

Individuals Mentioned in Chronology and/or Tort Claim Notice

Staff and Former Staff at Boundary County Library

Aleah Litterell	Former Librarian at Boundary County Library
Amy Maggi	Current Librarian at Boundary County Library
Cari Haarstick	Current Librarian at Boundary County Library/Whistleblower
Craig Anderson	Former Director at Boundary County Library
Dana Boiler	Current Librarian at Boundary County Library/Whistleblower
Derrick Grow	Current Librarian and IT/Former Interim Director (April 1, 2021 - July 23, 2021) at Boundary County Library
Dianna Zills	Current Librarian at Boundary County Library
Eric Lindenbusch	Former Librarian at Boundary County Library/Whistleblower
Kimber Glidden	Current Director at Boundary County Library
Lynn Kuhnhausen	Current Librarian at Boundary County Library
Mac Withers	Former Librarian at Boundary County Library/Whistleblower
Sam Wallace	Former Librarian at Boundary County Library/Current Volunteer
Sandra Ashworth	Former Director/Unpaid Volunteer Consultant Librarian Emeritus (April 1, 2021 - July 23, 2021)/Unpaid Interim Director/Co-Director/Historian at Boundary County Library (July 23, 2021-Present)
Teri Neumayer	Current Librarian at Boundary County Library
Zowie Black	Former Intern at Boundary County Library

Board of Trustees and Former Trustees at Boundary County Library

Aaron Bohachek	Current Trustee and Vice President of Board at Boundary County Library
Bob Blanford	Current Chairman of Board at Boundary County Library
Judy Mace	Former Chairman of Board at Boundary County Library/Deceased October, 2021
Ken Blockhan	Current Trustee of Board at Boundary County Library
Lee Colson	Trustee of Board at Boundary County Library
Lee Haarstick	Former Trustee of Board at Boundary County Library/Father of Whistleblower Cari Haarstick
Wendy McClintock	Current Trustee of Board at Boundary County Library

Law Enforcement

Brian Zimmerman	Chief of Police, City of Bonners Ferry
Dave Kramer	Sheriff, Boundary County Sheriff's Office
Lt. Berger	Idaho State Police, CDA
Officer Johnson	Police Officer, City of Bonners Ferry
Officer Trujillo	Police Officer, City of Bonners Ferry
Rich Stevens	Undersheriff, Boundary County Sheriff's Office

Attorneys and Consultants

Andrakay Pluid	Former City Attorney advising Boundary County Library/Current Boundary County Prosecutor
Emily Sitz	Former Northwest Region Field Consultant with Idaho Commission for Libraries
Jim McNall	ICRMP Risk Management Representative
Katherine Brereton	Current Lake City Law Group Attorney for Boundary County Library assigned by ICRMP
Leonard Schulte	CPA for Boundary County Library
Raphael Droz	Current General Counsel for Boundary County Library
Sonyalee Nutsch	Former Lewiston Attorney for Boundary County Library engaged to conduct investigation
Tammy	Bookkeeper with Leonard Schulte for Boundary County Library
Teresa	Secretary at Wilson Law Firm
Tim Wilson	Current General Counsel for Boundary County Library

Media

Mike Weland	Owner and Journalist 9B News
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Other Involved Parties

Carolina Withers	Daughter in Law of Former Librarian and Whistleblower Mac Withers
Corbin Waltering	Militia member
Gerald Higgs	Registered Sex Offender
Greg	Son of Teresa Secretary at Wilson Law Firm
Seth Withers	Son of Former Librarian and Whistleblower Mac Withers
Ty Withers	Spouse of Former Librarian and Whistleblower Mac Withers
Leigh Withers	Daughter of Librarian and Whistleblower Mac Withers

Appendix to Supplemental Documents attached to Tort Claim Notice

Date	Document
N/A	List of Individuals Mentioned in Tort Claim Notice and/or Chronology
N/A	Chronology of Events (Partial) - Boundary County Library
N/A	Amplified Partial Law Enforcement Chronology Regarding Dissemination of Sexually Explicit Material to a Minor
N/A	Memorandum of Law - Boundary County Elections Fraud
N/A	Election Calendar - Trustee Terms
9/27/2019	Ltr to law enforcement from Dana Boiler regarding Corbin Waltering
9/1/2020	Approximate Date: Ltr of reference from Director Anderson to Dana Boiler
1/1/2021	Approximate Date: Ltr from Director Anderson to Mac Withers
1/19/2021	Director Anderson resignation letter
2/2/2021	Ltr from Dana Boiler to Board of Trustees
2/5/2021	Screenshot of text message exchange between Dana Boiler and Director Anderson
2/15/2021	Approximate Date: Ltr from Eric Lindenbusch to Board of Trustees
3/4/2021	Ltr from Mac Withers to Board of Trustees, copied to Tim Wilson
3/13/2021	Email from Dana Boiler to Board of Trustees, copied to Tim Wilson with attachment regarding Summary of Tax Issue
3/19/2021	Email from Jeff Boiler to Director Anderson
3/29/2021	Email from Jeff Boiler to Tim Wilson regarding sexually explicit material
3/30/2021	Email from Jeff Boiler to Tim Wilson
3/31/2021	Email exchange between Jeff Boiler and Tim Wilson
3/31/2021	Memo to staff from volunteer Ashworth
4/8/2021	Sample of patron complaints received in one afternoon
4/27/2021	Email to Prosecutor Fluid from Jeff Boiler
5/18/2021	Notice of Representation from Jeff Boiler to Interim Director Grow
5/27/2021	Ltr from Raphael Droz to Jeff Boiler
6/3/2021	Email from Raphael Droz to Jeff Boiler
7/5/2021	Ltr from Jeff Boiler to Raphael Droz and Tim Wilson with attached transfer documents
7/19/2021	Notice of Denial of Records Requests from Boundary County Library to Jeff Boiler
10/1/2021	Ltr from Jeff Boiler to Raphael Droz and Tim Wilson
10/11/2021	Ltr from Jeff Boiler to Raphael Droz and Tim Wilson
12/8/2021	Ltr from Jeff Boiler to ICRMP Counsel Katherine Brereton
1/26/2022	Ltr from Katherine Brereton to Jeff Boiler
2/16/2022	Ltr from Jeff Boiler to ICRMP Counsel Katherine Brereton
2/18/2022	Ltr from Jeff Boiler to ICRMP Counsel Katherine Brereton
2/18/2022	Ltr from Katherine Brereton to Jeff Boiler
2/21/2022	Ltr from Jeff Boiler to ICRMP Counsel Katherine Brereton
2/22/2022	Ltr from Katherine Brereton to Jeff Boiler
2/22/2022	Ltr from Jeff Boiler to Katherine Brereton
2/25/2022	Notice of Termination from Director Glidden to Mac Withers
2/25/2022	Notice of Termination from Director Glidden to Eric Lindenbusch
2/28/2022	Ltr from Jeff Boiler to ICRMP Counsel Katherine Brereton
3/15/2022	Email exchange between Jeff Boiler and Tim Wilson
3/16/2022	Ltr from Jeff Boiler to ICRMP Counsel Katherine Brereton

Chronology of Events (Partial) - Boundary County Library

Date	Incident
1/1/2009	Approximate Date - Director ASHWORTH learns father of librarian Cari Haarstick, Lee Haarstick, interested in serving on Board of Trustees. ASHWORTH displays hostility to Cari, taking aside privately at Library, stating: "It's either you or him," referring to LH inquiring about becoming a Board member. Cari immediately relays this to her dad. Lee speaks to ASHWORTH in her office. ASHWORTH would do this to Cari several more times. When she returns in March, 2021 harmful or offensive touching by ASHWORTH begins. Painful holds concealed from others' view begin to be used by ASHWORTH on Cari as noted on 4/5/21, 4/7/21 and 4/8/21, as well as on Cari's mother, now deceased. ASHWORTH seeks Cari out when she is alone. This causes anxiety for Cari as she fears ASHWORTH is starting a cycle of abuse from her previous employment under ASHWORTH.
6/30/2010	Cari is shorted on her paycheck and never receives the full amount due. This will later become a chronic issue with later Director.
7/24/2010	Cari writes in notes from 2010: "Director does not aid in the following: safety training in July what happened to it? Disgruntled, mental, unstable patrons, patrons viewing porn, known sex offenders using computers (only 1 is restricted, why only 1?), Joy situation escalating, no assistance from director even with documentation of patron's behavior to staff and other patrons!, why do we wait for chain of events/escalation??? SOLUTION: need written policy on handling issues and staff training."
7/24/2010	Cari's notes from 2010: "Lack of staff representation or grievances. According to ICFL we are not to approach board unless other channels have been eliminated, we tried to address issues and give department report to director - we were yelled at, no action taken to hear or read report as it was thrown in trash or clear up any misunderstandings. Many witnesses to director's behavior and verbal abuse. We feel we cannot approach our director and thus have no representation."
7/24/2010	Cari's notes from 2010: "patron bias - special privileges such as going into the office to look at new books, those damaging books not being charged when others are, 2 house fires and only one family made to pay, 1 favored patron who spilled milk on new book didn't have to pay but a patron that tripped outside the library and book fell into a puddle had to replace book. (milk sours and stinks, can't fix that!), when approaching ASHWORTH about damaged items she doesn't ask about damage but "who did it". Drastically varying payment from patron to patron."
9/7/2010	Cari writes letter with concerns to Board member MCCKLINTOCK. No response.
11/30/2010	Cari slips and is injured at library. She reports it to ASHWORTH who will not even speak to her about it. No worker's compensation or incident report created.
1/30/2011	Transition to OCLC is not going well. System is regularly crashing. ASHWORTH compares it to plane crash where everyone dies. Around this time, immediately following a Board meeting, ASHWORTH uses concealed pinch hold on Cari's mother, Mrs. Haarstick, to express displeasure at her presence. Incident immediately reported to Cari by her mother, contemporaneous notes made of assault. Mrs. Haarstick's notes also mention militia activity, failure to notify public of meetings, unexplained election irregularities, no elections in 25 years.
1/31/2011	In an email to Cari, Librarian Lynn characterizes staff meetings as "not helpful and threatening."

Date	Incident
2/5/2011	During OCLC transition, ASHWORTH mistakenly deletes all records of approximately \$200K in receivables due or collectible for the Library (damaged books, fines, overdue, lost items). To conceal the error, ASHWORTH instructs Cari to begin collecting \$5 from every patron that has a zero balance on their account. Large sign posted at check out desk for patrons stating there are over 200k in overdue and fines. Favored patrons excused at ASHWORTH's sole "discretion".
2/7/2011	Cari sends email to staff regarding ASHWORTH's instruction to unlawfully collect from patrons to cover her mistaken deletion of receivables (\$200K +-). Cari resigns for this reason, stating in her resignation letter "I will not lie to patrons because she [ASHWORTH] desires it." Past and presently serving Library employees express their open support for the display of selfless courage this represents. Current "favored" employee MAGGI later acknowledges in social media ASHWORTH willing to engage in unethical or unlawful behavior to maintain control.
10/21/2011	Board of Trustees meet without notice to terminate an employee, and conceal their action from then-Board Trustee Lee Haarstick. Jim Marx is the chair at the time and presides over ASHWORTH's manipulation of election of Board members, and her falsification of election results to the Board of Commissioners. See Election Fraud chronology, attached. Currently Library employee acknowledges in writing Board of Trustees being run as sham, ASHWORTH and Jim Marx operate Board of Trustees in any manner seen fit, contrary to existing law.
2/29/2016	Article, media, subject: lawsuit against Mennonite sect allegedly failing to report child abuse. ASHWORTH may be member of named sect. Case settled. (Copy of Complaint obtained)
1/1/2017	Approximate Date: ANDERSON hired as Director. ANDERSON has no prior experience and is hand-selected for position by ASHWORTH after a two week "orientation".
5/1/2017	Approximate Date - Cari hired for second time at Boundary County Library, ASHWORTH no longer Director.
7/13/2017	Failure to give public notice of meeting. Public comment not allowed.
3/21/2018	ANDERSON complains to ICFL regarding Trustee KEN BLOCKHAN's interference with personnel matters. He is a large man and physically intimidating. BLOCKHAN is ultimately removed from his Chairman position on the Board for his misconduct. As with all Board Trustees during ASHWORTH's tenure as Director, he has never stood for contested election at any time. See Election Fraud chronology attached.
5/11/2018	Failure to give public notice of meeting. Public comment not allowed.
6/13/2018	Failure to give public notice of meeting. Public comment not allowed.
6/28/2018	Idaho Supreme Court adopts seven test just cause termination standard. Library continues to operate under written policy, reinforced verbally by ANDERSON while Director through 2021, that Library employees serve at will. Threat of termination at will made to whistleblowers whenever ANDERSON confronted with issues of fraud, waste, abuse of Library as public agency.
7/12/2018	Failure to give public notice of meeting. Public comment not allowed.
7/19/2018	Copy of old policy manual adopted 7/19/18 effective date. Note unlawful at will employment policy and attached cash handling procedures, which are circumvented routinely during ANDERSON's entire course of employment as Director.
9/7/2018	Failure to give public notice of meeting. Public comment not allowed.

Date	Incident
10/14/2018	After Cari's mother passes, ANDERSON shames her for asking for temporary revised schedule. He thereafter shares personal information with Cari's coworkers without her consent. ANDERSON has used this tactic with previous employees during his tenure.
10/15/2018	Failure to give public notice of meeting. Public comment not allowed.
11/13/2018	Failure to give public notice of meeting. Public comment not allowed.
11/30/2018	<p>Gerald HIGGS, registered sex offender, has been stalking underage high school male intern working at the Library. HIGGS writes him love letters and stalks him at the Library, where HIGGS' mugshot and sex offender conviction information and mug shot is available to Library employees.</p> <p>ANDERSON aware of this conduct and complaint by male intern, but does nothing to protect him or report this conduct. All Library employees are aware of this conduct. Intern required to hide when HIGGS comes in frequently. A female Library employee (unrepresented here) writes letter to HIGGS on 11/30/18 telling him to back off. HIGGS continues to enjoy free access to Library and is later used by ANDERSON and ASHWORTH, at separate times and for separate events, to solicit complaints against whistleblowers HIGGS likely later source of complaint against Mac Withers and Eric Lindenbusch terminated due to "patron complaint". New Director GLIDDEN in 2022 refuses on advice of counsel at pretermination hearing to admit that HIGGS is the source of complaint in support of termination. No cause for complaint ever disclosed, Withers and Lindenbusch terminated 022822 for undisclosed complaint. HIGGS continues to enjoy favored treatment at Board of Trustee meetings, even provided venue for public comment when other concerned citizens seek forum for views on matters of public concern.</p>
1/17/2019	Board meeting - Audit meeting, Schulte states, "need for internal controls". See minutes provided by DROZ. Public comment not allowed.
2/7/2019	<p>Mac hired at BCL. Note she is the only ethnic minority (Native American). Deliberately is misclassified as a Library "intern", a status conveyed only on high school students obtaining paid work experience in connection with their education. No reason given for this status at hiring. Under applicable law, she was a regular employee with full pay and benefits for hours worked. All white employees treated as employees from employment inception. Discrimination includes: no policy manual provided to notify of all work rules; not provided with sick leave as a part time employee, and required to "pay back" all sick time by free work if sick leave taken; required to "make up" any sick days if she wanted to be paid. For a year and half, Mac made up all her sick days and did not receive this benefit, having no policy manual and being deliberately led to believe she had no right to paid sick leave. She did not learn she was entitled to vacation leave until some time later in 2021. Since by policy vacation does not roll over more than a year, she also lost this benefit, having no notice of the right, and receipt of that benefit by white employees. Discrimination also due to accommodable disability. Mac specifically mentioned her history of chronic migraines during the interview process for the job, a source of missed time throughout her employment. Employer made aware at time of hire and offered physician's confirmation. Mac also denied PERSI benefits for years, and extra work hours, despite clear entitlement by law and policy.</p>

Date	Incident
2/7/2019	<p>2019 - 2021: GROW, Library employee named Interim Director in March, 2021 without prior Library experience, operates a business out of his home which provides Information Technology services, related services and copy services, which are also included in his duties as Library employee. He routinely refuses to properly maintain Library computers in the children's area, the teen computers, fab lab machines, and other I.T. related Library devices, and for reasons unknown later adjusts Library computers to insure history of use by patrons, including convicted child sex offenders patronizing the Library, is not recorded or kept. He later posts signs in the Library, with ANDERSON's permission, for his personal business, by name, which offers similar or the same competitive services at the Library. Board members voting for his appointment in March, 2021 praise him for fixing their personal devices for free, and apparently cite this as a qualification for his elevation to Interim Director, despite poor work performance, a history of self-dealing, total absence of experience or training for position, concealment of computer use history on Library computers, and overtly hostile and sexually suggestive advances toward female Library employees. He becomes notorious as a Library employee for conducting personal business, shopping online, watching You Tube and watching his wife on his phone on security cameras at Photos Plus, which made female employees and complaining patrons uncomfortable. As interim Director, he lobbies for and obtains at Library expense a set of expensive video cameras, which he installs at unknown locations throughout the Library. Patrons objections about this practice are ignored. He also installs cameras at the Library which can be monitored from his home, and positions them to be able to view female Library workers from a rear view visible only from his new "Interim Director's" office. He authors suggestive and threatening notes publicly referencing how he "names" his penis, and authors notes to a female employee as part of her "evaluation". By the time he is appointed as Interim Director in March, 2021, he is referred to by at least one female patron who complains in writing about his behavior, as "that creepy guy with the baseball hat". The patron refuses to bring her children to the facility to avoid him when at the Library, and is unrelated to any claimant in this action. The Library closes on an emergency basis shortly after this patron's complaint is received. ASHWORTH, then acting as de facto Director, takes no action on these complaints and publicly mischaracterizes the closure as a housekeeping matter. He authors suggestive notes to a female employee and physically intimidates at least two female employees of the Library, and later arranges to obtain Dana Boiler's hard drive with personal tax return information on it, from which unknown individuals soon after file a fraudulent tax return in the Boiler's name. (See chronology, September 2020-December 2020)</p>
2/7/2019	<p>2019-2021: Lynn arrives between 15 to 45 minutes late to work nearly every day. Dana was told by Dianna that ASHWORTH allowed it so she has approval, despite ASHWORTH having retired many years prior. She is not salary employee. She was paid for this time. This practice continued under ANDERSON'S Directorship until the closure in 2021.</p>
2/26/2019	Board meeting. Failure to give public notice of meeting. Public comment not allowed.
3/21/2019	Board meeting. Public comment not allowed.
4/18/2019	Board meeting. Failure to give public notice of meeting. Public comment not allowed.
5/16/2019	Copy of old policy manual adopted 5/16/19.
5/16/2019	Board meeting. Failure to give public notice of meeting. Public comment not allowed.
6/11/2019	ANDERSON refuses to pay Cari for time spent attending PERSI meeting at his direction, but pays GROW and MAGGI, who are similarly situated.

Date	Incident
6/27/2019	Board meeting. Failure to give public notice of meeting. Public comment not allowed.
7/18/2019	Board meeting. Public comment not allowed.
8/8/2019	Board meeting. Failure to give notice of public meeting. Public comment not allowed.
8/15/2019	Corbin Waltering harasses female Library employee at County Fair. He continues to come into the Library after the Fair seeking her out and asking her for rides. She begins hiding in back offices when Waltering comes in. No action is taken to protect her or other female Library employees, who are later also stalked by Waltering. See chronology below.
8/22/2019	Approximate Date - Dana Boiler applies for employment at BCL and is required to work and orient without pay as a condition of employment.
9/3/2019	Dana hired as a librarian/tech educator but without being provided terms of employment, policy manual or rate of pay per I.C. 45-610. Rate of pay unknown until computed from first paycheck.
9/3/2019	Dana scheduled to work evenings with GROW and MAGGI. For several months, both describe to Dana various kinds of misconduct in the workplace, mostly focused on ANDERSON's apparent incompetence and incidents involving misconduct by ASHWORTH and other past employees. MAGGI, then about 24 years old, advises Dana that MAGGI will be the next Director and she had compiled a book of things she would change when she was appointed into the position. Mac was the downstairs employee in the evening and corroborates Dana's recollections of conversations with GROW and MAGGI.
9/5/2019	Dana is provided no Form I9 or provided any information required for a new hire within the time period allowed by law. Dana finally insists on compliance with initial hire regulations and obtains the required forms to complete her hiring paperwork on her own initiative.
9/17/2019	Approximate Date: Corbin Waltering asks Mac to help hang his posters in the children's section. The posters advertise recruitment for an armed private militia of which Waltering claims to be a member. Mac asks to see posters first. She asks which Librarian gave permission to hang them. Waltering claims GROW gave him permission to use Library facilities to advertise his posters. GROW admits giving Waltering such permission. Mac places copy of poster on Director ANDERSON's desk with a note requesting he speak with Waltering about the propriety of such action. She is never provided his response.
9/18/2019	Approximate Date: Waltering speaks with ANDERSON at the Library about hanging militia recruitment posters at Library. The conversation is overheard by a represented whistleblower represented in this action. In it, ANDERSON agrees to assist Waltering in revising the poster and allowing it to be posted on Library property for the purpose of militia recruitment. Waltering later admits to this arrangement in social media.
9/19/2019	Board meeting. Public comment not allowed.
9/24/2019	Cari submits incident report to ANDERSON regarding Waltering harassment, threats to kill the president, loitering after hours, accosting them for a ride. ANDERSON does not respond to her. Details in separate chronology.
9/25/2019	Dana requests Bonners Ferry P.D. escort the female workers, who were closing the Library alone after dark, due to continuing presence of Waltering in the area and prior MAGGI stalking problem from summer. She is advised no presence would be provided without a crime of violence actually in progress against an identified victim. After this, Dana's husband, a former police officer, escorts female workers to their vehicles in the evening for several weeks.

