

IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA

STEPHEN BEAVER,) Civil Action - Law
LEAH COOPER, AMY ELLIOTT,) No. 2024-SU-001322
JOHN ELLIOTT, JEFF HARMON,)
TARA HIGH, KATHERINE JAN)
JARRETT, JESSE SAYRE, AND)
JANE VIVIER,)

Plaintiffs)

VS)

BOARD OF SCHOOL DIRECTORS)
OF THE WEST SHORE SCHOOL)
DISTRICT, HEIDI THOMAS,)
KELLY BRENT, DAVID)
BRINTON, BRENDA COX, AND)
MANDY DAVIS,)

Defendants)

--oOo--

DEPONENT: Brenda Cox

TAKEN BY: Plaintiffs

DATE: Monday, February 24, 2025

TIME: 9:26 a.m.

PLACE: Ream, Carr, Markey, Woloshin &
Hunter, LLP
119 East Market Street
York, Pennsylvania

REPORTER: Angela Kilby
Court Reporter, Notary Public

1300 Garrison Drive, York, PA 17404
(717) 764-7801

1 APPEARANCES:

2

3 REAM, CARR, MARKEY, WOLOSHIN & HUNTER, LLP
4 BY: JOHN N. ELLIOTT, ESQUIRE
5 119 East Market Street
6 York, PA 17401
7 717.843.8968
8 jnellottesq@comcast.net

9 Counsel for Plaintiffs

10

11 COHEN SEGLIAS PALLAS GREENHALL & FURMAN, PC
12 BY: JOSHUA D. BONN, ESQUIRE
13 240 North Third Street, 7th Floor
14 Harrisburg, PA 17101
15 717.480.5304
16 jbonn@cohenseglias.com

17 Counsel for Defendants

18

19

20 ALSO PRESENT:

21 Tara High

22 Leah Cooper

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It is hereby stipulated and agreed by and between counsel for the respective parties that the deposition is being taken for discovery; that reading, signing, sealing, certification, and filing are waived; that all objections, except as to the form of the question, are reserved to the time of trial.

BRENDA COX,
called upon by Plaintiffs to give testimony, being
duly sworn or affirmed by me, testified as follows:

EXAMINATION

Q. Ms. Cox, I am John Elliott, I am the attorney representing the Plaintiffs in this matter.

A. Brenda Cox, 617 Whitetail Drive,
Lewisberry, Pennsylvania 17339.

A. No.

1 Q. I'll take a minute to run through the
2 ground rules. Obviously you've just been put
3 under oath, which means you are subject to the
4 penalties of perjury, just as though we were in
5 a court proceeding. Your duty is to tell the
6 truth to the best of your recollection and I
7 need to ask you questions that you can hear and
8 understand.

9 If at any time you don't understand
10 one of my questions, please ask me to repeat or
11 rephrase it. Otherwise, we'll presume if you
12 answer a question that you have heard and
13 understood it. Okay? Do you understand that?

14 A. Yes.

15 Q. The stenographer is taking down a
16 written transcript of everything we are saying,
17 so your responses need to be verbal. It is
18 difficult for --

19 A. I'll do my best.

20 Q. -- the transcript to describe gestures
21 and nods of the head and things of that.

22 So, you understand that as well?

23 A. Yes.

24 Q. Okay. If at any time you need to take
25 a break or speak to your counsel, that is fine.

1 If at any time -- when I ask you a question, if
2 you don't know an answer or don't remember, that
3 is fine. As long as that is the truth, you can
4 give estimates if you are not exactly sure, but
5 you have a good idea. But we don't want you to
6 guess or make something up if you don't know.

7 A. Mm-hmm.

8 Q. Do you have any questions before we
9 get started?

10 A. No.

11 Q. What is your educational background?

12 A. I graduated from Penn State University
13 in 1998, then I went on and got a master
14 equivalent at Gratz College. I -- well, that is
15 all the further I went in education.

16 Q. Okay. What was your employment
17 history after graduating?

18 A. I worked at West Shore School District
19 from 1998 until around 2013.

20 Q. Okay. What did you do?

21 A. I started in fourth grade at Red Land
22 Elementary, then I moved to sixth grade at
23 Crossroads, where I taught physical science. I
24 did my very last year at Hillside Elementary in
25 fifth grade. Then I resigned to babysit my

1 grandkids.

2 Q. Okay. So, you were a fourth, sixth,
3 and fifth grade teacher then?

4 A. Correct.

5 Q. When were you elected to the school
6 board?

7 A. In November of '23. My term began in
8 December of '23.

9 Q. Prior to being elected to the school
10 board, did you have any prior experience serving
11 on a municipal or government board or agency?

12 A. No.

13 Q. Have you had any training relating to
14 the Sunshine Act and/or the right-to-know law?

15 A. Yes. I had the PSBA training, which
16 we did in person, then we did the January 30
17 Sunshine training that was held by Stock and
18 Leader at the school -- at the Ace Building.

19 Q. So, when was the PSBA training? Was
20 that shortly after you --

21 A. Yes, yeah.

22 Q. -- came on?

23 A. Yeah. It was right after we got
24 elected we had to do that. That's why we did it
25 in person.

1 Q. Then you attended a training with
2 Stock and Leader. Those two were the only two
3 times?

4 A. Correct.

5 Q. What was your first contact with Kevin
6 Hall?

7 A. Personal contact?

8 Q. Yes.

9 A. I called one day to set up a time to
10 go in and speak to him, and I only had ever had
11 one time. I don't know when that was.

12 You have my records, so it was right
13 after I called his office. I don't remember
14 when that was.

15 Q. That would have been sometime --
16 according to your -- the written discovery
17 answers, it said you spoke --

18 A. I didn't speak. I went and visited.
19 I went to his office one time. Was that April?

20 Q. You met with him --

21 A. Was it in April?

22 Q. -- sometime in April it says here.

23 A. In April, yeah.

24 Q. Prior to that, did you know who he was
25 or had you heard of him at all?

1 A. No.

2 Q. So, how did the -- how did it come up
3 -- how did the meeting come up that you either
4 should or wanted to meet with him?

5 A. I got a phone call from Kelly and she
6 had said this is somebody -- a firm that we may
7 want to look into to possibly -- if we were
8 looking for a solicitor to maybe look at them.
9 So, I called their office to set up an
10 appointment just to go in and ask him some
11 questions.

12 Q. So, did you get the number from Kelly?

13 A. No, I looked it up.

14 Q. And what did -- so, you had one
15 meeting in person --

16 A. Correct.

17 Q. -- with Kevin Hall? Was there anybody
18 else at that meeting?

19 A. Mandy Davis was with me.

20 Q. Okay. And what did you discuss during
21 that meeting?

22 A. I just did some factfinding questions,
23 asked him about his firm and what they are --
24 what they do with school law and questions on
25 that line.

1 Q. What did he tell you? What
2 investigation did you get about that?

3 A. He said, if I remember right, that
4 they had -- most of their schools were in the
5 western part of Pennsylvania that they did, but
6 they were very confident and they -- so, I was
7 satisfied.

8 Q. What about Kevin Hall himself? What
9 experience, if any, did he have with regard to
10 either representing a school board or education
11 law?

