stations and state boards of education to provide online professional development for educators, as well as its capability to provide "virtual field trips" to

Alabama classrooms.

17. During Plaintiff's tenure, Alabama Public Television became the first public television station in the country to have a studio in Washington, D.C., which was used to develop and broadcast new educational programming to students across Alabama.

18. In 2011, Plaintiff was named the *Birmingham Business Journal*'s Nonprofit CEO of the Year.

19. From the beginning of his tenure as Executive Director of Alabama Public Television in 2000 until his termination, Plaintiff received near universal acclaim for his leadership including, until recent months, from members of the Commission.

20. Several months ago, it became clear that certain members of the Commission wanted to impose their own personal, political and religious views on other members of the Commission, the programming that aired on Alabama Public Television, the staff, and the direction of the station itself.

21. Certain members of the Commission have also made threats against Plaintiff.

22. On June 12, 2012, the Commission held its quarterly meeting in Birmingham, Alabama. During the meeting, Defendant Herring made a motion for the Commission to enter into an executive session in order to discuss the "general reputation, character, and job performance" of Plaintiff. The motion was seconded by Defendant Barnett and approved by a 6-1 vote.

23. When the executive session ended and the Commission meeting resumed, Defendant Barnett made a motion to terminate Plaintiff and Pauline Howland, Deputy Director and Chief Financial Officer of Alabama Public Television. The motion was seconded by Defendant Herring and the Commission voted 5-2 to terminate Plaintiff and Howland. Defendant

Stephens stated that he had known for a few days that this was going to happen and he wanted to make sure there was someone at Alabama Public Television in the interim. Defendant Stephens announced that Don Boomershine would serve as the interim director, and asked that there be a motion to approve. Defendant Herring made a motion to approve Boomershine as interim director. The motion was seconded by Defendant Thornton Owens and approved by a 5-2 vote.

24. After the terminations of Plaintiff and Howland, all of the active, non-Commission members of Alabama Educational Television Foundation Authority, a statutorily-created public nonprofit fundraising entity, and five of the seven members of the Alabama Public Television Foundation Board of Directors, a private entity charged with helping Alabama Public Television raise money, resigned from their respective entities.

25. The mass resignation of these individuals represented the virtual eradication of the independent business and community leaders who served Alabama Public Television in a fundraising capacity.

26. At least one of the Commissioners has publicly expressed support for and aligned himself with a political group with a stated goal of defunding public broadcasting. This conflicts with the Commission's statutory duty of controlling and supervising the use of channels reserved by the Federal Communications Commission to Alabama for noncommercial, educational use. *See* Ala. Code § 16-7-5 (1975).

27. On July 11, 2012, Plaintiff's counsel formally requested, through a letter to interim director Boomershine, audio recordings of the March and June quarterly Commission meetings as well as any and all related materials, including but not limited to agendas, emails, and correspondence or other communications that relate to agenda items for those meetings or other documents that were given to the Commission members for those meetings. Exh. B.

28. On July 17, 2012, Plaintiff's counsel sent a letter to the individual Defendants to notify the Commission that it was in violation of the Alabama Open Records Act, Ala. Code § 36-12-40 (1975), due to its failure to provide the requested documentation. Exh. C.

29. As of the filing of this Complaint, Defendants have failed to provide the requested documentation.

30. The failure of the Defendants to produce the requested information is delaying Plaintiff's investigation into other claims Plaintiff may have.

CAUSES OF ACTION

COUNT ONE
VIOLATION OF OPEN MEETINGS ACT

31. Plaintiff hereby adopts and incorporates the allegations set forth in Paragraphs 1 through 30 as if separately set forth herein.

32. This cause of action is asserted against all individual Defendants in their official and individual capacities.

33. During a June 12, 2012 meeting, members of the Commission went into executive session to discuss the "general reputation, character, and job performance" of Plaintiff. *See* Exh. A.

34. Immediately following the executive session, the Commission voted to terminate Plaintiff's employment. *Id.*

35. Section 36-25A-7(a)(1) states that the job performance of a public employee cannot be discussed during an executive session if he or she is required to file a statement of economic interests with the Alabama Ethics Commission pursuant to Ala. Code § 36-25-14 (1975). Ala. Code § 36-25A-7(a)(1).

36. Section 36-25-14 states that a public employee at the state, county or municipal

level of government or their instrumentalities whose base pay is $50,000 or more annually is required to file a statement of economic interests. Ala. Code § 36-25-14(a)(2) (1975).