Date	Incident
9/27/2019	Dana submitted letter concerning Waltering's threatening activities to the police. ANDERSON advises her to draft the report, which includes specific incidents threatening employee and public safety as result of Waltering conduct, both inside and outside the Library. ANDERSON advises her the letter will be forwarded to law enforcement. Dana later learns this report is never forwarded to any law enforcement agency.
10/1/2019	Approximate Date: ANDERSON claims he notified the police about Waltering's threatening behaviors at the Library, and that he spoke with Waltering's stepmother regarding Waltering's alleged molestation of two minor children. She claims to have witnessed one such assault. ANDERSON's report is later found by interview with the stepmother to be intentionally false. ANDERSON in fact did not speak with the witness. At about the same time, ANDERSON takes Jeff Boiler, now legal counsel for the claimant whistleblowers, into his office and shows him militia videos being used by Waltering in his recruitment efforts. He learns at that time that Library employees are being used to take calls for militia recruitment via Waltering, who is using the alias "General Brickwall of the Georgia Militia". The websites viewed with ANDERSON show tactical training of militia members using automatic weapons and human-likeness life size targets being shredded by weapons fire, among other scenes of violence against people in target form. These same videos are also viewed by Waltering on the library computers in view of children.
10/1/2019	Approximate Date - Multiple Library employees are directed to send business to GROW's personal business for services similar to those provided free of charge at the Library, and signs are posted with his business name and contact information. Employees are told to make verbal referrals to GROW's business, and GROW provides free I.T. services to Board members, who later confirm this activity when appointing him as Interim Director in 2021. Later, signs would be posted above the copy machine telling patrons to go to Photo's Plus, GROW's business name in Bonners Ferry. A practice develops, whereby GROW obtains paying clients via the library referrals. His customers arrange privately to drop off computer work for him there, which he accepts and returns routinely while on duty as a Library employee and "I.T. Expert". Board members obtain free IT work through GROW at the same time period. The bulletin board is used for his for profit advertising, but employees are told no other businesses may do so. ANDERSON also implements a system to use the business services of favored employees of the Library for Library contract work, without taking public bids.
10/15/2019	Approximate Date: High school intern Zowie Black begins working in the Children's Department.
10/17/2019	Board meeting. Public comment not allowed.
11/1/2019	Approximate Date - Dana is involuntarily appointed Board secretary and quickly discovers that open meetings laws are not being followed.
11/4/2019	Dana trained to finish color coding the upstairs series books. Shortly after the process begins, Library employee Dianna begins angrily ripping the dots off the books. Director ANDERSON orders her to stop, she refuses.
11/4/2019	Dot debacle, continued. While Dana continues the process as ordered, she is struck from behind by Dianna as she is walking by, who tells her never to go to Director ANDERSON " for anything" and to come to her instead. Same said to Cari at a later date. There is no organizational plan which provides her any supervisory authority to take these actions. Nothing is done to remedy the situation, and because of the threat of ongoing physical assault, tension in the Library grows.
11/21/2019	Board meeting cancelled.

Date	Incident
1/1/2020	MAGGI stays at the Library overnight and becomes drunk. During this time, she uses dangerous equipment in the Fab Lab and posts video of drunken antics on Facebook. Witness present verifies. Library employee Lynn approves behavior, and advises MAGGI to " have a good night." It is a common practice for employees, former employees, relatives, friends and other non-employees to gain after hours access to the Library. There is no key management system in place and employees are not required to return Library keys after employment ends.
1/1/2020	Approximate Date - MAGGI advises whistleblower Mac Withers of her life goal to open a Harry Potter-themed strip club in London, England, and had written a letter to author J.K. Rowling seeking permission for the rights to use Potter characters in her club. GROW at this approximate time tells Mac that he personally installed a "stripper pole" in MAGGI's house, and was proud of his actions. Cari verifies with Dana that MAGGI also had stripper pole she used while staying as a guest for an extended time at former Director ASHWORTH's private residence. ASHWORTH wears traditional Mennonite clerical garb throughout her tenure at the Library, giving the impression of religious affiliation and piety.
1/8/2020	The ceiling near the employee restroom at first floor of Library caves in, soaking walls and floor. No remediation is supplied despite employee complaints of mold and respiratory symptoms. The Library has a history of roof leaks and flooding. ANDERSON pays spouse of Library employee Lynn to do roof work. The job is never put out to bid.
1/27/2020	Eric Lindenbusch hired by BCL.
1/30/2020	Board Meeting - patron reinstatement (elderly woman and teenager) - minutes unsigned by Chairman and Secretary, missing signature page. Employees question ANDERSON regarding public humiliation as part of process of patron reinstatement for innocent mistakes. ANDERSON dismisses concerns despite record showing verbal abuse of patrons made to essentially beg for mercy to Board members to obtain reinstatement for minor offenses. At public meeting on reinstatement, no public comment allowed. (See Chronology regarding banned patrons at 7/18/21). Note: ANDERSON does not return minutes after draft submission for signature. Practice employed is to make arbitrary changes which do not conform to facts of meeting, and submit to Board without review for accuracy by recording secretaries appointed by ANDERSON: Dana and Eric.
2/27/2020	Board Meeting. Public comment not allowed.
3/17/2020	Board meeting - no minutes. Failure to give public notice of meeting. Public comment not allowed.
3/18/2020	FFCRA signed by Trump requiring covered employers to offer paid FMLA to full and part time employees.
3/20/2020	ANDERSON telephones Dana at home after work hours, during COVID closure, and asks her to " figure out a way to pay the employees during the mandated closure." He has no knowledge of FFCRA or other available means of payment for affected employees. Dana explains FFCRA and ANDERSON agree to proceed with program to retain employees and pay them during closure.
3/25/2020	Governor Little issues stay home order, library closed.
3/25/2020	Cari worked on website during closure, which have always been a part of her regular job duties. She was not an independent contractor.
3/31/2020	Although explained to him in detail in advance, ANDERSON fails to follow FFCRA guidelines on how employees should be paid. He chose instead to pay them based off the previous month's income, substantially lowering employees' monthly income, with no financial benefit to the Library apparently thereby created.

Date	Incident
4/1/2020	As part of "joint evaluation process" suggested by ANDERSON, GROW writes Dana a poem on his evaluation of her: "Roses are red, violets are blue, I sure do like working with you. It might be your laugh, it might be your smile, it might be your...well, I guess I'll tell you in awhile." Dana is married with children, GROW knows this. He refers to her as his "work wife" and comments more than once she is "just like my wife". Tells her that patrons mistake her for his wife. Thereafter, goes on social media and posts the name of his penis, and the process of how he arrived at the name. Dana through counsel objects, and is advised in substance "The Board is fine with GROW's actions". Female patron later confirms GROW gets "handsy" with women in the Fab Lab, and prior to Library "emergency closure", a female patron advises Library staff she will not bring her children to the Library as long as "the creepy guy with the baseball hat" is there. Complaint reported, no action taken.
4/21/2020	Board meets regarding Covid closure. Failure to give public notice of meeting. They present no plan. ANDERSON thereafter calls staff meeting outside. Dana explains how employees will be paid through FFCRA.
4/23/2020	Board Meeting via Zoom - minutes unsigned by Chairman.
4/25/2020	Cari stays up all night and creates Library reopening plan. ANDERSON instead buys shower curtains to hang around circulation desk and to quarantine books in the back of the library behind a sheet of plastic. The curtains remain until week before his departure in March 2021.
4/28/2020	ANDERSON miscalculates Cari's paycheck by 10 hours. She informs him and he tells her he will fix it with next month's paycheck. She objects to delay. Same technique later employed with Mac and Dana, but they insisted he pay immediately. ANDERSON will later do the same thing to Cari and Dana throughout the entire summer. See chronology below. As Interim Director, GROW employs same tactic with Dana in 2021 and didn't pay full wages for two months. ANDERSON pays her on 4/30 for the missing hours, but it will not be reflected in her W2 later, which ANDERSON refuses to change.
5/1/2020	Employees return to work in library wearing masks and social distancing.
5/1/2020	Cari and Dana told to begin new website and to keep track of hours and turn them in with time sheets at end of month. Cari maintained weebly site for the public until transfer complete of domain. Cari paid through payroll initially, ANDERSON later reneges on payments agreed.
5/14/2020	Failure to give public notice of meeting. Public comment not allowed.
5/21/2020	Board Meeting via Zoom - For the first time known, ANDERSON informs Board that Cari and Dana are working on a new website for the Library. There is no mention of it being done as contract work, which would need Board approval. No disclosure of terms given by ANDERSON to both, ANDERSON later reneges on agreements to induce their extensive work off duty. Minutes of this meeting unsigned by Secretary DB.
5/27/2020	Cari and Dana turned in timesheets with the additional hours worked on website as directed by ANDERSON.
5/28/2020	ANDERSON reneges on payments to Dana and Cari as agreed. Both employees told he "needed" to pay half now and half the next month. He later tells only Cari he needs to pay 1/3 now and the rest later. No explanation given. Contract of adhesion.
5/30/2020	Two days later, ANDERSON advises Cari he again "needed" to pay Dana and Cari their May hours over 3 months.

Date	Incident
6/1/2020	Paychecks received. Dana paid for 12 hours of 56 hours, Cari paid for 26 of 48 hours. ANDERSON approaches Dana apart from other employees and advises her he "needed" to pay over time to avoid alerting Leonard Schulte, Library CPA, to overtime. Dana demands issue be taken to the board. ANDERSON refuses. No change to paychecks. As a result of the duplicity of ANDERSON now evident to both workers, both begin memorializing interactions with ANDERSON regarding website construction and payment.
6/7/2020	Dana arranges Facebook messenger account for homeschooled minor daughter, age 13, for the first time. Express purpose of account is to allow daughter quick communication while mother is at work. At the time, no other phone service available for this purpose. She sets up messenger app to communicate with minor child while she is at work. Dana does not know that MAGGI and daughter are Facebook "friends" and are now communicating via Facebook messenger.
6/8/2020	Ninja groups, which describe groups of community members from the area, are formed to deliver anonymous gift packages to shut ins and disadvantaged in the community, group at Library formed due to Covid impacts. The library ninjas deliver care packages to front doors of random community members, anonymously. After one such outing involving Dana, her daughter and other librarians, Dana and Dana's daughter meet at MAGGI's off-grid area house for hotdog roast. MAGGI gives quick tour of her trailer and shows everyone the stripper room with stripper pole. Dana, daughter and Cari go to living room where MAGGI makes smoothies. Daughter apparently sneaks off down hall and watches Zoey, library intern, and her boyfriend in the stripper room. This episode was apparently filmed without parental knowledge or consent, and apparently shows daughter present during Zoey's pole dancing without Dana's knowledge, consent, presence, or subsequent disclosure. Dana is not aware of this until some time after the paid for report of "investigator" SONYALEE NUTSCH is released. No questions are posed to Dana about this issue by NUTSCH, and NUTSCH ignores several hundreds of pages of complaints by Dana and other 3 whistleblowers during their interviews in June, 2021. NUTSCH opines all 4 whistleblowers testified truthfully, but implies this is not the case in heavily redacted report, which Library will not produce. See Appendix, correspondence chronology of communications between counsel for whistleblowers, NUTSCH, GROW, WILSON, DROZ, BRERETON.
6/9/2020	MAGGI sends first homemade stripper video to Dana, Cari, Zoey and Dana's minor child. Dana is not aware of the messenger group or that these videos are being sent to her child.
6/15/2020	Dana informs ANDERSON that website worked June hours for Dana and Cari would meet or exceed hours worked in May, and that deferred payments over time were not acceptable. She demands he take issue to Board. ANDERSON refuses, insisting it must be done "his way". That method is not specified.
6/18/2020	Board Meeting via Zoom - audit report recommendation from Schulte: "hire financial officer that reports directly to the Board instead of [Director ANDERSON]". Minutes unsigned by Secretary EL and Chairman

Date	Incident
7/1/2020	<p>Approximate Date - Male patron routinely harassing female staff sexually stops at front desk, views female employees, mutters incoherently and proceeds to put his hands down the front of his pants. He then walks slowly to library upstairs bathroom, where he remains several minutes. Dana leaves front desk to inspect computer being utilized by patron. Screen openly displays video, paused, of female wearing only a g-string with her buttocks showing being viewed on library's designated teen computer in the back near restroom where patron is located. She reports to later "Interim Director" GROW, who is nominally charged as library I.T. technician capable of installing pornography filters. He takes no action and seems amused. During the general time frame, same patron frequents library children's section, while in Mac's presence loudly demands location of books on "witchcraft and rituals". He boasts simultaneously to Library personnel of having participated in such rituals involving use of human body parts. This is done in children's section in the hearing of nearby homeschool kids, who express open shock and dismay by his behavior. Nothing is said or done to address this clear child and employee safety issue involving this patron. Other similar conduct is observed and reported by library staff, including stalking of children in the children's section of the library, and frequent use of the library by identified, convicted child sexual abuser Gerald HIGGS, who is shown special consideration by Board and later Directors ASHWORTH and GLIDDEN at open public meetings of the Board.</p>
7/1/2020	<p>Approximate Date: ANDERSON advises Cari he would pay Cari and Dana for May and June hours reported. No restriction on hours. Shortly thereafter, ANDERSON advises Dana he didn't want to pay at all. The following day, Dana, Cari and ANDERSON meet outside library doors, at ANDERSON's request, to discuss this project. Cari and Dana insisted upon going to the board as the work was solicited, obtained on basis that all hours worked would be paid, and project, critical to ongoing COVID restrictions to give remote library access to taxpaying public was halfway done. At the time, both had been paid a small amount for 3 months extra work. Neither agreed to this arrangement. ANDERSON advised both now "on their own", required them to go to the board personally with presentation and no disclosure of his previous agreed terms "if [they] want to get paid". He advised he would now only pay \$1500 for all work performed, and both would be required to "form an entity" for contract work or neither would be paid at all. Both refuse and advised ANDERSON both would cease work until paid as agreed for work already completed. Neither meet with him thereafter on subject without the other or impartial witness present.</p>
7/7/2020	<p>Approximate Date - Male patron engaging in harassment summarized above observed harassing patrons, pretending to be an employee. Reported, nothing done.</p>
7/16/2020	<p>Board Meeting via Zoom- ANDERSON's discretionary spending limit without Board approval increased from \$1500 to \$2500, ramp and sidewalk repair approved, no bids taken. Minutes unsigned by Secretary DB and Chairman</p>

Date	Incident
7/16/2020	Presentation by Dana and Cari to Board at ANDERSON'S insistence summarizing work performed and to be completed, both instructed by ANDERSON not to advise Board of his previous agreements and authorizations to proceed. Presentation lasts over an hour, requesting only the amount ANDERSON instructed Cari and Dana to seek, thereby shorting both substantial hours worked. Both expressly forbidden by ANDERSON to discuss prior payment authority given, then reduced, then withdrawn by ANDERSON, all without knowledge of Board, for period May through July 2020. ANDERSON advises both if Board didn't approve payment neither would be paid by ANDERSON for any of it. Board comments favorably on all work performed and estimated completion tasks remaining, inquires on record why the amount quoted for such extensive quality work on site is so low. Both advise Board on record amount sought is the amount ANDERSON required them to disclose (not consistent with previous agreements to pay.) Board states on record work performed as to quality and quantity worth far more than what is sought per ANDERSON demands to Dana and Cari for presentation. Board advises both would be paid from carryover when work finished. Board advises both to track hours with details and to present again upon completion. ANDERSON approaches both after meeting and authorizes all work necessary to complete website either during regular scheduled hours or at home. Library laptop provided to Dana for completion of home work. Both continue only to be paid through payroll for hours worked at the library, not home. Criticized by other staff (Lynn, GROW, Dianna, MAGGI) and tension grew as they worked on this and our other duties while adapting to a new covid environment.
7/17/2020	Crazy Days books sale. Mac home sick with migraine. ANDERSON tells Dana that he is going to fire Mac due to medical excuse for absence, does not request physician's statement, which is later provided during proposed termination of Mac December, 2020 (see below).
7/17/2020	Cari - website check 8026 \$1500 no persi, taxes, etc. on stub.
7/18/2020	ANDERSON states he has hired former employee Sam Wallace to replace Mac because Mac called in sick for book sale. Sam calls Mac a bitch while substituting for her at library, and makes other derogatory remarks concerning library and staff. No action taken.
7/27/2020	Ltr from Dr. Geyman regarding history of Mac's migraines. Termination of Mac temporarily suspended.
7/28/2020	Lengthy meeting with ANDERSON, Teri, Mac and Dana (witness) in craft room regarding retaliation against Mac for taking sick day, her denial of sick benefits for years, ANDERSON not tracking sick leave, Mac being called bitch by Sam Wallace.
8/1/2020	Approximate Date: Another male patron has been known to look at pornography on the computers at library. He constantly complains that he has a disorder that doesn't allow him to breathe air and demands that doors and windows be closed. ANDERSON accommodates him by setting up a personal computer just for him immediately adjacent to the library children's section. Same patron has caused a teen who regularly worked in the area to leave and never return.
8/1/2020	Approximate Date - Text from MAGGI, who states or implies ASHWORTH is unethical and willing to violate law creatively.

Date	Incident
8/1/2020	Approximate Date: Dana begins work on building the Fab Lab page for the new website. ANDERSON tells her that he has not paid the Fab Lab dues so "technically" they are not an MIT Fab Lab but he still wants to promote it that way and instructs her to create the page as if they are still a Fab Lab. This is apparent direct violation of M.I.T. Fab Lab licensing agreement, ANDERSON acknowledges, wants to keep secret. Library continues to utilize name, ASHWORTH also relies on name status for "national recognition" claim for her non-existent library "nationally recognized consulting firm", S.A. Associates, in applying for and obtaining position as "Director Emeritus" of Library on March 17, 2021.
8/13/2020	Failure to give public notice of meeting. Public comment not allowed.
8/15/2020	Annual KRD book sale. Over \$1600 in donations, which will later be used to create education kits by Cari, Dana and MAGGI.
8/20/2020	Board Meeting via Zoom- High School intern Zowie Black leaves to attend college. Her hours are split between Mac and Eric. Dana and Eric volunteer to help in children's department to cover for loss of intern. Minutes unsigned by Secretary EL.
8/28/2020	Website transferred to boundarycountylibrary@gmail.com. Written confirmation placed in library file on site. In March, 2020, 7 months later, GROW will change the password to this email address thereby denying all staff access. Cari will later be formally threatened with termination, and Cari and Dana threatened by library counsel Raphael DROZ with suit for unknown reasons relating to "failure to transfer website ownership", which had already been done at time of threat. No withdrawal of threat from DROZ when he is provided written exhibits showing prior transfer of ownership, to this day.
9/1/2020	ANDERSON informs Dana that Schulte advised him library audit is "good "with the exception of cash handling. Cash is routinely kept in unlocked containers in several locations of the library, not regularly counted, no supervised dual counting, no petty cash account established as required by statute. Hundreds of dollars cash routinely kept in this manner over prior years of ANDERSON'S directorship. He is told by staff and CPA to correct the issue, but refuses. Dana specifically addresses cash noncompliance at two separate staff meetings, is ignored. Dana also brings this issue up to Board member after a Board meeting. Response silence or expressions of contempt.
9/1/2020	Approximate Date: Mac watches ANDERSON clean the downstairs bathrooms and used the same dirty rag to clean the children's tables. Mac tells him its not okay to use the same rag to clean the toilet and the tables. He said he had no idea that wasn't okay and he thanked her for teaching him something new. Mac recleans everything. It is well known among staff that the library is not being properly cleaned and sanitized. The carpets emit a musky odor of mold from improper cleanup after floods. Overhead ceiling tiles are stained from water damage.
9/5/2020	Waltering livestreamed from militia meeting in Commonwealth of Kentucky.
9/17/2020	Board Meeting via Zoom- Board calls Lee Haarstick a tyrant and seeks to change policy as a result, minutes unsigned by Secretary DB and Chairman

Date	Incident
9/17/2020	The Board refuses to provide pictures or contact information for website, which has been designed by Dana and Cari to facilitate public contact with Board members via new, inexpensive library email accounts obtained for this purpose. They will only approve an alias email that forwards to ANDERSON, thereby giving the public impression of direct contact, while actual contact only controlled and seen by ANDERSON. Dana and Cari forced to abandon the new website Board page and quickly come up with alternative for launch. Dana objects to not providing some form of contact and is advised by Board member to have members of public "pass her a note" at a meeting if they have something to say. Board members are not observed at the Library, seldom seen, most not patrons. The Board Chairman at the time doesn't have an active library card. Meetings taking place by Zoom only, routinely. Many/most public meetings of Board without notice of meeting or other compliance with Open Meetings Law. McCLINTOCK's comment on objection in December, 2020 on this basis (see above), on record, is: "We do this all the time." Board then goes into executive session and ignores public present seeking participation. ANDERSON explains: "Andrakay says not to worry because the statute of limitations has run", and there is nothing they can do about it.
9/25/2020	Mac had been asking ANDERSON for PERSI for over a year and he kept putting her off. Ltr from ANDERSON to Mac re: stipulated raise and holiday pay. ANDERSON said the Board voted, however, there is no record in the minutes.
9/26/2020	Waltering plans and participates in armed militia convoy in Georgia under the name General "Brickwall" Jackson.
10/1/2020	Eric promised pay raise to \$12 per hour by ANDERSON in September and only received a raise to \$10.18 in October. A few weeks later ANDERSON informed Eric that he miscalculated and Eric would receive a raise to \$11.13 per hour and backpay for the previous month's error.
10/1/2020	GROW transfers laptop information to his personal external hard drive with Dana and Jeff's personal info on it. He removes internal hard drive of laptop. Laptop used by permission for home website work as noted above, contains home purchase details including tax returns, DD-214, bank records and other financial information. GROW takes laptop and contents to his home. Fraudulent tax return filed by UNKNOWN SUBJECTS within a short time thereafter. At about the time of seizure by GROW, MAGGI transfers the personal information on a flash drive she claims to own, including specific missing documents that ANDERSON needed to pay Dana for the website work. ANDERSON later in March, 2021, tells Dana to just "make up a number and I will pay whatever" she wanted. Shortly after this transfer by MAGGI, the invoices necessary for payment of website work are observed being remotely printed on a library copy machine at the Library.
10/15/2020	Failure to give public notice of meeting. Public comment not allowed.
10/17/2020	MAGGI sends second stripper video to group including Dana's daughter without her knowledge. Dana did not notice this group until intern Zoey made a comment that she had not seen this group yet. The notification flashed across Dana's screen with Zoey's comment. Dana states she has not seen and will look at later, but does not and has no intent to do so, having no interest in the subject. Dana still has no idea who is in the group. Dana does not look at group membership until on or about March 27, 2021.
10/19/2020	Gerald HIGGS complains about Mac for unspecified reasons which later prove to be personal animosity, not work related. ANDERSON reprimands Mac without interview or fact investigation. Eric is a witness to HIGGS' harassment of Mac. ANDERSON apologizes and forces Eric to "role play" what to do in a scenario when an employee is being harassed by a patron.