12 A. I did not ask him, or I don't remember
13 that.

14 Q. How long did this meeting last?

15 A. I am going to say maybe 10 or 15
16 minutes. It was brief.

17 Q. So, did you cover anything other than
18 the back -- sort of the background of his law
19 firm at this meeting?

20 A. No, no.

21 Q. Did you discuss anything about
22 specifics of how Kevin Hall would represent the
23 board --

24 A. No.

25 Q. -- if he were appointed? Did you ask

1 about or get any information regarding how the
2 board would charge the -- or how -- excuse me,
3 how Tucker Arensberg would charge the board or
4 what their fees were?

5 A. No.

6 Q. Did Mandy Davis ask any questions
7 while --

8 A. I can't answer for her. I don't
9 remember.

10 Q. You don't remember specifically --

11 A. Correct.

12 Q. -- whether she asked anything during
13 the meeting you were at?

14 A. Correct. Yes.

15 Q. All right. So, after that meeting,
16 were you convinced at that point that Kevin Hall
17 and his firm were qualified to be the solicitor?

18 A. I can't say that I did or did not. I
19 don't think I had a definite either way at that
20 point.

21 Q. Okay. So, after that meeting, did you
22 have any other follow-up telephone calls with
23 Kevin Hall?

24 A. No.

25 Q. Did you speak to anybody else at his

1 firm about potentially being a solicitor?

2 A. No.

3 Q. Did you have any other meetings with
4 Kevin Hall?

5 A. No.

6 Q. Did you talk about Kevin Hall with any
7 of the other school board members?

8 A. I don't recall, no.

9 Q. Did you -- when the meeting was over,
10 did you talk with Mandy at all about what went
11 on at the meeting?

12 A. I honestly don't remember.

13 Q. All right. At this point you are
14 aware that a committee had been formed to
15 explore pursuing a request for proposals or RFP
16 for legal services prior to this point, correct?

17 A. I knew that Kelly and David were a
18 committee to do an RFP. I don't remember the
19 exact date. But I do know -- I knew they were
20 forming a committee.

21 Q. What was your understanding about what
22 the committee was doing?

23 A. I had to research RFPs because I am
24 not familiar with the term. So, I did research
25 what an RFP was and why it was done. And I

1 understood that they were going to try to get
2 together to come up with a rubric and
3 qualifications and other information in order to
4 put out RFPs for solicitors for the district.

5 Q. Okay. Did you think that was a good
6 idea to do that?

7 A. I am not -- like I said, I am not real
8 familiar with the process or the business -- a
9 lot of the business sides of things. So, I know
10 that it wasn't -- because I did some research
11 and I know we don't have to do an RFP. So, I am
12 indifferent to that.

13 Q. Did you -- I know you only came on the
14 board, you said, in 2023. Were you aware or did
15 you do any research into how the solicitor was
16 chosen at the time Stock and Leader was --

17 A. 12 years ago?

18 Q. Right.

19 A. No.

20 Q. Do you have any idea what process --

21 A. No.

22 Q. You don't know what the board did to
23 -- yeah, let me finish.

24 MR. BONN: For her sake.

25 THE WITNESS: I'm sorry.

1 MR. BONN: Let him completely finish
2 the question before you answer.

3 BY MR. ELLIOTT:

4 Q. Yes. So, did you have any
5 understanding of what process the board used to
6 select Stock and Leader approximately 12 years
7 ago?

8 A. No.

9 Q. When did you -- but your understanding
10 of the committee was that they were in the
11 process of developing an RFP that would go out
12 and presumably get applications from multiple
13 firms?

14 Is that your understanding?

15 A. Yes.

16 Q. When did you first find out that an
17 RFP was not going to be used?

18 A. I am not going to be -- I am actually
19 not sure. It would have been in April. I am
20 sure it was during one of our executive
21 meetings. It may have been our first meeting in
22 April, which would have been the first Thursday
23 in April. Somewhere around that time.

24 Q. What was your understanding of why the
25 RFP committee was not moving forward?

1 A. I believe what I was told was that the
2 committee dissolved because of a lack of -- I
3 don't know, cohesiveness or willing -- will to
4 work together.

5 Q. And who told you that?

6 A. It was discussed in executive session.
7 So --

8 Q. Did you ever have -- other than
9 executive session, did you have any discussions
10 with any of the board members outside of
11 executive session about the RFP committee or the
12 process it was going through?

13 A. No. I wasn't involved in the RFP.

14 Q. Other than when Ms. Brent initially
15 told you about Attorney Hall and suggested that
16 you contact him, did you have any other
17 discussions with Kelly Brent about Kevin Hall or
18 the change in solicitor?

19 A. I honestly can't remember.

20 Q. Did you think -- when did you first
21 become aware that there was any dissatisfaction
22 among the board members with either Brooke Say
23 or Stock and Leader?

24 A. Could you say that again, please?

25 Q. What was the -- prior to finding out

1 that -- or prior to Kelly Brent suggesting that
2 you talk to Kevin Hall about potentially being a
3 new solicitor, prior to that, were you ever
4 aware that there was any dissatisfaction with
5 Brooke Say or Stock and Leader, their
6 performance as a solicitor?

7 A. I know I had been involved in a
8 situation that led me to believe I wasn't really
9 too satisfied with Brooke Say.

10 Q. Okay. What was that situation?

11 A. It was the Byrnes incident.

12 Q. And that was -- were you present at
13 any of the other previous depositions in this
14 case?

15 A. Yes.

16 Q. Okay. Who were you here for?

17 A. Kelly and a little bit of Mandy's.

18 Q. So, this incident with the Byrnes
19 Center was discussed during those depositions?

20 A. Mm-hmm.

21 Q. Is that what you are referring to?
22 And that had to do with a parent who made a
23 complaint and there was a meeting about that,
24 correct?

25 A. I was present, yes.

1 Q. You were present?

2 A. Mm-hmm.

3 Q. Okay. Do you remember when that
4 meeting took place?

5 A. I am not sure. February. May have
6 been in mid February.

7 Q. All right. So, what happened -- you
8 said -- what was it that happened that made you
9 question whether you wanted Brooke Say to
10 continue as solicitor?

11 A. To continue or not to continue?

12 Q. To not continue. You questioned
13 whether she should continue to be the solicitor.

14 A. Okay. I have a parent -- I was on the
15 curriculum committee and the policy committee.
16 The parent contacted me, was told she could not
17 see the curriculum, therefore she contacted me,
18 asked me to go into this meeting with her. I
19 went into this meeting with her and there were
20 other people present.

21 The only reason I got involved was
22 because of the curriculum and the policy. When
23 an organization comes into our schools, there
24 has -- the policy states -- 105.2, they must
25 show the curriculum to a parent or guardian.

1 This Byrnes Center said they did not have to.
2 They did not do that, they did not want to do
3 that.

4 So, that is the only reason I got
5 involved. I went to the meeting. I only asked
6 two questions. After the meeting, our assistant
7 superintendent went to our superintendent and
8 told him -- I don't know what he told him. But
9 our superintendent came up with this letter
10 calling the actions of people in this meeting,
11 lack of decorum and unprofessional, and all
12 this. He wasn't there.

13 We told Brooke and Dr. Stoltz that
14 that was not true and that we did not want him
15 to give it to the public. She didn't stop him.
16 He went out, presented to the public, and it
17 wasn't true.

18 After the board meeting, I walked up
19 to Brooke and said I need to do a rebuttal
20 because what he said was not true because he
21 wasn't there, he had hearsay information and it
22 wasn't true. She said, well, I recommend you
23 don't do that. And I said, why? I was in the
24 meeting, I know what I did and what was done at
25 the meeting. He more or less threw me under the

1 bus. And she was, like, I recommend you don't
2 do that.

