

IN THE COURT OF COMMON PLEAS OF
YORK COUNTY, PENNSYLVANIA

Stephen Beaver, Leah Cooper,) Civil Action - Law
Amy Elliott, John Elliott,) No. 2024-SU-001322
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: Brian Guistwhite
TAKEN BY: Plaintiffs
DATE: Tuesday, January 28, 2025
TIME: 4:09 p.m.
PLACE: Ream, Carr, Markey, Woloshin &
Hunter, LLP
119 East Market Street
York, Pennsylvania
REPORTER: Angela Kilby
Court Reporter, Notary Public

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14 ALSO PRESENT:

15 Jeff Harmon
16 Tara High

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8 (No exhibits were marked.)

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1 STIPULATION

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

9 * * * *

10 BRIAN GUISTWHITE,
11 called upon by Plaintiffs to give testimony, being
12 duly sworn or affirmed by me, testified as follows:

13 * * * *

14 EXAMINATION

15 BY MR. ELLIOTT:

16 Q. Could you please state your name and
17 address for the record?

18 A. Brian Keith Guistwhite. My address is
19 25 Oak Hill Drive, Etters, Pennsylvania 17319.

20 Q. I am John Elliott, I am representing
21 the plaintiffs in this matter, two of whom are
22 sitting here with us.

23 And you are represented here today by
24 Attorney Bonn, correct?

25 A. I -- that is what my understanding is.

1 I didn't realize I needed representation. But,
2 okay.

3 MR. BONN: I represent the board as a
4 whole.

5 THE DEPONENT: There you go.

6 BY MR. ELLIOTT:

7 Q. Let me -- have you ever given a
8 deposition before?

9 A. No, sir. I have not.

10 Q. I'll go over the ground rules here a
11 little bit.

12 You have been placed under oath, which
13 means you are subject to the penalties of
14 perjury, just as though we were present in a
15 courtroom. Your duty is simply to tell the
16 truth to the best of your recollection.

17 I need to ask you questions that you
18 can hear and understand. If at any time you
19 can't hear me or you don't understand a
20 question, please ask me to repeat it or rephrase
21 it. I'll try to make sure it is phrased in a
22 way that you understand. Otherwise, if you
23 answer a question we'll presume that you've
24 heard and understood it.

25 A. Yep.

1 Q. Do you understand that?

2 A. Understood.

3 Q. The stenographer is taking down a
4 written transcript of everything we say here
5 today, so your responses will need to be verbal.
6 It is difficult for the steno to take down
7 gestures, nods, shakes of the head, and so
8 forth.

9 A. She is not reading braille and I am
10 not speaking in sign language, so I got it.

11 Q. Right. If any time you need a break
12 or you think you would need to speak to Attorney
13 Bonn, let us know. We can pause at any time.

14 Do you have any questions about that,
15 those rules before we start?

16 A. No, sir.

17 Q. What is your educational background?

18 A. Where do you want me to start?

19 Q. Well, what is the highest level of
20 education -- formal education that you have
21 obtained?

22 A. I have an MBA from the Pennsylvania
23 State University.

24 Q. When did you obtain that?

25 A. 2010 time frame. I was working while

1 I finished it. So, it was about the 2010 time
2 frame.

3 Q. Okay. Did you go to college before
4 that?

5 A. Yes.

6 Q. Where did you graduate from?

7 A. I got my undergraduate degree from the
8 Pennsylvania State University in political
9 science, in criminal justice. I studied at -- I
10 have two years of engineering from the
11 University of West Virginia, mechanical
12 aerospace engineering.

13 The break in-between was my service in
14 the military. I was in the United States active
15 duty Army for three years, where I took
16 advantage of the college money. I went to
17 school, went to the Army, went back to school.

18 Q. Okay. Since getting your MBA, what
19 has your employment history been since then?

20 A. So, I have been employed with the St.
21 Onge Company in York, Pennsylvania. It is a
22 supply chain engineering consulting firm. I was
23 employed with them since 1997. And I currently
24 hold a director position in the manufacturing
25 distribution services team.

1 And at present I do automated pharmacy
2 design for the Department of Veterans Affairs,
3 among other private clients that I also work
4 with doing unrated pharmacy design.

5 Q. Okay. When you say private clients,
6 is that through St. Onge? Or is this --

7 A. Through St. Onge. I can't disclose
8 their names because I am under strict non-
9 disclosure agreements. But the VA work is
10 public knowledge.

11 Q. Okay. Since 1997 you have had -- you
12 have been with that same employer?

13 A. Correct.

14 Q. Through the present?

15 A. Yes.

16 Q. When were you elected to the school
17 board?

18 A. 2009 -- I have been on -- this is the
19 conclusion of my fourth term. So, 16 years back
20 from this next election.

21 Q. Okay.

22 A. So, would have been 2009, I believe.

23 Q. Prior to being on the board, had you
24 had any prior experience serving on any certain
25 municipal or government boards or agencies?

1 A. No.

2 Q. Okay.

3 A. Not really.

4 Q. Have you, at any time during your
5 tenure on the board, had any training relating
6 to the Sunshine Act or the right-to-know law?

7 A. Prior to my time on the board?

8 Q. During -- at any point during your
9 time on the board.

10 A. Oh, every year.

11 Q. Okay. Who gave those trainings? Or
12 where did you get them?

13 A. So, that training typically is done
14 annually by -- well, at the time our previous
15 solicitor, Stock and Leader, would hold seminars
16 which was open to all the local public school
17 boards that they represented in the YCAL area.
18 And they would typically be held at the York
19 County Club, outdoor country club, where they
20 would have, like, a dinner, and you would pay
21 for a meal. And then part of that was a
22 training where they provided training on various
23 topics, which included Sunshine Law. They also
24 gave us copies of that material if we were
25 unable to attend.

1 PSBA offers -- the school board
2 members are required to take mandatory training
3 from the Pennsylvania School Boards Association,
4 and I believe every new school board member has
5 to take that training, along with elected
6 members -- when you get re-elected, you have so
7 many months to complete that training, it is
8 refresher training. So, the last time I got
9 elected I had to go through and do that
10 refresher training, and the Sunshine Law is all
11 part of that as well.

12 Q. In approximately January there was an
13 RFP, request for proposal, committee to
14 investigate the possibility of selecting a new
15 solicitor; is that correct?

16 A. That's correct.

17 Q. And you -- what was your involvement
18 in that committee?

19 A. Well, since I had been on the board
20 the previous time that we had hired a new
21 solicitor when we changed from Eastburn & Gray,
22 which was a very prominent firm out of
23 Philadelphia, to Stock and Leader, I was part of
24 that process back then. I can't remember the
25 exact date, but it is going back to, I don't

1 know, 2014, 2013 time frame.

2 We have had Stock and Leader for
3 awhile. But I was part of the board during that
4 process. And I don't know if it is my Type A
5 personality or my engineering background, but
6 they asked me to be part of that to help develop
7 the RFP and the rubric and do the evaluations.
8 And we had a series of interviews and a whole
9 process we had established as a board back then
10 in finding a new solicitor.

11 I do RFPs all the time for my job. I
12 write RFPs for the government, I write RFPs for
13 my private industry clients. So, I am very
14 familiar with the RFP process.

15 So, because of my previous experience
16 with the RFP to hire a solicitor before as my --
17 as being on the board and my practical work
18 experience, I was asked to unofficially kind of
19 lead that committee and develop an RFP to do a
20 search for a solicitor, which I was completely
21 open to and thought that was a great idea.

22 It had been awhile since we had done
23 this sort of thing, and it is always good to do
24 that from time to time in order to see what's
25 out there, make sure that we are getting the

1 most appropriate services for the district. So,
2 I was looking forward to that process and I was
3 providing guidance and my two cents, if you
4 will, to the other members of that ad hoc
5 committee, if you will, which would have been me
6 -- I am trying to remember who all was in that
7 committee -- Abby, Kelly Brent, and Dave
8 Brinton. And then Dr. Stoltz and Mr. Gay were
9 also part of the administrative team that was
10 also in those meetings.

11 Q. Okay. Before we get off the topic,
12 let's go back to your involvement when -- the
13 first time you went through the RFP process when
14 Stock and Leader was ultimately selected.

15 A. Mm-hmm.

16 Q. How did the board at that time go
17 about creating the RFP, what the parameters are
18 that you would be looking for in potential
19 applicants and so forth?

20 A. Yeah, so, that is part of what was
21 discussed at some of those early meetings that
22 we had for the subsequent RFP. We developed a
23 process, which I don't think there is any legal
24 requirement for us to do so. But in my time on
25 the board, I have always been advocate for

1 having a fair and open process, which even when
2 selecting a new board member or going out for
3 contract or bids for something, I have always
4 pushed for, like, even when we contracted a firm
5 to do the boilers at Red Land and Cedar Cliff,
6 those were a couple million dollar jobs. I
7 really pushed hard for that RFP process and
8 evaluating different bids coming in.

9 So, I don't know if it was prescribed
10 by state law, but we had developed this process.
11 And for me and for the first time we had gone
12 through this as a board, because of the nature
13 of our district, we are a very large district,
14 we cover two counties. We have two high
15 schools. We have -- at the time we had four
16 middle schools and seven, eight elementary
17 schools, and roughly 700, 800 students. Very
18 large district, very complex district.

19 And we had -- at the time when we were
20 working with Eastburn & Gray, who were out of
21 Philly, they had a long haul to come up here.
22 And we had some very complex issues regarding
23 special education and special education
24 lawsuits. So, we felt that to develop an RFP,
25 it had to be suited for our district

1 specifically. It wasn't just a generic document
2 that you pulled off the internet that was kind
3 of like a boilerplate document response.

4 So, we got input from the
5 administrative team, we got input from the
6 special education department, the student
7 services department, the buildings and grounds,
8 anybody that would work with a solicitor on a
9 daily basis. Because board members aren't
10 supposed to be working with a solicitor on a
11 daily basis. The only person -- the only person
12 the solicitor should have contact with is the
13 board president. The solicitor is the solicitor
14 for the district, not the personal attorney for
15 the board members.

