

Sequence of Events

1. Kelly's Working Well Farm was incorporated as an Ohio nonprofit corporation on December 26, 2012, with the following purpose: "to create a small scale, diversified educational farm based on permaculture principles that would serve as a model of sustainable, community-based agriculture, while teaching about and providing food and other products to the community."
2. In 2013 summer camps started, and in 2016 the school started, but the nature of the business, remaining unchanged for its trade name registration from the Initial Articles of Incorporation, are stated as "agriculture and education." The goal of this full-time, self-directed educational farm-immersion programming for children ranging from 5-18 years old is to allow homeschool-registered children a place that encourages learning through the everyday experience of a permaculture farm environment.
3. The Chagrin Valley School operates as a farm that regularly engages in agritourism by charging a fee for its educational activities to participants. The Chagrin Valley School's agritourism educational activities are largely governed by the principles of permaculture farming and democratic decision making.
4. Chagrin Valley School is not certified by the State of Ohio as a private school and has no interest in offering state-approved courses of instruction to participants in its educational programming at the farm.
5. The business revenues of the nonprofit farm include sales of products from the farm; grants and donations; fees for participation in organized educational, recreational and cultural programming for members of the public; and, in the next year, fees from a Farmers' Market. The nonprofit has several staff members who are paid through these revenues.
6. After approximately seven (7) years of operation, on September 24, 2019, Fire Inspector William J. Lovell stopped by Kelly's Farm because, as he indicated to Ms. Clark, he was driving by, and noticed the sign and became curious. Mr. Lovell asked numerous questions about whether the nonprofit was a school or a daycare center.
7. Later the same day as Mr. Lovell's impromptu visit, he returned to the farm with the Bainbridge Fire Chief and Bainbridge Township Zoning Inspector and asked for a "tour." The Fire Chief and Zoning Inspector stated some concerns about fire and electrical safety and licensing, but did not issue a report or take any further action. The only guidance provided by the local officials to Ms. Clark after the tour was that she needed a "license."
8. In about a week after the local officials toured the Farm, Ms. Clark contacted an electrician who came out and reviewed the needs to upgrade the farm electrical systems. Subsequently, the electrician attempted to obtain authorization from the Township to conduct necessary electrical upgrades to the farm, but was unable to receive necessary permits because of the status of Chagrin Valley School as a farm, which does not have associated building standards that the Township could apply.
9. Ms. Clark called Mr. Lovell on several occasions to attempt to determine what she needed to do to acquire a "license" in accordance with the Township officials' concerns.
10. On October 17, 2019, without any warning, the Ohio Department of Job and Family Services stopped by the Farm and looked around.
11. On October 18, 2019, Ms. Clark called Mr. Lovell to update him on the ODJFS site visit. He did not answer, but instead stopped by the Farm later that day. Mr. Lovell indicated that he had talked to the Ohio Department of Education to try to help Ms. Clark determine what licensing might be required for Chagrin Valley School. After discussion with Ms. Clark he agreed that it made sense to start on some of the electrical work and stated that he would try to help obtain the electrical permits.
12. On the same day, October 18, 2019, Mr. Lovell asked Ms. Clark to contact the "Educational Resources Center" to determine if that is the entity that should license Chagrin Valley School to operate.
13. Throughout the series of conversations with Mr. Lovell, Ms. Clark understood that the reason Mr. Lovell was seeking the proper entity to license the Farm's operations was for the purpose of determining what building, fire and other locally-enforced standards to apply to the Nonprofit's operations. On several occasions, Mr. Lovell indicated that there might be something agricultural in the law that may help Ms. Clark.