Date	Incident
10/22/2020	Board Meeting via Zoom- ANDERSON has never been evaluated by the Board, as required by policy. Board acknowledges need for system of evaluation of Director. ANDERSON in fact is never evaluated by Board during approximately 4 years of Directorship. At the same meeting where evaluation discussed, Board notes on record mention that Trustees BLOCKHAN and MCCLINTOCK are up for reelection soon. No discussion regarding details and there never will be in the future prior to the election date. Minutes unsigned by Secretary EL and Chairman.
10/27/2020	Boundary County Library closes due to GROW contracting Covid. ANDERSON tells Cari and Dana to come up with a reopening plan again. Both refuse due to previous experience. See chronology of prior closure.
10/28/2020	Two year website hosting plan paid for by ANDERSON. Ownership was transferred during ANDERSON's Directorship.
11/1/2020	ANDERSON writes on Mac's "happygram" thanks for her forgiveness. All future happy grams will imply ANDERSON is looking for a way out of culpable misconduct of which Mac, Dana, Eric and Cari are aware.
11/1/2020	Website finished enough to go live, presented to board and waited for payment before making the website live through domain transfer. Didn't trust them to pay. Later the same Board will refuse to pay WILSON Law Firm and members object to the cost of the NUTSCH report. See 2021 chronology.
11/3/2020	Library has been closed due to GROW contracting Covid. There is no communication with staff during this period until ANDERSON sends text on 11/3 stating "the Board" had directed the staff to wear masks, suspend storytime, submit concerns to Board via ANDERSON, not to Board directly. Staff later learn no Board action noticed for purported action summarized.
11/4/2020	GROW returns to work characterized by employees as appearing to be "zombie-like" and still clearly symptomatic. ANDERSON nevertheless tasks him to assemble by hand the face shields to be worn per "Board" directive by the rest of the staff. Dana informs ANDERSON of GROW's issues and he ignores her, stating he is "working on the Board's new protocols". He gave us all the protocols and stated that the Board had voted 5-0 and he didn't have a say. In fact, there is no record of Board action on this subject and ANDERSON later acknowledges to Dana and Mac that there never was, stating at that time he will "come clean and fess up" at a later staff meeting.
11/5/2020	Ltr from Geyman regarding Mac's mask exemption for migraines.
11/5/2020	Mac comes into work and sees GROW's state of lethargy and unresponsive to simple conversation. She tells ANDERSON he needs to go home and appears to still be highly symptomatic. Eric and Dana agree and join in recommendation. ANDERSON tells GROW its his choice.
11/5/2020	Frustrated employees begin writing letters to the Board as suggested in the "new protocols".
11/12/2020	Failure to give public notice of meeting. Public comment not allowed.
11/13/2020	Mac and Dana evening conversation with ANDERSON in the library craft room. He admits he lied to the staff about Board vote and public notice violations. He promises to confess to the staff and Board about what he had done. He said he feared termination for his actions. He then threatened to fire Mac and Dana if they talked, and said that Idaho was an at-will state and he didn't need a reason. In fact, by statute Librarians are not at-will and may be terminated only for just cause. Although not a veteran of any armed service, he also claims to have PTSD, which he said explains all his bad decisions.

Date	Incident
11/14/2020	Call from ANDERSON to Dana telling her he had spoken with the then-City Attorney, Andrakay Pluid, who later has become County Prosecutor, and confessed regarding all the open meetings violations. He claimed to staff he also made such a confession to a Board member. He contacts Dana at home by phone and pointedly asks if "the past is in the past?". She does not reply in the affirmative.
11/14/2020	ANDERSON tries to correct all past Open Meetings notice violations by having Cari post all the past notices of meeting to appear as if they had always been there, all on the old website of the library, all at once. ANDERSON comes in to attempt this change at the library on a Saturday, for which the library then had limited open hours of operation.
11/16/2020	ANDERSON doesn't know how to interpret a new Governor's order on COVID, in response closes library.
11/17/2020	Staff meeting in basement of library. ANDERSON was supposedly going to "fess up" but ultimately chooses to say nothing to staff and instead talks about what a wonderful job he is doing. ANDERSON tells everyone that they will get pay raise increase of 3% because he sacrificed his pay increase.
11/19/2020	Board Meeting via Zoom- minutes unsigned by Chairman.
11/20/2020	Domain transfer for new website being processed- can take up to 7 days to go around the world per provider. See printout of Wix email. Note the email address for the owner is boundarycountylibrary@gmail.com. When GROW is made interim Director he will change the password which denies Cari and Dana access. Thereafter, DROZ makes unfounded threat to sue them for failure to transfer and related claims, which are never withdrawn.
11/21/2020	Mac begins exhibiting symptoms of Covid. Exactly two weeks since she was exposed to GROW while symptomatic, assembling employee mask guards for all staff.
11/25/2020	Geyman confirmation of Mac testing positive for Covid. ANDERSON reprimands Mac for working on the previous Saturday with a headache. She is exposed to termination five months previously for calling in sick with migraine headache. She had retaliation for headache absences previously. Cari, Dana and Eric are the only employees who say they were in proximity to Mac, despite everyone being exposed. Those who admit contact are also sent home for ten days. In fact, all employees are apparently exposed, but the others remain at work.
11/26/2020	Transfer of website complete. Domain contact confirmed as ANDERSON. See printout.
11/30/2020	Cari - check 8169 \$2500 no persi, taxes, etc. on stub.
12/1/2020	Approximate Date - ANDERSON advises Dana privately of his intent to resign. Dana then advises him she will apply for the position. ANDERSON begins to advise others Dana was going to be the next director and he would recommend her.
12/1/2020	Approximate Date: Mac tells ANDERSON she wants to have meeting and speak to the Board. He asked why, demands to know subject matter. She advises all concerns voiced by staff to date. ANDERSON refuses to allow her access to the Board or public comment time. Mac later advises BLOCKHAN of her request. He ignores her and refuses to acknowledge her presence. The Board is inaccessible to employees.
12/3/2020	FMLA retaliation against Mac. Mac's proposed letter of discipline openly left by ANDERSON in publicly available area, for all to see. MAGGI learns of its contents two weeks prior because employee Lynn showed it to her. Conspiracy among non-whistleblowers to get Mac terminated while she was on leave for COVID immediately prior.

Date	Incident
12/7/2020	Dtd 12/3 but given to Mac on 12/7. Disciplinary letter from ANDERSON given to Mac the day she returned from FMLA leave after having Covid, reduces hours, changes schedule, removes Saturdays, changes job duties (removes upstairs duties). Letter passed around to staff before given to her and left at front desk for all to see. ANDERSON refuses to discuss with Mac.
12/7/2020	Audio recording of meeting with Lynn and ANDERSON regarding discipline letter. Mac requests copy of her personnel file.
12/7/2020	Employee Lynn attempts to physically intimidate Dana at work, unknown reason at time. Later, motive apparent.
12/8/2020	Cari witnesses ANDERSON solicit complaint from Larry Hosterman regarding Mac. He gives him a handwritten complaint.
12/8/2020	Cari adds 2-step verification added to login for boundarycountylibrary@gmail.com accessing library website.
12/11/2020	ANDERSON institutes unlawful practice for himself, GROW and MAGGI, which he names "Flex Days". He is the only beneficiary at first. MAGGI and GROW follow later. Essentially billed as an 'incentive' for volunteering to work on Saturdays, each are paid for 8 hours if they work only 4, but only on Saturdays. This arose as an incentive for certain employees to work Saturday after Mac was removed due to her disciplinary letter. This same benefit is not offered to other Saturday workers. Those who participate (ANDERSON, GROW, MAGGI) are already salaried workers receiving pay for Saturdays whether they schedule it or not. Other staff object. ANDERSON then writes in the library daily Journal that MAGGI and GROW will make up those hours by the end of the month. He continues the benefit for himself.
12/14/2020	Mac continues to request personnel file and ANDERSON keeps saying he is working on it. He gives it to her only at the end of the day. Board meets to terminate her in three days.
12/16/2020	MAGGI observed by witnesses on library property, dancing and singing, "someone is going to get fired tomorrow," as she exits the library. GROW attempts to quiet her. The next day executive board session is set to consider her termination "for cause", later completely withdrawn. See chronology infra.
12/17/2020	Executive session to terminate Mac. Members of the public are heard on record objecting. ICFL facilitator present shouted at by Chairman MACE screaming, "mute them now, mute them now!"
12/17/2020	Board Meeting via Zoom- executive session to discuss personnel matter, meeting later null and void by statutory noncompliance (multiple violations). Meeting minutes unsigned by Chairman (another set of minutes added by ANDERSON later, unsigned, attempts to create impression of "public interference" when objections to session are raised on the record. MCCLINTOCK responds to objections: "We do this all the time" with entrance of the executive session. ANDERSON's proposed minutes unsigned by him or the Chairman.
12/18/2020	MAGGI is confronted by Cari and Dana regarding saying that Mac is going to be fired. She denies saying it. MAGGI, age 25, will later be appointed in April by ASHWORTH as direct supervisor of all whistleblowers, as one of her first acts as "Librarian Emeritus".
12/18/2020	Dana and Cari receive email from ANDERSON regarding website, "Ok, Great is an understatement. It's beyond expectations!" Board members do not authorize any contact information for them on site, do authorize faux email addresses for each inviting contact. In fact, all such attempts at contact are routed only to ANDERSON.
12/19/2020	Board meeting. Public comment not allowed.

Date	Incident
12/20/2020	Approximate Date - Mac is told repeatedly by ANDERSON at this time and prior, that her family "does not need to attend the Board meetings" and strongly advises her against it. Until time of this chronology of events, it appears the public seldom attended Board meetings and many, if not most, were not noticed in the manner provided by law. This conduct took place over a period of many years. See, e.g., Election Chronology attached to Tort Claim Notice. The entire Withers extended family, all Bonners area residents, at this time began to receive openly hostile treatment by the non-whistleblowers employed at the Library. Dana begins to escort older Withers family members when they appear at the library to speak with Mac to avoid hostile treatment toward them from other library employees.
12/21/2020	Dana comes in on her day off to inform ANDERSON of meeting violation and retaliation against Mac. Mac, Dana, and ANDERSON meet in Fab Lab. Dana tells ANDERSON he needs training on labor law, library law, a new policy manual with a progressive discipline plan, board training, etc. ANDERSON acknowledges.
12/22/2020	ANDERSON gives public notice that the meeting of December 19 to consider Mac's termination will be voided. ANDERSON is informed he doesn't have the authority to do that. It needs to come from Board. He claims to be unaware of this fact.
12/23/2020	Text from ANDERSON to Dana saying he is thinking and praying on what was said in the Fab Lab in meeting about Mac's proposed termination and other issues, and states Mac "should not become a victim of my mistakes", or words to that exact effect. Mac is thereafter fully reinstated, on paper, and extolled by ANDERSON in her notice of such that she is "an exemplary employee".
12/27/2020	ANDERSON tells Dana he is going to call each of the Board members to discuss the public notice and nullifying the meeting. Dana shows ANDERSON the Open Meetings Law regarding not acting as a go between. He is unaware that all Board business needs to be conducted at public meetings and is unaware of the provisions of the Attorney General's guidebook manual providing simple and direct answers to commonly asked questions of public officials in this regard. Dana supplies him with that manual.
12/30/2020	Special Board Meeting via Zoom - No minutes reflecting nullified meeting from 12/17/20. Chairman MACE is smoking on camera throughout the entire meeting.
12/31/2020	ANDERSON gives exemplary letter to Mac, revokes all previous discipline and letters from her personnel file.
1/1/2021	Dianna, not acting in any supervisory capacity, reprimands Eric for not producing the minutes of the Board meeting according to her timeline. She is not Eric's supervisor and neither ANDERSON nor the Board have complained of untimely minutes. Eric is also not being paid to be the Board secretary. ANDERSON will not work these duties into Eric's regularly scheduled hours even though he is required to perform these duties. Eric also did not get paid for morning Board meetings.
1/2/2021	GROW disparages ANDERSON in social media chat room of librarians where FMLA discussions are taking place.
1/4/2021	GROW accuses Dana of advising ANDERSON of his disparaging remarks on social media, a false allegation. This will mark the beginning of GROW's overt retaliation against Dana. GROW has reputation for petty retaliation and outbursts of anger against female employees who "do not listen" to him or his directives. GROW has no assigned supervisory duties and is not identified in any organizational structure as anyone's "supervisor".

Date	Incident
1/10/2021	Approximate Date - Dana asks ANDERSON again to address the mounting back log in circulation. Estimated value of books and other items purchased but never made available to the public at the time is conservatively \$20,000. He has previously promised to address lack of public availability of purchased materials at the library, stored on stairways and various places out of public view, but not done so. He states, "I'm not lying this time, I really have a plan." Two weeks later stacks of DVDs are put into book sale. That was his only identified plan for solving chronic lack of display of purchases books and other materials.
1/13/2021	GROW text to ANDERSON - "Something that has been bothering me for quite a little while is Dana taking the laptop home every night. Is there anything special she's working on after work? Everything that I know she does can be done here at work. She's only on the desk for an hour a day, and I'll cover that if she needs the time. As your IT guy I would advise on it staying in the library. She's been taking it home every night for months. Think about it and let me know. Derrick" This is a few days after ANDERSON advises Dana by text that her personal information, taken home with the work laptop given for home use on website over last year, states all such information has been "deleted", and a matter of a few weeks after a fraudulent tax return is filed in the name of Dana and her husband, after disappearance of that data from her work computer at GROW'S insistence to "change out" the hard drive in October or late September of 2020. ANDERSON allows Dana to take laptop home for continued work on website in preparation for winter reading and for typing Board minutes, despite GROW's objections. She is expressly permitted by ANDERSON to utilize this device for home purposes given the number of hours she is required to work on library tasks from home, outside regular business working hours. See chronology, supra.
1/19/2021	ANDERSON leaves his own resignation letter at circulation desk for all to see. He gives no date for his departure.
1/21/2021	After making several requests of the Director to speak to the Board, Dana asks BLOCKHAN to speak to her privately in the Fab Lab after the meeting. Dana asks him to consider changing the meeting time so that members of the public who work as well as very interested employees can attend. He ignores the request and changes the subject to his own present work outside the library. Dana tells him she is considering applying for the open position. He again dismisses her and talks about construction issues at his place of work.
1/21/2021	Board Meeting via Zoom - discussion regarding Casino deal with Fab Lab, ICRMP training from McNall. Among other things, he instructs them on approving expenditures, librarians are not at will employees, dispute resolution, etc. At the conclusion, Board Chair MACE states, "That all went right over my head," implying the efforts of ICRMP's Risk Management specialist, attorney McNall, and ICFL's facilitator, Sitz, are wasting her time. At the time, both ICRMP and ICFL are assisting the Board policy committee in drafting a new policy manual. ANDERSON reads his resignation letter aloud at this meeting. - minutes unsigned by Secretary EL and Chairman.
1/21/2021	Despite BOHACHEK's hesitations regarding using the Fab Lab to provide parts for the machines at the casino, ANDERSON goes forward with the deal and trades for services with the casino using MAGGI and GROW to mass produce the parts, which is a second, serious and clear violation of the Fab Lab/M.I.T. contract known to exist at the Library at the time. No financial accounting for the benefit thereby conferred on the Casino by the District is created or known to exist.

Date	Incident
1/22/2021	ANDERSON is absent from work. GROW arrives at 10 am and tells everyone that he is "in charge." He is ignored by all employees present. Throughout the day he attempts to assert authority that no employees acknowledge. He cites no source for his claim of authority. During the lunch hour, GROW engages Mac in an angry tone and she retreats to the stairwell. He runs at her, shouting, and in a manner which causes her to fear he will come in contact with her at the top of the stairs, which are steep and a fall from which would likely cause serious physical injury or death. He accosts Mac as she retreats on the stairs and shouts at her. GROW is middle-aged, heavy set, and much larger than Mac, a petite woman in her 50's. Patrons observe his attack and his actions cause several to become upset and leave the building, including children. MAGGI quickly advises all present she "...wants to stay out of it", but then emails a full report to Lynn blaming Mac. No one reports the incident to ANDERSON except for Dana, on Mac's behalf. ANDERSON never investigates or speaks to Mac regarding the incident. GROW will later be rewarded with Dana's schedule at his request, and in two months, gladly "accepts the challenge" of being named interim Director of the Library, having no Library experience. His retaliation continues as noted herein.
2/1/2021	W2 inaccurate for Cari and Dana. ANDERSON refuses to discuss or issue new W2s.
2/1/2021	ANDERSON refuses to provide budget for summer reading program. He acknowledges he has never provided a budget for programs and doesn't seem to know how. Ultimately, Dana and Cari make a written proposal for such programs, which he accepts but which is later abandoned when GROW and ASHWORTH are appointed in quick succession as Interim Director and Director by the Board.
2/1/2021	Approximate Date - ANDERSON asks Dana to help him become compliant in FMLA. Dana learns ANDERSON has not tracked sick leave at any time other than saving some text messages of time requested off work. Dana provides him with first steps toward compliance, including written materials and a tutorial. He shows her spreadsheet a week or so later with his calculation of his own sick leave. This is as far as he made it. It was around this time Dana requests ANDERSON to become compliant with his labor posters and showed him where to go to find those. At the time, ANDERSON states he is under the impression that Federal Wage, Hour, FMLA and other postings do not apply to the Library, because they only apply to Federal employees. He has been the Director at this time for four years.
2/2/2021	Ltr from Dana to Board of Trustees - First of 3 letters sent. Dana asks ANDERSON to hand deliver in a sealed envelope to each of the Board members with the packets that he was delivering for the upcoming Board meeting. In this letter, clearly labeled, is a section on "Crisis in Management", which broadly outlines the need to address multiple management compliance issues. This letter is never acknowledged by the Board, although ANDERSON states he hand delivered it to all Board members prior to the meeting. After this date, Dana's presence as Recording Secretary of the Board is never acknowledged, although she is required to work in that capacity and continues to do so for a time with Eric as second secretary.
2/2/2021	ANDERSON tells Dana he is going to spend the day on the phone recommending her as next Director.
2/4/2021	Board Meeting via Zoom - FMLA discussion regarding 50/75 rule and opting in voluntarily, BOHACHEK says they should talk about the letter (referring to Dana's February 2 letter), Chair MACE abruptly closes all Board discussion on the topic and it is never mentioned again. Minutes unsigned by Secretary EL and Chairman.

Date	Incident
2/5/2021	Approximate date: ANDERSON approaches Dana at her desk upstairs and advises he had "something to show her". He escorts her outside and advises he wanted to show her "the roof." It is a cold and rainy day. This causes Dana concern given recent events concerning ANDERSON and his apparent instability. She advised him she did not want to go onto the roof with him. He then instead walks her to the top of the South Hill to "show her the roof". He then privately tells her she was going to be the next Director and that he wanted to answer any and all questions she had about the library and show her everything regarding maintenance of the building. He proceeded to walk her around the Library in the pouring rain for approximately 3 hours. Employee Lynn opens her window and listens while they are close to the building and overhears conversation indicating he is preparing Dana for Directorship. Heavy retaliation after this date from all non-whistleblowers . Dana forwards 2.2.21 letter to Board to ICFL, Emily Sitz. Sitz advises not her job, suggests forwarding to ICRMP.
2/5/2021	GROW privately arranges with ANDERSON to give him Dana's work schedule. Dana is the only working mother employee of the Library at the time, GROW works at his leisure and is salaried. Dana objects to ANDERSON, who relents and reverses the punitive award of her schedule to GROW. Cari sees and reports to ANDERSON that employees Lynn and Dianna are "going after Dana" upstairs, shouting can be heard at his location in the basement. ANDERSON, Cari and Dana meeting in craft room. Text messages with ANDERSON that evening regarding schedule changes, retaliation and hostile work environment evident and intensifying. ANDERSON refuses to act or investigate.
2/8/2021	ANDERSON moves his office from the basement to upstairs with Dianna and Lynn. Cari is told to move downstairs. Dana moves her desk downstairs for personal safety reasons, as circumstances become more unsafe upstairs.
2/12/2021	ANDERSON shows up for work in the morning holding a spiral notebook and states that it is his lesson plan for the day and he has come up with tasks for each of the employees. He proceeds to go to each employee and tell them their assignment. Dana's is in scope a project that facially takes weeks to complete, particularly with all other duties still in force. ANDERSON demands status on assignment that afternoon, to write a grant for a new awe computer. Mac's similarly obscure and difficult. GROW and MAGGI spend the entire work day together in a private room area in very close physical proximity, without supervision.