16 So, we felt that any RFP we put
17 together had to be including the involvement of
18 the stakeholders, the administrative team, the
19 folks that were going to work with these folks
20 on a day-to-day basis. And it was imperative
21 that they had the opportunity to ask their
22 questions and present their problems and how
23 would you handle this and how would you do that,
24 what is your experience with this particular
25 situation, because those are the people that are

1 going to have to be satisfied with those
2 answers, because that is who they are going to
3 be looking to when they -- when we hire a
4 solicitor, those people are going to be looking
5 to that firm for advice.

6 So, that was the big thing when
7 developing the RFP, especially with the
8 evaluation process, that the committee would
9 submit the RFP to firms that were qualified. We
10 would receive the responses. And we had a whole
11 rubric that was actually down to the decimal
12 point. Like, we had a grading system and
13 weighting on certain criteria. And the
14 administrative team, we had three levels of
15 interviews. We started out with seven or eight
16 firms that responded, and we whittled that down
17 each time, then went down to, like, five firms
18 and we met with those five firms. Then we had
19 the final cut, which was -- I think there was
20 three firms that were invited to that final cut,
21 Stock and Leader being one. Eastburn & Gray was
22 right there with them.

23 And in each step we had different
24 questions lined up, we had different responses
25 -- or different evaluation criteria that the

1 administrative team was using to kind of give us
2 their feedback. Then we ultimately took that,
3 synthesized all that, then came to a consensus
4 on who we wanted to hire as a committee who we
5 thought the best firm would represent our
6 district.

7 It was pretty close between Eastburn &
8 Gray and Stock and Leader. There was, like, a
9 couple tenths of a point. Actually, I think at
10 the time Eastburn & Gray was a little bit ahead
11 of Stock and Leader on the points curve because
12 of their prior experience with us. But we went
13 with Stock and Leader because they were local
14 and they could provide us with some level of
15 service that Eastburn & Gray couldn't because of
16 their local nature, right.

17 Ultimately, that was probably one of
18 the deciding factors, because on paper they were
19 equally qualified, they scored about the same.
20 And it was that, hey, these guys are closer and
21 they have got just as a good reputation, if not
22 better.

23 So, that is why we went the way we
24 went. And it was a unanimous decision with the
25 committee that we then took to the full board,

1 and the full board reviewed the information we
2 had done, the process we had gone through, and
3 took the recommendation of the committee. And
4 that is how we got to Stock and Leader.

5 Q. During that process, did any of the
6 committee members object to the administration
7 staff participating or having involvement or
8 input into the RFP?

9 A. Which time?

10 Q. The first time when you were -- years
11 ago in the 2013, 2014 time frame.

12 A. No. There was never any objection.
13 Nobody questioned the process. We were all on
14 board with the process.

15 Q. Okay. Was there anyone who objected
16 to the idea of the committee making a
17 recommendation and then the board voting on
18 that, as opposed to the entire board somehow
19 being involved with the interviewing process?

20 A. Back then?

21 Q. Back then.

22 A. No.

23 Q. What was different about -- what, if
24 anything, was different about how the RFP
25 process proceeded last year?

1 A. Well, yeah. There was -- how can I
2 say this? It wasn't -- the process wasn't as
3 well received with the new board members. I
4 think the board members, meaning Mrs. Tierney
5 and Dr. Stoltz, who had been through this
6 before, understood the process.

7 I did my best to try to explain to
8 them the reasons why we wanted to do the things
9 we wanted to do and how we wanted to go about
10 doing it, because it was an open and fair
11 process. We were -- we had used a lot of the
12 original groundwork that we had laid years
13 before as a starting point.

14 So, that -- in hindsight, that kind of
15 accelerated us to develop the RFP for this next
16 time, for this last year's go round, because we
17 already had -- we didn't have to create anything
18 from scratch. We already had the process, we
19 already had what we had done before. It was,
20 okay, what is different now -- looking forward
21 10 years or 11 years, what is different now that
22 we need to update in our request? How have we
23 changed to tailor this to our needs today versus
24 11 years ago. Which was easier to do than
25 creating a document from scratch, right,

1 creating a process and document from scratch.

2 So, there was a sense of urgency to
3 get this done. And we were in a position to
4 meet that urgency as a committee and as a
5 process.

6 And I remember sitting in those
7 meetings and Mrs. Brent saying I don't think we
8 should have the administrator as part of this,
9 this should be a board thing. And I reiterated
10 my point to her that these are the people that
11 are going to work with the solicitor every day.
12 We are not the ones working with the solicitor
13 every day. We need their input to make good
14 decisions here.

15 And she, you know, very certainly
16 disagreed with me. And she is, like, what if I
17 don't like what the committee recommends and I
18 have my own guy -- she didn't say guy, but I am
19 paraphrasing here -- if I have my own pick that
20 I want and I don't like who the committee is
21 picking. And at that point I said to her, and I
22 remember saying this openly in the meeting with
23 everybody there, I said, look, I said, if it is
24 going to come down to you picking who you want
25 to be the solicitor, I said why are we going to

1 waste our time? You are going to waste our time
2 here doing this process and going down this
3 path. And she said, no, no, no, we'll just do
4 this, but she is, like, I don't feel comfortable
5 with this. Okay.

6 And at that point I didn't think that
7 the process was going to get shut down or pulled
8 out from underneath us, or whatever. I thought
9 we were going to go through with the process.
10 We had a list of firms we had talked about in
11 that second meeting. The RFP itself, for all
12 intents and purposes, was done except for a
13 couple edits that needed to be made. The rubric
14 was complete. The questions we wanted to ask
15 for there.

16 It was just a matter of, all right,
17 who are the seven, eight firms that we want to
18 send this out to, then we were going to put a
19 public announcement, then the timeline of what
20 we wanted back for responses. And it was in
21 Mrs. Brent's court to provide that information
22 to us to move that forward to get it started.

23 We just started a brand new
24 transportation committee at the beginning of the
25 year that they put me in charge of that

1 committee, and we just put out a bus RFP. In,
2 like, a few months, we are going to be hopefully
3 reviewing responded bids and talking about that,
4 and maybe getting something out in the next
5 month.

6 That is an open process, it is out
7 there, it is solid. And we got it done very
8 quickly. There was no reason this RFP for the
9 attorney -- hiring a new attorney couldn't have
10 followed the same path. It could have very well
11 happened in the time schedule they wanted it to
12 happen.

13 And nobody was arguing with them that
14 we shouldn't take a look at this, we shouldn't
15 interview firms and see what's out there and see
16 if somebody has something that better suits our
17 needs. So, yeah, it was -- that is how it was
18 different.

19 Q. Okay. Now, you said -- just to be
20 clear, had the committee identified any firms
21 that you were planning to invite to send a
22 proposal?

23 A. Yeah, we did. There was probably
24 seven or eight firms we had tossed out there as
25 local firms in the area. We were kind of

1 casting a broad net. We were looking at what
2 firms represented the local school districts in
3 the area. A lot of districts were represented
4 by Stock and Leader. There was a couple other
5 firms that kind of surfaced up to the top as
6 firms that were predominant in a lot of the --
7 I'm sorry, I am going to turn my ringer off.

8 A lot of the firms in our IU, and we
9 had started to develop a list. I think Mr. Gay
10 was keeping that list of potential firms that we
11 were going to definitely give them a heads-up we
12 were putting this RFP out.

13 Q. Okay. I think you mentioned Stock and
14 Leader. Are there any other firms specifically
15 that you remember that were on the list?

16 A. I don't recall exactly who they were.
17 They were -- I don't remember all the exact
18 names of the firms. But I can tell you that
19 Tucker Arensberg or Kevin Hall were not anywhere
20 on that list whatsoever.

21 Q. You anticipated my next question.

22 A. No, no. Who we eventually hired, I
23 had never heard of, didn't know who they were.
24 And, honestly, the first time I met Kevin Hall
25 was when they approved him to be our solicitor.

1 That was the first time I met him.

2 Q. Okay. So, by your recollection,
3 everyone -- as it stood at that point, the list
4 of firms that had been developed were --

5 A. Qualified.

6 Q. Then they were local or they were
7 representing other local school districts?

8 A. Correct. Or had an established school
9 law practice. Yeah.

10 Q. And Tucker Arensberg was not one that
11 was mentioned or discussed?

12 A. No. Not even talked about. Not even
13 on the radar at that point.

14 Q. Okay. And I think Ms. Brent said the
15 committee ended up meeting twice. Is that your
16 recollection?

17 A. Yes.

18 Q. Before I forget, I want to show you,
19 go over what we marked earlier in Ms. Brent's
20 deposition as Exhibit No. 1.

21 I am showing you what we previously
22 marked as Exhibit 1. These are pages from the
23 document production that was produced by
24 Attorney Bonn's -- by Attorney Bonn. The first
25 page looks to have a proposed timeline. The

1 second page looks like it is just a blank page.
2 Then the third looks like it has some comments,
3 redline version of the first page of the
4 proposal.

5 Have you seen this document -- take a
6 minute to look at it, then let me know if you
7 have seen this document before.

8 A. This looks like my handwriting here.

9 Q. Okay.

10 A. You said you got this from Kelly
11 Brent?

12 Q. No.

13 A. Oh.

14 Q. This was -- we went over this during
15 her deposition.

16 A. Oh, okay.

17 Q. This document came from Attorney Bonn
18 as part of the discovery request.

19 A. Yeah. This is my handwriting here.

20 Q. Okay. So, going to the first page, it
21 says proposed timeline for release of legal RFP.

22 Does that look accurate to you as to
23 what the goal was in terms of putting this out?

24 A. Yeah, yeah. We were ready to put that
25 -- yeah. That meeting was March 15, I think, or

1 March 18. We were prepared to send the RFP out
2 on the 24th if we got the information we needed
3 back from Mrs. Brent.