37. Plaintiff filed a statement of economic interests with the Alabama Ethics Commission in 2011 and years prior.

38. Section 36-25A-9(b)(4) provides grounds for an Open Meetings Act violation if there is substantial evidence that defendants intentionally violated any other provision of the Open Meetings Act that is not listed as a cause of action under Ala. Code § 36-25A-9(b)(1)-(3), which would include the improper discussion of a qualified public employee's job performance during an executive session. Ala. Code § 36-25A-9(b)(4). Accordingly, Defendants' discussion of Plaintiff's job performance during an executive session is an Open Meetings Act violation.

39. As a proximate result of Defendants' violation of the Open Meetings Act, Plaintiff was injured and damaged.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands compensatory and punitive damages as determined by this Court as well as any additional relief to which he may be entitled by law.

COUNT TWO
DEMAND FOR INJUNCTIVE RELIEF UNDER OPEN RECORDS ACT

40. Plaintiff hereby adopts and incorporates the allegations set forth in Paragraphs 1 through 39 as if separately set forth herein.

41. This cause of action is asserted against all Defendants in their official and individual capacities.

42. On July 11, 2012, Plaintiff's counsel formally requested the audio recordings of the Commission's March and June meetings, as well as other materials, through a letter to Don Boomershine, the Commission's hand-picked interim Executive Director of Alabama Public

Television. Exh. B.

43. After Plaintiff's counsel failed to receive the courtesy of a response, Plaintiff's counsel sent another request, this time to each individual Defendant, notifying them that it was a violation of Ala. Code § 36-12-40 (1975) to fail to provide the requested documentation. *See* Exh. C.

44. At the time of the filing of this Complaint, the Defendants have failed to provide the requested documentation.

45. Section 36-12-40 of the Alabama Code states that "every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute." Ala. Code § 36-12-40 (1975).

WHEREFORE, PREMISES CONSIDERED, Plaintiff hereby requests that a permanent injunction be entered against the Defendants enjoining the continued denial of access to the public writings repeatedly requested by Plaintiff through his counsel of record.

COUNT THREE
DECLARATORY JUDGMENT

46. Plaintiff hereby adopts and incorporates the allegations set forth in Paragraphs 1 through 45 as if separately set forth herein.

47. This cause of action is asserted against Defendant Stephens in his individual and representative capacities.

48. In 2010, Defendant Stephens was appointed to the Commission by Governor Bob Riley. At the time of his appointment, Defendant Stephens was employed as assistant attorney general for the State of Alabama. Upon information and belief, he currently maintains the same or a similar position in the Attorney General's office.

49. The statutory language governing the Commission states that "[n]o member of the

commission shall hold any other office of profit or trust under the United States, the State of Alabama, or any other political subdivision thereof." Ala. Code § 16-7-2 (1975).

50. The Alabama Supreme Court has equated "office of profit" to "public office." *See, e.g.,* Opinion of the Justices, 13 So. 2d 674, 678 (Ala. 1943).

51. "A public office is the right, authority, and duty, created by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public." State ex rel. Gray v. King, 395 So. 2d 6, 7 (Ala. 1981) (internal citation omitted).

52. In the absence of the Attorney General or when directed by him, "the assistants to the Attorney General may render official opinions . . . and may perform such other duties as may be directed by the Attorney General . . . *the performance of such duties by such assistants shall have the same force and effect as if performed by the Attorney General.*" Ala. Code § 36-15-17 (1975) (emphasis added).

53. Accordingly, because an assistant attorney general such as Defendant Stephens may be "invested" "for a given period" "with some portion of the sovereign functions of the government, to be exercised by him for the benefit of the public," he would hold a "public office" or "office of profit."

54. Pursuant to Ala. Code § 6-6-20 (1975) et al., Plaintiff hereby requests this Court enter and grant declaratory relief in his favor as follows:

a. declare that Stephens is improperly and illegally sitting on the Commission in violation of Alabama law;

b. declare that all votes, approvals, and other decisions issued by the Commission

since the time of Stephens' appointment in which Stephens participated be rendered null and void by virtue of his improper appointment and participation.

PRAYER FOR RELIEF

WHEREFORE, THE PREMISES CONSIDERED, Plaintiff requests declaratory and injunctive relief, monetary damages, attorneys' fees and costs, and such further and other relief as the Court deems appropriate.

