

IN THE CIRCUIT COURT OF WASHINGTON COUNTY, ARKANSAS  
CIVIL DIVISION

JAMES LEE “JIM” PARSONS

PLAINTIFF

VS.

NO. CV-17-\_\_\_\_\_

ECCLESIA, INC. d/b/a  
ECCLESIA COLLEGE

DEFENDANT

**COMPLAINT**

Comes now the Plaintiff, James Lee “Jim” Parsons, by and through his undersigned attorney, and for his cause of action against the Defendant, Ecclesia, Inc. d/b/a Ecclesia College, states:

1. At all times material hereto, James Lee “Jim” Parsons was a citizen, resident, and taxpayer of the State of Arkansas and resided, and still resides, within the State of Arkansas.

2. Ecclesia, Inc. d/b/a Ecclesia College (herein “Ecclesia”) participates and receives both state and federal funds. In this regard, its own internet website represents that it receives monies from federal student aid programs, including, but not necessarily limited to, Federal Pell Grants, Federal Supplemental Educational Grants, Veterans Assistance, Federal Work-Study, Federal Work College Program, and FFEL Stafford Loans. See Exhibit A, attached hereto and incorporated herein and made a part hereof by reference. Exhibit A is more fully set forth at the following internet website: <https://ecollege.edu/accreditation/>. Ecclesia also assists students in obtaining student aid, such as financial aid through the Arkansas Scholarship Program.

3. As is more fully detailed below, Ecclesia has also received many thousands of dollars in other public funds through or from the Arkansas General Improvement Fund, which is publicly funded by the Arkansas General Assembly. Furthermore, Ecclesia has, on information

and belief, provided direct or indirect kickbacks to one or more Arkansas State Legislators as compensation for obtaining public funding for Ecclesia from the Arkansas General Public Fund.

4. Ecclesia is involved and engaged in matters and activities of public concern, including, but not necessarily limited to: (a) providing college educational programs and degrees to students; (b) providing housing for students; (c) receiving public funding that is purportedly for the benefit of Ecclesia and/or its students; and (d) on information and belief providing direct or indirect kickbacks to at least one state legislator.

5. Further, Ecclesia has been also recognized, pursuant to Ark. Code Ann. § 6-61-301 by the Arkansas Higher Education Coordinating Board (“AHECB”), as an independent four-year college. AHECB acknowledges that selected courses offered by Ecclesia have been reviewed by the Arkansas Department of Higher Education for inclusion in the Arkansas Course Transfer System pursuant to the provisions of Arkansas Act 672 of 2005. (See Exhibit A) Thus, although Ecclesia is a non-profit private corporation, it is carrying-on work that is intertwined with that of Arkansas state governmental bodies and performing work that is consistently performed by state governmental bodies, with such bodies being state run colleges and universities.

6. As indicated above, Ecclesia has received public funds from the Arkansas General Improvement Fund. Ark. Code Ann. § 19-5-1005(c) provides that: “[t]he [General Improvement] fund shall be used to provide financing of various projects authorized by the General Assembly and to make temporary loans to funds receiving general revenue as set out in § 19-5-302.” Receipt of funding from the General Improvement Fund indicates that Ecclesia is carrying-on work that consists of the “financing of . . . projects authorized by the General Assembly” and which was never intended to be a loan and was never structured as a loan.

7. The work carried on by Ecclesia and the receipt of General Improvement Fund monies evidences that Ecclesia carried-on work that is intertwined with that of governmental bodies. In this regard, the providing of college level classes and housing for students are typically provided by a state run institution, such as various university locations operation by the state run University of Arkansas, Arkansas Tech University, and Arkansas State University, and other state-operated institutions of higher education. Further evidence that Ecclesia carries-on work that is intertwined with that of state governmental bodies exists in that it has courses that have been reviewed by a state agency—the Arkansas Department of Higher Education—for inclusion in the Arkansas Course Transfer System, created by Act 672 of 2005, which created a comprehensive statewide curriculum transfer system for all state public colleges and universities or what is known as a “State Minimum Core Curriculum”. Act 672 of 2005 provides that “[p]rivate institutions of higher education in Arkansas may participate in the State Minimum Core Curriculum.” Thus, Ecclesia has voluntarily engaged in activities that are intertwined with that of government bodies, with its participation in the State Minimum Core Curriculum. It is the functional equivalent of a state run institution and is, therefore, for these reasons and as is more specifically detailed below subject to the requirements of the Arkansas Freedom of Information Act (“FOIA”), Ark. Code Ann. § 25-19-101, et seq.

8. Private organizations that receive public funds, engage in activities that are of public interest, and that carry-on work that is intertwined with that of a government body are subject to the requirements of FOIA,. See J. Watkins and R. Peltz, *The Arkansas Freedom of Information Act 63* (Fifth Ed. 2009).<sup>1</sup> See also *North Central Association of Colleges v. Troutt*

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<sup>1</sup>Counsel for the Plaintiff has ordered the Sixth Edition of such book and hopes that it will be published and available for the Court’s use by the time this matter is heard by the Court.