4 Q. Okay. So, in your opinion, you were
5 basically on schedule to do this as it is set
6 forth?

7 A. Yeah.

8 Q. What information, if any, were you
9 waiting for from Ms. Brent? Or what had to be
10 done to finalize it?

11 A. She was the board vice president, and
12 she needed to approve whatever the committee was
13 going to put out for an RFP.

14 Q. Okay. In your mind, was that the only
15 step left to do before you could go out?

16 A. Yep. She was going to schedule the
17 next meeting to finalize everything, finalize
18 the list of law firms, finalize the RFP
19 document, and then it would be ready to go out.

20 Q. Okay. And did anyone ever tell you
21 that the RFP committee was going to be ended or
22 that process was not going to be used to --

23 A. No, sir.

24 Q. -- select a solicitor?

25 A. It was never communicated that process

1 was not going to be used. The RFP committee
2 came out of -- the document that was provided
3 earlier by Ms. Brent in July or June -- or
4 January. She had an RFP for solicitor which
5 didn't really meet our needs.

6 So, the committee was going to put
7 together -- so, we assumed the whole time that
8 there was going to be an RFP sent out. And we
9 wanted to make sure RFP was a document that
10 represented the exact needs of the district, and
11 not just something somebody pulled off the
12 internet. Because when we asked Mrs. Brent in
13 the public meeting where the original document
14 came from, the response we got was, it is none
15 of your business. And that is not how we wanted
16 to do this.

17 So, we were under the impression the
18 whole time we were sending out an RFP document
19 and we were going to follow this process,
20 because that is the process she started.

21 Q. Okay. When the committee did first
22 meet, did Ms. Brent at any point tell you where
23 she did derive that document from?

24 A. No. She was kind of elusive about
25 that.

1 Q. Earlier today she said she pulled it
2 off examples of other school districts that was
3 available on their public websites.

4 Are you aware of her having done that
5 or not?

6 A. Yeah, no. I mean, that wasn't
7 necessarily communicated to us. Like I said,
8 the public response that we got was it is none
9 of your business.

10 Q. Was that the document though you sort
11 of started with then were making edits from
12 there?

13 A. No. We reviewed that and we really
14 picked that apart because it was very weak in
15 special education, it was weak in some key areas
16 that we felt were important to our district.
17 That is when we went to the RFP committee and
18 resurrected what we had done way back as a
19 starting point, because that was more focused on
20 the district.

21 So, it was -- it addressed special
22 education, it addressed the two different
23 counties and the two different high schools and
24 those challenges that weren't generically in her
25 document.

1 Q. Did anyone on the committee object to
2 the presence -- I think you may have answered
3 this, but I just want to confirm I heard you
4 correctly.

5 Was there anyone -- any board members
6 on the committee who objected to the presence of
7 Dr. Stoltz or any other administrative person or
8 staff being involved in the RFP process?

9 A. They did not object to Mr. Gay or Dr.
10 Stoltz being there, but they objected to any
11 administrator being part of the evaluation
12 process.

13 Q. Okay.

14 A. They wanted just the board members
15 only to do the evaluation. That is where,
16 again, I kind of said, hey, wait, and tried to
17 explain to them this is why we want the
18 administration team part of the evaluation,
19 because they are the experts in special
20 education, they are the experts in student
21 services. They are going to be the ones working
22 with the solicitor. I don't know anything about
23 -- I know a little bit about special education,
24 just because I was a board member for a really
25 long time. But that does not qualify me as an

1 expert to evaluate a legal firm on their
2 aptitude as a special education attorney or
3 legal team.

4 I am not qualified to do that. But we
5 have folks we employ in the administration that
6 absolutely are qualified to make those
7 determinations and provide insight to us as to,
8 hey, these guys are good at that, or those guys
9 aren't. So, we were looking to them for the
10 expertise of what we were looking for in a legal
11 team.

12 Q. Okay. Did Ms. Brent ever complain
13 that you were being overly aggressive to her in
14 your manner of imparting any of this
15 information?

16 A. No. She has never said anything to
17 me. I think, if anything, I think I may have
18 exhibited some frustration. But I wouldn't say
19 -- you can ask the other folks that were in
20 those meetings. I don't know -- I wouldn't
21 characterize anything that I have done as overly
22 aggressive or intimidating.

23 I will say at some points I felts
24 frustrated, just because, you know, some of her
25 comments, like, if I don't like who the

1 committee picks, I just want to pick somebody
2 myself.

3 That, to me, time is a valuable
4 commodity. Once it is squandered, you can't get
5 it back. And I value my time a lot. And I did
6 -- I said to her, I said point-blank, I said
7 then why are we doing this, don't -- if we don't
8 do it this way, then you are just wasting our
9 time here. Please don't waste our time.

10 Q. While you are -- based on that
11 comment, let me show you what we marked as
12 Exhibit 9.

13 A. Excuse me, can I get a bottle of
14 water?

15 (Discussion off the record.)

16 BY MR. ELLIOTT:

17 Q. I am showing you what's Exhibit 9.
18 This, again, was something that was produced in
19 connection with discovery.

20 Are those your --

21 A. Those are my notes, yes, sir.

22 Q. All right. Among it, it says,
23 concerns on work committee, KB, what if I don't
24 like who they pick.

25 A. That was her quote verbatim. And that

1 -- when I wrote that down, that is at the point
2 I said, you know, if that is the case, then you
3 are wasting our time. That was -- I was very
4 frustrated at that point.

5 Q. So, what -- there is also a comment
6 here about Ms. Brent has a team, quote, her
7 people.

8 A. She kept saying her people. Yeah, she
9 kept referring to her people. And she wasn't
10 very clear on who her people were.

11 Q. Okay.

12 A. That is why I made that note. Like, I
13 was -- who are your people? Who is your team?
14 And she said, I just have friends. Okay. I
15 think that is something to that effect.

16 Q. Okay. Did you ever later find out
17 more specifically who she was referring to?

18 A. No.

19 Q. Do you know if it was the team of
20 people who assisted her on her election
21 campaign?

22 A. I could not speak to that, no. I have
23 no idea.

24 Q. But I take it it is your -- your take
25 on this was that Ms. Brent was concerned that

1 the RFP process might identify somebody that was
2 not her handpicked candidate?

3 A. Yeah. That is what it came off as.
4 Absolutely. Any reasonable person that would
5 have been sitting in those meetings would have
6 walked away with that assumption, I believe.

7 Q. Okay. So, all right. So, that
8 meeting you said was approximately -- the second
9 meeting was around March 16 or 18 or something
10 in that --

11 A. 15th, I believe.

12 Q. 15th?

13 A. Yeah, yeah.

14 Q. Okay. Is that your note 3/15?

15 A. Yep.

16 Q. That was the date of the meeting?

17 A. I always put the dates on top of
18 whatever notes I am taking, yeah.

19 Q. So, after March 15 -- so, when was the
20 first time you found out that Kevin Hall was
21 being considered as the next solicitor?

22 A. In the board meeting. I don't know --
23 so, the agendas come out 24 hours before. And
24 that April meeting, because it was so late
25 coming out, I don't think -- I don't recall -- I

1 think you and I talked about that, you asked me
2 this question.

3 I don't recall reading the agenda
4 before that meeting. I think with the way my
5 work sometimes goes, if it is not there more
6 than 24 hours in advance, chances are I may not
7 get to look at it before the board meeting. 24
8 hours before 6:00 p.m. the night before, I may
9 already be in bed or onto my next work thing and
10 I won't see that until I am walking into the
11 boardroom.

12 So, I don't recall knowing that it was
13 Kevin Hall or Tucker Arensberg until we walked
14 into that board meeting.

15 Q. Okay. All right. So, you don't
16 recall having any advance notice --

17 A. Hmm-mm.

18 Q. -- you personally, that this was a
19 subject that was going to be on the agenda?

20 A. Hmm-mm, no.

21 Q. Before that point, had you had any
22 indication or had any idea that the RFP process
23 was no longer being pursued?

24 A. I had not.

25 Q. So, what did you -- so, what did you

1 think about the fact that all of a sudden this
2 is on the agenda and you -- am I correct you had
3 never heard of Kevin Hall before that moment?

4 A. Correct. Have you watched the video
5 of that meeting? I mean, that explains my
6 reaction to what was happening at the time. You
7 want to know what I was thinking, you can watch
8 that meeting, that video of that meeting,
9 because I had no idea.

10 I think I even indicated to Kevin at
11 that meeting that unfortunately we are meeting
12 under these circumstances, because this is the
13 first time I am ever meeting you. And I was
14 very surprised and very shocked.

15 Q. Okay. So, I guess it would also be
16 fair to say you never had an opportunity prior
17 to that meeting to speak to him or interview him
18 or find out anything about him?

19 A. I knew nothing about him or his
20 qualifications.

21 Q. Let's show you what we marked as
22 Exhibit No. 4.

23 This is an e-mail chain between Kevin
24 Hall and Brooke Say dated April 5. Take a
25 moment to look at this and let me know if you

1 have ever seen this e-mail before. I'm sorry,
2 this document, I should say. There is multiple
3 e-mails.

4 A. I think I saw this after the fact.

5 Q. Okay. Now, in this -- the e-mail from
6 Brooke Say to Kevin Hall indicates -- I am
7 paraphrasing here -- that they had a
8 conversation and that it says, where you
9 informed me that you and your firm would be
10 appointed to the upcoming board meeting on April
11 11, 2024. You informed me that President Thomas
12 asked you to make this communication about the
13 appointment and that my presence at the meeting
14 was not necessary. In response to my question,
15 you advised there had not been a board meeting
16 or executive session where appointment of your
17 firm as solicitor was discussed.

18 Were you -- prior to the April 11
19 meeting, I take it you were not aware that this
20 communication between Kevin Hall and Brooke Say
21 had taken place?

22 A. I don't believe that I was. Again,
23 the solicitors -- the district solicitor
24 typically does not correspond with individual
25 board members, only the board president.

1 Q. All right. Do you have any reason to
2 believe that Brooke Say would misrepresent the
3 contents of the phone conversation that's
4 referenced here in any way?

