

by the Board (License # 6492) and Dean of Wright State University's School of Professional Psychology. Alternatively, if the Court does not compel such formal action, it should compel the Board to investigate meaningfully and in good faith and determine whether to proceed to formal action. Petitioners also seek a writ of mandamus to compel the Board to provide clearly articulated reasons grounded in fact or law for any decision, and to show that it investigated meaningfully and/or carried out a formal proceeding in good faith.

2. On July 7, 2010, Petitioners filed a fifty-page Complaint ("Board Complaint") with the Board against Dr. James. The Board Complaint alleges that Dr. James was responsible for the abuse and exploitation of detainees as a senior psychologist at the U.S. military prison at Guantánamo Bay in violation of Ohio law and Board ethics rules.

3. Petitioners' Board Complaint further details how Dr. James violated Ohio law and Board ethics rules after leaving Guantánamo Bay by publishing confidential patient history in his 2008 memoir and by misleading the public and the Board about his role.

4. In all, the Board Complaint alleges violations of eighteen provisions of Ohio statutes and Board ethics rules. In an affidavit provided to the Board, an expert in psychological ethics concluded, "The allegations contained in this complaint, if true, represent the most serious ethical breaches I have seen in my thirty-five years as a psychologist. They also have the most far reaching implications for the profession of psychology of any ethical or licensing issue I have yet encountered." Exhibit 3, Psychological Report of Bryant L. Welch, J.D., Ph.D. at 4.

5. Petitioners supported the Board Complaint with over a thousand pages of documentation. The Board Complaint cited reports, records, and hearings from the U.S. military, Senate, Department of Justice, Central Intelligence Agency, as well as statements from survivors and witnesses. The Board Complaint cited Dr. James's own public statements, including several

admissions that on their face constitute violations of Ohio law or Board rules. Petitioners repeatedly offered to supplement the record with additional witnesses and expert testimony.

6. The Ohio General Assembly entrusts the Board with the responsibility to oversee Ohio licensees and to regulate the practice of psychology in order to protect the public. This responsibility to the public includes an obligation to uphold and enforce its standards by responding to the professional misconduct of licensees that occurs outside the state and prior to licensure.

7. Presented with evidence that a licensee is likely to have engaged in serious misconduct rising to the level of torture, the Board has a duty to examine the evidence carefully, probe further, and initiate formal action.

8. Having here received such serious allegations and substantial evidence, the Board responded instead with a cursory letter informing Petitioners merely that it was “unable to proceed to formal action in this matter.” Exhibit 2, Letter from Carolyn Knauss, Investigator, Ohio State Bd. of Psych., to Beth Collis, Attorney, Collis, Smiles & Collis (Jan. 26, 2011).

9. The Board’s decision shows no indication of having been based on evidence or law. On its face, the decision was arbitrary and inconsistent with the Board’s previous practice of disciplining psychologists for far less egregious violations of the Board’s ethics rules and Ohio laws.

10. Although the Ohio General Assembly granted the Board discretion, that discretion cannot be exercised arbitrarily and may not be abused in frustration of the legislature’s intent.

11. The Board’s extraordinary abdication of its responsibility in this instance necessitates a writ of mandamus to protect the public, serve the interests of justice, and uphold the integrity of the regulatory system established by the legislature of this state.

PARTIES

12. The below Petitioners filed the Board Complaint at issue here that was not properly investigated or adjudicated by the Board:

- a. DR. TRUDY BOND, Ohio license number #2978, has been a practicing psychologist in Ohio for over thirty years. She is a resident and taxpayer of Toledo, Ohio.
- b. MR. MICHAEL REESE is a former private of the U.S. Army, member of Disabled American Veterans, and former counselor and teacher for people with disabilities. He is a resident and taxpayer of Columbus, Ohio.
- c. REV. COLIN BOSSEN is a minister of the Unitarian Universalist Society of Cleveland. He is resident and taxpayer of Cleveland Heights, Ohio.
- d. DR. JOSEPHINE SETZLER is Executive Director of the Seneca, Sandusky and Wyandot chapter of the National Alliance on Mental Illness and has been a mental health advocate for over twenty years. She is a resident and taxpayer of Fremont, Ohio.