3 Also at the meeting, other things
4 brought to light then, because the Byrnes Center
5 found out -- we found out they didn't -- West
6 Shore didn't have an agreement, any kind of MOU,
7 or any kind of contract. They were just billing
8 us and we were giving them checks.

9 So then I got an e-mail from the
10 assistant superintendent saying, are you sure
11 you want to go through with this, because we
12 have other agencies that come into our schools
13 that we don't have a contract or an agreement or
14 MOU with. And I was, like, our policy states we
15 have to.

16 So, the solicitor was not making sure
17 that West Shore School District was being
18 guarded against lawsuits and everything. We had
19 to have some kind of agreement with any agency
20 that comes into West Shore School District. And
21 we didn't.

22 So, all of a sudden, after this
23 incident, he is having to do all these MOUs and
24 all this stuff with all these, Junior
25 Achievement, with the fire department, with

1 everybody who comes in, because it should have
2 been done before, but wasn't.

3 So, I was, like, you know, I didn't
4 feel good.

5 Q. Okay. From your personal perspective,
6 was that the only instance? Or was there
7 anything else that made you think that --

8 A. Well.

9 Q. -- there should be a change in
10 solicitor?

11 A. I attended a couple board meetings
12 before I was elected and everything. And just
13 listening to what was said and a couple things
14 that were done, I was, like, it is -- the
15 solicitor is for the board and for the policies
16 and everything. And we got sued because of a
17 policy that wasn't followed. So, I was -- yeah,
18 I just didn't feel that I wanted to keep her as
19 a solicitor. I can't speak for every board
20 member, but I can speak for myself.

21 Q. All right. So, what is your
22 understanding of the role of the solicitor and
23 who the solicitor represents?

24 A. Well, it is written that the solicitor
25 serves at the will of the board. And when she

1 doesn't do -- the board is to set policies and
2 to do all of those things and the policies
3 aren't being followed, aren't being written,
4 then she wasn't doing her job properly.

5 Q. Okay. But who -- what is your
6 understanding of who the solicitor represents?
7 Is it the board? Is it the school district?

8 A. It is the school district.

9 Q. Okay. Did you have any discussion --
10 this is all -- I am talking about prior to April
11 11 when the public vote happened.

12 Did you -- prior to that, did you have
13 any discussions with any of the other board
14 members about Brooke Say or whether she should
15 continue to be the solicitor or not?

16 A. I can't remember exact discussions.
17 So, I don't want to lie and say either yes or
18 no. I am sure I probably did, but I don't
19 remember exactly what it was.

20 Q. Okay. You don't have -- do you
21 remember speaking to any specific person about
22 it?

23 A. About getting rid of her? Or about
24 her performance?

25 Q. Either one.

1 A. I am sure I talked to Heidi about how
2 upset I was about her -- how she did the Byrnes
3 Center thing and how she let that go through
4 without speaking to me or Heidi, because we were
5 mentioned in that letter. We were never talked
6 to before that letter was drawn up and presented
7 to the community and newspapers and everybody
8 else.

9 Q. Okay.

10 A. We never had any input into it.

11 Q. Okay. So, other than Heidi, do you
12 remember speaking to anyone else about the
13 Byrnes incident specifically? Let's start
14 there.

15 A. I don't think -- I know I talked to
16 Heidi. She is probably the only one I really
17 talked to about it. Everybody knew about it.
18 So --

19 Q. All right. The RFP committee, is it
20 your recollection that was for -- or the idea to
21 form that first came up in January 2024?

22 A. If you -- I honestly don't know.

23 Q. Do you recall -- I think my
24 recollection was at one of the meetings an RFP
25 was put forward for potential vote and was not

1 acted on at that time, then -- but as a result,
2 the RFP committee was formed.

3 Is that your recollection? Or how do
4 you remember that coming about?

5 A. I believe that is how it went.

6 Q. So, that was before the Byrnes Center
7 meeting, correct?

8 A. I believe it was about the same time.
9 It was in February, wasn't it?

10 Q. Well --

11 A. I don't remember.

12 Q. Your recollection is that the Byrnes
13 Center meeting was in February?

14 A. Yes. Because the incident happened in
15 January. The whole thing started actually over
16 Christmas, and then she -- the parent contacted
17 me the beginning of January. And that is how
18 long it took to get a meeting with the Byrnes
19 Center. It took, like, four weeks. Which led
20 into February.

21 Q. So, the meeting itself occurred in
22 February, to the best of your recollection?

23 A. I believe so. At the end of January,
24 beginning of February.

25 Q. All right. So, if the RFP process was

1 starting before that, were you aware of whether
2 any of the other board members had other issues
3 with Brooke Say they wanted to start this
4 process?

5 A. No. I don't believe it was started
6 then way back in January or the beginning of
7 February. Not that I know of.

8 Q. Okay. So, you are saying you don't
9 remember when the possibility of an RFP was
10 first discussed at a public meeting?

11 A. Correct.

12 Q. And whenever that was, do you have any
13 recollection of speaking to any of the other
14 board members about why they thought an RFP was
15 a good idea?

16 A. State that one more time. Any board
17 member --

18 Q. Yeah, any board member?

19 A. I know I talked to Mrs. Tierney, I
20 believe, not on the phone or anything, but
21 casual conversation, and she said that they
22 would like to see an RFP. But I didn't really
23 talk to anybody else much about it.

24 Q. Okay. Do you remember if that
25 discussion was prior to an RFP being discussed

1 during a public meeting?

2 A. No. I believe it was when -- at a
3 board meeting when we were bringing up doing an
4 RFP.

5 Q. Right. So, my question is, prior to
6 that point, did any board member discuss with
7 you why they thought that would be a good idea
8 or why they wanted to start that process?

9 A. No, I don't recall.

10 Q. Did you speak to any other attorneys
11 about the potential for serving as a new
12 solicitor? I am talking about other than Kevin
13 Hall.

14 A. No.

15 Q. All right. Why not?

16 A. When I talked to Kevin at his firm and
17 he had said that they had a really good -- on
18 his team, they had a person who handled a lot of
19 school law, and I was, like, okay.

20 Q. And it didn't matter to you this
21 person was based in Pittsburgh?

22 A. I didn't know that he was -- they were
23 based in Pittsburgh. He just said that most of
24 their schools that they are solicitors for were
25 in the western part of the state.

1 Q. Did you find out specifically what any
2 of those schools were?

3 A. No.

4 Q. Did you talk to anyone at any of those
5 schools about their performance as a solicitor?

6 A. No.

7 Q. So, what was it about -- you said this
8 meeting lasted probably 10 or 15 minutes,
9 correct?

10 A. Mm-hmm.

11 Q. What was it about this meeting that
12 made you so confident that Kevin Hall and Tucker
13 Arensberg were the appropriate candidate that
14 you didn't need to talk to or interview anybody
15 else potentially for the solicitor?

16 A. I guess I felt confident that his
17 group could do as good as Brooke had done.

18 Q. And what was it that gave you that
19 confidence?

20 A. Just a feeling.

21 Q. Okay. So, there are lots of law firms
22 that have people who do education law. What was
23 it that made you so convinced that you didn't
24 even need to speak to anybody else or interview
25 anyone else?