5 A. I have known Brooke for a number of
6 years, and she has always been a very
7 trustworthy and very high integrity, and she has
8 always given, in my opinion, good legal counsel
9 and sound advice.

10 Q. Can you explain how Kevin Hall would
11 have been authorized to make this communication
12 if it had not been previously decided that he
13 and his firm were going to be appointed
14 definitely on the 11th?

15 A. Can you restate your question?

16 Q. This indicates that Attorney Hall
17 communicated to Ms. Say that his firm was going
18 to be appointed on April 11 and she should begin
19 transitioning files to him.

20 Do you have any explanation of how
21 that could happen if Ms. Thomas didn't already
22 know what the result of the vote was going to
23 be?

24 A. I have no explanation for that.
25 Having sat as a board president myself for two

1 years, that is -- I can't explain that.

2 Q. Reading this exchange, do you
3 understand how an outside third party might come
4 to the conclusion that there had been a decision
5 prior to the April 11 meeting made by the
6 majority of board members?

7 A. I could absolutely understand that.
8 Absolutely, yeah. But that is not for me to
9 decide, I guess.

10 Q. All right. Let's now look at what we
11 have marked No. 6.

12 This is Pages 1 through 4 of the
13 document production. This is a series of
14 e-mails from and between Attorney Hall and Ms.
15 Thomas and instructions from Ms. Thomas to
16 forward this to the rest of the board members.
17 These are dated April 3 and April 5, 2024.

18 After you get a moment to review this,
19 let me know if you have ever seen these e-mails
20 before.

21 A. I have not.

22 Q. As part of the packet or information
23 that would have been provided to you for the
24 April 11 meeting, did you get the four things
25 listed on the e-mail that were supposed to be

1 attachments?

2 A. Yeah. I believe they were part of our
3 packet that evening, if I remember correctly.
4 It was, like, a cover letter, then information
5 about the law firm.

6 Yeah. I got that packet as I was
7 going into that board meeting. They give us a
8 packet of documents before we go that are
9 printed out we can review in a little folder.
10 Typically those are either provided to us in
11 executive session prior to executive session, if
12 there was things we were going to talk about in
13 executive session, or if there is informational
14 items presented during meeting, we'll have a
15 packet at our board placed with that information
16 as well.

17 I don't remember exactly where that
18 information was provided to us, but I believe it
19 was in one of the packets.

20 Q. Okay.

21 A. Which I really didn't have a chance --
22 again, I didn't have a chance to really review
23 it before the meeting.

24 Q. On the first page here for the April 3
25 e-mail from Kevin Hall, it says, good afternoon,

1 Heidi. Please see the attached business agenda
2 items upcoming April meeting. Thank you, Kevin
3 Hall.

4 Can you explain why Kevin Hall would
5 be preparing agenda items for the board?

6 A. He is not our attorney at that point,
7 right? I mean, I could not explain why he would
8 be preparing business items for an agenda at
9 that point in time, because as far as I knew,
10 Stock and Leader was still our legal counsel.
11 And I had not known anything different, or was I
12 under the impression that other board members
13 understood anything different, either.

14 Q. Based on what you know and observed,
15 do you have an opinion on whether the five board
16 members who voted in favor of appointing Kevin
17 Hall as solicitor deliberated outside of a
18 public meeting prior to April 11?

19 A. I have heard all of them say we never
20 met, we never had a quorum. I know from my
21 Sunshine Law training that just because you
22 don't have five people sitting in a room talking
23 about something, doesn't necessarily mean that
24 you didn't come to some sort of agreement
25 beforehand.

1 When I was board president, I had to
2 be very careful when I was -- because from time
3 to time the superintendant will bring things to
4 the board and he'll ask the board president to
5 test the waters, if you will, on how the board
6 feels about certain votes or certain subjects,
7 right. We discuss these things in open public
8 meetings.

9 But when we have discussions in open
10 public meetings, the board members aren't
11 sitting there saying I am totally against this
12 or I'm totally for this, right. We have our
13 discussion, we throw out ideas and communicate
14 and talk about things and gather our information
15 that we can make while we, you know, have time
16 to think about those things.

17 Then we come back, and then when we
18 vote, nobody knows how you are going to vote
19 until the vote actually happens in the meeting.
20 And from time to time, you know, the board
21 president will have to talk to the board members
22 and say, how do you feel about this? Or where
23 are you leaning towards? But you have to be
24 careful you are not telling the board members
25 how they are going to vote and just merely

1 gauging -- testing the waters, if you will,
2 right.

3 So, the administration doesn't want to
4 bring something to the board that's going to
5 fail nine-oh, right out of the box. That's just
6 a waste of time. If they know the board is not
7 going to support something based on the previous
8 discussions that we had, then they will table
9 it. There has been times where we have tabled
10 things, right, for further discussion.

11 For example when I was board
12 president, we brought Character Strong in, the
13 social-emotional learning program for the
14 elementary schools. And there was a lot of
15 public outcry that this was a program that was
16 the racial -- I am drawing a blank now. The --

17 Q. DEI?

18 A. No.

19 MS. HIGH: Critical race theory.

20 THE DEPONENT: Critical race theory,
21 CRT. That is all we heard. CRT, this is
22 critical race theory, you are teaching the kids
23 how to be queer and you are pushing this liberal
24 agenda with DEI.

25 The fact of the matter -- or the

1 social-emotional, it got labeled. The fact of
2 the matter is, we just came out of the pandemic.
3 We spent a year-and-a-half or better in remote
4 learning and kids weren't socializing. And what
5 we were seeing in our buildings was a lot of
6 behavioral issues that came out of that. Our
7 educational -- and I am not just talking about
8 West Shore. I am talking about in general
9 across the country.

10 Our educational system took two steps
11 back from COVID, right. We had to teach kids
12 how to learn to interact with each other again.
13 And when this program came along, it was sold to
14 us as this program is basically teaching the
15 golden rule that we have always taught forever,
16 but it is actually formalizing it into a
17 structure that can be taught consistently across
18 the district.

19 Being an engineer and somebody that
20 wants to efficiently and consistently do things,
21 I was, like, yeah. But then when the public got
22 word of this and they said it is critical race
23 theory and you can't do this, nobody should be
24 teaching our kids how they should feel, as board
25 president, I sensed there was some uncertainty

1 with some of the board members. So, I said we
2 are going to table this for one month and I want
3 everybody to go do their homework, and I want
4 you to get the lesson plans, I want you to get
5 the materials, I want you to all read this.

6 Mr. Kambic, he called a bunch of other
7 districts in the area that used the program.
8 One of the other board members went out and got
9 additional documentation and research on this
10 specific program. And we researched the hell
11 out of this thing and we came back and we had --
12 I believe it was in a public meeting where we
13 said, you know, to alleviate any public fears,
14 we have looked at this thing inside and out and
15 we are not seeing anywhere where it is critical
16 race theory, or it is not DEI, it is not any of
17 this stuff it is being accused of.

18 So, the next week we had a vote on
19 that and we approved it. So, that is one of
20 those scenarios where if we had that vote right
21 at first with all the public criticism, chances
22 are it would have failed, right, because there
23 was some uncertainty with the board members with
24 some of the information that was coming out from
25 the public.

1 So, we took our time, we pushed pause,
2 and we did our homework. That is kind of what I
3 am talking about. There is times when the board
4 needs to do some more research or some more
5 looking into things to get -- to formulate a
6 good decision. I have always said that I can
7 only make a decision as good as the information
8 I have provided to me. If I don't have
9 information provided to me, if I don't have
10 background, if I don't have all the things that
11 I need to make a good decision, I am not going
12 to make a good decision.

13 And I think that is key with any vote
14 that we are faced as board members, right. And
15 I know some of my critics in the past say he is
16 always saying he doesn't understand. It is not
17 that I don't understand. It is that you haven't
18 given me enough information to understand.
19 There is more information that I need to
20 formulate my decision. It is not because I am
21 dumb and I don't understand what you are telling
22 me. I absolutely do. But I need more. You
23 can't just give me bits and pieces of
24 information and expect me to make a decision on
25 something where I only have half the picture.

1 That is true with -- again, with any decision
2 that we would make as board members.

3 BY MR. ELLIOTT:

4 Q. Okay. Speaking of getting adequate
5 information, after the fact, after the April 11
6 meeting, did you speak to any of the board
7 members to find out what process they used to
8 evaluate Attorney Hall and what made him
9 qualified to serve as solicitor?

10 A. I did not have any specific
11 conversations about his qualifications or what
12 process was used.

13 Q. Okay. Did you have any other
14 conversations with the board members about Kevin
15 Hall how he came to be appointed?

16 A. I did.

17 Q. With whom?

18 A. With Mrs. Brent and Mrs. Thomas.

19 Q. What did you talk about with Mrs.
20 Brent?

21 A. She had reached out to me for some
22 advice on some things to kind of mend things
23 between -- you know, from a relationship
24 standpoint. And I said I would be open to talk
25 to you, and I would be happy to give anybody

1 advice that wanted to get advice from me,
2 because I have been on the board for a really
3 long time.

4 I think from a political ideology we
5 are not too far apart. I am a lifelong
6 Republican. I don't think any of those folks
7 were aware of that. I am very conservative
8 Republican. And I have got a lot of background
9 information on the district over the last 16
10 years.

11 So, she reached out to me and she
12 wanted to talk to me about things I could help
13 her with. And I kind of, you know, started off
14 by saying, you know, if we are going to do
15 things, if you are going to ask me for
16 information, there has to be some ground rules.
17 And that there is processes and procedures that
18 we have that we do things, and we have to stay
19 above board, and we have to follow the processes
20 and procedures, whether we like them or not.

21 If you are going to ask me for my
22 advice, I said, don't turn around and snub your
23 nose at my advice and go off and do another
24 thing, because you are wasting my time at that
25 point. She agreed, and she openly said that she

1 -- and I am paraphrasing -- that the process we
2 used for Attorney Hall was not the right way to
3 approach that. And she understood that now and
4 that she wanted to move forward past that and do
5 things the right way, and that is why she was
6 reaching out to me. And I was, like, okay.