Date	Incident
2/12/2021	Dana approached ANDERSON in regards to their W2 and 1099 forms. He refuses to talk to Dana or schedule a time. He becomes hostile and lunges at Dana during a quiet conversation about work issues in ANDERSON'S office. He later acknowledges this attack to Dana and her husband, Jeff, who meets with ANDERSON at the Library in the next month. ANDERSON'S own account of his actions illustrate his conduct was physically threatening and could be interpreted as an attack. He acknowledges Dana appeared threatened by his actions and stepped back. At 4:15pm that day, ANDERSON takes Dana's work computer, without explanation. Dana said "I need that to do my job." He replied "it's going to stay right here". This is approximately four months after the computer and its original hard drive were taken without notice by GROW to his home, and hard drive containing private financial information removed. A fraudulent tax return was filed in her name by UNKNOWN SUBJECTS shortly after this date. When asked why this action taken now, ANDERSON repeated "it's going to stay right here" and "I don't want you to take the laptop home." Dana stated she would comply. ANDERSON followed and told Dana to change the password which inferred that he tried to access it but failed. Her husband, Jeff, arrived at closing and Dana attempted to speak once more to ANDERSON about the taxes and 1099. ANDERSON then and there committed to a meeting to discuss on Tuesday.
2/15/2021	Approximate Date: 1099 NEC issued. Dana questions, ANDERSON didn't understand it and told Dana she could contact Schulte on his behalf to correct it. Dana called Schulte's office and is treated with contempt and dismissal, along with the suggestion "if you don't like it, why don't you quit?" Schulte's office refuses to assist despite direction from ANDERSON that Dana solve problem with them. Net result is potential tax adverse impact in the thousands of dollars.
2/16/2021	Jeff meets with ANDERSON at the library about these issues, explaining the law as it pertains to employees treated as independent contractors, among other things. Further discussion ANDERSON included potential tax penalties and fines for willful avoidance of Federal and State tax liabilities, contributions and other benefits of employees mischaracterized as contractors to avoid tax liability and defraud employees. ANDERSON admitted the details discussed between the two men were true and he would go immediately to Leonard that same day. Other issues were discussed making it clear ANDERSON intended to acknowledge wrongdoing and take responsibility for any damage. He then left the library. BLOCKHAN was present in the library at the time of this meeting and called ANDERSON during his meeting with Jeff. His statements during that conversation with ANDERSON were openly played by ANDERSON in Jeff's hearing, and made it clear BLOCKHAN wished to come to the library basement, where the meeting was taking place, and physically intervene on ANDERSON'S behalf. ANDERSON refused BLOCKHAN'S offer of "assistance" made during this call. It was clearly understood as an attempt to physically intimidate and had no other stated or apparent bona fide purpose.
2/17/2021	ANDERSON takes Dana into workroom and apologizes for lunging at her and he was sorry if she felt threatened.
2/18/2021	Board Meeting via Zoom - discussions regarding retaining WILSON Law Firm, BOHACHEK seen also taking minutes as they ignore that Eric is the appointed Secretary - minutes unsigned by Secretary EL and Chairman.
2/18/2021	ANDERSON walks by Cari working at the front desk and leaves a mini post-it saying "1099 is on its way" and walks off. This implies that he was still classifying them as independent contractors.

Date	Incident
2/19/2021	ANDERSON asks Dana for invoices that he had lost from the website creation. Dana tells him that GROW is the only person who has them on his hard drive at his house. He is on vacation. At this time and for the first time, Jeff learns that GROW has his personal financial information including tax returns, bank records, credit cards, home mortgage application, Oregon State Bar attorney records, Social Security statements, etc. at GROW's home. He writes letter to ANDERSON. Dana is at work when it is sent. Note: Tax returns were fraudulently filed in his name late October, 2020. The missing invoices from the same hard drive taken by GROW would later be found on MAGGI's personal flash drive.
2/19/2021	ANDERSON tells Dana "1099 is coming" Dana stops him and says this is the opposite of what we discussed. ANDERSON stated he was confused and admitted that he didn't really understand any of "it". Dana calls CPA office as a result, at direction of ANDERSON, but office employee refuses to talk without ANDERSON present. She advises the earliest Dana could expect to speak to the CPA for the library was mid-March. Dana relays this to ANDERSON. ANDERSON advises he found someone to advise him and it was "in the works."
2/20/2021	Approximate Date: ANDERSON's office packed up by Cari, Dana and Jeff and put in craft room. Boxes stayed in craft room after departure. ASHWORTH took 8 bags of records home while she was a volunteer.
2/23/2021	Carolina Withers posts on Facebook regarding her own bad experience with the Board and encourages the public to start attending meetings. Andrakay Pluid publicly comments and pretends to not know anything about the Library's activities. A Board member will later call this, in writing, a "smear campaign" by Dana. The same member threatens lawsuit when public reports of child endangerment are reported in local media by Dana and Jeff.
2/23/2021	Cari received 1099 and inaccurate W2. Dana also receives 1099.
2/24/2021	Former Board member, Larry Hosterman, meets with ANDERSON for long talk in Fab Lab regarding issues.
2/25/2021	Dana approaches BOHACHEK after the Board meeting and asks him if he has heard our cries for help, referring to the letters written to the Board. He says he has and confirms that the Board received Dana's letter of February 2. He says Dana is obviously overqualified for the position, but will never get it because of the "smear campaign." No factual basis for allegation given, though requested. Dana requests Board contact information and Board member BOHACHEK provides her his card with an email address. There are no restrictions or confidentiality placed on it.
2/25/2021	Special Board Meeting via Zoom - WILSON Law Firm formally retained, Eric and Dana removed as Board Secretaries - no minutes (the notes are contained on Dana's legal pad left at the library and stolen by ASHWORTH. Dana notified WILSON of their existence on March 13th and received no response.)
2/25/2021	Dana explains to board member BOHACHEK the website tax issue. He seems to understand, but takes no action and provides no advice.
2/26/2021	Dana asked ANDERSON if he had a chance to look into the tax issue. He claimed he would work on it all next week as the board wanted it resolved quickly.
2/27/2021	Dana emailed BOHACHEK about the website tax issue being that the board wanted to resolve it quickly. Attachment provided for him to forward to Tim WILSON.

Date	Incident
3/1/2021	Approximate Date - ANDERSON and Dana discuss a recent incident with Mac and Gerald HIGGS. HIGGS's mug shot and conviction record for sexual abuse was then maintained in a binder kept at the Library, which disappeared on or about the first day ASHWORTH assumed the de facto duties of library Director in April, 2021. It was learned at that time that HIGGS, who frequented the library and characterizes himself as an important shaper of public policy in the community, had previously also written love letters to a former teenage intern at the library for about a year during the intern's tenure. Dana questioned ANDERSON about the veracity of this claim. He confirmed that it happened and stated that his failure to report this activity and stop it was "his biggest regret" as director. He admitted that he didn't turn HIGGS in to the police and he never did anything about the threat, rather concealing it from the public and others tasked with public protection. He claimed that he was so new and was busy with the Fab Lab when first hired that he simply "forgot about it". Dana advised him the statute of limitations on any crime committed against a minor on the premises may not have run, and that HIGGS was a registered sex offender who frequented the Library. He just shrugged his shoulders and walked away.
3/1/2021	Ltr from Eric to Board - recommendation of Dana for position of Director. Unbeknownst to Eric, this will mark him for retaliation and ultimate termination for reasons which are never given or disclosed by ASHWORTH, his accuser, or her successor, GLIDDEN. He is terminated without evidence of any kind presented against him at a full Board hearing in February, 2022, despite his history of exemplary performance as Librarian for over 30 years in a public library out of State.
3/1/2021	Mac reprimanded by ANDERSON for stopping personal romantic contact between two teens downstairs. Hawk's landing report to ANDERSON.
3/4/2021	Ltr from Mac to Board of Trustees, copied to WILSON. Mac describes a hostile workplace, retaliation, lack of response by Board, illegal activities, payroll issues, misconduct, intimidation, ANDERSON's mental health and violence. No response from anyone.
3/4/2021	Shower curtains finally removed from circulation desk area after a year.
3/5/2021	Cari sends ltr to Board recommending Dana for Director position. No response. This marks Cari for retaliation, unbeknownst to her, and she is given notice of intent to terminate by ASHWORTH in late September, 2021.
3/5/2021	Dianna overheard by Cari whispering to MAGGI that she is going to not come in on Mondays, so she can work on Fridays and observe what the Friday people (whistleblowers) are doing.
3/6/2021	Lynn comes in off-duty on a Saturday and reprimands Eric for putting outdated uncatalogued Idaho books from ANDERSON's office cleanup into the book sale. She states that he is not from Idaho so he cannot weed books about Idaho. Lynn is not Eric's supervisor. She orders him to find and remove books from the sale. Later all these books will be carted off to the landfill anyway. See Eric's notes for detail.

Date	Incident
3/12/2021	Approximate Date - Mac had been asking to speak to ANDERSON for weeks regarding discrepancies in her paychecks. Refuses to speak to her without the presence of counsel. She asks him to set that up and he provides the printout that makes no sense instead. She goes to Schulte's office to get printouts of her paychecks. ANDERSON paid Mac in cash on two occasions, placing the cash in envelopes for her later discovery. At about this time, ANDERSON referred all employee questions to WILSON law firm, who declined to engage in direct communication with the same employees. Later ASHWORTH and GROW would do the same with the same results. This practice apparently resulted in extensive attorney fees for routines matters, which WILSON Law Firm deemed outside the scope of their representation. Subsequent budget disclosures suggest that these additional attorney fees may have totaled at least \$40,000 as of 2021 budget hearing, however, ASHWORTH refused to disclose to the public the actual amount accrued in attorney fees as a result of this practice.
3/13/2021	Ltr from Dana to Board of Trustees, copied to WILSON. Issues include payroll, noncompliance, FMLA, hostile workplace, retaliation, illegal activities, fiscal mismanagement, inaction by the Board, safety concerns and Director mental health concerns.
3/16/2021	After learning that the Board and WILSON were not providing ANDERSON any of the recent correspondence from employees, Dana put together folder for him containing her letters, Mac's letter, and the website/tax summary issue. ANDERSON agreed to read through it that evening and said he would meet with Eric and Dana to discuss all the issues the following day. After reading the letters, he never spoke to Dana again.
3/17/2021	Email from BOHACHEK to Dana in response to second letter sent to the Board on 3/13/21, copied to WILSON. Substance: "I'm too busy with my bees, leave me alone."
3/17/2021	Proposal to Boundary County Library by ASHWORTH & S.A. Associates signed and dated by ASHWORTH. She has no known duties or involvement with the Board or staff of the library at the time, having resigned on full PERSI retirement years previously, after arranging for ANDERSON as her successor. Her new duties as "volunteer" "Director Emeritus" include all the same duties she performed during her public employment for which she is then currently drawing full benefits. Her proposal falsely states she represents a nationally recognized consulting firm, S.A. Associates, for which there is no record of formation in this or any other State utilizing any of ASHWORTH's known names, aliases or associates. She later enters into a contract of employment with the library for \$1.00 according to former Mayor Darrell Kerby, stating PERSI has verified this unlawful arrangement. In fact, at the time, both State and Federal law preclude employment of any kind for less than minimum published wage. ASHWORTH continues to draw her full retirement during all periods of this "employment", and neither the District nor ASHWORTH apparently ever advise PERSI or any other State or Federal agency of her actual employment status and duties, which are identical to those for which she draws full retirement. This arrangement continues for more than five months.
3/18/2021	Board Meeting via Zoom - minutes unsigned by Secretary KW and Chairman. All zoom meetings are muted to bar public comment.
3/18/2021	WILSON Law Firm retained.
3/19/2021	Email to ANDERSON from JB regarding tax issue, demand for return of information from GROW, lunging at wife.

Date	Incident
3/20/2021	Eric was hired in 2020 as a part time employee working 40 hours per month. By July 2020, he was working 80 hours per month. He told ANDERSON he did not want to be in PERSI range since he had already retired from the Sonoma County Library. ANDERSON did not understand PERSI calculations and scheduled Eric to be in PERSI range. Eric was notified by PERSI of his delinquency. For at least four months he was sent threatening delinquent letters. The library had to pay their portion of Eric's PERSI even though he has agreed to not collect retirement. Eric believes the Library paid approximately \$3,500 to \$4000 for this mistake.
3/23/2021	Dana and Cari's 1099 corrected to zero balance, but no corrected W2.
3/23/2021	Dana and Cari handed papers by ANDERSON showing breakdown of overtime hours , three different rates, PERSI, Taxes and Cari's 401 contributions. 1st paper showed Cari owed library even though she had 245 hours of website work that was not put through payroll from may to Nov. 2020. ANDERSON came downstairs and said library would pay withholding as it wasn't done properly through payroll. ANDERSON contacted Schulte's office hour later and then they received new balance sheets without explanation of what they meant. These are placed in Dana's work desk but later disappear May 10, 2021, during interrupted attempt by ASHWORTH to remove and claim ownership of all property left by employees at library as result of emergency closure without notice April 15. Dana given permission to go to Schulte's to have these new documents deciphered. Schulte staff openly contemptuous, advise both women they "should quit their jobs and hire a lawyer instead of dragging this on so long". We told her we've been trying to get it fixed since May and June. We just wanted corrected W2's. Tammy advises corrected forms "impossible" due to limits on computer software, which are unexplained.
3/23/2021	Took 3 attempts to resolve the tax issue, multiple insults for attempts to resolve mischaracterization of employee hours as independent contractor payments. Open hostility and insulting behavior from Schulte staff. Cari and Dana advise ANDERSON check ultimately given for resolution will be restrictively endorsed as not a release.
3/24/2021	ANDERSON forwards letter from Jeff to WILSON. WILSON emails Jeff and tells him he will respond to his public records request regarding hard drives within 10 days.
3/24/2021	Special Board Meeting via Zoom - ASHWORTH and GROW appointed to replace ANDERSON effective April 1, BLOCKHAN physically present for meeting, verbally confrontational with Mac's husband, also present, in presence of several members of public attending meeting. Applause audible from employees Lynn, Dianna and MAGGI present upstairs behind closed doors with ASHWORTH and GROW. BLOCKHAN advises upstairs crew to "call [him] if anyone came up and harassed them". ASHWORTH misrepresents to the Board and the public that she operates a consulting company under an assumed business name. - minutes unsigned by Secretary KW and Chairman. ANDERSON leaves the library and is never seen again. He does not return brand new laptop provided by Census Bureau to the Library. When asked he advises it was his "gift to himself".
3/25/2021	GROW installs his personal cameras and points them at circulation desk employees. Nobody is notified where cameras are placed. GROW has demonstrated capacity to remotely monitor cameras from his mobile phone.
3/26/2021	MAGGI complains to ASHWORTH and GROW that she "observed Dana speaking with a patron and encouraging that patron to contact a BCL Board member and complain about the conditions at the Library." Eric's termination notice will later have the exact words, however, he is not mentioned in the investigator's report regarding this.

Date	Incident
3/26/2021	Dana, Mac and Eric work the library all day while ASHWORTH, Dianna, Teri, GROW, BLOCKHAN and MAGGI are behind locked doors meeting. This continued for at least 3 days while the whistleblowers were left to run the entire library and its operations. At 4:10 Dana is told by MAGGI to come into the office and is disciplined by ASHWORTH for "campaigning." ASHWORTH has no legal authority from Board to act until April 1, 2021, at the earliest. She conducts the meeting, and advises her that her supervisor is the employee, MAGGI, whose stripper video was sent to Dana's daughter. GROW participates and in full agreement with punitive measure taken by ASHWORTH, and is Interim Director at the time. See full investigative report.[Excised from this exhibit]. According to SONYALEE NUTSCH report, this action was taken by ASHWORTH and BLOCKHAN at the express direction of WILSON. No specific claim of misconduct or conduct which violates lawful policy is cited or relied upon for discipline.
3/26/2021	Lynn's son, Devon, left in library after hours. Cash still laying around unsecured in various locations known to staff, including his mother.
3/27/2021	Dana scrolls through phone late at night saving messages from library chats. For the first time she looks at the group titled Library Strippers and sees that her daughter has been sent the stripper video. She reads through the chat and sees that her daughter watched the videos and commented. She tells Jeff about it first thing next morning.
3/29/2021	11 identical copies of criminal disorderly conduct statute, State of Idaho, Title 18, are posted at Dana's work station and various locations throughout library. All reading advised to avoid "loud or boisterous" activity in public places, which will constitute a crime worthy of arrest and imprisonment. Police later contacted to monitor public District Board meetings, under false report by GROW and ASHWORTH that whistleblowers and family members constitute "threat to public safety" by objecting to course of conduct summarized herein. When asked by a patron about the posters, ASHWORTH says, "We've always had those." Investigation discloses this is fabrication in support of unsworn falsification and unlawful destruction or alteration of public records of Board and staff activity. Investigation later discloses ASHWORTH prime mover in removal and alteration/destruction of private employee property and public records.
3/29/2021	Ltr to WILSON from Jeff at 2:18 p.m. reporting that a librarian has sent sexually explicit material to his daughter. Copied to ICRMP. WILSON advised by Jeff in email District acting as criminal enterprise, explanation demanded. None received.
3/29/2021	Text messages with Mac that confirm Dana has no idea how to get out of MAGGI's Facebook Messenger group called Library Strippers. Dana also told the same to Undersheriff Stevens and asked that he remove it for her. He didn't know how either and asked that Dana leave it for now to preserve evidence. At time of this writing, video remains posted to best of knowledge and belief. NUTSCH accuses Dana of lying since she is a tech educator she should know how to get out of the group. No evidence in support. NUTSCH report refused on request, redacted form references on evidence in support of conclusion. NUTSCH denies in writing retained as attorney and makes no conclusion of law or fact, admits acting as "agent" for Board in making report and conducting interviews. Correspondence record confirms no factual basis for legal conclusion, which is basis for notice of termination. Unredacted report refused despite repeated written requests.
3/29/2021	During the day, MAGGI unfriends Dana on Facebook and attempts to remove herself from the stripper group.
3/29/2021	WILSON emails Jeff at 10:01 p.m. saying that Jeff's email went to his spam folder. He seems to be talking about the public records request and makes no mention of the sexually explicit content email.

Date	Incident
3/30/2021	Email from WILSON stating that there are no records to produce regarding the theft of personal information. He states the hard drive is at the library. He makes no reference to the personal external hard drive maintained at GROW residence and to which data was likely transferred by GROW to support later claim of "deletion".
3/30/2021	GROW sends email to Dana pretending to be ANDERSON. GROW is not authorized to act as interim Director until April 1.
3/30/2021	MAGGI is still on the schedule to work. Jeff calls WILSON's office in the morning and speaks with WILSON's assistant Teresa, reinforces confidentiality of sexually explicit material sent with email to Wilson 3/29. Teresa's son, Greg, later contacts various community members on public street near WILSON office representing the "inside story" from his mother's contact with WILSON is that "evidence is all manufactured". Greg unwittingly repeats this falsehood to group of strangers, including Dana Boiler, who identifies herself after the falsehoods are repeated to the group. Notwithstanding, Greg refuses to recant. Later explanations for complaint include: 1. It is "manufactured evidence"; 2. It occurred but with mother's full knowledge and consent; 3. It occurred but was part of "master plan" of Boilers to "set up" MAGGI for unknown reasons; 4. It was an exercise video; 5. It occurred but with a body double and was not a library employee.
3/31/2021	Memo given to staff with paychecks by ASHWORTH, Operation Reset plan, proposal.
3/31/2021	Article in KVT by Mike Weland - Boundary County Library director ANDERSON retiring
3/31/2021	Article in KVT by Mike Weland- Library moves forward despite challenging year
3/31/2021	Copy of current policy manual adopted 3/31/21
3/31/2021	Board Meeting via Zoom - personnel policy approved, FMLA from old policy adopted, "chairman notes personnel policy written by ICRMP" - minutes unsigned by Secretary DROZ and Chairman. Again nobody facilitates meeting with public.
3/31/2021	Dana received 2 checks for website dated 3/31/2021 \$447.10 #8328, 3/31/2021 \$979.05 #8326. Both restrictively endorsed, "not a release". Cari's 2 checks #8327 \$174.47, #8329 \$379.32.
3/31/2021	Emails to/ from Jeff and WILSON - GROW stealing personal information, did not address the personal hard drive issue, safety concerns, preservation of evidence demanded. No investigation or contact in furtherance of.
4/1/2021	According to Prosecutor Andrakay Fluid, incident was sent to ISP today. Later ISP public records request response shows this patently false, as is representation that any ISP investigation occurred on sexual material complaint on the merits.
4/1/2021	Incident with BLANFORD and Dana in the basement. Jeff, Mac, husband, Dana, BLANFORD only parties present. Four witnesses describe BLANFORD'S conduct as physically threatening, BLANFORD shouts insults at Dana and points to "disorderly conduct/arrest" poster as leaving the room. Any attempt at Board contact is met with hostility.
4/1/2021	Journal entry from ASHWORTH to staff regarding operation reset.
4/1/2021	GROW and ASHWORTH put out new April schedule. Dana schedule is changed so that GROW and MAGGI have her hours. ANDERSON admits previously identical conduct by GROW was retaliatory. Dana is forced to work Saturdays, despite being the only mother with young home schooled children. Dana's hours are summarily reduced, despite by Board vote that she personally must work 144 hours per month. She is shorted pay accordingly.

Date	Incident
4/3/2021	Dana's notes indicate that she "worked her first Saturday with Mac and Eric." Her husband chaperoned for safety again. Library pets touted as part of "Amy's Wild Life" promotion are being starved or seriously neglected at library. Patrons often complaining, several in writing. GROW and ASHWORTH ignore all such complaints unless solicited against whistleblowers. There are only two Saturdays prior to emergency closure where a patron could have made a complaint, April 2 and April 10. Whistleblowers accused of "soliciting" complaints, record and investigative results show other.
4/3/2021	Sex offender book and policy manual kept in the back work area removed from library by ASHWORTH and is never returned. HIGGS mug shot and conviction record included in materials removed. HIGGS later given special consideration and public comment time before Board on various matters of District expenditure. Note: HIGGS has advocated at library for high school to close during Covid and students to be required to attend education classes at Library, which he frequents. See, HIGGS minor stalking incident, infra.
4/5/2021	Dana observes the presence of a suspicious older man in the children's department [KNOWN SUBJECT, NAME WITHHELD] who is viewing pornography and hanging around the kids at the library and the children's department all day every day. He spends the entire day at a children's table, Jeff observes this individual on several occasions this date and through closure of library in children's section. Dana reports, no action taken. Mac received complaints from patrons regarding same individual, several occasions, same time frame. Mac reported. No action taken.
4/5/2021	MAGGI is no longer showing up for work, although named as "senior supervisory staff" by ASHWORTH and GROW, and Library administration has said nothing. The library pets are being neglected and there is no food for them. GROW says he will take care of it and he doesn't. They are clearly starving so Eric is forced to intervene and attempt to find them homes before they die. A patron notices and attempts to locate food in town for them and pays for it out of his own pocket.
4/5/2021	Dana and other witnesses observe ASHWORTH removing eight clear, glassine bags of records from ANDERSON's office, and they are placed in her car. She comments to third party on departure she is taking them home, and refuses assistance to carry large load.
4/5/2021	Email to Andrakay Fluid from Jeff regarding sex abuse, further information to report, Gerald HIGGS, incident with Dana and BLANFORD, safety at the library, etc. No response. Jeff speaks to Andrakay Fluid over the phone. She indicates that the complaint was forwarded to BCSO but they have a conflict and so it has been forwarded to ISP. She says that ISP got it last Thursday, April 1. Jeff asks if he can forward the evidence. Fluid refuses.
4/8/2021	Patrons are continually complaining and asking questions about the Library. Mac, Dana and Eric write down patron complaints received in one single afternoon and provide them to GROW. They include patron complaint against GROW, unsolicited ("that creepy guy in the baseball hat" is identifier used by patron).
4/8/2021	Male patron [KNOWN SUBJECT] enters children's department at library loudly cursing. Dana warns to stop, KNOWN SUBJECT curses her, belches in her face, and continues into children's area. He circles around area, continuing, Jeff observes and instructs him verbally to control himself. No administration present to take complaint.
4/9/2021	MAGGI parks across from Dana's car in the city lot at 12:10. Attempted to ask GROW if MAGGI was coming in and was would not speak to Dana without attorney present. This precipitates ASHWORTH offer assault on Dana, observed by Eric, Mac, Dana, Jeff, GROW and ASHWORTH. GROW claims he is threatened, threatens to call police. No police arrive.