1 A. When I talked to him, I felt we had a
2 great conversation and more or less told us, me,
3 that he could, you know, do the job. And he was
4 local, he lived local. He lives in the
5 district. His children go to our school
6 district.

7 Q. Okay. What was -- at the time of this
8 meeting, what was your understanding of his --
9 of Kevin Hall's specific legal specialty, if
10 any?

11 A. I went in only to do factfinding. I
12 didn't know -- I looked up online Tucker
13 Arensberg to get the phone number to call them.
14 While I was on there, I just looked at a couple
15 things.

16 So, I didn't know him or who he was
17 before I went to the meeting, other than the
18 fact Kelly had just said he was somebody that we
19 should look into.

20 Q. Right. As part of your factfinding,
21 what, if anything, did you find out specifically
22 about Kevin Hall's legal background and what he
23 did as a lawyer?

24 A. I honestly don't remember.

25 Q. Okay. Did you -- and you said you --

1 at that time you did not ask about or you didn't
2 know what Tucker Arensberg's fees would be
3 comparatively to Stock and Leader's?

4 A. Correct.

5 Q. Did you find that out at any point
6 prior to voting for Tucker Arensberg at the
7 April 11 meeting?

8 A. I believe that I knew -- I went back
9 on but didn't have their fees on it and stuff.
10 So, I don't know that I did.

11 Q. So, do you agree that the -- to the
12 extent the school board is spending local
13 taxpayer money, that you have a duty to do that
14 responsibly?

15 A. Absolutely.

16 Q. Why -- how is it consistent with best
17 practices to hire a solicitor without conducting
18 interviews of multiple candidates?

19 A. I am not necessarily agreeing that it
20 is or isn't.

21 Q. I guess my question is, why did you
22 think it was a good idea to vote in favor of
23 this without conducting any other interviews of
24 any other potential law firms?

25 A. I trusted my colleagues.

1 Q. That is kind of similar to what Heidi
2 Thomas said at her deposition, that she trusted
3 Kelly.

4 Is that your view also, that you were
5 putting your trust in Kelly to do the research
6 and digging into the background of the firm and
7 determining that Kevin Hall would be
8 appropriate?

9 A. I trust all of my board members. I
10 would say yes.

11 Q. All right. You were aware that this
12 is the person that Kelly Brent wanted to put
13 forward as the solicitor, right?

14 A. All I know is she called me and said
15 this is somebody that I should talk with and see
16 if it is somebody that would be a fit for us at
17 this point.

18 Q. When did you first find out that Kevin
19 Hall was going to be officially put forward as a
20 candidate to be voted upon?

21 A. I don't know if I have the exact date.
22 It would have been the day that I got the agenda
23 before the meeting.

24 Q. I would like to show you what has been
25 marked previously as Brent No. 5. If you could

1 take a moment to look at this. I'll represent
2 this is an e-mail exchange between Attorney Say
3 and Attorney Hall dated April 5, 2024.

4 Take a minute to look at that, let me
5 know if you have ever seen these e-mails before.

6 A. I saw these after the fact.

7 Q. When is the first time you remember
8 seeing these?

9 A. When somebody posted them online,
10 actually. I did not see these before the
11 meeting. Somebody got ahold of them and gave
12 them to a public person. Somebody in the public
13 posted them online.

14 Q. Okay. And --

15 A. I was not involved in this.

16 Q. Right. So, you don't recall -- well,
17 first of all, let's -- the e-mail from Kevin
18 Hall to Brooke Say, which is the one on the
19 second page, it says starting on the second
20 sentence, as I indicated, Heidi Thomas,
21 president of the board of school directors of
22 the West Shore School District, asked me to
23 reach out to you as a courtesy to inform you a
24 change in solicitor will be on the agenda for
25 April 11, 2024 board meeting. With the goal of

1 making the transition as smooth as possible, we
2 would appreciate it if you would provide us with
3 a list of the most pressing issues facing the
4 school district and begin preparing transition
5 paperwork for any active matters you or your
6 firm are currently working on.

7 So, are you saying prior to voting at
8 the April 11 meeting, you were not aware that
9 Kevin Hall had reached out and contacted Brooke
10 Say?

11 A. I was not aware.

12 Q. Okay. That also included she was told
13 she need not attend that meeting.

14 Were you aware -- prior to the April
15 11 meeting, were you aware that Brooke Say had
16 been told not to attend?

17 A. I was not aware.

18 Q. Okay. Then on the first page in
19 Brooke Say's e-mail to Kevin Hall, it says,
20 thank you for the note. This confirms our
21 conversation where you informed me that you and
22 your firm would be appointed at the upcoming
23 board meeting on April 11, 2024.

24 You informed me that President Thomas
25 asked you to make this communication about the

1 appointment and that my presence at the meeting
2 was not necessary. In response to my question,
3 you also advised that there had not been a board
4 meeting or executive session where appointment
5 of your firm was discussed.

6 Do you have any reason to question the
7 accuracy of what Attorney Say is stating in this
8 e-mail?

9 A. I was not involved, so I can't say
10 either way.

11 Q. All right. So, prior to the April 11
12 meeting, were you aware of whether or not any of
13 the four board members who ended up voting
14 against the change, which would be Brian
15 Guistwhite, Christopher Kambic, Abigail Tierney,
16 Adam Trone, were you aware that none of them had
17 spoken to Attorney Hall about potentially being
18 the new solicitor?

19 A. Correct. I was unaware.

20 Q. When you found out about that during
21 the April 11 meeting, did it bother you that
22 they had not been given an opportunity to talk
23 to somebody who was going to be in a position as
24 important as the solicitor for the school
25 district?

1 A. It bothered me, but decisions are
2 always made that sometimes people don't have an
3 opportunity to get involved in.

4 Q. We are talking about the solicitor for
5 the school district. Are you saying it is not
6 important that every board member have a voice
7 in that process?

8 A. Absolutely they should. I was unaware
9 they had not had any conversations.

10 Q. So, if they did not have that
11 opportunity, why didn't you vote to table the
12 matter or not act on it? What was the urgency
13 that it had to be voted on that particular
14 evening?

15 A. I would say that I wanted a different
16 solicitor.

17 Q. So, it didn't matter to you whether or
18 not the four other board members had any input
19 in that vote or not?

20 A. Of course it matters.

21 Q. All right. You remember during that
22 meeting the four of them all saying that they
23 didn't know who Kevin Hall was, didn't have a
24 chance to speak to him, and asked why is this
25 going on now, when they had not had a chance to

1 interview him?

2 A. I don't remember. I do know it had
3 been on the agenda.

4 Q. And the agenda typically comes out
5 approximately 24 hours before the meeting,
6 correct?

7 A. Usually 48. 24 to 48 hours.

8 Q. Do you remember when the agenda came
9 out, the agenda items specifically referencing
10 the solicitor change? Do you remember --

11 A. No, I do not remember.

12 Q. If the situation had been reversed,
13 how would you feel if you had 48 hours' notice
14 to vote on something like the solicitor without
15 having any idea who it was or any opportunity to
16 talk to them beforehand?

17 A. Things are brought up that a lot of
18 times I don't have any information about.

19 Q. For something as important as the
20 solicitor, that is okay with you as a board
21 member that that functioned that way?

22 A. It was done that way.

23 Q. Well, you were one of nine people who
24 had the ability to vote on it. Why did you
25 think it was okay to proceed if four of those

1 board members had not had the opportunity to
2 participate?