7 So, that was kind of the discussion we
8 had in a nutshell, that she wanted my help to do
9 things the right way.

10 Q. Approximately when did that
11 conversation take place?

12 A. Probably over the summer sometime.

13 Q. Okay. And what did she say was done
14 wrong with that process or what she might have
15 done differently with respect to appointing
16 Attorney Hall?

17 A. She didn't really elaborate. She
18 understood it wasn't the right way to go about
19 things, and that she wishes she would have done
20 some things differently. She didn't elaborate
21 on what they were. But she conceded, because I
22 kind of chastised her about the way that went
23 down and we had a committee, we have a process,
24 we were going with an RFP in a straight-up,
25 transparent, open process, and we abandoned it.

1 And she acknowledged that and said she wishes
2 she would have done things differently. What
3 that is, I don't know. But that was the gist of
4 what she had told me.

5 Q. Do you have an opinion on whether the
6 five board members who appointed Kevin Hall
7 affirmatively came to and made a decision prior
8 to April 11 on hiring Attorney Hall?

9 A. I don't know if my opinion really
10 matters here. I am one of nine on a board.
11 Nobody through that whole process, other than in
12 the RFP committee, really cared what I had to
13 say about it. To me, it is kind of interesting
14 that we walked into a meeting and we already
15 knew what the outcome was going to be at that
16 meeting, regardless of what was discussed in the
17 meeting.

18 There was some things that as we --
19 you can go back and you can watch the video --
20 there was some reservations that the four of us
21 had in challenging the qualifications of Mr.
22 Hall. And, you know that alone, unless they had
23 already had prior knowledge, had a complete
24 understanding and knew Mr. Hall and his
25 background, that they could definitively say,

1 you know, yep, he is our guy.

2 I mean, I didn't have that luxury. I
3 didn't talk to him. I didn't know anything
4 about him until that meeting.

5 So, for me, from an outsider, yeah, I
6 think there was something -- I missed something
7 somewhere along the way to go from here to there
8 to make that jump, right. There is a bridge in
9 there somewhere I missed as a board member.

10 Q. Do you -- based on what occurred at
11 the April 11 meeting, do you believe that the
12 members -- the five members who voted for
13 Attorney Hall provided meaningful deliberation
14 on why they were making the decision that they
15 did?

16 A. I have no idea. If you listen to what
17 we were told in the meeting, it was -- I think
18 Mrs. Tierney was the one that asked how did you
19 come to Mr. Hall. And I think Kelly Brent's
20 response in the public meeting was, well, he
21 just called me up and said, hey, how is it
22 going. And that is the explanation we got.

23 So, I can't tell you what was
24 discussed or how they came to the conclusion
25 that they were going to select him as their

1 solicitor that night.

2 Q. At any time since the meeting, have
3 you ever gotten a sense of why the board thought
4 he was the best person to --

5 A. No, I have not.

6 Q. Do you know why they did not interview
7 or speak to any other potential candidates?

8 A. For all I know, they did. I have no
9 idea. But I was not privy to any of that
10 information.

11 Q. Based on the Sunshine Act training you
12 received, do you have an opinion on whether the
13 board majority violated the Sunshine Act in the
14 way they went about appointing Solicitor Hall?

15 A. If they -- and they don't even have to
16 meet together as a group. But if they had
17 conversations, whether they were individual or
18 in part, if they conducted interviews, if they
19 reviewed, you know, materials and qualifications
20 without the full board or in the public meeting
21 beforehand, and they came into a meeting and
22 made a decision, that, to me, is not a
23 transparent process.

24 But that is Brian's opinion based on
25 what I know from my school board training. That

1 is not how I would conduct things if -- well,
2 when I was board president or if I was board
3 president, that is not how business would be
4 conducted.

5 Q. Okay. Let me show you what we have
6 marked as Exhibit No. 11.

7 What I am showing you is an excerpt
8 from the answer in the new matter that the
9 school district filed in response to the
10 complaint. This is essentially either
11 affirmative defenses or additional information
12 that gets set forth as part of the pleadings.

13 Paragraph 54 says, upon information
14 and belief, Plaintiffs Stephen Beaver, Leah
15 Cooper, Amy Elliott, John Elliot, Jeff Harmon,
16 Tara High, Katherine Jan Jarrett, Jesse Sayre,
17 and Jan Vivier have brought this lawsuit for the
18 illegitimate means of imposing their political
19 agenda on the West Shore School District,
20 regardless of how the majority of the
21 duly-elected board members voted.

22 Do you agree with that statement?

23 A. Me personally?

24 Q. You personally. I recognize you are
25 not speaking on behalf of the board. You

1 personally.

2 A. No, I do not agree with that
3 statement.

4 Q. Are you aware of any evidence that
5 other board members have that would lead to the
6 conclusion that the plaintiffs' intent is not
7 enforcing the Sunshine Act, but to impose a
8 political agenda?

9 A. I'm sorry, say that again.

10 Q. Has anyone -- has any of the other
11 board members given you any information to
12 identify a political agenda that they believe
13 the plaintiffs are pursuing?

14 A. No.

15 Q. Have any of the other board members,
16 or anyone, provided you with any information
17 showing that the intent of the lawsuit is for
18 illegitimate means, as opposed to attempting
19 to --

20 A. No, sir.

21 Q. Okay. All right. Give me just a
22 minute to review my notes.

23 A. Can we take a short bathroom break?

24 MR. ELLIOTT: Why don't we take a
25 break. I want to talk to these two first to

1 make sure I am not missing anything.

2 So, if you want to take a break, we
3 can take five minutes.

4 (A recess was taken from 5:14 p.m.
5 until 5:18 p.m.)

6 BY MR. ELLIOTT:

7 Q. Just a couple other things.

8 In the earlier depositions today, one
9 of the things that was mentioned that some of
10 the board members had an issue with Attorney Say
11 and her lack of representing of the majority
12 board had to do with Dr. Stoltz making a
13 statement in a public meeting that Ms. Thomas
14 and Ms. Cox had shown a lack of decorum during a
15 meeting with the Byrnes Group.

16 Do you remember hearing about that?

17 A. Mm-hmm.

18 Q. What is your understanding of what
19 transpired with that?

20 A. So, there was a meeting that a parent
21 had about the talk, the meeting with the Byrnes
22 Group. And this parent -- actually, I think
23 this parent is employed by one of the
24 representatives that was supporting them. And
25 that, to me, seemed like an odd coincidence.

1 But my understanding was they attended
2 this meeting -- which is perfectly fine for
3 school board members to attend such a meeting.
4 But I think Ms. Thomas as board president
5 allowed some things to go without speaking up,
6 without providing a fair and impartial meeting,
7 like a professional meeting, and this parent --
8 again, this is third-hand information that I
9 gathered because I wasn't at the meeting.

10 But the people that had -- that were
11 there at the meeting that told me kind of the
12 atmosphere that was created was a very hostile
13 atmosphere, to the point where the Byrnes Group
14 immediately after that meeting said we are not
15 going to work with you, West Shore, anymore.

16 That statement alone says there was
17 something that went wrong with that parent
18 meeting where we had a partner, a valued
19 partner, say we don't want to work with you
20 anymore.

21 And I firmly laid that on the
22 shoulders of the board president to make sure
23 that a level of decorum is maintained, that
24 meetings are professional, that things don't get
25 out of hand like that. And for that to happen

1 with the board president there doesn't speak
2 well to the leadership that was being shown at
3 that point in time from our board leadership.

4 And it was to the point where Dr.
5 Stoltz was basically damage control, because
6 that's a very sensitive subject that we are
7 putting on teachers that aren't necessarily
8 qualified to have those discussions with
9 students, not in the way they should be done
10 from like -- that you would get from a medically
11 professional staff, that would handle it a
12 little bit differently, have a different
13 approach?

14 I will acknowledge that the agreement
15 we had in place, it should have been more open
16 as far as curriculum, because it was curriculum.
17 So, there should be a level of parental review
18 that's allowed in the way those contracts were
19 developed. And I think we have since improved
20 that process, lesson learned.

21 But to learn that lesson in the way
22 that we did from my understanding was not the
23 appropriate way to do that. So, when Dr. Stoltz
24 had made that statement, he was trying to do
25 damage control. He was trying to not lose a

1 valued educational partner with the district.

2 And from what I understand from folks
3 that were actually at the meeting -- again,
4 third-hand information -- that his
5 characterization of that meeting was spot on.
6 And basically has counseled board members to not
7 get into those situations, right, where you are
8 -- you have to have trust in the administration,
9 you got to have -- you have to support the
10 administration and the teachers.

11 And it is not our -- yes, we are there
12 for the parents and we are there for the
13 taxpayers. But we are also not the judge and
14 jury on the crucifixion of administrators and
15 teachers.

16 There is two sides to every story.
17 You can't have -- you can't have a decision or
18 you can't pass judgment without having all the
19 facts. And to let something like that happen
20 without understanding the entire situation, I
21 think is irresponsible.

22 So, what had transpired there, I
23 understood exactly why that statement was made.
24 It needed to be made if they wanted to keep the
25 Byrnes Group as a partner. And basically, you

1 know, keep a program that everybody found -- I
2 mean, I had one negative comment about the
3 Byrnes Group, and that came from the woman that
4 originally called the meeting in question.

5 I probably had 50 or 60 e-mails from
6 parents begging me not to let the Byrnes Group
7 go, not to lose that program. People were
8 e-mailing us upset their kids had missed the
9 talk because we had suspended the programs from
10 that meeting and there was some fifth graders
11 that weren't going to get that talk, and parents
12 were upset by that.

13 I got more negative responses from
14 parents because the program was in jeopardy than
15 I did because of what the program was teaching
16 or how it was being taught.

17 Q. Okay. To the best of your knowledge,
18 who from either the board or the district was
19 actually present at this meeting?