13. The Board is a state agency required by R.C. 4732.17 to license and discipline psychologists in Ohio.

JURISDICTION

14. Jurisdiction lies with this Court pursuant to R.C. Chapter 2731.

15. The claims in this matter arise from Petitioners' clear legal rights and the Board's clear legal duties regarding the professional misconduct addressed in the Board Complaint Petitioners filed against Dr. James.

16. Petitioners have no plain or adequate remedy at law to appeal to correct an abuse of discretion by the Board, which in this case arbitrarily disregarded Petitioners' Board Complaint and the evidence of Dr. James's numerous and serious violations.

17. Given the Board's duties and Petitioners' rights and lack of remedy, a petition for a writ of mandamus is appropriate.

STATUTORY AND REGULATORY FRAMEWORK

18. The Ohio General Assembly created the Board to regulate the profession of psychology and to safeguard the public from harm. The Board's primary mission is to "provid[e] protections for the public and for consumers of psychological services." State Bd. of Psych. of Ohio, Guidelines for Disciplinary Actions and Corrective Orders at 2.

19. To give effect to these purposes, the Board has a duty to protect the public first through ensuring that everyone who receives a license meets professional standards, and second by monitoring the behavior of psychologists once they are licensed to ensure that they continue to adhere to those standards. The Board has a duty to license applicant psychologists who meet the standards created by statute and the Board itself, as well as a duty to oversee disciplinary matters, which includes the ability to deny, reprimand, and revoke the licensure of Ohio licensees who fail to meet or maintain those standards. R.C. 4732.10, 4732.17; Ohio Adm.Code 4732-17 to 4732-17-01. In addition, the Board has a specific duty to investigate complaints and proceed to formal action when a violation is "likely to have occurred." See Ohio State Bd. of Psych., State Board of Psychology Regulatory Compliance Handbook (rev. 2002) at ¶6.

20. By the Board's own admission, the Board is "accountable to the public to appropriately sanction licensees who engage in misconduct." Guidelines for Disciplinary Actions and Corrective Orders, *supra*, at 2.

21. Professional misconduct is defined by the legislature in the Revised Code and by the rules of professional conduct promulgated by the Board and codified in the Administrative Code at section 4732-17. Ohio Adm.Code 4732-17. These laws and rules require that all Ohio-licensed psychologists and applicants adhere to strict ethical and professional norms.

22. Military health professionals are required to maintain a valid state license. The Department of Defense (“DOD”) relies on state professional boards to license, investigate, and sanction professional misconduct of its health professionals, including psychologists. 10 U.S.C. § 1094(a)(1), (e)(1)(A) (2006); Department of Defense Directive 6025.13 § 5.2.2.2 (May 4, 2004).

23. The Ohio regulatory framework explicitly recognizes the importance of receiving complaints from the public as a means of bringing the misconduct of psychologists to the attention of the Board. Any individual with knowledge of a licensee’s misconduct may bring a complaint to the attention of the Board. See State Board of Psychology Regulatory Compliance Handbook, *supra*, at ¶1. Ohio psychologists who are aware of another licensee’s misconduct are obligated to report that misconduct to the Board. Ohio Adm.Code 4732-17-01(J)(4).

24. The regulatory scheme under R.C. 4732 provides the Board with limited discretion. The Board cannot exercise that discretion arbitrarily. If the Board receives a formal complaint or becomes aware that an Ohio licensee or applicant has engaged in professional misconduct inside or outside the state, the Board has a duty to investigate to determine if there has been a violation of the laws and rules over which the Board has authority.

25. The public has a corresponding right to file complaints and have their complaints investigated.

26. If, through the course of the investigation, the Board finds that allegations are within its jurisdiction and a violation is likely to have occurred, the Board must proceed to formal action.

27. Complainants have a corresponding right to have their complaint be the subject of formal action when they support their allegations with evidence that a violation is likely to have occurred.

28. In order for these rights and duties to be meaningful, R.C. 4732 may not be interpreted to permit the Board “absolute and uncontrolled discretion” to dismiss allegations of serious violations supported by substantial evidence that the violations have likely occurred. See *State ex rel. Selected Properties v. Gottfried* (1955), 163 Ohio St. 469, 471, 127 N.E.2d 371; *Thomas v. Mills* (1927), 117 Ohio St. 114, 122-23, 157 N.E. 488.