3 A. I voted the way that I voted.

4 Q. And why did you need to vote -- why
5 did it need to be voted on that evening? Why
6 couldn't it have been postponed for at least a
7 month to allow full participation of all the
8 board members?

9 A. All I can say is I voted the way I
10 voted.

11 Q. When did you decide for yourself that
12 you were going to vote for Kevin Hall as the new
13 solicitor?

14 A. Probably when I looked at the agenda.

15 Q. Okay. All right. You say you --
16 other than the call, the initial phone call with
17 Kelly Brent and the meeting you had with Mandy
18 Davis, you are saying you did not have any other
19 discussions with any of the board members about
20 Kevin Hall prior to April 11?

21 A. I don't recall. I may have talked to
22 Kelly once again. But I don't remember anybody
23 -- I don't remember anybody else.

24 Q. Okay. Did you tell Kelly your
25 impressions of Kevin Hall or what you thought

1 about your meeting?

2 A. I honestly don't remember.

3 Q. All right. Can you -- do you have any
4 explanation of how Kevin Hall knew he was going
5 to be appointed prior to April 11?

6 A. No, sir. No.

7 Q. Do you have any explanation for why he
8 would ask Brooke Say to start transitioning
9 files to him prior to April 11?

10 A. No.

11 Q. Do you know why Brooke Say would be
12 told not to attend the meeting if the decision
13 to replace her had not already been made?

14 A. No.

15 Q. Do you think Heidi Thomas knew the --
16 what the outcome of that vote was going to be on
17 April 11, before the vote was taken?

18 A. I can't answer to what Heidi thought.

19 Q. Do you have an opinion yourself of
20 whether or not she knew?

21 A. No.

22 Q. Next I would like to show you what was
23 marked as Brent No. 6. This is -- I'll
24 represent to you this is an e-mail -- chain of
25 e-mails starting April 3 and April -- also April

1 5 involving an e-mail from Kevin Hall to Heidi
2 Thomas, then Heidi passing along an e-mail to
3 Dr. Stoltz.

4 If you could take a moment first and
5 let me know if you have ever seen these e-mails
6 before.

7 A. They do not look familiar, no.

8 Q. Okay. The e-mail on the first page
9 dated April 3 from Kevin Hall to Heidi Thomas
10 says, good afternoon, Heidi. Please see the
11 attached business agenda items for the upcoming
12 April meeting. Thank you.

13 Then on the second page it looks like
14 the e-mail from Heidi Thomas to Dr. Stoltz was
15 saying, Todd, please distribute this entire
16 e-mail as we discussed last night to each of the
17 board members, then there is a list of four
18 attachments, which No. 4 includes business
19 agenda items for April 11, 2024 meeting.

20 Do you remember getting those items
21 forwarded to you prior to the April 11 meeting?

22 A. No, I do not remember.

23 Q. Okay. Do you know why Kevin Hall
24 would be working on agenda items for the board
25 prior to the April 11 meeting?

1 A. No, I do not.

2 Q. Did you find it unusual someone other
3 than the solicitor -- other than the current
4 solicitor would be preparing the agenda for the
5 board members?

6 A. I know that the president and vice
7 president usually work on it with Dr. Stoltz. I
8 don't know how that operation works.

9 Q. Do you have any explanation why if
10 Kevin Hall didn't already know he was going to
11 be appointed, why he would be working on agenda
12 items for the next meeting?

13 A. No, I do not know.

14 Q. I am going to show you what we marked
15 as Exhibit Brent 7 previously in other
16 depositions. These are the minutes -- the
17 meeting minutes for the April 11 meeting.

18 Take a moment to go through if you
19 like and let me know if you have seen these
20 before.

21 A. I believe I have.

22 Q. Okay. There is a numbering on the
23 bottom right corner of the page starting between
24 331 and 342. There are a list of written
25 comments that were shared with the board in

1 advance of the meeting.

2 Did you get copies of all the comments
3 that are listed here in the minutes prior to the
4 April 11 meeting?

5 A. Yeah. I believe these were the ones
6 that we got. Most of them look like a form
7 letter that somebody sent out and people just
8 put their name on. They all are, like, the
9 same.

10 Yeah, I remember them. Yes.

11 Q. Is it fair to say most of these
12 comments expressed concern about the way the
13 solicitor appointment was happening?

14 A. I would say yes.

15 Q. And that a number of these comments
16 claimed that the board was not being transparent
17 and were concerned that maybe the Sunshine Act
18 was being violated.

19 Do you agree that opinion was
20 expressed in a lot of these comments?

21 A. Repetitively. Very similarly.

22 Q. Okay. What is the significance of
23 that?

24 A. They all -- almost all of these were
25 very -- they were written almost, like, verbatim

1 and that somebody gave them -- somebody had
2 talking points and they just all repeated them.

3 Q. Does that somehow not make them
4 legitimate comments in your mind?

5 A. Legitimate, no. They may be
6 legitimate, yes.

7 Q. All right. Given the -- did you think
8 it was unusual to get that many comments about
9 the same subject before a meeting?

10 A. Not at that point, no.

11 Q. Did the fact that you received these
12 comments in addition to people who spoke at the
13 meeting itself, did any of that give you pause
14 that maybe there was something problematic with
15 the way the board was proceeding with the
16 solicitor change?

17 A. Define problematic.

18 Q. We just said there were a lot of
19 concerns that the board was proceeding in a way
20 that was not transparent and could possibly
21 violate the Sunshine Act.

22 A. Explain how that would happen.

23 Q. The -- would you agree a lot of those
24 comments suggested that it looked like Kevin
25 Hall already knew ahead of time that the

1 decision was made and that he knew he was going
2 to be appointed as the solicitor?

3 A. I wonder, how did they know that?
4 That would be problematic.

5 Q. It would be problematic that Kevin
6 Hall knew? Or that the public knew?

7 A. Before anybody else knew. But it
8 didn't surprise me that -- no, I was not
9 surprised we got all of these. We get them all
10 the time.

11 Q. All right. But as of April 11,
12 earlier you said you were not aware of the
13 e-mails between Kevin Hall and Brooke Say,
14 correct?

15 A. Correct. Yes.

16 Q. Were you finding out for the first
17 time at the meeting on April 11 that there were
18 allegations that Kevin Hall was already told
19 about the decision prior to the meeting?

20 A. Restate that one more time.

21 Q. During the meeting on April 11, is
22 that the first time you were made aware of
23 allegations that Kevin Hall already knew the
24 decision and the outcome of what the vote was
25 going to be at the April 11 meeting?

1 A. Correct.

2 Q. What is your understanding of whether
3 that would violate the Sunshine Act or not?

4 A. From my understanding of the Sunshine
5 Act, I don't believe that it -- there were no
6 deliberations. I don't believe that broke the
7 Sunshine Act.

8 Q. What if a decision was communicated to
9 Attorney Hall that he was going to be appointed
10 as the solicitor?

11 A. I didn't know that happened. So, I
12 don't know.

13 Q. How would he possibly know that he was
14 going to be appointed as the solicitor if no one
15 had told him that ahead of time?

16 A. I can't answer that. I don't know.

17 Q. If that had actually happened, would
18 that have violated the Sunshine Act?

19 A. If what had actually happened?

20 Q. If, for instance, Heidi Thomas had
21 specifically told Attorney Hall that he was
22 going to be appointed as the next solicitor at
23 the April 11 meeting, would that be a violation
24 of the Sunshine Act, to your knowledge?