20 A. I believe it was Heidi Thomas and
21 Brenda Cox, from what I was told.

22 Q. Were there any members of the school
23 administration present?

24 A. I believe Dr. Stoltz and Mr. Gay, were
25 and Mr. Wentzel, the principal at Fishing Creek.

1 He is the wonderful principal. I know him
2 personally. And he is a great administrator.

3 Q. Was there a meeting -- it was -- if I
4 remember correctly, both Ms. Brent and Ms. Davis
5 indicated that Dr. Stoltz indicated he was going
6 to make this statement in the public meeting?

7 A. I think he told us that in executive
8 session that evening, yes.

9 Q. And they, being Ms. Davis and Ms.
10 Brent, objected to that statement being made and
11 said that Attorney Say should have prevented him
12 from making that, or told them he shouldn't make
13 that?

14 A. I don't know if that is necessarily
15 Attorney Say's purview. I think Dr. Stoltz is
16 the superintendent, and what he was saying was a
17 characterization of the meeting. I don't think
18 it had any legal -- what do I know, I am not a
19 lawyer.

20 So, I thought that was more of the
21 purview of the superintendent at that point. I
22 don't remember who exactly objected to the
23 statement. I thought it was Ms. Thomas. But,
24 yeah, I don't recall Brooke being consulted or
25 weighing in on that, one way or the other, to my

1 recollection.

2 Q. Okay. And I know you weren't here.
3 One of the things that both witnesses earlier
4 cited as examples of Attorney Say not
5 representing the majority was the failure to
6 step in and side with the majority board who
7 felt that Dr. Stoltz was making a false
8 statement.

9 Had anyone ever told you that?

10 A. No, I never heard that. Which is, in
11 my opinion, is preposterous, because, again, the
12 solicitor does not work for individual board
13 members, the solicitor works for the district.

14 The only communication the solicitor
15 is going to have is with the administrators they
16 are working with, the superintendent, and the
17 board president, period. And unless there is
18 some legal ramification, which from time to
19 time, board members do some really dumb stuff
20 that kind of, you know, we have to get the
21 solicitor involved in for guidance on how to
22 handle certain situations.

23 But at some point, you know, you can't
24 rely on the solicitor for handling every
25 situation. At some point, your leadership

1 ability has to take over and you have to be able
2 to lead and make good decisions on your own
3 without having a solicitor weigh in on
4 everything.

5 And I think that was evident by the
6 fact that when Ms. Thomas took over as board
7 president, she had the solicitor sitting right
8 next to her to help her run the meetings. And I
9 think if the solicitor would have been with her
10 in that meeting with the Byrnes Group, she may
11 have advised her differently on how to maybe
12 conduct that meeting with the parent or how to
13 handle that.

14 But at some point, you know, the
15 solicitor is not there to tell you everything
16 you should or shouldn't do or statements you
17 should or shouldn't make.

18 Q. All right. So, your understanding of
19 the purpose of Mr. Stoltz --

20 A. Dr. Stoltz.

21 Q. -- Dr. Stoltz making the statement
22 that he did was for the purpose of maintaining
23 the relationship with the Byrnes Group and
24 trying to make sure they didn't leave?

25 A. They had already left. He was doing

1 damage control. He was trying to get them back.

2 Q. He was trying to get them back?

3 A. Yeah.

4 Q. Were you able to get them back?

5 A. Yes. Don't ask me how. That is a
6 miracle I am still trying to figure out.

7 Q. Okay. Were you -- prior to April 11,
8 did any of the board members talk to you about
9 their concerns that they didn't think Brooke Say
10 was adequately representing the entire board?

11 A. I think when we were going through the
12 RFP process, Mrs. Brent had made a comment in
13 one of the meetings that we had that she didn't
14 feel that Brooke, quote on quote, had her back.

15 Again, the solicitor is not our
16 personal attorney, and you have to look beyond
17 your personal, you know, interactions or your
18 personal feelings towards the solicitor and look
19 at the big picture and what they are doing in
20 total for the district.

21 Because I could make the argument that
22 today Kevin Hall doesn't have any back, and I
23 don't feel that Kevin Hall represents me the way
24 I feel I would want to be represented.

25 Now, do I have any day-to-day

1 conversation with Kevin Hall? Do he and I
2 correspond on a regular basis? We do not. I
3 might say hi to him in executive session as a
4 courtesy, and I will be professional and
5 courteous with the man. But we don't have
6 regular conversations.

7 And as a matter of fact, immediately
8 after that meeting Kevin approached me and said
9 I would like to get together with you sometime,
10 and I said that won't be necessary. You
11 represent the board, your only communication
12 should be with the board president. You don't
13 need to meet with me, that won't be necessary.
14 And we have never met since.

15 I lied. One time his son's boy scout
16 troop was down at the Capital City Airport and
17 they took a tour of the hangar my airplane is in
18 and he was there and I talked to him briefly as
19 his son was walking around checking out
20 airplanes. And that was the only other time
21 outside of executive session and board meeting
22 that I had spoken to or saw Mr. Hall.

23 Q. Based on any information that you
24 learned after April 11, 2024, do you have an
25 opinion on whether Kevin Hall is qualified to

1 serve as a school district solicitor?

2 A. Again, I am not an expert in, you
3 know, qualifications of a lawyer. But I can
4 tell you based on his resume and the information
5 that was provided for the law firm, they would
6 probably have not been high on my list of firms
7 I would have expected to come out on top of an
8 RFP process.

9 Q. Okay.

10 A. I think there was probably more
11 qualified firms out there on paper. But not
12 going through the process, not having the
13 opportunity to interview them, not having the
14 opportunity to see the whole thing through,
15 we'll never know.

16 But based on what was given to me and
17 what I know, they would not have been on my
18 short list of firms that I would have considered
19 as hiring for the district. Again, if we had
20 had an RFP process, that may have changed. But
21 we'll never know.

22 Q. Based on invoices that you have seen
23 from Tucker Arensberg, do you know if Attorney
24 Hall has had to consult with other attorneys
25 about matters more often than someone at Stock

1 and Leader may have had to?

2 A. I don't know.

3 Q. Okay.

4 A. I have seen some invoices that have
5 come out in some right-to-know requests. I
6 don't know how they compared with other years,
7 and I don't sit and look at all the invoices
8 coming from the legal teams. And most of those
9 were redacted, so I couldn't tell you what they
10 were talking about or dealing with.

11 So, I couldn't give you an honest
12 comparison because I honestly don't know.

13 MR. ELLIOTT: Okay. Give me just a
14 second. I think that may be it. I think that
15 is it.

16 Did you have any follow-up questions?

17 MR. BONN: Yes.

18 EXAMINATION

19 BY MR. BONN:

20 Q. So, you were board president for two
21 years?

22 A. That's correct.

23 Q. During that time, how would the agenda
24 get created?

25 A. So, the agenda was -- I had a weekly

1 meeting with the superintendent. He would -- we
2 would talk about the priorities. And a lot of
3 the things that ended up on the agenda were more
4 function of timing of the school year. We would
5 discuss, you know, based on -- we had -- each of
6 the two years I was board president, in early
7 January we had board retreats. In the board
8 retreat, the board as a collective would set
9 goals and objectives for the coming year. And
10 Dr. Stoltz and I would meet on a weekly basis
11 and talk about the board's goals and objectives
12 and how we can get those things moving forward.

13 For example, school resource officers
14 and school security guards. That was -- we did
15 that completely in open public. We had several
16 meetings. And we would say, okay, we are going
17 to put this on an information item and discuss
18 it, then we are going to do some research.

19 When that would come out, things --
20 the board would ask questions, the
21 administration would say, oh, we'll get you the
22 answer, then we meet again the next month. And
23 kind of the agendas were set based on what we
24 had talked about at the beginning of the year in
25 our board retreat as our goals and objectives.

1 And I never dictated to the
2 administration or Dr. Stoltz this needs to be on
3 the agenda, that needs to be on the agenda, that
4 needs to be on the agenda. It was, what do you
5 need us to talk about as a board to get push
6 forward things we need to push forward or things
7 we need to be thinking about.

8 There was things the administration
9 needed to talk about that wasn't necessarily on
10 our list of goals and objectives, and we made
11 sure those things also got on the agenda.

12 So, some months are heavier than
13 others. Like, there is board appreciation
14 month, there is teacher appreciation month,
15 there is different things that happen over the
16 course of the year that is pretty set on which
17 months those things occur.

18 So, sometimes -- as I was saying,
19 sometimes the agendas are -- you know, they are
20 not as flexible as what we may see.

21 Q. Is it fair to say based on your answer
22 that that the board president, in consultation
23 with the administration, sets the agenda?

24 A. The board president -- so, the board
25 president is basically a manager. The board

1 president doesn't have any special power. I
2 mean, they -- you can argue that they assign
3 committees, they do -- they sign all the
4 important documents for the district.

5 But the board president is elected by
6 the board members to represent the entirety of
7 the board. So, when you say the board president
8 sets the agenda, the board president is setting
9 the agenda based on the goals and objectives of
10 the collective board. I think the board
11 president, if you ask -- the board president is
12 providing input to the agenda. If you ask any
13 one of those board members, the things the board
14 president is providing and put on the agenda
15 would be the very same things those same board
16 members would say, yep, what is that what we
17 want to talk about. Yep, what is what we want
18 to talk about.

19 The board president is nothing more
20 than a manager. There is no special power
21 there. You are still one of nine. Your vote
22 still counts for 11 percent.

23 And I always try to be careful as
24 board president not to force my views on the
25 other board members. I was very careful about

1 that. I didn't want the board to vote the way
2 Brian wanted them to vote. I wanted them to
3 vote as a collective unit.

4 And there was certainly votes the
5 board made when I was board president that I
6 didn't agree with. But I let the board be the
7 board. That is really what the job is. I
8 wasn't forcing the board in any kind of
9 direction or any kind of way. It was -- the
10 board is going to vote the way the board feels
11 about a subject, based on the things we talked
12 about. As long as we -- I'll go back to, give
13 me all the information that I need to make a
14 good decision, make sure all the board members
15 have that same information, and we collectively
16 make the decision.