FACTS

The Complaint

29. On July 7, 2010, Petitioners filed the Board Complaint against Dr. James. The Board Complaint alleges that Dr. James played a role in the exploitation, abuse, and torture of detainees at Guantánamo Bay, subsequently misrepresented that experience, and improperly disclosed confidential patient information. It alleges violations of eighteen provisions of Ohio statutes and Board rules governing the conduct of psychologists. See Exhibit 1, Statement of Complaint—Larry C. James, License No. 6492, State Board of Psychology of Ohio (July 7, 2010) [hereinafter Bd. Compl.].

30. The Board Complaint draws from numerous sources, including reports, records, and hearings from the U.S. military, Congress, Department of Justice, Central Intelligence

Agency, as well as statements from witnesses and survivors. The Board Complaint also cites Dr. James's own public admissions and statements, which present prima facie evidence of misconduct. See, e.g., Exhibit 1, Bd. Compl. at ¶¶52-53, 86-110. Some of these admissions are contained in Dr. James's memoir, "Fixing Hell: An Army Psychologist Confronts Abu Ghraib." Dr. James published this book in 2008, while his application for an Ohio license was pending before the Board.

31. Until 2008, Dr. James was an active-duty Colonel in the U.S. Army. The Board Complaint alleges that he led a team of mental health professionals in the intelligence command at the U.S. Naval Station in Guantánamo Bay, Cuba, from January 2003 to May 2003, and again from June 2007 through May or June 2008. Exhibit 1, Bd. Compl. at ¶3.

32. According to DOD policy, the team of psychologists and psychiatrists, known as the Behavioral Science Consultation Team ("BSCT"), was tasked with applying psychology and behavioral science to "evaluate the psychological strengths and vulnerabilities of detainees" and to "assist in integrating these factors" into their interrogations. Exhibit 1, Bd. Compl. at ¶14 (quoting Memorandum from Kevin C. Kiley, Army Surgeon General, to Commanders, MEDCOM Major Subordinate Commands, Behavioral Science Consultation Policy (Oct. 20, 2006)).

33. The Board Complaint alleges and documents that as the BSCT's commanding officer, Dr. James would have been responsible not only for his own actions, but also for the conduct of BSCT members and others under his command, as well as for the foreseeable consequences of policies he helped to develop. Exhibit 1, Bd. Compl. at ¶¶5-7.

34. The Board Complaint alleges that as Chief Psychologist and commanding officer of the BSCT, Dr. James participated in designing, implementing, and/or overseeing a system of

interrogation and detention that was intended to exploit prisoners' psychological vulnerabilities, maximize their feelings of disorientation and helplessness, and put them in a position of absolute dependency on their interrogators. Exhibit 1, Bd. Compl. at ¶8.

35. The Board Complaint documents that in their BSCT roles, Dr. James and his subordinates were practicing psychology as defined by R.C. 4732.01(B). Exhibit 1, Bd. Compl. at ¶23. They continuously assessed detainees interrogated and held in Guantánamo Bay; studied and sought to influence the detainees' responses to specific techniques and environmental conditions; and as Dr. James himself admits, evaluated them by reviewing their medical information prior to interrogations. Exhibit 1, Bd. Compl. at ¶24.

36. The Board Complaint documents that Dr. James's position as the commanding BSCT psychologist was contingent on his holding a valid state license to practice the profession. Exhibit 1, Bd. Compl. at ¶13 n.33. The Board Complaint alleges that he, along with other BSCT members, was selected because of his mental health training. Exhibit 1, Bd. Compl. at ¶13.

37. Specifically, the Board Complaint alleges that Dr. James and members of the BSCT under his command and control contributed in the following ways to cause prisoners debilitating physical and psychological harm:

- advised and trained interrogators, meeting with them to review interrogation plans designed to isolate detainees and foster dependence on their interrogators so as to enhance and exploit their disorientation, shock, and fear, Exhibit 1, Bd. Compl. at ¶¶15-16;
- observed, monitored, and retained at least *de facto* authority to end many, if not all, interrogations, many of which involved treatment rising to the level of torture or

cruel, inhuman or degrading treatment or punishment, Exhibit 1, Bd. Compl. at ¶¶13, 18, 25-27;

- assessed and evaluated detainee behavior and suggested abusive interrogation techniques, Exhibit 1, Bd. Compl. at ¶¶13-15, 18;
- exploited minors detained at Guantánamo Bay and, while they were under Dr. James's supervision, failed to protect them from physical and psychological abuse, Exhibit 1, Bd. Compl. at ¶¶44-49.