Respectfully submitted,

J. Mark White
Bar No. ASB-5029-H66J
One of the attorneys for Plaintiff

OF COUNSEL:
J. Mark White
Augusta Dowd
Andrew Allen
WHITE ARNOLD & DOWD P.C.
2025 Third Avenue North, Suite 500
Birmingham, AL 35203
Phone: (205)-323-1888
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e-mail: mwhite@waadlaw.com
e-mail: adowd@waadlaw.com
e-mail: aallen@waadlaw.com

VERIFICATION REQUIRED BY ALA. CODE § 36-25A-9 (1975)

STATE OF ALABAMA)
JEFFERSON COUNTY)

The undersigned, Allan Pizzato, being first duly sworn, deposes and says as follows:

I am a resident citizen of the State of Alabama. I am the Plaintiff named in the foregoing Complaint. I have read the Complaint, and the facts stated therein are true and correct according to my information, knowledge, and belief.

Allan A. Pizzato
Allan Pizzato

Sworn to and subscribed before me this the 18th day of July, 2012.

Theresa L. Ramey
Notary Public

My commission expires:
7/28/2013

PLEASE SERVE THE FOLLOWING DEFENDANTS VIA PROCESS SERVER:

Alabama Educational Television Commission
c/o Attorney General Luther Strange
501 Washington Avenue
Montgomery, Alabama 36104

Mr. Ferris W. Stephens, Chairman
3444 Tamassee Lane
Birmingham, AL 35226

Mr. Gregory O. Griffin, Sr., Vice-Chairman
301 South Ripley Street
Montgomery, Alabama 36130

Dr. Rodney D. Herring, Secretary
Herring Spine and Rehabilitation
2011 Gateway Drive
Opelika, Alabama 36801

Mrs. Bebe Williams
5201 Riverview Drive
Huntsville, Alabama 35803

Mr. Les Barnett
University of South Alabama
150 Jaguar Drive, Shelby Hall
Mobile, Alabama 36688

Dr. Dannetta K. Thornton Owens
420 10th Court West
Birmingham, AL 35204

Mr. J. Holland
Gadsden Radio Media, LLC
301 N. 12th Street
Gadsden, Alabama 35901

EXHIBIT "A"

COPY

Minutes
Alabama Educational Television Commission
June 12, 2012
Alabama Public Television
Birmingham, AL

Alabama Educational Television Commission members attending:

Mr. Ferris Stephens, Chairman
Mr. Greg Griffin, Vice Chairman
Dr. Rod Herring, Secretary
Ms. Bebe Williams
Dr. Dannetta K. Thornton Owens
Mr. Les Barnett
Mr. J. Holland

APT staff and other guests attending:

Allan Pizzato–Executive Director
Charles Grantham–COO
Pauline Howland–Deputy Director/CFO
Dr. Cindy F. Kirk, VP, Education Services
Chris Holmes – Executive Producer
Dave Hodson, Director of IT Services
Despina Vodantis – Acting VP of Development
Brett Tannehill – Station Manager, WLRH
Paula Drinkard – Executive Assistant

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman Ferris Stephens called the meeting to order at approximately 1:00 p.m. and stated that the first order of business was the approval of the minutes of the March 20, 2012 meeting. A motion was made by Dr. Rod Herring and was seconded by Greg Griffin. A vote was taken and the minutes of the March 20, 2012 meeting were unanimously approved as written.

OTHER BUSINESS

Instead of adding Other Business to the agenda, the following items were added to the agenda: Sale of Montgomery Studio as Item 5 and Mission Statement as Item 6. A vote was taken and the board approved changing the agenda.

"IN THE PUBLIC INTEREST"

Allan reported that a new program entitled "In the Public Interest" will premiere August 31, 2012 at 10:00 p.m. and will begin regular showings as a pre-taped half-hour program in September. Allan added that it will be hosted by Don Dailey and will tackle issues that have been of some concern to the Commission, along with other issues and should make for an interesting program. Depending on the sale of the Montgomery studio building, Allan stated that the show could possibly be shot in the Birmingham office.