25 A. That is a -- to me, that is a

1 hypothetical.

2 Q. Understood. But what is your
3 understanding of that hypothetical situation?

4 MR. BONN: Do you understand the
5 question?

6 THE WITNESS: No, I don't. I don't
7 know what he is trying to ask me.

8 BY MR. ELLIOTT:

9 Q. If Heidi Thomas told Kevin Hall that
10 he was going to be appointed as the solicitor at
11 the April 11 meeting prior to the vote actually
12 taking place, would that be a violation of the
13 Sunshine Act?

14 A. With her acting as board president?

15 Q. Yes. Speaking as on behalf of the
16 board president, if she had told Kevin Hall you
17 are going to be appointed as the solicitor on
18 April 11.

19 A. I honestly don't know.

20 Q. Based on the training that you
21 received about the Sunshine Act, what is your
22 understanding of -- let me rephrase that.

23 You just said you are not sure whether
24 Attorney Hall being told by Heidi Thomas ahead
25 of time would violate the Sunshine Act or not.

1 What is your understanding of what has
2 to take place for a vote to comply with the
3 provisions of the Sunshine Act?

4 A. There either has to be -- no quorum.
5 There has to be so many people in attendance.
6 You can't deliberate outside of -- outside of
7 the -- what do they call it? Sunshine. All
8 people.

9 Q. Do you -- based on your understanding,
10 is there a legal distinction between discussions
11 versus deliberations?

12 A. Well, I would say when you deliberate,
13 you come to a conclusion usually. Discussions,
14 you talk about maybe facts, factual information,
15 you share thoughts, but you don't deliberate.
16 You don't come to any conclusion about anything.

17 Q. All right. Are board members allowed
18 to deliberate outside of a public meeting?

19 A. No.

20 Q. Do you believe that any deliberations
21 occurred during the April 11 meeting to discuss
22 why Kevin Hall was being appointed?

23 A. During the meeting?

24 Q. During the meeting.

25 A. No, I don't recall.

1 Q. Do you remember you yourself giving
2 any explanation for why you were voting the way
3 you were voting?

4 A. No.

5 Q. Do you specifically recall if any of
6 the other board members who were voting in favor
7 of Kevin Hall, do you remember if any of them
8 explained their rationale for why they were
9 voting the way they were voting?

10 A. No, I don't recall.

11 Q. Do you remember the four board members
12 who voted against Kevin Hall, do you remember
13 them asking questions about why the RFP process
14 was suspended?

15 A. I believe they knew before the meeting
16 that the RFP had already been canceled or
17 discontinued. But I believe they still brought
18 it up, yes.

19 Q. Right. And do you know -- do you
20 recall them saying they were first hearing about
21 this at the time the new agenda was announced?

22 A. I don't recall, but they probably did,
23 because apparently that is how it happened.

24 Q. Do you understand why some of them
25 could have been surprised at Kevin Hall being

1 put forward that evening when the last thing
2 discussed publicly was that there was going to
3 be an RFP process to choose the next solicitor?

4 A. No, because it was on the agenda.
5 They knew before that meeting that he was going
6 to be there because it was on the agenda.

7 Q. Right. They had found out a couple
8 days ahead of time, right?

9 A. Mm-hmm.

10 Q. And prior to that, the last thing
11 anyone knew publicly was that an RFP was going
12 to be used to select the solicitor, correct?

13 A. As I understand it, yes.

14 Q. So, didn't you think the board members
15 and the public deserved an explanation for why
16 the RFP process was no longer being used?

17 A. I was not involved in the process, so
18 it was not up to me to discuss it.

19 Q. But don't you think someone who was
20 involved in the process should have explained
21 that?

22 A. Possibly.

23 Q. Doesn't the public have a right to
24 know the reasons behind why the board is making
25 the decisions they are making?

1 A. Absolutely.

2 Q. Okay. So, you just said you don't
3 recall specifically anyone who was involved in
4 this process giving an explanation for why they
5 were voting the way they were voting. You
6 didn't see any problem with that?

7 A. At the time, no.

8 Q. At any time since then, have you
9 reconsidered about how things went at that
10 meeting?

11 A. Yes. I believe it could have been
12 done differently.

13 Q. How could it have been done
14 differently?

15 A. Changing the RFP committee, maybe, and
16 going through with the RFP.

17 Q. Do you -- as you sit here today, do
18 you think it would have been a better way to go
19 about it if the RFP was used to select the
20 solicitor?

21 A. Only had the committee been changed.

22 Q. By change -- what do you mean by
23 changing the committee?

24 A. I can only talk from what I understood
25 happened, because I wasn't in the committee.

1 But I believe it started out as Mr. Brinton and
2 Mrs. Brent and Mrs. Tierney and Mr. Guistwhite.
3 That was about the time when David was
4 hospitalized. He had a foot thing going on, so
5 he had to go in the hospital for several weeks,
6 had surgery.

7 So, it was just Mrs. Brent, and then
8 Mrs. Tierney and Mr. Guistwhite. Then all of a
9 sudden, Mr. Guistwhite and Mrs. Tierney started
10 adding people. Administrators, superintendents,
11 cabinet -- people that were on the cabinet, and
12 other people.

13 And I believe Mrs. Brent just felt
14 overwhelmed and felt that the voice -- they
15 weren't equal. Like, the input for what we were
16 looking for and what would be -- so, I believe
17 that was when the committee dissolved. Mr.
18 Brinton never came back.

19 Q. Do you believe that administration or
20 staff that would be working regularly with the
21 solicitor should have input as to the kind of
22 qualifications that the board should be looking
23 at for solicitor?

24 A. I am not saying they don't. But the
25 board should have the right to hire the

1 solicitor without approval from administration.

2 Q. Okay. Well, the RFP had not even been
3 issued. Are you suggesting that somehow the
4 administration had a final vote in who would be
5 chosen?

6 A. I believe in the end they would have
7 had an influence, yes.

8 Q. How would they have had an influence?

9 A. On the two board members that had been
10 previously been there for 12 years.

11 Q. I don't follow. What do you mean by
12 that?

13 A. The committee started out as four
14 board members. Two that were newly appointed,
15 two that had been there for 12 years. And, so,
16 then all the administrators and everybody else
17 and Mrs. Brent felt that her suggestions and
18 what she wanted to accomplish were being
19 overwhelmed by everybody else. And they were
20 more or less just taking over everything. So,
21 that is why it was dissolved.

22 Q. Next I'll show you what is marked as
23 Brent 10. This looks like -- let me represent
24 to you this is an e-mail exchange that happened
25 between Christopher Kambic and Thaddeus

1 Eisenhower dated April 10. The response from
2 Christopher Kambic is dated April 10, and the
3 original e-mail from Thaddeus Eisenhower looks
4 like it is dated April 8.

5 Could you take a moment to look at
6 this and tell me if you have ever seen these
7 e-mails before?

8 A. Sorry, I have never seen this before,
9 so I am reading it very, very closely.

10 Q. Take your time. Let me know after you
11 have had a chance to read it.

12 MR. BONN: This e-mail, the part that
13 is not in italics is Mr. Eisenhower speaking.
14 And the parts that are in italics is Mr. Kambic
15 responding to what Mr. Eisenhower is saying.