38. The Board Complaint documents that while Dr. James was Chief Psychologist and alleged commanding officer of the BSCT, men and boys detained in the prison were threatened with rape and death for themselves and their family members; sexually, culturally, and religiously humiliated; forced naked; deprived of sleep; subjected to sensory deprivation, over-stimulation, and extreme isolation; short-shackled into stress positions for hours; and physically assaulted. Exhibit 1, Bd. Compl. at ¶¶26-27.

39. The Board Complaint alleges that Dr. James participated in, ordered, supervised, ratified, facilitated, acquiesced in, and/or failed to prevent, stop, report, and punish this and other types of abuse at the prison. Exhibit 1, Bd. Compl. at ¶25.

40. The Board Complaint provides specific examples of this misconduct, including an incident drawn from Dr. James's own admission in which he watched behind a one-way mirror and drank coffee as an interrogator and three guards wrestled a man to the floor forcing him to wear lipstick, a wig, and women's underwear. The Board Complaint alleges that Dr. James did not report the incident and documents Dr. James's admission that he did not reprimand or discipline the interrogator and guards. Exhibit 1, Bd. Compl. at ¶¶37-42.

41. The U.S. Government had previously recognized such techniques as illegal, and U.S. Government officials have since re-affirmed that some of these techniques constitute torture. Exhibit 1, Bd. Compl. at ¶10.

42. The American Psychological Association (“APA”), which has expressly condemned torture since at least 1985, prohibits psychologists from “knowingly planning, designing, participating in or assisting in the use” of any one of these techniques. American Psychological Association, Amendment to the Reaffirmation of the APA Position Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and Its Application to Individuals Defined in the United States Code as “Enemy Combatants” (Feb. 22, 2008); American Psychological Association, Against Torture: Joint Resolution of the American Psychiatric Association and the American Psychological Association (1985).

43. The Board Complaint alleges that following his tenure at Guantánamo Bay, Dr. James continued to engage in sanctionable misconduct through his public disclosures and misrepresentations of the interrogation and detention practices of the prison and the role he played in setting and implementing those practices.

44. The Board Complaint alleges that Dr. James committed grave breaches of confidentiality through statements he made in his book. Exhibit 1, Bd. Compl. at ¶¶86-87, 89-90.

45. Finally, the Board Complaint alleges that Dr. James misrepresented his experience and the nature of his service at Guantánamo Bay through various statements to the public and in his licensure application to the Board. Exhibit 1, Bd. Compl. at ¶¶52-53, 94-110.

46. The evidence presented in the Board Complaint indicates that while practicing psychology Dr. James: (1) not only failed to protect clients from harm, but directly and indirectly harmed them; (2) entered into prohibited multiple relationships with detainees that compromised

his judgment and objectivity and led to the exploitation of individuals with whom he worked; (3) not only failed to protect confidential information but designed a policy that purported to require other health professionals to breach systematically provider-patient confidentiality; and (4) failed to represent honestly his own conduct, experience, and the results of his service.

47. Individually, each act of alleged misconduct represents a violation of specific provisions of the code of conduct established by the Board and professional ethics associations that could be an independent basis for sanction. Combined, they reveal a pattern of consistent disregard for the rules that govern his profession and demonstrate a lack of “good moral character” as required by R.C. 4732.10(B)(2) for licensure in Ohio.

48. The fifty-page Board Complaint filed by Petitioners was supplemented with over a thousand pages of supporting documentation. The evidence in the Board Complaint contains admissions from Dr. James and other publicly available documents based on government policy and investigations. The admissions in Dr. James’s memoir alone are sufficient to warrant an investigation and to proceed to formal action.

49. Beyond Dr. James’s own admissions, the additional substantial evidence contained in the Board Complaint only reaffirms that a thorough and independent investigation conducted in good faith, followed by formal action, is proper.

50. The Board Complaint is further supported by a report submitted by psychologist and attorney Dr. Bryant Welch, an expert in psychological ethics. In his report, Dr. Welch concludes that if the allegations contained in the Board Complaint are factually true, the conduct described constitutes the most serious and far-reaching ethical breaches he has ever encountered in his career as a psychologist. Exhibit 3, Psychological Report of Bryant L. Welch, J.D., Ph.D., *supra*, at 4.

51. Other Ohio residents shared with the Board their concern about the seriousness of the alleged misconduct and its potential implications for people in Ohio. These residents included licensed psychologists, ethicists, veterans, and faith leaders.

