

# Johnston settles with Duluth School Board

By [John Lundy](#) on Jan 14, 2019 at 9:45 p.m.



Art Johnston (file / News Tribune)

The Duluth School Board on Monday unanimously approved a \$55,000 settlement with former member Art Johnston, ending Johnston's quest for data involving the district's long-range facilities plan and other matters.

"What you as a district would get would be dismissal of this lawsuit," said Trevor Helmers, the attorney representing the district in the matter, as he presented it to the board in special session. "You can't turn around and be faced with these same issues next week, next month, next year. It's final. It's all done."

Johnston, who arrived just after the board voted, confirmed that he's prohibited from making further data requests.

"In exchange for that, of course I've got the money," Johnston said in an interview. "Also, the school agreed to start abiding by the Minnesota Data Practices Law."

Language in the three-page settlement does spell that out, stating: "The district hereby affirms its obligations and agrees to follow all requirements outlined in the Minnesota Government Data Practices Act related to future data requests that it receives."

Johnston filed his data-practices requests in March, asking for all communication that involved district property and actual and potential property sales since January 2010; all communication regarding two multimillion-dollar change orders the district agreed to with long-range facilities plan project manager Johnson Controls since 2009; all communication regarding responses to Minnesota Government Data Practices requests since 2013; and all communication involving Johnston himself since 2009.

In July, the state's Department of Administration released a nonbinding finding that the district failed to appropriately respond to Johnston's requests.

Johnston filed the lawsuit in 6th Judicial Court in August, saying the district still hadn't responded to the requests.

In his presentation to the board, which followed an hourlong closed session, Helmers said the money would be paid by the district's insurer. The insurer agreed to do so, he said, because defending the lawsuit would cost more than agreeing to the settlement.

"You are not admitting any wrongdoing," Helmers added. "You are expressly saying that you deny any wrongdoing, and that the reason why you are settling this is compromise with a

disputed claim. And you are also getting the benefit of making sure that these same parties aren't involved in any future data fights or data requests."

Although he will make no further data requests, Johnston said afterwards that he'd encourage other people to do so. He also will work with residents of other school districts in the state to make sure their districts are held accountable, he said.

"I get calls from all over the state asking, 'What do we do? I can't get any information from my school,'" Johnston said.

When Helmers spoke to the board, he talked about the difficulty involved with Johnston's requests.

"In this case in particular there were roughly 300,000 ... pages of documents that were requested," he said. "It would take an extremely long period of time to gather and then wade through. And this is something that can be a huge expense and difficulty, not only for your administrative staff ... but also quite often require legal counsel's review as well."

Johnston served two four-year terms on the School Board before losing a bid for a third term in 2017. He has been involved in three lawsuits against the district.