16 MR. ELLIOTT: Yes, that's correct.

17 THE WITNESS: So, was it all on this
18 one e-mail? Or were they back and forth?

19 BY MR. ELLIOTT:

20 Q. It is -- based on what Mr. Kambic
21 said, I think the non-italics part is what
22 Thaddeus Eisenhower wrote on April 8. On April
23 10, Chris Kambic responded to that. And his
24 responses to the questions are what's the
25 italics text.

1 A. That changes my reading.

2 MR. BONN: If you look, there was an
3 e-mail on April 8 at the beginning of the bottom
4 of Page 2 onto Page 3.

5 THE WITNESS: Okay.

6 MR. BONN: That was written by
7 Thaddeus Eisenhower. Then Mr. Kambic responded
8 on April 10. And he inserted -- he wrote inside
9 of -- when he replied to Mr. Eisenhower's
10 e-mail, he --

11 THE WITNESS: Numbered them.

12 MR. BONN: He numbered them and wrote
13 responses in italics.

14 THE WITNESS: Okay.

15 MR. BONN: So, if that helps you
16 understand when you are reviewing this --

17 THE WITNESS: I don't really need to
18 read Thad's, I just need to read the -- this is
19 basically Thad's, and then Mr. Kambic's
20 responses?

21 MR. BONN: Yes.

22 MR. ELLIOTT: That's right.

23 THE WITNESS: Okay. Can I have one of
24 these?

25 MR. BONN: I can get you a copy

1 afterwards.

2 THE WITNESS: Thank you.

3 BY MR. ELLIOTT:

4 Q. You may have said this, but have you
5 seen these e-mails before?

6 A. No.

7 Q. Do you know who Thaddeus Eisenhower
8 is?

9 A. I have heard of him. I don't know him
10 personally.

11 Q. You don't know him personally?

12 A. No.

13 Q. Okay. Do you know how he would have
14 known on April 8 Kevin Hall was going to be on
15 the agenda for April 11?

16 A. No.

17 Q. So, you never had any direct
18 conversation with Thad Eisenhower prior to April
19 11 about Kevin Hall?

20 A. I have never had a conversation with
21 him, correct.

22 Q. Do you have any explanation of how he
23 could have known about Kevin Hall being
24 considered as the solicitor at that point?

25 A. No.

1 Q. Next I would like to show you what was
2 marked as Brent 11. This is an excerpt from the
3 Answer and New Matter the school district filed
4 in response to the complaint.

5 A. Mm-hmm.

6 Q. And I specifically want to direct your
7 attention to No. 54, which says, upon
8 information and belief, Plaintiffs Stephen
9 Beaver, Leah Cooper, Amy Elliott, John Elliott,
10 Jeff Harmon, Tara High, Katherine Jan Jarrett,
11 Jesse Sayre, and Jane Vivier have brought this
12 lawsuit for the illegitimate means of imposing
13 their political agenda on the West Shore School
14 District, regardless of how the majority of the
15 duly-elected board members voted.

16 Do you agree with that statement?

17 A. Yes.

18 Q. What is your basis for saying that?

19 A. I ran against one of these people. I
20 got elected. My husband and my son ran against
21 one of these people, they got elected and she
22 did not. When I was running, there were people
23 on this list who put things on Facebook about
24 how I was -- would be divisive because of my
25 religion and posted that on Facebook.

1 So, yeah, I tend to be it may be a
2 little bit political.

3 Q. Okay. But whether or not there are
4 political differences, do you understand the
5 distinction between bringing a claim that might
6 not ultimately win in court versus knowingly
7 bringing a case with no factual or legal merit?

8 A. Yeah.

9 Q. So, what is your basis for saying that
10 the purpose of the Plaintiffs was to do this for
11 illegitimate purposes, irrespective of the
12 merits of the Sunshine Act?

13 A. I just explained that some of them
14 don't agree with the way I live my life and that
15 they don't agree with -- I was told by some
16 people or put on Facebook and stuff that I was
17 called a religious zealot and told that I would
18 bring my religion into the schools, which I
19 can't do anyways because you can't do that. And
20 I think they were just trying to make me look
21 bad in the eyes of my constituents.

22 Q. Who specifically are you talking about
23 when you say some of these people?

24 A. Sorry, it would be Ms. High would be
25 one of them. Jane Vivier, she ran for political

1 office against my son and my husband and she did
2 not win. So, she was not too happy about that.
3 Which I had no control over any of those things.

4 Q. What office are you talking about she
5 ran against?

6 A. Supervisor, township supervisor for
7 Fairview Township.

8 Q. Okay. Ms. High, Ms. Vivier. Anyone
9 else listed in the Plaintiffs?

10 A. Not that I know of.

11 Q. Okay. All right. You suggested that
12 those two people have an ulterior motive. What
13 about all the other Plaintiffs? What is your
14 evidence that any of them an illegitimate
15 purpose for bringing the complaint?

16 A. I don't know any of the other ones
17 personally.

18 Q. Do you have -- other than your opinion
19 based on the political differences you've
20 described, do you have any evidence that the
21 purpose of bringing a case is illegitimate?

22 A. Other than those facts that I just
23 gave you?

24 Q. Yes.

25 A. No. Not other than those facts, no.

1 Q. Those facts you are suggesting that
2 Ms. High ran against you for the position on the
3 board, Ms. Vivier ran unsuccessfully as a
4 supervisor. So, the only possible explanation
5 for those two joining in the lawsuit is because
6 it is politically motivated?

7 A. It could be, yes.

8 Q. Well, this statement said that it
9 could be, it is saying it is. It is saying
10 specifically --

11 A. Yes, it is.

12 Q. -- making an accusation --

13 A. Yeah.

14 Q. -- that --

15 A. I believe that is what motivated some
16 people, yes.

17 Q. By some people, that is Ms. High and
18 Ms. Vivier?

19 A. Correct.

20 Q. Do you have any reason to believe that
21 any of the other Plaintiffs are doing this for
22 an illegitimate reason?

23 A. No, I don't.

24 MR. ELLIOTT: Why don't we take a
25 break for just a minute. I want to look at my

1 notes and speak to the other Plaintiffs here,
2 see if I have anything else.

3 (A recess was taken from 11:05 a.m.
4 until 11:09 a.m.)

5 BY MR. ELLIOTT:

6 Q. One follow-up. Did you say you were
7 on the policy committee?

8 A. Yes.

9 Q. The April 11 meeting, prior to the
10 vote to change solicitor, there was a change to
11 the policy, it was 005.

12 Were you involved in discussions or in
13 any way changing or making the decision to --

14 A. Yes, I had --

15 Q. -- change --

16 A. Yes.

17 Q. What happened leading up to that
18 meeting with regard to the policy?

19 A. I believe there was some verbiage in
20 there that was paragraphs and went into detail
21 about how a solicitor could be let go. And we
22 didn't want -- we wanted to eliminate that.

23 Q. Do you remember when that issue first
24 came up or when you first started discussing
25 making that change?

1 A. No, I don't remember.

2 Q. Do you remember how it was first
3 brought to your attention that that was a policy
4 that you might want to consider changing?

5 A. Well, I believe when -- after -- well,
6 right around the time in January when we started
7 dealing with the Byrnes incident, was probably
8 about the time.

9 Q. Is that -- did somebody mention it to
10 you? Or was that something that you brought up?
11 How did that subject come up, if you recall?

12 A. Who was on the committee with me back
13 then. Me, Abby, Mandy, David.

14 I don't remember actually who brought
15 it up, but I know I was in the discussion,
16 because I wanted to eliminate it.