52. On July 19, 2010, Petitioners requested a meeting with the Board, with the stated purpose of making themselves available to address any questions the Board might have regarding the law or evidence relating to the Board Complaint and offering to provide supporting witnesses.

53. On September 30, 2010, Petitioners and their counsel met with Supervising Board Member Jane Woodrow, Board Executive Director Ronald Ross, Board Investigator Carolyn Knauss, and Assistant Attorney General Roger Carroll. During this meeting, Petitioners repeatedly offered to answer any legal and factual questions that might concern the Board. Those present on behalf of the Board stated that they had no questions and requested to speak with no witnesses.

54. Until its final decision five months later, the Board did not initiate further contact with Petitioners following the meeting on September 30, 2010.

The Board's Response and Decision

55. On January 31, 2011, the Board sent a cursory letter stating, in part, that, "It has been determined that we are unable to proceed to formal action in this matter." Exhibit 2, Letter from Carolyn Knauss to Beth Collis, supra.

The Board's Abuse of Discretion and Failure to Fulfill Its Duties

56. The Board must base its decision to proceed or not proceed to formal action on a valid legal assessment of jurisdiction and a thorough analysis of the evidence. See *State ex rel. Noll v. Indus. Comm. of Ohio* (1991), 57 Ohio St.3d 203, 205-06, 567 N.E.2d 245. Neither the Board's actions nor its statements, including its response letter, offer any indication that the Board based its decision not to proceed to formal action on law or evidence. See, generally, Exhibit 2, Letter from Carolyn Knauss to Beth Collis, *supra*.

57. In its letter, the Board asserted no deficiency with the evidence and made no reference to a lack of jurisdiction.

58. An unexplained cursory dismissal of a fifty-page Complaint with over a thousand pages of credible documentation, including government reports and Dr. James's own admissions, constitutes an arbitrary exercise of the discretionary authority and exemplifies abuse. Such action provides no assurances that the Board Complaint has been fully investigated or that Dr. James's continued licensure does not present a continuing risk to public safety.

59. When a professional misconduct complaint within the Board's jurisdiction alleges serious violations of the codified ethical standards and supports those allegations with substantial evidence indicating that these violations are likely to have occurred, the Board has a duty to initiate formal proceedings. The Board must proceed pursuant to its duty to protect the public from psychologists who abuse their professional knowledge and skills to cause harm.

60. No reasonable policy objective is served by the Board's failure to act in this case. The Board Complaint was well-substantiated, and the violations alleged are of the most serious kind. Clear duties exist to investigate and proceed to formal action in this situation. An agency cannot hide behind discretion simply to avoid a controversial case. Similarly, an agency cannot

be said to be exercising non-arbitrary discretion when it acts against the clear weight of the evidence and the goals of the statute in policing the conduct of psychologists.

61. The public relies on the Board, the sole authority entrusted to regulate the licensure of psychology in Ohio, to ensure that licensure remains contingent upon adherence to ethical obligations. The public's trust in psychologists and the profession of psychology depends on the Board's good faith efforts to investigate and appropriately discipline psychologists who violate the codified ethical standards.

62. A dismissal by the Board should only be based on a conclusion that the allegations in the complaint have been fully investigated and do not constitute violations of the laws and rules governing Ohio psychologists. An arbitrary dismissal or a refusal to take disciplinary action, in a case such as this one, can mislead the public into believing that the licensee has been cleared of wrongdoing and risks communicating to other Ohio psychologists that the alleged conduct will be tolerated by the Board.

63. The arbitrary and non-transparent nature of Board's actions have undermined the rule of law and contributed to the perpetuation of injustice.

64. The Board did not adequately address the Board Complaint brought by Petitioners, and therefore failed to vindicate their statutory rights. Instead, the Board has effectively rendered Petitioners' statutory rights a meaningless formality.

65. So long as the Board's decision is allowed to stand, Petitioner Bond can no longer rely on the Board to monitor the ethical behavior of the psychologists that the Board licenses to practice, nor have conviction that the rules and regulations promulgated by the Board will be duly enforced. The Board's decision, should it be allowed to stand, risks inviting future abuse. It damages the integrity of the psychological profession in Ohio by signaling to psychologists that

decisions as to whether to investigate complaints are made arbitrarily by the Board, and that blatant violations of ethical codes may therefore not be meaningfully investigated.