Date	Incident
4/12/2021	Incident report obtained from BCSO on 3/30/22 from Rosenthal states that Stevens spoke to Lt Berger at ISP on 4/12/21 and that Berger had reviewed the case and determined a crime had not been committed. Case closed. Berger later denies, ISP public records and local public records requests and responses confirm statement of determination never made, complete falsehood. False statement later touted to press as dispositive fact.
4/14/2021	Cari overhears ASHWORTH speaking to Chief Brian Zimmerman about how to remove someone from the Library. Cari is sure she is talking about Jeff. BFPD sends officer to next public meeting where Jeff expected to attend. Jeff is active attorney of 39 years experience, former police officer and Marine Corps veteran, with no record of arrest or discipline in any capacity.
4/14/2021	GROW posts guillotine comic on Facebook depicting employee heads being chopped off and used as bowling balls. GROW posts on Facebook that he named his penis Desolation of Smaug. The Board will later approve of this behavior and so advises through legal counsel.
4/14/2021	Jeff calls ISP in Cda and was told "the officer who has the case is busy." He did not call back. No law enforcement has made contact.
4/15/2021	Emergency closure meeting - Nobody facilitating meeting to the public, no public participation allowed. GROW and ASHWORTH attempt to conduct meeting without any Board representative or other management employee present; WILSON confirms that GROW needs to be in the room with the public. He is upset by that and sets his laptop up in the back of the room away from everyone, unavailable to the public. Dana undertakes to facilitate meeting with public participation via large TV screen to allow public participation and view by zoom. ASHWORTH requests police presence at emergency closure public meeting, false pretext given, BFPD uniformed officer attends. No board members show in person. Officer assigned is informed by staff Board not present, he speaks with GROW and Dana, then leaves. Meeting is videotaped. The day before the meeting ASHWORTH is overheard inquiring to Chief Zimmerman on how to remove someone from the building. Board doesn't want to pay employees during closure. WILSON states the employees did nothing wrong and they are your greatest asset advising them to pay the employees.
4/15/2021	Article in KVT by Mike Weland - Boundary County Library going into dry dock, ASHWORTH says. She later states in media reports purpose is "de-cluttering".
4/15/2021	Article - Boundary County library board declares emergency; shutting doors for two weeks
4/18/2021	Patron complaints given to GROW by Cari when he was interim director. He never responds.
4/21/2021	GROW joined as website contributor under heading Director (admin) highest access level. DROZ thereafter sends threat of lawsuit against Dana and Cari for failure to surrender intellectual property control. He is informed in writing of his mistake but never withdraws the threat made on behalf of the library against the two employees.
4/22/2021	Incident report obtained from BCSO on 3/30/22 by records request shows incident report was created on April 22, 2021. BCSO Sheriff Kramer claims in taped statement he hand delivered report to Boise weeks prior. Evidence shows report did not exist until April 22, 2021.

Date	Incident
4/23/2021	Jeff and Dana learn that ISP has no record of any case from BCSO. ISP Lt. Berger states, "If anything had been received, there would be a case number and it would be in their system." Berger states that he received a call from Stevens at BCSO but there was never any evidence transmitted or a referral made. This account is verified again by Berger one year later, when interviewed regarding public records request to ISP.
4/24/2021	Cari forwards patron questions from website to GROW. No response.
4/24/2021	April - May 2021: Cari's emails to GROW go unanswered about patrons contacting library through website and social media. 4/24 (overdue question), 4/29(6patrons), 5/3 (1 patron), 5/5 (1 patron), 5/10 (2 patrons), 5/16 (1 patron), 5/25 (3 patrons)
4/24/2021	Board member BOHACEK states to witness that "ISP dismissed the [sexually explicit video complaint] as without merit and advised to tell you to expect a lawsuit." Documentary record and Lt. Berger ISP evidence summarized below demonstrates this is fabrication with intent to deceive the public.
4/25/2021	Article in KVT by Mike Weland- Allegations against Library far reaching, ASHWORTH's personal notes at end from copy provided with termination notices.
4/25/2021	Facebook comments from Alison, Beth, Dawn, Lynn - library closed for cleaning, disparaging remarks, ASHWORTH has PERST's approval to work as an humanitarian.
4/26/2021	Annual Board meeting cancelled and not rescheduled until August, 2021- "Idaho Code 33-2719. Board of trustees — Meetings. The annual meeting of a library district board shall be on the date of its first regular meeting in June.
4/26/2021	Special Meeting - Executive session to hire SONYALEE NUTSCH - minutes unsigned by Chairman.
4/27/2021	According to KVT article a police report is filed with the BCSO regarding MAGGI videos on April 27th. ASHWORTH will later claim that Jeff filed this report. In fact, neither Jeff nor Dana ever file or cause to be filed any police complaint against MAGGI or District personnel MAGGI regarding this incident. The only report is an email from Jeff to WILSON and later to PLUID on potential child sexual abuse of his minor daughter, which was made to satisfy mandatory reporting requirements for one of his States of attorney licensure at the time.
4/27/2021	Mac and Dana approached by coworker of her son, Greg, and he started talking about his mom who was the Secretary at WILSON Law Firm. He was talking about the case without knowing that both worked at the Library and it was Dana's daughter that was sent the videos.
4/27/2021	Investigation reveals multiple media requests for callback to ISP Lt. Berger on subject matter below unanswered and unreturned.
4/27/2021	Mike Weland contacts Eric Lindenbusch via email with questions. Eric responds via email.
4/27/2021	Jeff sends lengthy email to Andrakay Fluid inquiring about the "referral" to ISP that doesn't exist and her comments on social media. She does not respond.
4/28/2021	Article in KVT by Mike Weland - Clear answers elusive in library controversy by Mike Weland
4/29/2021	Cari forwards patron questions from website to GROW. No response.

Date	Incident
4/29/2021	Fee Agreement between "Boundary County Library and SONYALEE R. NUTSCH of Clements, Brown McNichols, P.A. ("Investigator"). Boundary County Library desires to have a full and independent investigation completed of a complaint made by an employee." NUTSCH refuses to identify 'the employee' or the subject matter, but takes no interest and provides no time for interview of all four whistleblowers on hundreds of pages of documented incidents of employee misconduct at the library over time, not limited to the single issue involving sexually explicit material transmitted. NUTSCH states at close of interviews she believes all four are telling the truth. However, she ignores all issues other than the single incident complaint of sexually explicit material transmission, and does not list in her index of materials reviewed over 100 pages of exhibits and much offered testimony on issues of misconduct identified in this chronology. She refuses to supply copy of her report to whistleblowers, who are refused all but severely redacted versions of her later report to the Board. This report is a sham and ignores the serious issues of public concern openly raised by all four whistleblowers during interviews in June of 2021.
4/30/2021	Mac texts GROW about paychecks. He says to pick them up at noon at library. She says that there are several employees who do not feel safe doing that and so we would be sending other family members to pick them up. Jeff and Ty pick up checks. After being outed in the paper, the Library changes the locks on all the doors and does not provide keys to the whistleblowers, even though they remain employees not under any disciplinary notice.
4/30/2021	Dana did not receive full pay for two months after emergency closure. Deliberate disregard of Board vote compelling her work at 144 hours per month. ASHWORTH and GROW orchestrate.
4/30/2021	Audio file of Undersheriff STEVENS and Sheriff KRAMER sent to KVT.
5/1/2021	Conversation with GROW over the phone, he states that MAGGI is the "only victim". He also admits in this conversation he "doesn't know what he is doing". He continues in the job to this day, presumably on full pay.
5/3/2021	Cari forwards patron questions from website to GROW. No response
5/3/2021	Dana is finally told by ISP that there is no case record and apparently never was. This is confirmed by public records and interview with Lt. Berger in 2022. After learning from KVT that a police report was allegedly filed, Dana calls Undersheriff Stevens to find out where the case is. Dana and Jeff meet with Undersheriff Rich Stevens for approximately 1 hour and 40 minutes at Dana's request. STEVENS states that ISP has the case and has not made a determination as to whether it rises to the level of a crime. BCSO has a conflict and cannot investigate. Dana tells him that ISP claims to not have the case and that Sheriff KRAMER said he drove it to Boise himself. STEVENS then stated that this was impossible. He said regardless of the outcome when this was all over he would speak to the Board, WILSON, Director and MAGGI to let them know that this kind of behavior is inappropriate and all cases of abuse MUST be reported and dealt with. To date it is unknown whether this has ever occurred.
5/5/2021	Cari forwards patron questions from website to GROW. No response.
5/5/2021	Article in KVT by Mike Weland - Library board issues statement (only official statement from the Board)
5/5/2021	Article in KVT by Mike Weland - Library board mum, employees side with whistleblower
5/10/2021	ASHWORTH and Teri removing Cari, Dana and Mac's work station. ASHWORTH refuses to give back items left at the Library. Puts her hands forcefully on Mac's son while making refusal. Physical force used in furtherance of wrongful taking of property.

Date	Incident
5/10/2021	Jeff travels to Boise. While there, he is sworn in as Idaho attorney at Idaho Supreme Court, and as Federal Bar licensed counsel for U.S. District of Idaho. He retains active status in USDC Oregon and all Oregon courts. While there, Dana has encounter in BF at library with ASHWORTH, who announces her intent to seize all property of Dana, Mac and Cari which was left at library after April closure, although emergency closure forbade them from entry of the building and occurred without prior notice. Valuable property is seized by ASHWORTH, who claims it is her personal property. Later demands for inventory and return of property stolen are refused. Property now allegedly stored on pig farm near ASHWORTH residence, claimed by ASHWORTH and GLIDDEN as "storage facility".
5/10/2021	Cari forwards patron questions from website to GROW. No response.
5/14/2021	Mac, Eric, Dana and Cari ask Jeff to represent them. Jeff accepts pro bono. Written memorandum of agreement created.
5/16/2021	Cari forwards patron questions from website to GROW. No response.
5/17/2021	Cari denied access to library to pick up personal belongings. Cari's table taken by GROW to his house without her permission. Lee picks up table and is told in substance to tell Cari that she should distance herself from the whistleblowers if she knows what's good for her. Lee is former Board of Trustees member, resigned circa 2015 after observing course of conduct summarized in part in TCN statement of claim. Evidence suggests he was only Board member openly advocating open meetings, public involvement, fiscal accountability at the time.
5/17/2021	GROW msg Cari on Facebook to make him owner of the website. He was made director admin in April so there was no need for action, GROW simply didn't understand what he was doing. He was having issues signing in and publishing as well (msg and emails from April 20th) and Cari helped him back then to get it to work.
5/17/2021	Email from Cari to Jeff - GROW writes: "Cari the board wants me to be made the owner of the website, and you can be a Admin. If you can make this happen ASAP I'd appreciate it. [GROW]" This turned out to be a deliberate lie. He removed Cari and Dana as soon as he figured out how to log in as the owner, even though they were the only employees who knew how to use it and remained employees in good standing at the library. Information and belief this was done in part to further self-dealing evident in other contexts, infra. After this date, the library website will go into disrepair under GROW's management with broken and floating links, text overlap and misalignment, no updates to collection, videos, etc. The mobile site is in an even worse state.
5/18/2021	Ltr from Jeff to GROW - notice of representation, response to website transfer, offensive posts. DROZ responds. See correspondence attached.
5/19/2021	SONYALEE NUTSCH contacts Jeff by email asking for interview via Zoom.
5/25/2021	Cari forwards patron questions from website to GROW. No response.
5/25/2021	Ltr from Jeff to SONYALEE - request for engagement letter and minutes authorizing investigation.
5/27/2021	Ltr from WILSON Law Firm - do not speak directly with the Library, transfer ownership of website, Dana and Cari are independent contractors, will take action if we don't transfer. WILSON will later threaten Jeff, Dana, Cari, Eric and Mac with arrest for trespass if they are found on his premises. None of these have had an angry word or exchange with WILSON or any of his employees at any time, despite Greg's rumor mill regarding "manufactured evidence" having the "inside scoop" from WILSON and his mother. Why so defensive? What is he afraid of?

Date	Incident
5/27/2021	Email from Jeff to GROW regarding paychecks. There has been no communication since closure. Jeff has to go pick up checks. Dana is shorted 16 hours on May paycheck. Nobody else has reduced pay.
5/27/2021	Approximate Date: BLANFORD sends email response to Brianna Nash regarding closure stating it was for safety reasons. Nash encourages residents to write to elected state officials, which they do.
5/28/2021	GROW emailed Cari about someone named Chris the investigator. No contact made.
5/28/2021	Email from SONYALEE to Jeff "I am not representing the Boundary County Library in any legal capacity." Her report comments following June interviews of all four whistleblowers are later used as grounds to terminate.
6/1/2021	Ltr from Jeff to SONYALEE - 8 pages.
6/2/2021	Dana asked to provide written responses to questions to Investigator. GROW says if you choose not to be interviewed, you will be terminated.
6/3/2021	Ltr from Jeff to NUTSCH and DROZ.
6/3/2021	Email from DROZ to Boiler - "Ms. NUTSCH is an attorney, she does not represent the Board and she does not have any attorney-client relationship with the Board and takes no direction from the Board or its counsel, the WILSON Law Firm."
6/9/2021	SONYALEE interview with Jeff. Cari says someone again attempting to breach website while Cari was looking at analytics for board.
6/10/2021	Dana interviewed with SONYALEE all day. She did not finish with her testimony, but SONYALEE wanted to move on to next interviewee. At 5:35pm website login changed and Cari now doesn't have 2-step verification on her phone. The number that shows up is GROWs. Cari is no longer Admin under her personal account either and this is where it was originally created before transfer. She texted Dana to check her status and she was removed as well.
6/10/2021	DROZ email to Jeff - what public records request are you waiting for and you should clearly label your requests.
6/17/2021	Annual Board meeting cancelled and not rescheduled until August, 2021- "Idaho Code 33-2719. Board of trustees — Meetings. The annual meeting of a library district board shall be on the date of its first regular meeting in June. The purposes of the annual meeting are to elect the officers of the board, to establish a regular meeting date, and to review, amend, repeal or adopt bylaws, policies and procedures. The oath of office shall be administered to the newly elected or re-elected trustee or trustees on the first regular meeting following each trustee election."
6/21/2021	Interviews with SONYALEE are cut short by NUTSCH'S scheduling choice. Dana only gets through 1 paragraph of her lengthy February 2nd letter and never discusses the March 13 issues raised in addition to many other concerns. NUTSCH advises she will accept any supplemental documents as truth but they need to be submitted within a few days. Over 300 documents sent via email within three days, as required. SONYALEE doesn't seem to understand the magnitude of the complaints. However, at the close of the interviews she states on video and audio recording that she believes all whistleblowers testifying are telling the truth.
6/28/2021	Text to GROW reminding him again that Dana had been shorted 16 hours on May paycheck and expected that to be fixed in the June paycheck. Dana informs GROW that this looks retaliatory under the circumstances.
6/29/2021	Investigation of Complaints Report from SONYALEE NUTSCH provided to Board of Trustees c/o WILSON Law Firm.

Date	Incident
6/30/2021	GROW texts telling us to pick up paychecks at library at 10 am. Jeff retrieves. Dana received full pay for June, but did not receive full pay for May. Dana texts GROW and he says he will try and get it to Dana by next week. This doesn't happen.
7/5/2021	Response to DROZ letter by Jeff regarding website transfer with attached transfer documents.
7/6/2021	Board meeting at extension office via Zoom - Hire former Mayor David Sims as new Director.
7/7/2021	Article in KVT by Mike Weland - Library hires David Sims as Director. He states he will open the library in the coming weeks as issues of clutter and safety have been addressed.
7/9/2021	DROZ response to records request - minutes of meetings provided. Some are missing. Most are unsigned and some have been altered.
7/12/2021	Special board meeting via zoom - executive session to discipline or dismiss employee.
7/13/2021	Article in KVT by Mike Weland - Proper notice lacking for library annual meeting
7/14/2021	Article in KVT by Mike Weland - Library board has chance to rebuild trust
7/15/2021	Article in KVT by Mike Weland - Petitioners seek to unseat entire library board. Community members unaffiliated with the whistleblowers who had begun to attend meetings after the library closure petition to recall the Board. They garnered over 600 signatures in two weeks before they pulled their petition.
7/15/2021	Article in KVT by Mike Weland - Whistleblower lauds library board recall effort. Regardless of headline whistleblowers were not involved in the Board recall.
7/16/2021	Article in KVT by Mike Weland - That an important thing needing fixed will have been set aright
7/17/2021	Article in KVT by Mike Weland - Boundary County registered sex offenders
7/18/2021	Facebook posts and comments from large disgruntled group of banned library patrons. Previously attempted to speak to ANDERSON about the unethical banning process and he didn't see anything wrong with it. Patrons have been shamed on audio reviewed during investigation on prior reinstatements, Jeff comments "kangaroo court".
7/19/2021	David Sims backs out of Director position at Library. No explanation given.
7/19/2021	Ltr from DROZ to Jeff denying request for NUTSCH report because it is a personnel record and being used in anticipation of litigation. Reference TCN attached correspondence record.
7/22/2021	Article in KVT by Mike Weland - After over three months closed, library to open Tuesday
7/22/2021	Board, GROW and ASHWORTH call to have police presence at public meeting at Visitor's Center, Jeff spoke to officer Johnson in parking lot who stated he had arrived late. Next day ASHWORTH signs notice of investigation continuing into all whistleblowers. Investigation shows NUTSCH was attempt to terminate but insufficient grounds. ASHWORTH tells all whistleblowers they must cooperate with WILSON or anyone acting at his direction to further investigate them, no purpose given for continuation.
7/22/2021	By board resolution, ASHWORTH is promoted from volunteer consultant to interim Director as an unpaid public employee. Board approves her annual budget minutes after motion to employ her without pay. Patrons drop recall signs in front of Board. Recall petitions are signed while Board meets in the executive session.
7/23/2021	Notice of Administrative Leave with Pay Pending Investigation sent via certified mail to Mac, Eric, Cari and Dana. Cari and Dana will ultimately remain on administrative leave with pay to the present.

Date	Incident
7/24/2021	Article in KVT by Mike Weland - Hiring ASHWORTH may have unintended consequences
7/26/2021	Attorney DROZ threatens to sue member of the public for voicing concerns at a public meeting, post meeting.
7/27/2021	Article in KVT by Mike Weland - Library whistleblowers put on leave, must help build their own scaffolds
8/2/2021	Article in KVT by Mike Weland - Library board opts to keep report from public view
8/10/2021	Article in KVT by Mike Weland - Former library board member questions proposed budget
8/19/2021	Article in KVT by Mike Weland - Library budget approved amid chaos
8/19/2021	Board meeting - Annual Meeting - First time public comment is allowed. Patrons speak out against the Board. Mac's daughter, Sarah, asks ASHWORTH about the MAGGI stripper video and if she feels comfortable with MAGGI still working there? ASHWORTH says, "it was fabricated." ASHWORTH grabs Sarah by the arm. Sarah pulls away and says, "Do not touch me, madame." ASHWORTH tells Dana that ICRMP attorney lawyer drafted the Notices of Administrative Leave with Pay Pending Investigation. Did she also draft the Notices of Termination? During open meeting, BOHACHEK accuses whistleblowers of "assaulting the Board", but provides no specifics. No assault ever occurred. Dana speaks with BOHACHEK in parking lot after the Board meeting for about 45 minutes. He states in substance that whistleblowers had done nothing wrong; Board had hired attorneys to try and find reasons to fire us and they couldn't; Board "had to" put one of the groups back in the library and open or they would be recalled and they chose the other four because ASHWORTH would work with them; that he knows now after dealing with ASHWORTH himself that there are "control issues" there. Dana again tries to inform BOHACHEK of the sex offender situation and lack of reporting. He claims it was not in the NUTSCH report and he knows nothing about it. BOHACHEK stated belief whistleblowers could not "sustain" a lawsuit, implying intent to wear down whistleblowers without regard to the truth of the matter; that they are just going to settle it with us with insurance and the taxpayers won't have to pay, no consideration for fact that money demand never made; that it will all be covered by their insurance. Jeff is present as witness, does not participate in conversation. Minutes unsigned by Secretary and Chair.
9/3/2021	Email from DROZ to Boiler - Consent form attached. Changed his mind about releasing NUTSCH report if everyone signs release. Jeff doesn't respond.
9/16/2021	Board Meeting - BLOCKHAN and MCCLINTOCK finally sworn in after taking office in May when they "ran" unopposed. MACE is elected chair with a 4 to 1 vote, despite her ill health.
9/28/2021	Notices of Proposed Personnel Action served on Mac, Eric, Dana and Cari by a man dressed as an Avista utility worker.
9/30/2021	Man in unknown vehicle gets out and starts looking in Cari's house windows. Lee instructs Cari to go upstairs. The man bangs on door and rings doorbell for 8 minutes straight, then leaves. Cari will later learn this was a process server.
10/1/2021	Letter from Jeff to DROZ and WILSON - demand for hearing, doctor's note for Dana. No response.
10/3/2021	Chairman of the Board, JUDY MACE dies.
10/11/2021	Ltr to WILSON from Jeff hand delivered to his office.
10/11/2021	Letter from Jeff to WILSON. Jeff hand delivers letter to WILSON's office with copy of 10/1/21 letter that he did not respond to.
10/15/2021	Ltr from BRERETON to Jeff. Hearings reset to 10/25/21. "Board will not be present, that is a misprint in the policy."
10/16/2021	Email from Jeff to BRERETON with attachments sent to WILSON that received no response.