*Brothers*, 261 Ark. 378, 548 S.W.2d 825 (1977) and Arkansas Attorney General Opinion 93-154. Non-profit organizations that receive grants to promote economic development are also subject to the requirements of FOIA. Arkansas Attorney General Opinion 90-243.

9. For purposes of FOIA, Ecclesia is considered a public entity that maintained public records and that is subject to the requirements of FOIA. Thus, its records are considered to be public records. Ark. Code Ann. § 25-19-103(5)(A) defines public records:

“Public records’ means writings, recorded sounds, films, tapes, electronic or computer based information, or data compilations in any medium, required by law to be kept or otherwise kept, and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of employment shall be presumed to be public records.”

10. The Arkansas Freedom of Information Act is broadly construed in favor of disclosure of documents or other items deemed to be public records.

11. This is an appeal from a denial of rights under the Arkansas Freedom of Information Act (“FOIA”) pursuant to Ark. Code Ann. § 25-19-107 and any other applicable law or statute.

12. Prior to the FOIA requests that are at issue herein, Arkansas State Representative Micah Neal was charged in the United States District Court for the Western District of Arkansas, Fayetteville Division in case number 5:17CR50001-001 with Conspiracy to Commit Honest Services Mail and Wire Fraud, in violation of 18 USC §§ 1341,1343,1437 and 18 USC §1349. (See Exhibit B, ¶ 1). The indictment arises, at least in part, from Arkansas General Improvement Fund monies provided to an entity identified in Exhibit B as Entity B. Entity B in Exhibit B (the plea agreement) is Ecclesia College within the terms of the plea agreement.

13. In addition, the following present or former members of the Arkansas General Assembly have provided or provided General Improvement Fund monies to Ecclesia and each is

believed to be a material witness in this matter. Such persons include Former State Senator Jon Woods, Representative Stephen Meeks, Former House Representative Randy Alexander, Senator Bart Hester, Senator Cecile Bledsoe, Representative Jim Dodson, Representative Charlie Collins, and Representative Bob Ballinger. Each such person is a material witness because they have knowledge of General Improvement Funds that they caused to be provided to Ecclesia, Ecclesia's purported use of the funds, and that Ecclesia carries on work that is intertwined with that of a state governmental body.

14. On January 22, 2017, Plaintiff, who previously served on the board or faculty of Ecclesia College and who serves on a governmental transparency watchdog organization, sent an email to the President of Ecclesia that specifically requested the following documents pursuant to the requirements set forth in FOIA:

“1. I request copies of any and all documents that you may have that are related to the \$200,000 that state Senator Jon Woods allegedly procured for Ecclesia College in 2013.

2. I request copies of any and all documents that relate to the \$50,000 that State Representative Micah Neal allegedly procured for the college in 2014.

3. I request copies of any and all documents that relate to the \$150,000 that state Senator Jon Woods obtained for the college in 2014.

4. I request a copy of the \$18,000 check paid to the unidentified consulting firm and copies of any information related to that payment. (See Exhibit C, attached hereto and incorporated herein by reference)

15. When there was no response to the email identified in the preceding paragraph, Plaintiff sent a certified mail on January 28, 2017, that is attached hereto as Exhibit D and incorporated herein by reference, to Ecclesia again demanding the documents. That document was received by Ecclesia on February 1, 2017 (See Exhibit E, attached hereto and incorporated herein by reference), yet Ecclesia chose to ignore the request for documents under FOIA.

16. As of the present date, Ecclesia has failed and refused and continues to fail and refuse to produce such documents.

17. For the foregoing reasons, the Court should order Ecclesia to comply with the requirements of FOIA, to produce the documents requested by the Plaintiff from Defendant, and the Court should assess the costs of this action and Plaintiff's attorney's fees in pursuit of this matter.

WHEREFORE, the Plaintiff, James Lee "Jim" Parsons, prays that the Defendant, Ecclesia, Inc. d/b/a Ecclesia College be ordered to comply with the FOIA requests of the Plaintiff; that Ecclesia be directed to promptly produce the requested documentation; that the Court should assess attorney's fees and costs against the Defendant, Ecclesia, Inc., and Plaintiff further prays for such other relief as is just and proper.

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Joey McCutchen (#88-045)  
McCutchen & Sexton – The Law Firm  
P.O. Box 1971  
Fort Smith, AR 72902-1971  
Phone (479) 783-0036  
Facsimile (479) 783-5168  
Email: [jmccutchen@mccutchenlawfirm.com](mailto:jmccutchen@mccutchenlawfirm.com)

**NOTICE: Service of any documents by e-mail will not be received by counsel for the Plaintiff unless copied to [pam@mccutchenlawfirm.com](mailto:pam@mccutchenlawfirm.com)**