66. So long as the Board's decision is allowed to stand, Petitioner Bossen, in his role as a minister, can no longer trust that when he refers members of his congregation to Ohio-licensed psychologists, they will be helped rather than harmed.

67. So long as the Board's decision is allowed to stand, Petitioner Setzler, who has advocated for the rights of the mentally ill in Ohio since her brother was diagnosed with schizophrenia, can no longer trust that the Board will protect the vulnerable residents of Ohio from psychologists who abuse the power and privilege of their license.

68. So long as the Board's decision is allowed to stand, Petitioner Reese, who receives regular treatment at Ohio Veteran Affairs (VA) hospitals, can no longer trust that the Board will discipline Ohio-licensed military health professionals who commit egregious violations of ethical rules and create an environment of abuse.

69. The Board has come under scrutiny in the past for failing in its duty to investigate and discipline psychologists. See, e.g., Ted Wendling, *When Psychologists Cross the Line*, *The Plain Dealer*, Dec. 5-7, 1999 (reporting on how state psychology boards, including the Ohio State Board of Psychology, systematically failed to discipline psychologists for sexual misconduct).

70. When Dr. James applied for Ohio licensure in 2008, Petitioner Bond filed with the Board a request that his application be denied. Complaint against Larry C. James, License State Board of Psychology of Ohio (July 8, 2008). The Board then, like here, disregarded the evidence before it and proceeded to license Dr. James, in violation of its duty to ensure that its licensees met the statutory requirement of good moral character. Letter from Carolyn Knauss, Investigator, Ohio State Board of Psychology, to Trudy Bond, Ed.D. (Sept. 16, 2008).

71. The Board routinely disciplines psychologists for conduct that is arguably far less serious than the conduct alleged in both complaints against Dr. James. Exhibit 1, Bd. Compl. at ¶56-58.

COUNT I
WRIT OF MANDAMUS

72. Petitioners restate and reiterate their previous allegations as if fully rewritten herein.

73. The writ of mandamus is an extraordinary remedy that arose historically to deal precisely with situations like this one, where there is no other avenue for justice. It is the Court's duty in such situations to review agency action and to place limits on the exercise of discretion to ensure that discretion is not exercised arbitrarily or abused.

74. Petitioners have been denied justice through the Board's decisions to not fully investigate and not proceed to formal action. The Board has clear duties to investigate and proceed to formal action when there is evidence of a violation over which the Board has jurisdiction, as in this case.

75. The dismissal of the Board Complaint has no basis in law. The Board Complaint alleges violations by an Ohio licensee of Ohio statutes and regulations over which the Board has jurisdiction.

76. The Board Complaint also presents evidence that serious and extraordinary misconduct by Dr. James rising to the level of torture was likely to have occurred.

77. The Board's dismissal of the Board Complaint without explanation is an independent abuse of discretion that warrants correction.

78. This Court must intervene to vindicate the rights of Petitioners, protect Ohio citizens, and correct the Board's abuse of discretion.

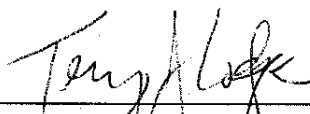
79. Petitioners are entitled to a writ of mandamus to compel the Board to proceed to formal action on the Board Complaint. Petitioners respectfully request this Court to issue a writ instructing the Board to proceed to formal action or, in the alternative, to investigate meaningfully and in good faith.

80. The Board's cursory dismissal of the Board Complaint failed to provide Petitioners with any evidentiary or legal basis for their ruling. There must be some transparency and oversight to ensure objective decision-making. Thus, Petitioners request this Court to instruct the Board to support its decision with evidence or law.

81. **WHEREFORE**, Petitioners pray that this Court issue a writ of mandamus, pursuant to R.C. Chapter 2731.

- a. This Court shall issue a writ of mandamus to require the Board to proceed to formal action based on the evidence in the Board Complaint and supporting documentation.
- b. Additionally or alternatively, this Court should compel the Board to investigate meaningfully and in good faith.
- c. Additionally, the Court should compel the Board to provide clearly articulated reasons grounded in fact or law for any decision, and to show that it investigated meaningfully and/or carried out a formal proceeding in good faith.
- d. The Petitioners request to be granted their costs and reasonable attorneys' fees in this lawsuit, and such other relief at law or in equity as this Court deems appropriate.

Respectfully submitted,



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