Date	Incident
10/19/2021	Call with BRERETON and Jeff. Email confirming discussion. Hearings postponed.
10/21/2021	Email exchange with BRERETON. She is getting agitated.
10/21/2021	Board meeting - financial outlook better than anticipated since they didn't pay Director for 6 months. Executive session minutes regarding the hiring of GLIDDEN are mistakenly published to Library website for the public to see. In it there is an open meeting violation. "Wendy and Aaron both had very positive opinions as did KEN, who had shared his views with Bob prior to the meeting." This is a clear violation of discussing Board business outside of the meetings. ASHWORTH is now the Director and the Secretary.
10/29/2021	Article in 9B News by Mike Weland - Library names new Director
11/3/2021	Nasty email from BRERETON saying she hasn't heard back from him with a proposal. What proposal? She was suppose to send the ICRMP policy. Polite agreement to provide proposal given, ETA one week.
11/12/2021	Email exchange with BRERETON.
11/15/2021	Response from BRERETON. There will be no disclosures. Do a public records request for the policy. She's not giving it to him.
12/1/2021	Email to BRERETON. I think she doesn't get this one because she sends a terse note on the 4th saying Jeff has until the 8th to send her a proposal or else she is scheduling hearings.
12/7/2021	Email to BRERETON. WILSON asked Jeff to coffee at meeting. Wants extension so he can meet with WILSON.
12/7/2021	Board meeting - interview candidates for trustee vacancy. Lee COLSON voted in as new trustee. Minutes unsigned by Secretary GLIDDEN.
12/8/2021	Jeff submits requested proposal to BRERETON.
12/13/2021	Call from BRERETON about not receiving offer. It went to her spam folder. BRERETON response to proposal. She says whistleblowers have to submit a "money offer" or she's scheduling hearings.
12/14/2021	Letter from Jeff to BRERETON.
12/16/2021	Board Meeting - BLANFORD is new Chair and BOHACHEK Vice Chair. COLSON sworn in.
1/20/2022	Board meeting - Large expense questioned. GLIDDEN says it was for cameras. There was never a vote on the expenditure. All expenditures over \$2500 need Board approval. Director is acting as Secretary.
1/26/2022	Letter from BRERETON. ICRMP is considering other parts of the offer. BRERETON sends breakdown of employee salaries and wants another money offer based off that.
2/1/2022	Email exchange with BRERETON regarding representation of clients. Who represents who? She still won't answer the question.
2/7/2022	Public records request to WILSON for ICRMP policy.
2/11/2022	Notice of Hearing (served 2/14/22 after 5:00). This blows up pending negotiations with ICRMP. Whistleblowers rescind previous offer.
2/14/2022	WILSON provides ICRMP policy to Jeff.
2/15/2022	WILSON email to Jeff with remainder of public records request.
2/16/2022	BRERETON sends ADA forms for Dana, denies FMLA.
2/16/2022	Ltr from Jeff to BRERETON - Demand for Hearing Settlement Communication
2/17/2022	Board Meeting - Recording and minutes from 10/21/21 onward posted on Library website.

Date	Incident
2/18/2022	Ltr from Jeff to BRERETON - FMLA Refusal, public notice.
2/21/2022	Ltr from Jeff to BRERETON - FMLA interference, open meetings, public notice, due process, inadequate notice, rescind notices, disclosures
2/22/2022	Email with attached letter from BRERETON. Dana is eligible for FMLA. Forms sent. Dana's forms due by 3/7/22.
2/23/2022	BRERETON sends FMLA forms for Cari due by 3/10/22.
2/23/2022	Loudermill hearing for Mac and Eric. No questions are asked of Mac and Eric by Director GLIDDEN or the Board. Board present via Zoom only. MCCLINTOCK seen eating a sandwich. Technical difficulties.
2/25/2022	Termination of Mac and Eric effective 2/28/22. Findings are copied and pasted from ASHWORTH'S previous Notice of Termination. No evidence in support. Email from BRERETON regarding personal items left at library.
2/28/2022	Ltr from Jeff to BRERETON with attached list of stolen property.
3/8/2022	Email exchange with Jeff and BRERETON regarding stolen property.
3/10/2022	Called Dr. Geyman's office to fax form. Emailed form. Called Smith's office and they did not receive fax. Called Geyman's office again to fax form and their phones were busy until 4:15. They said they would fax. Called Smith's office to let them know it was coming. Cari's FMLA forms sent to BRERETON.
3/11/2022	Letter from Jeff to WILSON regarding stolen property.
3/15/2022	Email response from WILSON regarding stolen property. WILSON says property sent back to library, don't come to office or it will be trespassing, said we should have said something about the "alleged" property, not in the scope of his representation.
4/6/2022	Mac called PERSI to find out if she can cash out. PERSI said that the Library has not sent anything regarding her change in status so there was nothing they could do yet and they couldn't tell her the amount she was owed. (BoCo Free Lib)
4/13/2022	Dana speaks with Heather at ISP records. She indicates that she spoke to Lt. BERGER and he will be calling to discuss what happened. He has already contacted BCSO. She said she is 100% certain he will contact Dana.
4/22/2022	Lt. BERGER does not call Dana back after nine days' wait. Dana calls Lt. BERGER and leaves message on his voicemail.

Date	Incident
4/23/2022	<p>Boilers learn Dana's employer now states Amy MAGGI was enticed and lured into Dana and one of her co-workers making and sending the video to Boiler's daughter as part of a master scheme. The scheme is represented as fact by GLIDDEN to a third party outside any attorney client privilege. Library Director now claims the video does exist, but was filmed by Boiler and another Library worker "pretending to be her best friend". She states that they [Dana and Mac] were actually the people who filmed it, therefore it was okay to send to her child. She says that it was all a "setup" to get back at her for some unknown perceived wrong. Dana's employer states she believes this new version of the story, and urges witness not "to be sucked in by their lies". Note here: The Library has had several different versions to date: its not MAGGI in the video; the video is partially manufactured and/or photoshopped (WILSON Law Firm employee source); it's an innocent exercise video (with accompanying pornographic lyrics supplied with the original report to WILSON's office by Jeff Boiler, above); the video doesn't exist at all, and never has; the video exists, but was all fabricated; and finally, now, Dana and her coworker filmed the video as part of a master plan. Neither GLIDDEN, ASHWORTH, GROW, NUTSCH, WILSON, ANDERSON nor any other library representative have ever attempted to interview whistleblowers to substantiate this defamatory version, at any time. Termination notices for all four whistleblowers make no mention of it. Evidence shows conclusively this is complete fabrication in aid of ongoing unlawful activities summarized in TCN.</p>
4/25/2022	<p>Lt. BERGER calls saying he is returning Dana's call. He states that he did not do an investigation, did not look at the evidence, and did not open a case file. He states, just as he told Boilers on phone contact last year, "ISP is not conducting and investigation at this time, so there was no determination based on the merits." He has not seen the report by Undersheriff STEVENS. He is asked if he knows reason why ISP public records provided contains written statement from BCSO stating that ISP investigated, when Lt. BERGER states ISP did not. He suggested Dana ask Undersheriff STEVENS why he wrote that. Multiple calls placed to Undersheriff by Dana in the days following. No calls returned. The facts reported by Lt. BERGER during this call are the same as given to Boilers approximately one year ago. Dana calls and leaves voicemail for STEVENS to return her call regarding the "same matter from last year". Dana leaves approximately five voicemail messages for STEVENS over the course of approximately two weeks. No calls are returned.</p>
4/26/2022	<p>Dana left another message for Deputy STEVENS to call "regarding the incident pertaining to Library last year." Dana leaves approximately five voicemail messages for STEVENS over the course of a couple weeks. He does not return her calls.</p>
	<p>[Additional withheld beyond this date]</p>

Amplified Partial Law Enforcement Chronology of Events Regarding Dissemination of Sexually Explicit Material to a Minor by Librarian at Boundary County Library

Date	Description of Event
3/29/2021	Incident reported to Dana Boiler's employer's attorney Tim WILSON by father of involved minor, attorney Jeff Boiler, as mandatory child abuse reporter and father, not attorney. The Library had no Director to report to at the time of the incident. Director, Craig ANDERSON, had been absent since his public resignation on 3/24/21, and the Interim Director was not authorized to act in that capacity per Board action of record until 4/1/21. Partial evidence transmitted via email. Entire video file was too large to send via his email.
	MAGGI was informed by someone at WILSON's office of incident report and she attempts to remove evidence from Messenger and unfriends Dana on Facebook. It is possible that WILSON's secretary informed MAGGI since her daughter was her best friend, but it is unknown how MAGGI found out before anyone had allegedly spoken to her.
3/30/2021	MAGGI shows up at work in the morning, but remains upstairs and Dana is downstairs. There are no interactions.
	Jeff Boiler calls WILSON's office and speaks to his secretary, Teresa. He informs her of the incident and the email sent yesterday and tells her to keep the information confidential, which she did not. Email sent clearly marked "sexually explicit" and confidential, and involves a female minor child, his daughter, age 13. Teresa informs family members of what had occurred and substance of email sent by Boiler to WILSON's office. Her son, Greg, later boasts to third parties he has inside information because his mother works for WILSON, and knows the video sent was manufactured evidence. This false narrative is repeated by Greg to several witnesses around town, who have corroborated his false statements to members of the public.
	WILSON responds for the first time to Attorney Boiler by email at 12:32 p.m. He claims the email went to his spam folder. It is unclear about who actually informed MAGGI the previous day about the incident report since nobody except WILSON's office was aware.
3/31/2021	MAGGI is absent from work.
	WILSON speaks to Prosecutor Pluid over the phone and then forwards email from Jeff Boiler.
	Prosecutor emails BCSO STEVENS and forwards email from Boiler.
	BCSO STEVENS emails ISP Lt. BERGER and forwards email from Boiler. In email, he warns ISP Boiler is "an attorney".
4/5/2021	Boiler emails Prosecutor and she tells him that BCSO has a conflict of interest and has forwarded the case to ISP for investigation.
4/8/2021	ISP Lt. BERGER emails Captain Kempf at ISP. No response documented. They presumably spoke in person according to Heather McDaniels at ISP records.

Date	Description of Event
4/9/2021	Dana Boiler's employer never mentions the incident and will never acknowledge or question her regarding it. Dana mentions the incident for first time amidst what has become an extremely hostile work environment. ASHWORTH slams door on Dana and she has to step back to avoid being hit by glass door, ASHWORTH sticks her hand in Dana's face twice and tells her to talk to the hand and tells her to talk to her attorney, but it is unknown who that might be. Interim Director becomes hostile and threatens to call the police. Incident witnessed by 3 coworkers that corroborate the hostile encounter toward Dana and her coworkers, but nothing is done. They supposedly had the entire encounter on video but they refuse to produce it. The stripper video incident has never been acknowledged by anyone at Boundary County Library, and they became extremely hostile when an attempt to discuss it was made.
4/12/2021	STEVENS writes report indicating that he spoke to Lt. BERGER and he investigated the case and found that no crime had been committed. Case closed. No parties have been contacted and no evidence has been viewed. BERGER later denies ISP conducted any investigation or viewed any evidence. See below.
4/14/2021	Jeff Boiler calls ISP trying to track down the case that the Prosecutor said had been forwarded due to a conflict not knowing that BCSO had already closed the case. Called several times. No response from ISP.
4/15/2021	Library Board emergency closes library for three months. The official explanation given to the public for media report states reason for closure is "decluttering". Sandra ASHWORTH is the quoted source for this explanation in media reports. In fact, the closure was for safety concerns discussed in closed executive session the day of emergency closure. No acknowledgement of this actual reason is given the public or Boilers. A recall of the entire Library Board is undertaken shortly thereafter, by third parties making it clear Boilers and the whistleblowers have nothing to do with their efforts. This is confirmed by Jeff Boiler in subsequent media reports in Kootenai Valley Times. See below.
4/22/2021	BCSO creates an incident report after the case was closed by STEVENS. No mention of conflict of interest, given as reason for non-investigation and referral to ISP. This occurs after Jeff Boiler makes contact with ISP to determine status of claimed "referral" to ISP by BCSO. It is later established that ISP never opened a referral file, assigned no case numbers, viewed no evidence, and made no determination of any allegations on the merits. This remains true as verified by Lt. BERGER on April 25, 2022, and is consistent with his statements to Jeff Boiler in 2021 at the time of their telephone contacts referenced above.
4/23/2021	A Lt. BERGER from ISP returns call. He says there is no case number and no referral. He sort of remembers a phone call where he declined to look at the case, but no evidence was transmitted. He mentions nothing about an email being sent. However, this is inconsistent with the email string mentioned above.
4/24/2021	Weland of KVT gets wind of misconduct at Library. Weland contacts Dana and her coworkers for interviews. All agreed and corroborate. Article comes out in the Kootenai Valley Times regarding stripper videos being sent to a minor by a librarian. Image of still shot from video of nearly naked stripper on pole on front page of paper goes viral on various community social media forums. Facebook removes image Weland posted for being too sexually explicit.

Date	Description of Event
4/25/2021	The Library Board contacts KVT and tells Weland(reporter) to tell the Boilers to expect a lawsuit. A former mayor of Bonners Ferry contacts KVT and represents himself as the Library's "ICRMP agent." Former mayor advises Weland story is "libelous" and he (Weland) should take care or he will be subject to lawsuit.
4/26/2021	Boundary County Library Board hires attorney SonyaLee NUTSCH from Lewiston law firm. In June, she will conduct a sham investigation for the Board in an attempt to gather evidence that the whistleblowers have on the Library, which she hands over to ICRMP counsel. Whistleblowers are told that if they don't tell her everything they know then they will be terminated. After days of interviews, the whistleblowers barely even scratch the surface of the criminal activity going on at the Library. The investigator concludes the interviews anyway. She clearly didn't know what she was getting into. Nobody has ever tried to interview the whistleblowers again to find out the rest.
4/27/2021	Weland from Kootenai Valley Times attempts to contact ISP Lt. BERGER three times. No response.
	Article comes out in the Kootenai Valley Times stating that a police report was created by BCSO on April 27, 2021. Boiler has never seen it and was told they were not investigating due to a conflict of interest. The articles states that the Library Board has said "ISP had dismissed the complaint as being without merit." However, Boiler was told over the phone by ISP Lt. BERGER that they were "not conducting an investigation at this time, therefore there was no determination based on the merits. " These two statements are inconsistent.
	Email from Boiler to Prosecutor Fluid regarding the referral that doesn't appear to exist. No response.
	Interim Director Grow's wife goes on social media and claims the video is manufactured. WILSON Law Firm given as source for false allegations. Allegations are widely disseminated in area, including direct statements by son of WILSON's assistant, Teresa, Greg are saying the same and spreading it around town. See above. Greg repeats this falsehood to a group of three or four individuals on a public street, unaware Dana Boiler is one of the group hearing his statements. He is informed at the time she is present and he refuses to recant, despite being told Dana is the mother of the daughter who received the videos. Interim Director ASHWORTH's daughters (screenshots available) go on local social media and openly repeat the story that the video is fabricated. Former library employee publicly states Dana should be "thrown in prison" for filing a false police report. The Board openly threatens to sue the Boilers.
4/30/2021	After finally finding out from the KVT article that BCSO had actually created a police report, contrary to what was told to them by the Prosecutor, Dana contacts Sheriff KRAMER and Undersheriff Rich STEVENS and speaks to them over the phone. KRAMER states that ISP is investigating and that he drove the complaint to Boise and hand-delivered it to the Director himself. This is apparently untrue at the time the statement is made. Dana speaks to STEVENS and sets up an appointment for the following day.
5/1/2021	Dana Boiler speaks to Interim Director Grow over the phone. He states MAGGI "...is the only victim in this." This statement is the first and only time to date that anyone at the Library had even somewhat acknowledged that at least something happened.

Date	Description of Event
5/1/2021	<p>Met with BCSO STEVENS and he states that ISP is investigating. He doesn't mention that the case is closed and that he closed it. See email string obtained via public records request, attached. No copy of the report is provided. He states in substance that he will contact the AG investigator who is a former Sheriff of Boundary County; that he will submit a supplemental with the rest of the evidence that had not been received or reviewed (there are multiple videos), and talk to the Library about the inappropriateness of the incident, regardless of report disposition. None of these actions apparently occur. Dana and Jeff also report at that time to STEVENS several other allegations of misconduct and violations of law occurring at the Library, including identity theft and systematic self-dealing by Grow at the library. Dana specifically asks at this time if BCSO had received the report regarding Corbin Waltering that she had given to the Director who said he gave it to the police. STEVENS said they did not. No action is ever apparently taken on reports of self-dealing by public employee Grow, or investigation of theft of personal tax information from Dana Boiler's work laptop hard drive, "switched out" unexpectedly by Derrick Grow at his home, shortly before a fraudulent tax return is apparently filed in Boilers' name using the same data that appeared on the hard drive replaced by Grow. The reported disappearance of personal tax information resulted in direct financial loss to Boilers through unknown individuals, who filed a false tax return in their name within a short time after the tax and other personal information is taken from Dana Boiler's work laptop while in the custody and control of Derrick Grow at his home. Time reference for theft: late September through late December, 2020.</p>
5/10/2021	<p>While the Library remains on emergency closure to the public, Dana Boiler and another employee observe Sandra ASHWORTH directing the removal of three work stations, including Dana Boiler's work station, in the basement of the Library. When confronted, Dana and a co-worker who is also present observe personal belongings of Boiler and Mac Withers, a co-worker of Boiler's at the Library, being separated from the work station where left the day of emergency closure, and bagged or strewn about the floor of the library basement. They inquire as to why and ASHWORTH advises the property belongs to "her" now--not the library. Itemized personal property of a value of approximately \$1,000, belonging to Boiler, Withers and a third employee, Cari Haarstick, disappears and is never returned. An inventory is demanded but none is provided. The property removed was stored lawfully and used there for library presentations, among other things, and could not be removed at the time of closure due to the emergency nature of closure, providing employees no opportunity to recover personal property. Library staff had advised emergency closure initially foreseen for two weeks, kept closed until late July, during recall effort--more than two months after this incident. Library now refuses to return the property stating that it now belonged to them and they have already gotten rid of some of it in their "decluttering". This also appears to violate state statute regarding disposition of public property and public records by ASHWORTH, who is seen at other times removing multiple bags containing public records identified as such and stating she is "taking them home". The records and property taken have all apparently disappeared.</p>
5/27/2021	<p>Dana is told she cannot speak to Library directly, only to their attorney. Their attorney will not speak to Dana or any of the whistleblowers and has said that if any of them come to their attorney's office it will be considered criminal trespassing.</p>

Date	Description of Event
7/23/2021	Public begins attending meetings. Library forced to open back up or the Board will be recalled by the community. Dana and three other whistleblowers put on administrative leave pending an investigation, which represent half of the library staff. There will never be an investigation.
8/19/2021	Told by Board they hired attorneys to find reasons to fire Dana and other whistleblowers who spoke to the media, but they couldn't find any reasons yet.
	Director ASHWORTH tells public at a public meeting that the stripper videos were fabricated and that it never happened. Board member BOHACHEK states publicly that the whistleblowers assaulted them (Board), which is blatantly false and disparaging. The Board never shows up for public meetings, only by Zoom, and they never come to the Library.
9/28/2021	Dana receives termination notice along with 3 other whistleblowers at the Library after being on administrative leave with pay for 5 months. There was no investigation. Nobody at the library ever spoke to Dana or the whistleblowers about the video incident or any of the other alleged criminal activities they reported. They are being terminated for an anonymous, undated patron complaint that they will never get to see.
3/31/2022	Jeff and Dana Boiler are provided with a copy of the BCSO report from Rich STEVENS after doing a public records request to BCSO Civil Deputy Rosenthal.
	Dana makes written public records request to ISP for copy of the Lt. BERGER's report of the investigation he conducted according to Steven's BCSO report.
4/8/2022	Dana provided only with email string from ISP records clerk Heather McDaniels. There is no report or referral. See attached.
4/13/2022	Dana speaks with Heather at ISP records. She indicates that she spoke to Lt. BERGER and he will be calling to discuss what happened. He has already contacted BCSO. She said she is 100% certain he will contact Dana.
4/22/2022	Lt. BERGER does not call Dana back after nine days' wait. Dana calls Lt. BERGER and leaves message on his voicemail.
4/23/2022	Boilers learn Dana's employer now states MAGGI was enticed and lured into Dana and one of her co-workers making and sending the video to Boiler's daughter as part of a master scheme. The scheme is represented to a third party outside any attorney client privilege. Library Director now claims the video does exist, but was filmed by Boiler and another Library worker "pretending to be her best friend". She states that they were actually the people who filmed it, therefore it was okay to send to her child. She says that it was all a "setup" to get back at her for some unknown perceived wrong. Dana's employer states she believes this new version of the story, and urges witness not "to be sucked in by their lies". Note here: The Library has had several different versions to date: its not Amy in the video; the video is partially manufactured and/or photoshopped (WILSON Law Firm employee source); it's an innocent exercise video (with accompanying pornographic lyrics supplied with the original report to WILSON's office by Jeff Boiler, above); the video doesn't exist at all, and never has; the video exists, but was all fabricated; and finally, now, Dana and her coworker filmed the video.