SALE OF MONTGOMERY STUDIO BUILDING

Allan Pizzato stated that as reported earlier in the Foundation Authority meeting, ASU has presented an offer for $2.3 million for the Montgomery studio building, with an upfront payment of $750,000 and annual payments for three or four years. He also stated that APT would still have access to the studio for production projects. Allan stated that he believes it is a good price and without anyone else interested in purchasing the building, the only alternative is to rent the space and maintain access to the production space. Allan then stated that the better equipment is being moved from the old studio to the statehouse studio, which gives APT more capabilities

there. He talked about how much the legislators like having the studio in the statehouse and added that he did not see a need to keep the larger studio building. Allan then asked the board to approve taking the $2.3 million. There was a discussion about whether to take a lump sum payment or the three to four year payments. Dr. Rod Herring made a motion to approve the $2.3 million from ASU for the building with the $750,000 upfront and annual payments. Dr. Dannetta K. Thornton Owens seconded the motion. A vote was taken and the Commission approved the motion unanimously.

BALANCED PROGRAMMING

Allan Pizzato stated that Rod Herring had voiced some concerns about programs on evolution and stated that a program will begin being aired on APT called Voices of Creation at some time in September. He also stated that the topic could also be discussed on the new show set to air. Allan stated that APT has already committed to air the program and that a copy is being sent to us.

MISSION STATEMENT

Bebe Williams reported for the Document Review Committee that a new mission statement had been drafted after they looked at 14 other states' mission statements. She added that the main goal was to emphasize our education mission. Dr. Rod Herring made a motion to accept the mission statement and stated that this statement would replace everything on the Mission, Vision, Values page on the APT website. J. Holland seconded the motion. A vote was taken and the motion passed.

MANAGEMENT REVIEW/MANAGEMENT STRUCTURE

Rod Herring made a motion that the Commission go into Executive Session to discuss the general reputation, character and job performance of the Executive Director of Alabama Public Television and was seconded by Les Barnett. A vote was taken and the motion carried 6-1. The chairman stated that the board would be in Executive Session until 2:30 p.m.

Executive Session ended at 2:43 p.m. Chairman Ferris Stephens brought the Commission meeting back to order and stated that the board would move on to Management Structure. At that time, Les Barnett stated that the Commission had decided to move APT in a new direction and made a motion to terminate Pauline Howland and Allan Pizzato. Rod Herring seconded the motion. The Chairman asked for any discussion. The Chairman asked for a vote with a show of hands. The board voted and the motion carried 5-2. Chairman Ferris Stephens then asked if there were any more motions on the floor. Les Barnett moved that the board approve the actions of the Chairman. This was seconded by Dr. Dannetta K. Thornton Owens. The Chairman stated that he had known for a few days that this was going to happen and he wanted to make sure there was someone at APT in the interim. He announced that Mr. Don Boomershine will serve as the interim director. The Chair asked that there be a motion to approve. Rod Herring made a motion, which was seconded by Dr. Dannetta K. Thornton Owens. By show of hands the motion carried 5-2.

The Chair then stated that since the meeting had run late, he would like to move the committee reports until the next meeting. Les Barnett made a motion to do this and Rod Herring seconded. A vote was taken and the meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Paula Drinkard
Executive Assistant

APPROVED:

Mr. Ferris W. Stephens, Chairman

Dr. Rod Herring, Secretary

EXHIBIT "B"

WHITE ARNOLD & DOWD P.C.
Attorneys at Law

ANDREW C. ALLEN*
STEPHEN R. ARNOLD
WILLIAM M. BOWEN JR.†
KATHERINE R. BROWN
LAURA GIBSON CHAIN
U.W. CLEMON††
REBECCA G. DEPALMA**
AUGUSTA S. DOWD
C. BURTON DUNN
LINDA G. FLIPPO
GREGORY H. HAWLEY***
KAREN M. HENNECY
HOPE S. MARSHALL
CHRISTOPHER J. NICHOLSON
T. SHANE SMITH
SIDNEY C. SUMMEY
LARA SYKES WALTERS
J. MARK WHITE

† RETIRED JUDGE
ALABAMA COURT OF CRIMINAL APPEALS

†† RETIRED CHIEF JUDGE
UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT

* ALSO LICENSED IN MISSISSIPPI

** ALSO LICENSED IN DISTRICT OF COLUMBIA

*** ALSO LICENSED IN DISTRICT OF COLUMBIA AND TEXAS

July 11, 2012

VIA HAND DELIVERY
Mr. Don Boomershine
Interim Director
Alabama Public Television
2112 11th Ave South, Suite 400
Birmingham, AL 35205

RE: Recordings of March and June AETC Meetings

Dear Mr. Boomershine:

