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February 18, 2008

***Via Email Only: [heneal@icpr.in.gov](mailto:heneal@icpr.in.gov)***

Heather Neal, Esq.  
Public Access Counselor  
402 West Washington Street, Room W460  
Indianapolis, IN 46204

***Re: Formal Complaint 07-F6-46: Alleged Violation of the  
Open Door Law by the Clear Lake Town Council***

Dear Heather:

Thank you for taking the time to talk with me on Friday regarding this matter.

It is my understanding that you are not able, or do not feel it appropriate to remove opinions of the Public Access Counselor from the web site. The issue in this case was really whether or not the ratification by the Town Council of the appointments to the Clear Lake BZA (all of which had been made by the former council president) was, in fact, part of a plan to enable the president to claim that he, as the appointing authority, had the right to remove Mr. Folland for cause. As we discussed, the speed with which your predecessor acted on this complaint, as she was required to do, prevented Mr. Folland from further documenting his claim.

In any event, a suit was filed in the Steuben Superior Court to appeal the decision of removal, a copy of which is attached hereto. Subsequently, this claim was resolved by stipulation which acknowledged that there was no proper cause for the removal of Christopher Folland as an appointed member of the Town of Clear Lake Indiana Board of Zoning Appeals. That Stipulation and a copy of the Order dismissing the case, with prejudice, is also attached for your reference.

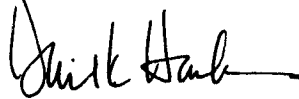
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As we discussed, Mr. Folland is concerned that the decision of the Public Access Counselor constitutes a blemish on his record and believes that the attached Stipulation and Order, if made part of the Public Access Counselor's record, would in some measure, vindicate his name. I would appreciate it if you would consider attaching the Stipulation of Dismissal with Prejudice and the Court's Order to the Public Access Counselor's web site in connection with this matter.

If you have any questions, please feel free to call.

Very truly yours,

HAWK HAYNIE KAMMEYER & CHICKEDANTZ

A handwritten signature in black ink, appearing to read "David K. Hawk", with a long horizontal stroke extending to the right.

David K. Hawk

DKH/sjs

Enclosure