Date	Description of Event
4/25/2022	Lt. BERGER calls saying he is returning Dana's call. He states that he did not do an investigation, did not look at the evidence, and did not open a case file. He states, just as he told Boilers on phone contact last year, "ISP is not conducting and investigation at this time, so there was no determination based on the merits." He has not seen the report by Undersheriff STEVENS. He is asked if he knows reason why ISP public records provided contains written statement from BCSO stating that ISP investigated, when Lt. BERGER states ISP did not. He suggested Dana ask Undersheriff STEVENS why he wrote that. The facts reported by Lt. BERGER during this call are the same as given to Boilers approximately one year ago. Dana calls and leaves voicemail for STEVENS to return her call regarding the "same matter from last year".
4/26/2022	Dana left another message for Deputy STEVENS to call "regarding the incident pertaining to Library last year." Dana leaves approximately five voicemail messages for STEVENS over the course of a couple weeks. He does not return her calls.

Memorandum of Law

Boundary County Library Election Fraud

Notification of Elections

Idaho Code 34-1405 requires that “annually in December, the county clerk shall cause to be published the election calendar for the county for the following calendar year. This publication shall be in addition to the publication required by paragraph (1) of this section. The election calendar for the county shall be published in at least two (2) newspapers published within the county, but if this is not possible, the calendar shall be published in one (1) newspaper which has general circulation within the county.” The publication of the election calendar is to notify the public of upcoming library elections and deadlines to submit Declarations of Candidacy to run for an open seat. From 1984 through 1992, the Library District and the Clerk of the County caused no notices of elections for the Library District to be published in the newspaper of general circulation, which was and still is the Bonners Ferry Herald. During this 8 year period the Library District did not give notice to the public of elections or of deadlines to submit Declarations of Candidacy. At the time, it was required that elections be held annually and that trustees serve 5 year terms. (Idaho Code 33-2715)

Beginning in 1993, the Library District began publishing election calendars in the newspaper, but still failed to hold an election for 27 years from at least 1988 to 2015 and again from 2016 to the present. Since 1988, there has only been one Library District election to elect two incumbent trustees. One trustee received 59 votes and the other trustee received 42 votes. The only reason that this particular election even took place in 2015 was due to two individuals with knowledge of library and election laws. Both had run for other office in the community including the office of Commissioner prior to running in the one and only library election.

The election reform of 2011 transferred the responsibility of conducting all taxing district elections solely to the County Clerk. Prior to this sweeping reform, the Library District was responsible for holding its own election in 2010, something Director Sandra Ashworth had never done since becoming Director in 1997. In 2010, Ashworth held a fraudulent election. She did not publish a sample ballot and the results of the supposed election were never canvassed by the Commissioners or properly certified by the County Clerk as required by statute. This has been confirmed through public records requests and conversations with the Commissioner’s office and the Clerk’s office. Regardless, Director Ashworth declared the winner of her choosing, without ever actually holding an election according to the uniform election laws. The applicable law pertaining to election certification is as follows:

34-1205. County board of canvassers — Meetings. The county board of commissioners shall be the county board of canvassers and the county clerk shall serve as their secretary for this purpose. The county board of canvassers shall meet within seven (7) days after a primary or presidential primary election and within ten (10) days after a general election for the purpose of canvassing the election returns of all precincts within the county.

34-1410. Canvassing of election results. The board of county commissioners shall conduct the canvass of the election results within ten (10) days after the election, in the manner provided in [chapter 12, title 34](#), Idaho Code. The county clerk shall certify the election results to the clerk of each political subdivision for which an election was held. Each political subdivision shall issue the appropriate certificates of election.

34-1206. Board's statement of votes cast. The board shall examine and make a statement of the total number of votes cast for all candidates or special questions that shall have been voted upon at the election. The statement shall set forth the special questions and the names of the candidates for whom the votes have been cast. It shall also include the total number of votes cast for each candidate for office by precinct or polling location for elections conducted pursuant to [chapter 14, title 34](#), Idaho Code, and the total number of affirmative and negative votes cast for any special question by precinct or polling location for elections conducted pursuant to [chapter 14, title 34](#), Idaho Code. The board shall certify that such statement is true, subscribe their names thereto, and deliver it to the county clerk.

It has been confirmed with the Commissioner's office that they did not certify the election of 2010 for the Library District. According to the Commissioner's office, if they had done so it would be present in the meeting minutes following the election. Those minutes have been provided to me and it is clear that they certified all other elections that took place on May 25, 2010, but there is no mention of the Library District. Instead, Director Ashworth sent a letter to the Commissioner's on May 26, 2010 simply declaring Wendy McClintock the winner. She did not provide results. The candidate running against McClintock, Larry Hosterman, has also confirmed that he did not know if an election actually took place because he did not go to the Library that day and he did not want to be on the Board anyway. He did not inquire about results. He was only told he lost.

Notice of Candidacy Filing Deadlines

Over the past 30 years, the statutory Notices of Candidacy Filing Deadlines were only sporadically published in the newspaper of general circulation. If a notice was published at all it was buried in the legals section for one edition, scarcely noticeable in very small print, and sometimes contained incorrect information. Information regarding trustee vacancies and elections was never discussed at public meetings and the Library District did not advertise this information to the public on the premises, via their website, in the newspapers or on social media platforms. On the rare occasion when a potential candidate asked about how to become a Library Board member they were discouraged by the Director and told they were not qualified. Due to the lack of information provided to the public regarding the structure of the Library District and the lack of transparency in elections and open meetings, until recently most of the community was unaware that the Library was even governed by an elected Board. The majority of the

community was under the impression that they had no say in how taxes apportioned to the Library were spent.

Election Fraud

In or about 1979, James Marx was appointed to the Board and served as the Zone 1 trustee for 23 years residing at 6581 Kaniksu Street, which was at the time located within Zone 1. In 2002, Marx moved to 7636 Wildhorse Lane, which was also at the time located within Zone 1, according to the Library District zoning map. However, in 2002 Marx ran unopposed as the trustee for Zone 4 while residing at 7636 Wildhorse Lane, which is clearly situated within Zone 1. For another ten years he sat as Chairman of the Board in the wrong zone. In 2012, to correct this mistake rather than give up his seat he personally wrote a letter to the Library's Director, Sandra Ashworth and copied it to the Clerk stating that he was adopting the zoning map of the School District effective January 10, 2012. This new zoning adoption then correctly placed Chairman Marx in the correct Zone 4, according to the School District's map. Board member, Lee Haarstick, served from 2009-2015 and he does not recall any Board discussions or vote changing the zoning, so it is very possible that Marx made this decision with Ashworth outside of the Board. The following year, Marx ran unopposed again failing to give notice to the public of a vacancy in Zone 4 and continued to serve another 2 years as Chairman. In total, James Marx served as the Chairman of the Board for at least 36 years without ever running in an election.

Similarly, in 1989 Rhoda Wilson was appointed to the Board and continued until 2015 without ever running in an election for 16 years. Furthermore, during that time Mrs. Wilson procured her son, Tim Wilson, to be the attorney for the Library District. He continues to be the Library District's general counsel to this day despite this very obvious and unethical conflict of interest.

In 2006, Judy Mace was appointed to the Board and continued to serve as Chairman of the Board without election until her death in October, 2021.

In 2015, Bob Blanford was appointed to the Board as Zone 4 trustee and was supposed to run in the 2017 election. The public was never notified that there was a vacancy in Zone 4. Mr. Blanford submitted a Declaration of Candidacy to the Clerk. Since he was the only person who knew there was a vacancy and therefore the only person who submitted a Declaration, no election was held and he was declared the Zone 4 trustee by default. A letter was sent by the Director of the Library District to the County Commissioners notifying them that only one candidate submitted a Declaration, therefore no election would be held. This clever scheme was used so often, and worked so well, that it became possible for every Director of the Library District for at least the past 30 years to hand select their own Board made up of their friends willing to go along with the Director's wishes. In 2013, James Marx and Judith Mace were sworn into office for another six year term without ever notifying the public of vacancies in their respective zones. As recently as 2021, they used this same scheme to re-elect Ken Blockhan and Wendy McClintock, however, they failed to even notify the County Commissioners or the Clerk that the incumbents were re-elected. They also failed to swear them in until 4 months after they took office. Due to a complete lack of oversight and accountability by both the County Clerk

and the Commissioners, this Board has become brazen about their election fraud and malfeasance. After repeated attempts to obtain records from the Clerk she stated, “Nobody cares about the Library, and it’s not my fault nobody wants to be on the Library Board. This is not important to me. Where are you even going with this and what can we even do about it now?” Even a former mayor has served as an appointed trustee without standing for election. He certainly knew or had reason to know that the Library was a public agency governed by specific election laws which were being systematically broken during his tenure as trustee. In the last 30 years, the Library District has violated Idaho Criminal Code 18-23 in the following ways:

- Served longer terms than designated by statute
- Failed to hold a scheduled and notified election
- Failed to run elections in their proper years
- Failed to give statutory notice to the public of elections
- Failed to give statutory notice to the public of filing deadlines
- Failed to give statutory notice to the public of trustee vacancies
- Failed to notify the Clerk of trustee appointments
- Served as trustee in the incorrect zone
- Failed to notify the Commissioners and Clerk to properly certify elections
- Engaged in practices designed to avoid holding elections
- Failed to swear in trustees according to statute
- Falsified election results prior to 2011
- Engaged in intimidation tactics to deter potential candidates from running for office
- Engaged in gerrymandering by changing the zoning boundaries to maintain seats by incumbent trustees

By operation of Idaho Criminal Code 18-23 discussed above, each of the listed acts or omissions constitutes a felony punishable by up to 5 years in prison, among other things. These acts represent both civil and multiple criminal violations under Code 18-23. Every official act undertaken by any trustee who was not duly appointed or elected is almost certainly void or voidable as a matter of law. This in turn creates a potential financial crisis caused by challenges to the lawfulness of library expenditures over much of the last 30 years. This effect has been concentrated over the last two years because of the actions of the whistleblowers.

At present, the following Board members are knowingly serving unlawfully on the Library District Board:

- Ken Blockhan (election of 2021 never certified by Commissioners or Clerk)
- Wendy McClintock (election of 2010 and 2021 never certified by Commissioners or Clerk)
- Bob Blanford (failed to notify public of vacancy in his district in 2017)
- Lee Colson (appointed by unofficial Board members)

Without these four Board members there is not a quorum as required by law and no action can lawfully be executed by this current Board. All actions taken by the individuals above should be

considered null and void and appointments should immediately be made to fill their vacancies by the Idaho Attorney General.

Explanation of Trustee Terms Chart

The trustee chart attached spans from 1979 to the present. It was created with information from documents obtained from the County Clerk, Commissioner's office, and the Bonners Ferry Herald archives.

There are five trustee zones and each trustee serves for 5 years until 2010, and then 6 year terms after 2010. Terms do not reset if a trustee resigns early and an appointment is made. The appointed trustee will run in the next election and the elected trustee will complete the previous trustees remaining term. The following irregularities are found in each zone:

Zone 1: The Library District failed to hold an election in 1989, hence incumbent and Chairman James Marx continued to serve a 10 year term instead of the statutory 5 year term. In 2021, they declared trustees in the wrong year and failed to notify the Clerk and the Commissioners of the results.

Zone 2: The Library District failed to hold an election in 1995, 2000, 2011 and 2017. The Library District held an election in the wrong year in 2010, one year before the trustee's six year term had ended. That same election was fraudulent and was never canvassed or certified by the Clerk. Additionally, the trustee term was stated to the public to be 5 years when in fact it was a 6 year term. In 2015, they again held an election in the wrong year. It should have been in 2017. In 2021, they declared trustees in the wrong year and failed to notify the Clerk and the Commissioners of the results. Elections will continue to be in the wrong years for Zone 2.

Zone 3: In 2011, the incumbent chose to serve a four year term instead of the statutory six year term at the outset so that she could hand select her appointed successor rather than leave a vacancy open for an unknown candidate.

Zone 4: The Library District failed to hold an election in 1993, 2003, 2008 and 2017. The Chairman of the Board served in the wrong zone for 10 years from 2002 to 2012. Zone boundaries were changed so the Chairman could continue on the Board.

Zone 5: The Library District failed to hold an election in 2002 and 2007.

The Library District failed to hold an election at least 11 times allowing the incumbent to remain in office for a longer term or at times a shorter term. The current calendar of elections is completely askew for Zone 2 and every Board member is sitting in their seat unlawfully with the exception of Zone 3, Aaron Bohachek.

Election Calendar

Year	Trustee Zone 1	Trustee Zone 2	Trustee Zone 3	Trustee Zone 4	Trustee Zone 5
1979	James Marx (5)				
1980		Unknown Trustee			
1981			Paul Rawlings (5)		
1982					Arlene Norwood (5)
1983				Betty Mackey (5) 36 votes	
1984	James Marx (5)				
1985		Cheryl Mesenbrink (5)			
1986			Janet Allen (5)		
1987					Arlene Norwood (5)
1988				Betty Mackey (5) 29 votes	
1989	Missed election year		Rhoda Wilson (2)		
1990		Marsha Semar (5)			
1991			Rhoda Wilson (5)		Janet Allen (1)
1992					Janet Allen (5)
1993				Missed election year	
1994	Jim Marx (5)			Frances Melson (4)	
1995		Missed election year			
1996			Rhoda Wilson (5)		
1997					Denise Thompson (5)
1998				Frances Melson (5)	
1999	Jim Marx (5)	Larry Hosterman (1)			
2000		Missed election year			
2001			Rhoda Wilson (5)		
2002	Richard Petersen-Davis (2)			James Marx (1)	Missed election year
2003				Missed election year	Jan Wathen (5)
2004	Richard Petersen-Davis (5)				
2005		Larry Hosterman (5) Changed to (6)			Judy Mace (3)
2006	Pamela Brink (3)		Rhoda Wilson (5)		
2007				James Marx (5) changed to (6)	Missed election year
2008				Missed election year	Judy Mace (5)
2009	Lee Haarstick (5) changed to (6)				
2010		Wendy McClintock (6) Ashworth lied about holding election, did not publish ballot, commissioners did not certify results, wrong election year			
2011		Missed election year	Rhoda Wilson (6)		
2012					
2013				James Marx (6)	Judy Mace (6)
2014	Ken Blockhan (1)				
2015	Ken Blockhan (6) 59 votes	Wendy McClintock (6) 42 votes	David Sims (2)	Bob Blanford (2)	
2016					
2017		Missed election year	Aaron Bohachek (6)	Bob Blanford (2) no notice	
2018					
2019				Bob Blanford (6)	Judy Mace (6)
2020					
2021	Ken Blockhan (6)	Wendy McClintock (6)			Lee Colson (2)
2022					
2023			Election Year (6)		Election Year (2)

My name is Dana Boiler and I am a librarian at the Boundary County Library. I recently became aware of information regarding Corbin Waltering that may be relevant to the matter being investigated by your department.

Stalking

On Wednesday, September 25, I had a conversation with a friend who is a checker at the local Super One store. Her name is Kimberly Risch and her contact number is 208-610-8760. She stated that she had worked with Corbin Waltering at Super One while he was bagger for a short time in 2018-2019. She indicated that Corbin had been terminated for stalking another female employee approximately six months ago. She stated that after being terminated, he continued to come into the store and inquire about the female's whereabouts and the times that she worked. The checker did not give out any information, and told Corbin that she would not give him any information regarding the female. The female that he was stalking quit working at Super One, and I do not know why she left, but it appears to have been caused by this stalking behavior. Ms. Risch is willing to speak with law enforcement regarding this matter.

Sexual Assault

Additionally, in this same conversation Ms. Risch stated that she also had a friend who knew Corbin very well and that she would call her so that she could tell me first-hand what she knew. She then proceeded to call Daisy Anton and passed the phone to me. Ms. Anton told me that she had been best friend's with Corbin's stepmother years ago, and she was very familiar with the family. Ms. Anton told me that Corbin had attempted to molest her young son, age 7. According to Ms. Anton, Corbin took her son behind the garage and pulled down his pants. He then told the boy to perform sexual acts on him. The boy immediately ran to his mother and told her what Corbin had done.

Ms. Anton also informed me that she was aware that Corbin had admittedly molested 4 other children that were living in the home with Corbin at the time. These were the children of his stepmother, Jennifer Waltering. I asked Ms. Anton why she did not report Corbin to the authorities, and she told me that she was friend's with Ms. Waltering and was concerned that her friend's children would be taken from her if she reported. She also indicated that she regrets not informing anyone, and that she would be willing to do so now. Ms. Anton no longer lives in

the area and has not had any contact with Ms. Waltering for some time. She has provided her contact information if you would like to speak with her about this matter. Her number is 808-640-6841. Ms. Anton has expressed to me that she believes Corbin Waltering to be mentally ill, extremely predatory and dangerous.

Threatening and Bizarre Behavior at the Library

Corbin Waltering has exhibited deeply concerning behavior in my presence at the library on several occasions over the past two weeks. I am aware of disturbing behavior reported to me by other library employees about Corbin, however, I am personally aware of the following facts:

1. My co-worker, Aleah Litterell, had informed me approximately two weeks ago that a young man dressed in camo had come into the library requesting to hang flyers regarding his "Freedom Guard" militia recruitment. Aleah told him that he would have to speak to Director Anderson who was not in at the time. Instead, the young man went downstairs to the children's area and hung the flyers without the permission of Director Anderson.
2. The following day I learned the young man's name was Corbin Waltering, and he had returned to the library attempting to use the facilities as a "headquarters" of sorts for his militia recruitment. While I was working at the front counter, he requested to use the library phone approximately 8-10 times. At one point, the library phone rang and he attempted to come into the staff area and answer the phone. I stopped him and told him patrons could not answer the phone at the library. Myself or another employees would answer the phone, and if someone asked for him, we would give him the phone. The person on the line did ask for Corbin, and I handed him the phone. The following day, Director Anderson limited patron calls to three per day.
3. While checking out books for a patron, Corbin rudely interrupted to ask if I could give him some matches. I informed him we were in a library full of books, therefore, we did not have matches. I asked him why he wanted matches? Corbin told me he wanted to smoke a cigarette and he could not find his lighter. I told him he would have to go elsewhere, as we did not give out matches. He then proceeded to retrieve the matches from a neighboring restaurant, returned to the library and smoked his cigarette directly in front of the entrance doors to the library. I have seen him do this several times now.

4. Approximately a week ago, I witnessed Corbin approach a female patron in front of the desk area and tell her about his militia recruitment. The female patron later told me she was disturbed by this encounter.
5. From my experience, Corbin mostly uses the library as a resource for researching militia material, contacting other militia members via phone and fax, and using the computers in view of the public to watch videos related to the militia, which may contain disturbing content to many patrons and children. On one occasion, Corbin was watching a video while laughing loudly and several times cursing in the presence of other patrons. He seemed to not care that his behavior and language was inappropriate. It was during this same time frame, that Corbin had stated to the Director that he was willing to die for his cause.
6. A few days ago, I was informed that Corbin had accosted several closing employees in the city lot where we are to park. He asked a female employee for a ride home. She has indicated to me that she is afraid of him and will no longer close the library without an escort. I park in the same lot, and I also feel threatened when I close the library at nights, considering all of the above, and have asked my husband to escort us on the nights that I close.

DATED this 27th day of September, 2019.

Dana L. Boiler



Atlanta Antifascists

Tag: Corbin Waltering

Exposed: Far-Right Planning Armed “Stone Mountain Redux” Sneak Rally for September 26

Update 9/25/2020, afternoon: The main organizer for the rally is telling supporters on MeWe that he’s backing out.

Update 9/25/2020: The “Stone Mountain Redux” Facebook group has been removed.

Organizing on a secret Facebook group, far-Right adherents are planning an armed convoy in Georgia on Saturday, September 26.



Stone Mountain, August 15, 2020

The “Stone Mountain Redux” Facebook group is operated by Eric Braden in south Texas who also uses a Facebook account named “Cannon Hinton”. The “Hinton” alias is a reference to a young murder victim whose name has been hijacked by white nationalists, against the wishes of their grieving family. Braden / “Hinton” claims to be an Army veteran. He promoted and allegedly attended the armed far-Right / anti-Black Lives Matter rally at Stone Mountain on August 15. As “Cannon Hinton” he also wrote that he attended

a recent militia protest in Louisville, Kentucky.



Eric Braden Ok... All lives matter except the group BLM. Come get some MF.

Like · Reply · 1w



Jan Dupree ★ Author They are gonna keep pushing til we finally say what lives really do matter. They better leave well enough alone.

Like · Reply · 1w



Eric Braden Jan Dupree too late.

Like · Reply · 1w



Eric Braden chats online with white nationalist Jan Dupree before August 15 rally in now-deleted Facebook group.

A second organizer for the “Stone Mountain” redux Facebook group is Corbin Waltering of Idaho, who runs a second Facebook profile under the name “Thomas Stonewall Jackson”. Waltering livestreamed from a militia anti-BLM counter-protest in Louisville, Kentucky on September 5.