17 And if you go back and look at my
18 tenure as board president, there was many times
19 when we had -- there is two meetings a month.
20 The first meeting is typically the study
21 session, and the second meeting is typically the
22 voting session. So, the first meeting is when
23 we talk about everything, the second meeting is
24 when we vote on the stuff. At least that is the
25 way it has always been.

1 Now, there are some things we vote on
2 in the first meeting, like personnel and things
3 like that. But as a board member, I am not
4 going to get nit-picky over personal agenda,
5 because I am not an HR manager. They are going
6 to hire who they want to hire. As long as --
7 they are the ones that have to work with these
8 people.

9 So, if they want to hire somebody, I
10 am not going to tell them, no, you can't hire
11 somebody. As long as the position has been
12 approved and is part of our budget, have at it.
13 You make the personnel decisions. Personnel
14 decisions, no problem.

15 But when we talk about -- when we see
16 information items that appear in the agenda, we
17 have deep discussions about those. And I would
18 always go down the line on those information
19 items and I would ask every single board member,
20 what is your thoughts, what is your thoughts,
21 what are your thoughts, tell us what you are
22 thinking.

23 Q. You mean at the public meeting?

24 A. At the public meeting. I made sure I
25 have input from every single board member in

1 those discussions. So when we got to the vote,
2 we knew exactly everybody's feeling. And if
3 somebody had a question about something or
4 somebody wasn't sure about something, or -- we
5 all had the same information and we were all
6 kind of on the same page.

7 I think the board functions at a high
8 level that way. We get -- we get a lot of stuff
9 done. We got a lot of stuff done as board.

10 Q. I am not sure -- I think I may have
11 more basic questions than what you are
12 answering.

13 So, if the board -- if there is an
14 agenda that's posted before a meeting, who
15 drafts that agenda?

16 A. That is the superintendent and the
17 administration.

18 Q. Then that is approved by the president
19 before it is distributed to the board?

20 A. I don't remember approving any
21 agendas. The agendas were the agendas.

22 Q. You would have a meeting though with
23 the administration about the agenda?

24 A. I knew what was going to be on the
25 agenda. I guess if I had an objection, I could

1 state it. But I was never going to object to
2 anything the administration wanted to talk about
3 in front of the full board.

4 Q. It was never voted on by the board
5 what was going to be on the agenda?

6 A. No. That would be impractical.
7 Again, the board elects a president to represent
8 them, and the board president has to represent,
9 meaning when you are speaking on behalf of the
10 board at that point, that is why it is important
11 that you do things like board retreats and you
12 develop goals and objectives of the board so you
13 know what is important to your board members, so
14 that you can say, yes, that agenda looks good,
15 the board would love to talk about those things.

16 Q. What if they -- what if a non-
17 president member of the board wanted something
18 -- had an issue they wanted to bring up, they
19 wanted to add to the agenda? How would that
20 happen?

21 A. So, that -- so, in the public meeting
22 I would, you know, ask if there is any other
23 discussion or anything for the good of the
24 meeting. And if somebody came to me and said,
25 hey, I would like to talk about this, I would

1 say, okay, at the next public meeting bring it
2 up and say your piece.

3 I never shut anybody up. I always
4 gave folks the opportunity to talk. And that is
5 when those things would come up. And we would
6 say, okay, the administration, let's see if we
7 can get this on the agenda, if this is something
8 worthy of discussion. So, it was always open.

9 Q. How soon does the agenda come out
10 before the meeting?

11 A. It is supposed to be out at a minimum
12 24 hours before, but I like to see the agendas
13 out at least a couple days before, at least
14 preliminary agendas, like, the week before.

15 Q. There was testimony earlier from Ms.
16 Davis that it comes out the Thursday before the
17 meeting.

18 A. We have a preview in the Thursday
19 meeting before the board meeting -- well, for
20 the second meeting of the month we have a
21 preview of the meeting from Dr. Stoltz. But
22 that is not a final agenda. He gives us the
23 projected agenda for the following week.

24 So, that is an opportunity, if there
25 is something on the agenda somebody wants to

1 talk about or something they want to add, they
2 can bring it up at that time in the study
3 session. That is an opportunity -- another
4 opportunity to, you know, talk about what's
5 going to be on the agenda. It is not an item
6 for approval though.

7 Q. After the agenda, or maybe at the time
8 the agenda is distributed, is there, like, a
9 board packet that is distributed?

10 A. So, there is the information put on
11 agenda for the board members to review, and then
12 there is an executive session, they give us a
13 packet before we go out. And, again, that is --
14 I referred to that earlier. It is the
15 information that's being presented or discussed
16 in the executive session or contract -- if we
17 are going to vote on a contract, they would
18 print a hard copy of the contract out and give
19 it to us in executive session so we can view it.

20 It would also be on the agenda manager
21 that we could review it ahead of time if they
22 get it up.

23 Q. That was going to be my next question.
24 Like, say if you had a new food services
25 contract, how soon would a board member get that

1 before the meeting?

2 A. If they have it the week before, it
3 would come out the week before, at least in
4 draft form.

5 There has been times when they have
6 put things out 24 hours before and had made
7 changes right up until the last minute and have
8 given them to us in executive session. Because
9 the legal department -- usually when things like
10 that happen, that we don't get a contract well
11 in advance, it is usually because legal is still
12 reviewing it. There was some issues or some
13 changes that needed to be made and the lawyers
14 wanted more time with it, so we were the last
15 ones to get it after the lawyers had thoroughly
16 reviewed it.

17 Q. Okay. Was there an agenda and meeting
18 packet distributed before the April 11 meeting
19 with Kevin Hall?

20 A. Again, it was -- I recall getting that
21 as I was going into the executive session. And
22 I can't imagine there would have been a legal
23 review on that contract because we didn't have
24 -- I mean, Stock and Leader would have reviewed
25 that.

1 Q. That is whenever you recall receiving
2 it.

3 Do you know if it was distributed to
4 the board prior --

5 A. I was not aware.

6 Q. -- electronically?

7 A. I was not aware.

8 Q. Okay. Now, you did see -- let me move
9 on from that.

10 So, when the board is going to vote on
11 an item that is not in the information with the
12 new contract, is there always deliberation
13 before every vote?

14 A. Not always. Typically we have
15 discussed it ahead of time, usually the week
16 before information items. When Dr. Stoltz goes
17 through the agenda, if there is contracts on the
18 agenda for the next week, he'll talk about those
19 contracts and explain what's going on. There
20 will be things in our board notes that we get
21 every week with information on those things.

22 And then before we make a vote on the
23 contract, the board president will ask if there
24 is any discussion. Like, it'll -- somebody will
25 -- so moved, second, and then the board

1 president will say there has been a motion and a
2 second, are there any discussions, questions, or
3 comments on this particular item. And that is
4 the opportunity to have deliberation and talk
5 about that item.

6 And if there's any discussion, it'll
7 happen then. There may have been previous
8 discussions the week before. But before it is
9 voted on, there is additional discussions. A
10 lot of times a lot of these contracts we have
11 already seen them, we have already read them,
12 there is not a lot of discussion.

13 Q. Just so the record is clear, when you
14 say information items, the board has two
15 meetings a month --

16 A. Correct.

17 Q. -- back-to-back weeks?

18 A. Correct.

19 Q. So, when you say discussed before and
20 information, you are talking about discussing
21 the prior week's public meeting?

22 A. Correct.

23 Q. Okay.

24 A. Yeah. The first -- the second
25 Thursday of the month is what we call study

1 session. It is where we get the information, it
2 is where we talk about things, they present
3 stuff to us, information items. We get familiar
4 with the things, then the next week is when we
5 typically would be asked to vote on those.

6 Q. Okay. You had mentioned something
7 with CRT and about -- I am just trying to bring
8 this back.

9 There was something about CRT, and
10 then maybe Chris Kambic had done some research
11 and found out that it wasn't really CRT?

12 A. We were all doing research. All nine
13 board members were researching that.

14 Q. All nine board members were
15 researching that?

16 A. Yeah. I gave them homework.

17 Q. Was that at a public meeting you gave
18 them that --

19 A. Yeah, I did.

20 Q. -- homework?

21 A. Yeah.

22 Q. Okay. How is that different than a
23 board member going out, and, like, if a board
24 member knows there is going to be a vote on a
25 solicitor and they call that person and talk to

1 that person, how is that different than whenever
2 they were doing independent research in that
3 other example you gave?

4 A. The big difference is the example I
5 gave, we had a full public discussion on the
6 matter in detail. We had comments and feedback
7 from parents and constituents about what they
8 thought it was and misinformation about what
9 program they were looking.

10 The full board was aware what we were
11 discussing. The full board was aware of what
12 needed to be researched. The full board went
13 and did their homework. It was the full board
14 that was doing the evaluation independent to go
15 and see. And we were given access to the
16 curriculum.

17 And if we had any questions about what
18 we were going to vote on, here it is, go look at
19 it. Educate yourself. Come back and make an
20 educated vote on what you think is best. And we
21 were given that opportunity.

22 I was never given an opportunity to
23 interview or talk to or evaluate a candidate for
24 solicitor that I was ultimately asked to vote
25 on. That is the big difference here.

1 Q. You talked about Sunshine Act
2 training, you talked about testing water.

3 So, is it your understanding that the
4 Sunshine Act allows a board president to speak
5 to other board members about --

6 A. Sure.

7 Q. -- information items they are -- well,
8 I shouldn't say information items -- about
9 business of the board? The president is allowed
10 contact individually and speak to other members
11 on the board?

12 A. Yeah. There is nothing that prevents
13 the board president to talk to other members of
14 the board. And I had regular meetings with --
15 or not meetings, but phone calls and just simply
16 to say how are you doing, what is your mind,
17 anything troubling you, are you hearing --

18 Q. Are board members allowed to talk
19 about -- have discussions with each other,
20 similar conversations?

21 A. Yeah. But the conversations should be
22 narrow and focussed. It is not -- I never said,
23 you know, hey, Mr. Kambic, this is coming up, I
24 think you need to vote this way on this. Or I
25 really like this, you know, you need to go look

1 at this and come to the same conclusion. Or,
2 you know, I never -- again, I go back, I never
3 try to impose my opinions or thoughts on the
4 other board members. I let them make the
5 decisions and come to their own conclusions.
6 That is all part of being a board member. You
7 do your own homework, you do your own research,
8 and you come to your own conclusions.