14. On October 23, 2019, Ms. Clark called Mr. Lovell to tell him what she found out from ODJFS and see what he had found out about licensing issues. In that call, it became clear to Ms. Clark from the tone and demeanor of Mr. Lovell that he was no longer willing to help. During the call, Mr. Lovell told Ms. Clark to contact the zoning office immediately because they were waiting for her.
15. Later that same day, Ms. Clark called the Township Zoning Inspector to determine what she needed to do to satisfy the local officials. The Zoning Inspector stated that she could not meet on Thursday, October 24, because she would be alone at the office and asked Ms. Clark to come in to the Township office on Friday, October 25, to meet.
16. On October 25, 2019, upon Ms. Clark's arrival to the Township Offices, the Zoning Inspector was in her office with Mr. Lovell. Ms. Clark was asked to join them in another large room and was handed a letter from the Township Zoning Inspector. Without looking at the letter, Ms. Clark asked the Zoning Inspector many questions about the necessary process for licensure and answered the Zoning Inspector and Mr. Lovell's questions about CVS' operations for approximately an hour. The local officials pushed Ms. Clark to state that her nonprofit was a school, but Ms. Clark explained that the educational programming at the Farm has no set curriculum and that the operation is not really a school.
17. During the conversation at the Township office, Mr. Lovell stated that he was planning to attend an agritourism conference in a week or so and that there may be something helpful that he learns at that conference that he could share with Ms. Clark.
18. After an hour, the Zoning Inspector showed Ms. Clark the letter and stated that Ms. Clark must cease operations until a conditional use permit was obtained for the use of the farm property as a school. Stunned, Ms. Clark asked when she had to cease operations. The Zoning Inspector responded that operations had to cease immediately.
19. Mr. Lovell closed the October 25, 2019, meeting by stating that he plans to come out to the farm again next Thursday and will make a list of all the things Ms. Clark needs to do.
20. Ms. Clark informed the current participants in the Chagrin Valley School program that the Township would not allow continued operations at the Farm until a conditional use permit was secured. As an alternative from operating at the Farm, Ms. Clark and the staff of the nonprofit continued their immersive educational programming in other off-site natural areas.
21. On October 31, 2019, Mr. Lovell called Ms. Clark around noon to state that he was at the Farm with other people who could answer her questions. Ms. Clark arrived about a half an hour later to find personnel from the police, fire, public health, zoning and building departments at her property. Overwhelmed, Ms. Clark, who was alone, stated that she didn't feel comfortable with their presence and would like to reschedule for a time when she could be accompanied.
22. On November 1, 2019, counsel for Kelly's Farm hand-delivered a letter to both the Township Zoning Inspector's office and the County Prosecuting Attorney stating that the Zoning Inspector's October 25, 2019, request that the farm "[p]lease cease operation...until such time that all the appropriate permitting and licensing have been obtained" far exceeds the limited authority granted to Townships and Counties by the State of Ohio and that the Nonprofit was restarting its operations upon delivery of the letter. The letter also requested that the County Prosecuting Attorney instruct her clients to direct their communications to Chagrin Valley School's legal counsel instead of directly contacting Ms. Clark.
23. On November 6, 2019, at approximately 3:00 pm, Mr. Lovell directly called Ms. Clark's cell phone. Ms. Clark handed the cell phone to her legal counsel.
24. Mr. Lovell stated that he was calling to reschedule his site visit and didn't know anything about a letter from Chagrin Valley School's legal counsel.
25. CVS' counsel responded to Mr. Lovell that she would like to attend the next site visit and was unavailable on the proposed date of November 7, 2019. Mr. Lovell responded that he would contact his counsel to see what he needed to do and would need to reschedule with the State Fire Marshall.
26. Without any further communication, on November 7, 2019, Mr. Lovell, the Township Zoning Inspector, the State Fire Marshall, police officers and personnel from Geauga Public Health appeared at Chagrin

Valley School with an Administrative Warrant issued at 12:07 pm on November 6, 2019, several hours prior to Mr. Lovell's direct call to Ms. Clark.

27. An Affidavit, providing sworn testimony of Mr. Lovell is attached to the Warrant that states the following information, the first of which had not been previously known to Ms. Clark and the second of which she never stated to Mr. Lovell:
 - a. "On September 23, 2019, the Fire Department received a complaint of potentially significant fire safety concerns at a school operating on the premises known as Kelly's Working Well Farm, d/b/a Chagrin Valley Schools...."
 - b. During his September 24, 2019, site visit, "Ms. Clark indicated that...she runs a private school...."
28. During the inspection on November 7, 2019, the local officials mandated that children present at Kelly's Farm stay in ambulances called by the local officials. The children were held by the officials for over three (3) hours.
29. On November 7, 2019, the Township Zoning Inspector delivered a "Revocation of Zoning Certificate" to Ms. Clark stating that "zoning certificate number 15454 issued at 16519 Franklin St. on May 13, 2016 for a 34' x 26' barn/accessory structure is hereby revoked and declared null and void. Said certificate has been revoked for the following reason(s): Per Chapter 109.07(a)(4) of the Bainbridge Township Zoning Resolution, 'The work or use is not being conducted in accordance with the approved application and plans.'"
30. On November 8, 2019, the Bainbridge Fire Chief scheduled another meeting with Ms. Clark. During the meeting, the Fire Chief delivered a Serious Hazard Order requiring compliance with "portions of the OAC (1301:7-7-01 through 1301:7-7-80), including, as required by the Fire Code Official, not occupying and/or allowing occupancy of [Kelly's Working Well Farm], until the SERIOUS HAZARD is abated by taking the following actions: Do not occupy or allow occupancy of any structure until removal and/or successful mitigation of the [sic] hazardous conditions have been completed and are in compliance with the Ohio Fire Code." The order was taped to each structure at Kelly's Farm. A formal citation was issued by Mr. Lovell on November 9, 2019.
31. On November 10, the County Prosecuting Attorney sent an electronic version of the citation and a "Warning" from Geauga Public Health related to their observations of the facility's kitchen.
32. On November 22, 2019, Ms. Clark was delivered a summons to the Geauga Court of Common Pleas from the Geauga County Prosecutor with Mr. Lovell and the Bainbridge Zoning Inspector as plaintiffs for a "Complaint for Preliminary and Permanent Injunctive Relief and Other Relief." Included was a "Notice of Proposed Penalty" in which it detailed twenty five (25) different penalties in the order of hundreds of dollars for fire code violations based on the previous inspection, **as well as additional Civil Penalty for each violation if not corrected within one (1) day in the order of \$1,000 per day for each violation that continues past one (1) day.**
33. During the November 8, 2019, delivery of the Serious Hazard Order, when asked if the order required that the owners of the farm refrain from occupying the buildings, the Fire Marshall responded that there was no problem with the owners and their guests occupying the buildings. She also stated that the fire officials had no problem with the farm activities at Kelly's Farm. **When asked how to resolve the situation and the Serious Hazard Order, Mr. Lovell stated that Ms. Clark needed to go through the process for applying for a conditional use permit.**