17 Q. Okay.

18 A. In the curriculum committee.

19 Q. Right. You just don't happen to
20 remember whether this was something someone else
21 mentioned first or you brought it up?

22 A. No, I don't.

23 Q. So, this -- but this is something you
24 were aware of prior to April of 2024? This
25 wasn't something that just popped up for the

1 first time on the agenda?

2 A. Correct.

3 MR. ELLIOTT: Any follow-up? I think
4 that is all I have.

5 MR. BONN: Yeah.

6 EXAMINATION

7 BY MR. BONN:

8 Q. Based on your training under the
9 Sunshine Act, what do you believe has to occur
10 for there to be a Sunshine Act violation?

11 A. There has to be deliberation between
12 more than four -- three, four board members that
13 actually come to a conclusion regarding a
14 situation or policy behind -- not happening in
15 the sunshine, behind closed doors or something.

16 Q. Based on your understanding of the
17 Sunshine Act, do you believe the board violated
18 the Sunshine Act by either suspending the policy
19 or changing solicitors?

20 A. Absolutely not.

21 Q. Why do you believe no Sunshine Act
22 violation occurred?

23 A. Because we never met or deliberated
24 together behind closed doors or as a group to
25 discuss this.

1 Q. Did you ever tell any other board
2 members how you were going to vote on changing
3 the solicitor?

4 A. No.

5 Q. Did any other board members tell you
6 how they were going to vote on changing the
7 solicitor?

8 A. No.

9 Q. If you look at Brent No. 6, you can
10 pull that back out.

11 On the third page there is an e-mail
12 from Kevin Hall that has -- to Heidi. And Kevin
13 Hall says, please see attached. And one of the
14 items is an engagement letter.

15 Do you know if those items were ever
16 distributed to the board prior to the April 11
17 meeting?

18 A. Not to my knowledge.

19 Q. You don't know one way or the other?

20 A. No, I don't remember.

21 Q. You recall we looked earlier at an
22 exhibit where Christopher Kambic was discussing
23 Kevin Hall with the member of the public?

24 A. Yes.

25 Q. Back on -- that chain began on April

1 8?

2 A. Yes.

3 Q. That is Brent Exhibit 10.

4 A. Mm-hmm.

5 Q. So, does it look to you like Mr.

6 Kambic knew that Kevin Hall may possibly be on

7 the agenda --

8 A. Yes.

9 Q. -- as of April 8?

10 A. Yes.

11 Q. Do you know if there is anything that
12 stopped Mr. Kambic from calling Kevin Hall the
13 way you did and setting up a meeting to talk to
14 him?

15 A. I can't talk for Mr. Kambic, but I
16 would say no.

17 Q. Whenever the school board hires
18 vendors, do you ordinarily talk to the vendor
19 before you make a vote to hire them?

20 A. That is a good question. I believe it
21 is not West Shore School District's practice to
22 do it that way. We would like to see it done
23 that way.

24 Q. Do you typically rely on information
25 that's distributed in the meeting packet to make

1 your decisions on voting?

2 A. That is how it has been done in
3 previous years, yes.

4 Q. Did you ever ask to delay a vote so
5 that you could talk to a vendor?

6 A. Yes.

7 Q. When did that occur?

8 A. That would have been, believe it or
9 not, it was -- the Byrnes came back again
10 because they did not have a contract with us or
11 an agreement. Nothing. So, the assistant
12 superintendent spoke with them and they came up
13 with their own MOU, then we had to vote on it.

14 So, we wanted to go over it and make
15 sure it was in adherence to Policy 105.2 and our
16 other policies.

17 Q. Okay. Whenever you vote at board
18 meetings, do you always explain why you are
19 voting the way you are voting?

20 A. No, they don't.

21 Q. Well, let me first ask about you.

22 A. Oh.

23 Q. Do you always explain why you are
24 going to vote the way you are going to vote?

25 A. Do you mean at the meeting?

1 Q. At the meeting publicly.

2 A. Not all the time, no.

3 Q. And then are there some votes that
4 just go through with no discussion from any
5 board members?

6 A. Yes.

7 Q. Do you believe the board is violating
8 the Sunshine Act whenever it is doing that?

9 A. No.

10 MR. BONN: I have nothing further.

11 MR. ELLIOTT: Just briefly.

12 RE-EXAMINATION

13 BY MR. ELLIOTT:

14 Q. Do you think choosing a solicitor is
15 comparable to selecting a vendor?

16 A. Comparable, no. But one goes along
17 with the other.

18 Q. You said that there are instances
19 where you are voting on information that's given
20 to you in the information packet prior to --

21 A. Correct.

22 Q. -- the meeting.

23 A. Yes.

24 Q. What are typically those kind of
25 votes?

1 A. Those are on contracts usually with
2 outside firms, agreements with outside firms.
3 Things we discuss in executive session that we
4 can't talk about at the public meeting. Those
5 are hires, which we talk about in the executive
6 session. Purchasing of items, large purchases,
7 which we all get information before the meeting,
8 and we go over most of that information before
9 the meeting.

10 Q. All right. So, there aren't any votes
11 where you haven't had a chance to be privy to
12 the information necessary to make an informed
13 judgment in your vote, right?

14 A. We receive it all on the agenda either
15 24 to 48 hours before the meeting.

16 Q. Right. If you don't think that there
17 is adequate information to make a vote, you
18 would ask to table the matter, correct?

19 A. Yes.

20 Q. You wouldn't want to make a vote
21 unless you felt confident you had all the
22 information necessary to make an informed
23 decision, correct?

24 A. Yes.

25 Q. Do you believe the information in the

1 packet regarding Kevin Hall and Tucker Arensberg
2 was sufficient for the four board members who
3 never spoke to him to be able to make an
4 informed decision on -- a decision such as that?

5 A. I believe they could have gotten in
6 contact with him and asked him questions.

7 Q. And you think having approximately 48
8 hours to do that would have been enough time to
9 vet the solicitor for the school district?

10 A. I can't say either way. That would
11 depend on them.

12 MR. ELLIOTT: I think that is all I
13 have.

14 MR. BONN: I don't have anything
15 further.

16 MR. ELLIOTT: Thank you. That will
17 conclude the deposition.

18 (At 11:22 a.m., the deposition
19 concluded.)

20 * * * *

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25

1 County of Lancaster:

2 SS

3 Commonwealth of Pennsylvania:

4

5

6 I, Angela N. Kilby, Reporter, Notary
7 Public, duly commissioned and qualified in and
8 for the County of Lancaster, Commonwealth of
9 Pennsylvania, hereby certify that the
10 deponent/witness came before me, who was duly
11 sworn/affirmed by me to testify to the truth of
12 his/her knowledge concerning the matters in
13 controversy in this cause.

10

11 I also certify that the questions and
12 answers were recorded by me in stenotype, to the
13 best of my ability, and subsequently reduced to
14 computer printout under my supervision, and that
15 this copy is a true and correct record of the
16 same.

14

15 I further certify that I am not a
16 relative or employee of counsel or the parties
17 hereto. This certification does not apply to
18 any reproduction of the same by any means unless
19 under my direct control and/or supervision.

17

18 Dated this 10th day of March, 2025.

18

19

20



21

Angela N. Kilby - Reporter
Notary Public

22

23 Commission Expiration: June 2, 2027

23

24

25

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