9 I never forced anything on anybody or
10 said you need to do this or you need to do that,
11 because then as soon as I go and call eight
12 other board members and say this is how we are
13 voting, okay, yeah, okay, even though I had
14 eight individual conversations, I just violated
15 Sunshine Law.

16 Q. But do you have any proof that
17 happened here?

18 A. Of course not. I mean, I don't know
19 who called who and didn't and what was said. I
20 mean, shit, I don't even know what's going on
21 half the time in the board meetings because we
22 don't get information.

23 Q. Have any of the majority board members
24 told you that any of the other majority members
25 told them how they are going to vote on Kevin

1 Hall?

2 A. No. But, I mean, that is not
3 something you would go out and tell somebody if
4 it actually happened, is it?

5 Q. What I am trying to get at though is,
6 as a board member, how do you distinguish,
7 because you have to stay in compliance with the
8 Sunshine Law. So, how do you distinguish
9 between information gathering, doing research?
10 How do you distinguish between that and then
11 what you are saying is prohibited by the
12 Sunshine Law?

13 A. Talk about it in a public meeting
14 beforehand, then you go and do your homework and
15 your research, and then you develop and come to
16 a conclusion on your own. Then you have
17 deliberation before you make the vote. And you
18 -- then you can look at somebody and provide
19 justification on why you are voting the way you
20 are voting, and not tell your fellow board
21 members it is none of your business.

22 That is not the way that you are
23 supposed to conduct business as a board. And,
24 you know, it is very easy, you talk about it in
25 a public meeting, you go out and you do your

1 homework, you investigate.

2 How do we know what to do our homework
3 on -- let me ask you a question. How do we know
4 what to do our homework on as board members if
5 we don't first talk about it in a public
6 meeting?

7 Q. Well, do you ever -- I mean, as a
8 board member, do you ever have -- do you ever --
9 like, maybe you see a headline on TV about a new
10 law and you look it up on the internet.

11 Do you think that violates the
12 Sunshine Act?

13 A. As long as it is not on our agenda,
14 no. But the minute it is on our agenda and we
15 don't talk about it, then --

16 Q. Well, let's say it is on the agenda.
17 Do you think it violates the Sunshine Act to do
18 internet research on something that is going to
19 be before the board --

20 A. Again --

21 Q. -- using information outside the board
22 packet?

23 A. If we talk about it in public meeting
24 ahead of time and we know it is coming and we
25 know what we are researching, no, it doesn't

1 violate. We are doing our homework.

2 I think that is the distinction here.

3 Five people knew what homework to do, four
4 people did not. I didn't know who I was
5 supposed to be researching. I didn't know who I
6 was supposed to be looking at their background.
7 It was never discussed in the public meeting. I
8 didn't know.

9 Q. Well, let's talk about that. You say
10 it was never discussed in a public meeting. You
11 got Kevin Hall's resume and you got Tucker
12 Arensberg's information packet.

13 Didn't you discuss that at the April
14 11 meeting? Did you discuss your concerns
15 about --

16 A. Absolutely. I voiced my -- you can go
17 back and watch the video. I voiced my concerns
18 vehemently and the reservations I had. And I
19 was very apologetic to Mr. Hall because that was
20 the first time that I had met him and it was
21 under those unfortunate circumstances. And I
22 think I said as much.

23 Q. That all happened before the public?

24 A. Absolutely. But that doesn't -- but
25 it didn't matter what I said. I mean, it didn't

1 really matter what I said, because our previous
2 solicitor wasn't there. And, you know, it had
3 already been said that they are going to make a
4 change before that public meeting.

5 Q. Well, let me ask you about this. You
6 said during the RFP process there was a, quote
7 on quote, sense of urgency to change solicitor.

8 What was the sense of urgency?

9 A. I could not tell you.

10 Q. But you knew there was a sense of
11 urgency? You testified to it?

12 A. Sure. But I don't know why they
13 wanted to get this through fast. I don't know
14 why the timeline had to be such, because we had
15 even commented during the process, you know, in
16 June we hire a new solicitor for the year
17 anyway, why can't we have this RFP process
18 correspond with the June deadline of appointing
19 a solicitor. And they wanted it done sooner, so
20 we worked to this sooner timeline.

21 Why they wanted it done sooner, I have
22 no idea. I couldn't tell you. I am not privy
23 to the inner workings of their brain.

24 Q. Back to when you were board president.
25 If you were dissatisfied with the solicitor and

1 were thinking about making a solicitor change,
2 do you think that would have been hard to do
3 whenever the person to give you advice is the
4 current solicitor that you are dissatisfied
5 with?

6 A. Not at all. We have a discussion,
7 open discussion in the board when it comes time,
8 or if there was beforehand, and say, hey, look,
9 we want to put together an RFP and go fishing
10 and find out what's out there. It is not hard
11 to do the right thing if you do it in an open
12 public meeting. There was always opportunities
13 for that.

14 Q. I mean, everybody -- all the board
15 members have turned over their phone records in
16 this litigation and it has shown that there is a
17 lot of telephone conversations between the board
18 members.

19 A. Sure.

20 Q. And that is -- you have had many
21 conversations with your other board members,
22 correct?

23 A. Yeah.

24 Q. About school district business?

25 A. Sometimes. I mean, what is your

1 opinion on that, what is your opinion on this.
2 Hey, did you hear about that article in the
3 Dispatch, or did you hear about that article in
4 PennLive. No, I didn't. When did that come
5 out.

6 Sure. I mean, but there is not a
7 collaboration, or we are not making decisions
8 for the district. We are just talk about, you
9 know, what's going on, what are your thoughts on
10 this.

11 A lot of board members will call me,
12 not just the minority members, but the majority
13 members and ask me, you know, hey, you have been
14 on the board for a really long time, can you
15 give me the background on this, right. We are
16 looking at the natatorium, can you give me the
17 background on this. We are looking at, you
18 know, transportation and putting an RFP out
19 there. Can you give me the background on how we
20 got to the vendor we have.

21 And I can give you the background on
22 all those things of how we got to where we are
23 today, and kind of back stories and how kind of
24 how things transpired to be what they are today,
25 some of the pitfalls and some of the challenges

1 we experienced in the past and lessons learned.
2 Like, you don't want to do because we did this
3 before and we had these issues. You know,
4 providing insight and knowledge that some of the
5 other board members don't have because they
6 haven't been around as long as I have.

7 So, of course, yeah. I always provide
8 advice and information to any board member that
9 calls me up and asks for it. But I am not going
10 to tell them how they should vote. I am not
11 going to tell them what they should be thinking.
12 That is up to them. I can only provide them
13 what I know, and they can make a decision from
14 that.

15 Again, it is about all the information
16 you have available to you to make a decision.
17 But it has to be your decision.

18 Q. The transportation RFP that was
19 issued --

20 A. Mm-hmm.

21 Q. -- did the board approve the
22 distribution of that RFP?

23 A. No.

24 Q. Is that -- correct me if I am wrong --
25 typically the issuance of RFPs is an

1 administrative action, that's not approved by
2 the board?

3 A. It doesn't need to be approved by the
4 board. Ultimately the board has to agree with
5 who they ultimately select, and they have to
6 approve the hiring. If they don't approve who
7 they are hiring, they won't approve it. But the
8 RFP is not -- the RFP is just the process to get
9 to that ultimate hire.

10 Q. Now, when you were on the RFP
11 committee when you were talking about the
12 rubric, Stock and Leader had already been picked
13 many years before based on that rubric, correct?

14 A. We had modified it a little bit. It
15 wasn't the exact same rubric.

16 Q. But was there any concern that it may
17 be weighted in favor of Stock and Leader since
18 they --

19 A. Not at all.

20 Q. -- they the administration's -- had
21 already been --

22 A. I don't think the administration was
23 set on Stock and Leader. I didn't get that
24 impression at all. I think we were trying to
25 create a fair -- just like when we hired Stock

1 and Leader, there was no heartburn with Eastburn
2 & Gray. They were great attorneys. They served
3 us well. I don't think so there was any
4 incumbent advantage there. Likewise, I don't
5 think there was any incumbent advantage with
6 Stock and Leader.

7 I think that we wanted to provide a
8 fair and open process that we could see what's
9 out there and see if we could find if there was
10 another firm that's out there that's better than
11 Stock and Leader. And I didn't get the sense
12 from anybody in administration that they were
13 set on Stock and Leader. And if somebody told
14 me that was the case, I would beg to differ. I
15 think that everybody had an open mind and was
16 looking for the best representation for the
17 district, period.

18 And we made -- we adjusted the RFP as
19 such so we could find the best suited
20 representation for the district.

21 Q. There was -- I quoted here Kelly
22 saying, quote, my own pick in the RFP, meaning I
23 believe you said she said that?

24 A. Mm-hmm.

25 Q. Did she tell you who her pick was?

1 A. Hmm-mm, no. It kind of ranked up
2 there with her people.

3 Q. Yeah.

4 A. I don't know who her people were.

5 Q. Did she say her people were her
6 constituents?

7 A. No, she never said that.

8 MR. BONN: Okay. I am done. I think
9 we have been here long enough.

10 THE COURT REPORTER: Mr. Bonn, do you
11 need the transcripts?

12 MR. BONN: I think I do, yeah. Yes.

13 E-mail. No hard copy. Minis.

14 (At 6:05 p.m., the deposition
15 concluded.)

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1 County of Lancaster:

2 SS

3 Commonwealth of Pennsylvania:

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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.

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

20 I further certify that I am not a
21 relative or employee of counsel or the parties
22 hereto. This certification does not apply to
23 any reproduction of the same by any means unless
24 under my direct control and/or supervision.

25

Dated this 11th day of February, 2025.

18

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21

Angela N. Kilby - Reporter
Notary Public

22

Commission Expiration: June 2, 2027

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24

25

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