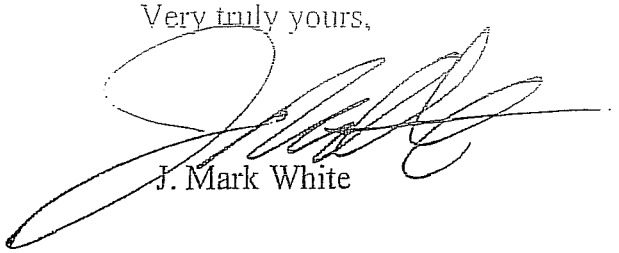
As you are aware, it is our privilege to represent Allan Pizzato in his dispute against Alabama Public Television ("APT"), Alabama Educational Television Commission ("AETC") and its commissioners, and others. We have previously put the commissioners and all others on notice of their duties to preserve and protect certain documents in both electronic and/or hard-copy format that are of interest and potential benefit to our client.

As a result of our ongoing investigation, we have discovered that commissioners are giving conflicting versions of what happened during the March and June AETC meetings. We have also become aware that there are audio recordings that would be the most accurate, public record of what actually transpired during those public meetings.

Accordingly, we are hereby requesting copies of the audio tapes of the March and June AETC meetings as well as any and all related materials, including but not limited to agendas, emails, and correspondence or other communications that relate to agenda items for those meetings or other documents that were given to the commission members for those meetings. We will pay all reasonable copy costs associated with this request.

Please advise when these materials will be available. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



J. Mark White

EXHIBIT "C"

WHITE ARNOLD & DOWD P.C.
Attorneys at Law

ANDREW C. ALLEN*
STEPHEN R. ARNOLD
WILLIAM M. BOWEN JR.†
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† RETIRED JUDGE ALABAMA COURT OF CRIMINAL APPEALS
†† RETIRED CHIEF JUDGE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT
* ALSO LICENSED IN MISSISSIPPI
** ALSO LICENSED IN DISTRICT OF COLUMBIA
*** ALSO LICENSED IN DISTRICT OF COLUMBIA AND TEXAS

July 17, 2012

VIA HAND DELIVERY
Alabama Educational Television Commission
Mr. Ferris W. Stephens, Chairman
Mr. Gregory O. Griffin, Sr., Vice-Chairman
Dr. Rodney D. Herring, Secretary
Mrs. Bebe Williams
Mr. Les Barnett
Dr. Dannetta K. Thornton Owens
Mr. J. Holland
c/o Alabama Public Television
2112 11th Ave South, Suite 400
Birmingham, AL 35205

RE: Open Records Act Request

To the Commission:

Pursuant to Ala. Code § 36-12-40 (1975), on July 11, 2012 we sent Mr. Don Boomershine, Interim Director of Alabama Public Television, a request for the recordings of the March and June meetings of the Alabama Educational Television Commission, among other documents. A copy of that request is enclosed. As of today, we have not received the courtesy of a response to our request.

We write to place you on notice that Alabama Public Television is in violation of Ala. Code § 36-12-40's mandate that "[e]very citizen has a right to inspect and take a copy of any public writing of this state," and hereby demand immediate compliance with our July 11, 2012 request.

Very truly yours,

J. Mark White

J. Mark White

Augusta S. Dowd

Augusta S. Dowd

Enclosure

cc: Mr. Don Boomershine
Mr. Dale Wallace, Esq. (*via e-mail*)

WHITE ARNOLD & DOWD P.C.
Attorneys at Law

ANDREW C. ALLEN*
STEPHEN R. ARNOLD
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July 11, 2012

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Mr. Don Boomershine
Interim Director
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2112 11th Ave South, Suite 400
Birmingham, AL 35205

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As a result of our ongoing investigation, we have discovered that commissioners are giving conflicting versions of what happened during the March and June AETC meetings. We have also become aware that there are audio recordings that would be the most accurate, public record of what actually transpired during those public meetings.

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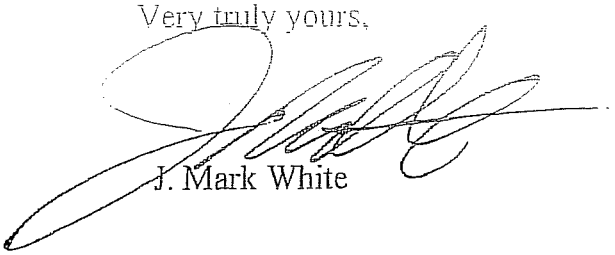

J. Mark White