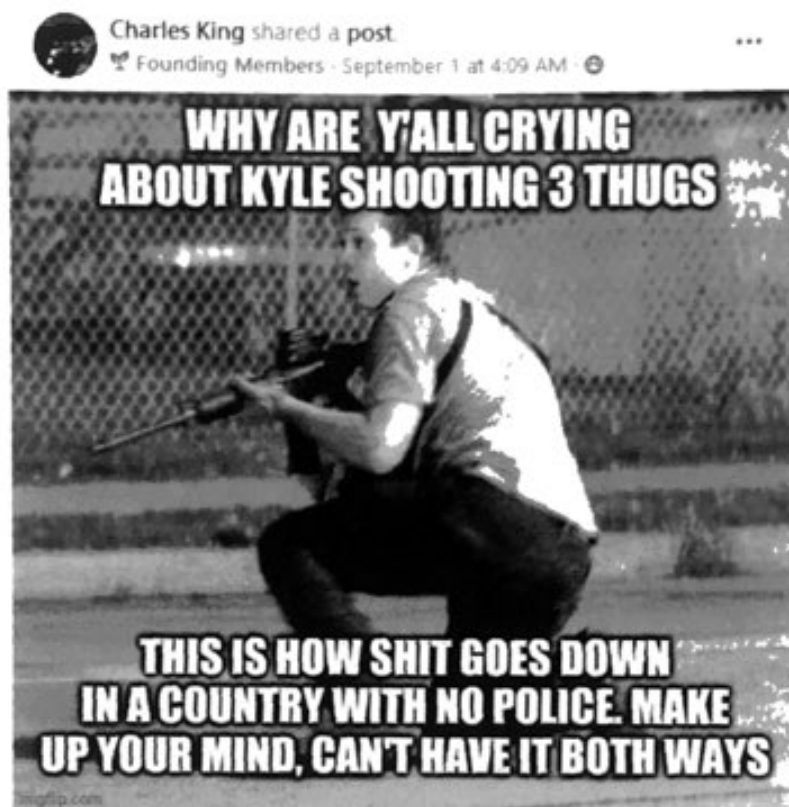


Photo from Louisville, Kentucky, September 5, 2020, featuring Dylan Stevens AKA "The Angry Viking"

The main motivation for the September 26 armed convoy and sneak rally is to compensate for August 15 at Stone Mountain. On that day, assorted militiamen, neo-Confederates, anti-Black Lives Matter protesters, and white nationalists rallied in the community of Stone Mountain outside Atlanta. Their rally was intended to take place in nearby Stone Mountain Park, but the Park announced the evening before that it would close that day to thwart the unpermitted rally. Gathering instead in the nearby community of Stone Mountain, the far-Right were outnumbered by anti-racist counter-protesters.

"Stone Mountain Redux" now aims to hold an armed convoy and to covertly rally in or near Stone Mountain. As messages in the secret Facebook group reveal, organizers will assemble at a private park or land, and then move to one or more points of interest. One "Redux" organizer has stated that they will not pay to enter the Park itself, although this may be a lie or an attempt at diversion. One possible scenario is the armed far-Right group attempting their display in the community of Stone Mountain or walking into the Park

via a pedestrian entrance. It is also possible they will rally further afield, despite the Facebook group's name.



Charles King

August 30 at 4:09 PM · 🌐

👍❤️👍 23

1 Comment

👍 Like

💬 Comment



John Crawford

Better that we handle our problems and risk life and limb than to let others at the cost of our freedom. Get rid of needless and unconstitutional laws. Stop unwarranted stops, seizures and detentions.

👍👍 2

Kyle Rittenhouse, currently facing murder charges, celebrated in "Stone Mountain Redux"

Although the private Facebook group has almost 300 members, only a portion of these numbers will likely attend the secret event on the day. Waltering's claim that there will be 400 attendees seems highly inflated. It is

likely, however, that some militias are being invited through other channels, not via posts in the Facebook group. The Facebook group's members list includes several participants from August 15, such as Dusty Rutledge and Glen "Mitch" Simon, as well as the "Confederate States III%" organizers of that day's fiasco (with one saying they will be preoccupied on the 26th).

While the armed convoy is intended as a show of strength, it is actually a display of weakness. Organizers need to sneak around and try to keep their plans secret, because they know that announcing their plans publicly and in advance will mean they get outnumbered and humiliated. We urge community members in or near Stone Mountain to stay alert on the 26th, since any convoy could target residents for harassment.

Sadly, for as long as carvings glorifying white supremacy remain on Stone Mountain, the monument will attract organized racists and far-Right militants. This in turn may place local community members in harm's way. Our group aims to reduce this risk by monitoring the planned event and releasing information as we can. To begin, we are leaking discussion and a member's list from the private "Stone Mountain Redux" group. Please check our social media for updates.

If you have further information on the September 26th sneak rally or its attendees, get in contact.

Continue reading

antifa atl / September 20, 2020 / Boys From The Woods, Cannon Hinton (alias), Confederate States III%, Corbin Waltering, Dusty Rutledge, Eric Braden, Glen Simon, Louisville KY, Metro Atlanta, Militia, neo-Confederate, Southern Patriot Council, Stone Mountain

Atlanta Antifascists / Proudly powered by WordPress



14m Like Reply



Waltering Corbin

So I have something to say about this keep my family out of it if anybody has a problem with me if you need to come to me I was born and raised here in this community I might have a different opinion than everybody else but that doesn't mean that I'm considered to be a white supremacist or a racist I am an American just like everybody else here is if anybody has a problem with me come talk to me and we'll settle things face to face civilly I really do not like gossip especially if it's about me and I do not have a questionable Behavior everybody that knows me knows who I am and what the director did at the library he did it very responsibly it gave me the policy form st... See More

7m Like Reply




Seth McNabb

Learn to use a period and we will

Write a comment...



**Kootenai Valley Times**6h · 

everybody else here is if anybody has a problem with me come talk to me and we'll settle things face to face civilly I really do not like gossip especially if it's about me and I do not have a questionable Behavior everybody that knows me knows who I am and what the director did at the library he did it very responsibly it gave me the policy form st... See More

7m Like Reply

**Seth McNabb**

Learn to use a period and we will try to read the whole post.

Here are some extra for you to sprinkle in.

(Thus dude has guns? F*****)

Just now Like Reply



Write a reply...

Write a comment...





library he did it very responsibly it gave me the policy form stating that I was not allowed to be able to do that there I didn't know and neither did he it was dealt with properly and I have done nothing wrong just because I have a different opinion doesn't give anybody the rights to state that I have a questionable Behavior I was using my first amendment and my second amendment rights for which I stand for as an American and as a rebel there is three different militias in this County three different ones that's all I have to say the library is not a federal facility it is considered to be a County facility and a State Facility so I was very aware upon the actions that I have made I will back up mr. Anderson hand and foot because he did do it responsibly and he's known me for over 5 years and he's done my family lot longer so there was nothing that there would be any type of concerns about that's all I have to say please do not bring me up in another article

Write a comment...





gave me the policy for making sure
was not allowed to be able to do that
there I didn't know and neither did he
it was dealt with properly and I have
done nothing wrong just because I
have a different opinion doesn't give
anybody the rights to state that I have
a questionable Behavior I was using
my first amendment and my second
amendment rights for which I stand for
as an American and as a rebel there is
three different militias in this County
three different ones that's all I have to
say the library is not a federal facility it
is considered to be a County facility
and a State Facility so I was very
aware upon the actions that I have
made I will back up mr. Anderson hand
and foot because he did do it
responsibly and he's known me for
over 5 years and he's done my family
lot longer so there was nothing that
there would be any type of concerns
about that's all I have to say please do
not bring me up in another article
again thank you

9m Like Reply

Write a comment...



Dana Boiler - Highly Competent, Versatile, Adaptable, Personable

The descriptors in the title above only begin to scratch the surface of the value and abilities of Dana Boiler.

As a 32 year veteran teacher at Bonners Ferry High School (Dana's teacher in fact) and as the Director of Boundary County Library (Best Small Library in America, 2017) for four years, I can honestly say that I have encountered thousands of individuals in a leadership capacity. And of those thousands, a handful stand out as exemplary. Dana Boiler is one.

Coming to Boundary County Library from a background as a paralegal, Dana sought a position as a Tech. Educator – one who is ready to learn all aspects of 3D design and true fabrication, one who is ready to apply said skills in a teaching capacity so that students can learn to design and actually make original creations via 3D Printing, Laser Cutting/Etching, Vinyl Cutting, and CNC Cutting and Etching.

This is a tall order: The educator must learn skills known only to a fraction of the population and then be able to impart them to students of all ages – children up through senior citizens. Dana quickly applied her considerable intelligence and enthusiasm to the tasks and came through with flying colors, rapidly building up a following of loyal students who recognize value when they see it.

Her skills brought the students to the Fabrication Lab; her warm, personable attitude kept them coming back.

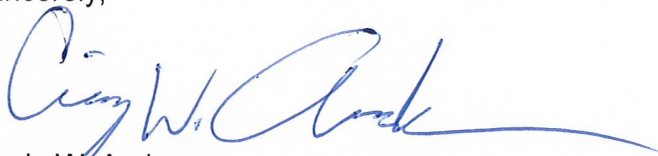
These successes were not enough for Dana. She continued to build her toolkit of skills to include the teaching of computer applications to all ages, becoming the secretary to the Library's Board of Trustees, and acquiring strong levels of competence in many aspects of Library Science. Organizing materials, customer service, mending, shelving, helping to create Educational Programs in many other areas, and becoming a go-to leader when any task needs a cool head and a steady attitude.

In one year, Dana has made herself an invaluable member of a very strong Library Team. And the way the kids' eyes light up when Dana presents Story Time is beautiful to behold.

Many who work in libraries hold degrees in Library Science, and then there are those who are true Librarians – the Teacher, the Organizer, the Innovator, the Strong Worker, the Helper – This is Dana Boiler.

Thus, it is an honor to recommend Dana Boiler. She has joined a strong team and added value through considerable skill, can-do attitude, true work ethic, and heart.

Sincerely,



Craig W. Anderson

Director, Boundary County Library
(208) 267-3750
Boundarycountylibrary1@frontier.com

Mac,

The previous letter dated 12/03/2020, has been revoked and removed from your personnel file. As a result, no disciplinary action will be taken against you for anything that has occurred prior to this date 12/31/2020.

The intent of this letter is to create a fresh start, a new day with the past solidly behind us.

You have shown yourself to be a strong worker with punctuality, excellent work ethic, precision, attention to detail, and exemplary comportment.

The above positive work ethic, coupled with training and experience working the desk and the Children's Library make you a strong asset to Boundary County Library. With this in mind, and with your input, we will create a setting that will capitalize on your strengths, both upstairs and down. Let's work on this together.

Additionally, I propose that we start a new beginning. Let's combine your strengths as a librarian with an opportunity to build an expanded role: Librarian/Design tech. Imagine the Children's Library with all new Laser-etched signage and 3-d printed display pieces to help promote the BCL FabLab. This could eventually lead to a Tech-Educator/FabLab promoter at events such as the Boundary County Fair, Christmas Craft Fair, and Hospital Health Fair. Dana Boiler, as a FabLab trainer, and I stand ready to help you in any way we can.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig W. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig W. Anderson

Director
Boundary County Library

1/19/2021

To Whom It May Concern,

What a long strange road it has been...

About forty years ago, a college kid decided to pursue a career in teaching. So many of his family members had done the same, it seemed a firm path to take. He embarked, not realizing that the journey of a thousand miles begins with one single step.

That kid was me, and now, after nearly thirty-seven years of public service, I am ready to embark once again. When I began the first time, I had no idea of the passion required or that I would so fully embrace that passion. I had no idea that, like a roman candle, I could or would burn so hot or so bright, but I did.

From 1984 to 2016, in public education, I burned like a beacon and lives were changed. My life was changed. In 2016, I left teaching and entered the world of Library-ness. But still the teacher was there. Scratch the surface and there it was. I went with it, used it to add value through promotion and the building of excitement in what the Library had become. I burned hot, and I burned bright.

After working these decades for others, my heart is finally telling me to do this for me. As a teacher, each fall, I would pick up about 110 souls and carry them for nine months, to be all I could be for them. As a Library Director, I did much the same. I picked up the staff, the community members, and the building itself and carried them to the best of my ability. Sometimes I succeeded, and sometimes I failed. But always, I carried.

Now, I need to finally put it all down. Now, I need to journey on, to seek and to enjoy the wonders that Life has to offer.

As winter turns to spring, I will be moving on. My heart is light. It's telling me that it is, in fact, time to go.

I thank everyone, from the tallest to the smallest. You helped give me the opportunity to do the amazing things that I have done; but mostly I thank my wife Rae, and my kids Jillian and Keith. They stuck by me when my passion pulled me away. Now I can devote more of me where it should go. And I thank God for giving me these gifts and telling me to use them. I could do no more, and no less.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig W. Anderson', with a long horizontal flourish extending to the right.

Craig W. Anderson

February 2, 2021

**Boundary County Library
Board of Trustees
Chairman Judy Mace
Vice Chair Bob Blanford
Ken Blockhan
Aaron Bohachek
Wendy McIntock
6370 Kootenai Street
Bonners Ferry, ID 83805**

VIA HAND DELIVERY ONLY

Re: Application for position of Library Director by Dana Boiler

Dear Trustees:

I recently became aware the position of Library Director will open due to the announced early retirement of Director Craig Anderson. This is to inform the Board of Trustees that I am applying for that position, and request that the Board consider this correspondence as my application for the position of Library Director for the Boundary County Library. My original resume and reference letters are already in my personnel file kept by the Director and are incorporated by this reference. I realize the Board is considering a broad out-of-area search for Library Director at its meeting this week. However, I respectfully request that the Board consider the applications of any existing Library employees prior to incurring the delay and cost, which a full national search for a Director unfamiliar with our community needs would represent.

All things considered, this course seems most likely to address the special needs of our community Library, when time and cost-effective prompt action on this hiring decision seems to be of the essence.

Summary of Request

This is a time of national and international economic and political crisis. Bringing qualified applicants in nationally, who are unfamiliar with the particular challenges of our community Library, and to do so prior to consideration of any qualified applicants who are already employees with proven abilities, may be both unnecessary and risk stability of Library staff and operations until a new out of area candidate can be found, considered, hired, and made familiar with all the serious issues a Director will inherit in the unique situation of our Library.

Therefore, best practices and sound discretion would suggest it is in the Library's best interest to hire a new Director with local knowledge and experience, if qualifications meet or exceed those of one not familiar with the entire setting of the present job opening.

Reasons to Grant Request for Prior Consideration of In-House Applications:

Some important reasons why the Board should grant my respectful request for prior consideration of this application include the following:

- The personnel policy model recently provided to the Board by ICRMP specifically recognizes and provides for in-house hiring of this kind. This would eliminate the need for any of the advertising and evaluation processes for outside applicants. The policy states:

“Qualified District employees may be given preference over outside applicants to fill vacancies in the work force without following the notice and selection procedures normally required for hiring new employees. If the internal preference process is used, it should be completed prior to seeking outside applicants for the position.”

- ICRMP's and ICFL's guidance on matters of personnel policy and practice are perhaps the most valuable resources at the Board's disposal for finding a qualified Director. Therefore, I have paid close attention to the input provided by the ICRMP and ICFL representatives. I did this with a view toward finding constructive and economical solutions to address the Library's pressing leadership problems.
- If qualified personnel with existing knowledge and abilities apply and are considered first, their in-house expertise can be brought to bear quickly and with full knowledge of the special needs and circumstances presented by our Library operations and its recent history. Therefore, the choice to seriously consider in-house applications for Director would seem to be in the best interests of the Library, the taxpayers who fund the Library, its patrons and its paid staff. All of these would seem to benefit—and benefit greatly—from any wisdom which sees fit to consider my application at this time.

Even if this were not true, nothing is lost by simple but meaningful, fact-based consideration of any in-house application from existing employees, including this one, prior to any expensive and time-consuming out-of-area search for qualified candidates.

Summary of Qualifications

Measured by the same description of duties of Director as you have before you from published sources, or measured by what the actual duties of the Director have historically been, I meet or exceed the necessary qualifications to act as Library Director

for Boundary County. The following are the primary duties of a Director as identified by the ICFL and are, I assume, the general duties of any Library Director as a matter of practice:

- Provides friendly, courteous and accurate service to all users
- Provides a leadership role in the library
- Responds to patron requests, suggestions and complaints
- Evaluates operations and activities of the library, plans for future needs, develops library collections and services and adopts and implements new services
- Advocates for the library by serving as the official representative of the library in the community and throughout the library field and by speaking before community, civic and other groups about the library's services
- Establishes and maintains effective working relationships with library patrons, other governmental agencies, civic and community groups and the general public
- Develops staff job descriptions, recommends and administers personnel policies involving hiring, evaluating, promoting and terminating staff
- Directly supervises the Management Team; indirectly supervises all library employees
- Defines expectations for staff performances, oversees and implements the staff evaluation process
- Promotes staff morale through communication, staff meetings, in-service programs and staff trainings
- Supervises and encourages staff members continuing education
- Maintains neatness of public areas including desks, counters, shelves, tables and personal space visible to public
- Attends library board meetings and committee meetings and serves as a resource for the library board
- Develops and submits an annual budget and monthly financial reports to the library board
- Formulates and recommends policies to the library board and implements board adopted policies and library procedures
- Monitors and approves appropriations and expenditures
- Prepares legal documents, files required documents, publishes required notices
- Oversees grant proposals and submissions
- Creates, organizes and implements solicitation of donations and/or gifts to the library, reviews and acknowledges receipt of donations and/or gifts
- Monitors, oversees and evaluates the cost and adequacy of insurance coverage, services provided by insurance companies and insurance proposals and provide recommendations for the library board

- Oversees the automation and technology needs and maintenance of the library, implements new technology as appropriate
- Attends library and professional meetings and participates in regional and statewide professional activities

I would welcome the opportunity to speak to the Board regarding all the reasons why I specifically meet the above qualifications. For your use in your initial evaluation of my application, however, I will provide a short summary of some of my past experience and training for your consideration.

As you already know, prior to my employment at the Boundary County Library I worked as a professional paralegal for 20 years and co-managed a law firm for over 10 years. In 2001, I began my legal career working for the the Assistant Attorney General in Salem, Oregon. After gaining experience in several areas of law and working for a number of highly respected attorneys, I was well trained to co-manage a law firm consisting of paralegals, legal assistants, law clerks and interns. In that capacity, I became familiar with matters pertaining to personnel management, labor law, human resources and taxing requirements. Additionally, I have been the sole bookkeeper for the firm since 2006, at which time I managed an annual budget of approximately \$350,000. I contend that the duties necessary to manage and maintain a business of this professional nature are nearly identical to the duties of the Library Director. For example, I am familiar with three different versions of Quickbooks and have extensive knowledge in preparing annual budgets and reports, accounts payable and receivable, filing quarterlies and other taxing deadlines, wage and hour compliance, FMLA, and creating and implementing policies and procedures.

My background is not limited to the legal profession. Additionally, I have managed a testing facility for individuals seeking professional licensure. As such, I was responsible for all the day-to-day operations of the facility including hiring, training and managing personnel, scheduling and proctoring tests and maintaining the technical equipment and the facility. During this time, I also obtained a Bachelor's Degree in Psychology, took classes on graphic and web design, volunteered in public schools as an art teacher and volunteered at the Blue River Library.

While volunteering at the Library, I saw a need for updated materials in the Children's Department. I researched possible grants available to the Library and was able to obtain new materials through the Pilcrow Foundation. This was the first time the Library had been the recipient of a grant award. This means I have direct grant writing experience for libraries in a neighboring state. All the information and skills I learned from that grant writing process I would bring as Director to this Library.

These are just a few examples that come to mind of the similarities between my past experience and the duties of the job of Director. I can supply many other examples on request.

Background and Experience in the Community

Being local is more than a little important to your decision about this application. Our community and its needs are unique, and not in lock-step with national trends which seem to be moving public entities further into the control of those who do not share our values as citizens of Boundary County.

Because I am a native of Bonners Ferry and both grew up and was socialized here for 20 years, I clearly understand the community we serve, and I know the same people we all do. I recognize patrons from my youth, and grew up spending most of my free time as a child in this very Library. I know the history, the good and the bad, and am no out-of-town newcomer trying to tell this Board what they should do. I am one of you. However, I do believe I know what we should do as a Library, now and into the future, and I know the job, and I know my community. My family has been here for a hundred years. We have been farmers, business owners, contractors, construction workers, educators and my parents contracted with the City for 25 years to manage the local golf course. One of my personal written references for my current library position came from County Commissioner and long-time family friend, Dan Dinning. I mention this in part because one of the qualifications of Director is to work with local public officials, government agencies and business owners which include many people whom I already know well including Mayor Dick Staples, former Mayor Dave Anderson, Darryl Kerby and Leonard Schulte. I am comfortable with any Trustee confirming these facts by contacting any of these individuals regarding my application.

Proposal of a Library Management Team

In its recent past, the Boundary County Library has employed an Assistant Director and would have met the definition for operating under a Library Management Team. A Library Management Team is any number of employees who assist the Director in his indirect management duties as defined by the list of qualifications. They may assist with other management duties as the Director suggests, but there is still only one Director. It is my recommendation that the new Director form a Library Management Team for the following reasons:

- I believe I already meet the qualifications of the Director, however, I do not currently hold a Master's in Library Science. I have identified only one specific qualification that may suggest that a MLS would be one of the ideal requirements for a new Director. However, that need here seems unlikely because the library currently employs as a librarian Eric Lindenbusch. Eric holds a Masters of Library Science

degree and brings to our library over 30 years' experience as a librarian for an important, out-of-state, City library. Eric and I have worked very well together ever since he was hired. Although we did not know each other previously and have little contact outside the Library, he has informed me nevertheless of his intent to support my application for the position of Director, as do a number of other existing employees of the Library whose letters of recommendation will be forwarded to you if and when you would like to review this application.

- Eric has indicated to me that he would accept responsibility as part of any Management Team the Board may wish to authorize if my application for the Director position is accepted.
- As new Director I would propose that Eric be nominated to participate in certain limited management duties which relate to Collections and the rather rarified academic issues which can theoretically arise in a larger library. He is currently very underused given his Masters' Degree and over 30 years experience, not to mention his long term volunteer work in the Sandpoint Library.
- I have learned from experience at the Library that a great deal of staff time and resources have been wasted due to lack of training of all library employees in all librarian duties. Specifically, the lack of cross-training has resulted in bottlenecks of vitally important work, which can only be performed by one or two people. For example, there is only one employee who is part time that processes all materials that flow through our library. There has been no cross-training of other librarians regarding this process, despite repeated requests by staff. This has caused the library not to use literally tens of thousands of dollars in already purchased materials. A library management team could ensure that cross-training occurs on all positions between all employees. Until this is done, the library has expended many thousands of public dollars and for which the public has received no value at all. The materials are unavailable because of this. No action has been taken to correct this and the staff are demoralized as a result. This is only one example of why a management team should be formed from existing employees. There are many others.

In effect, if my application is favorably considered now, the Library will get the expertise of two management-level, experienced, and existing employees—known quantities— while hiring only **one** Director, in fact. Eric's academic and professional library expertise is unquestionable. My academic background is also strong, but generously salted with nearly 20 years of professional experience in co-management of experienced lawyers in real world settings, with real liabilities to regularly avoid, serious consequences if you don't, and problem solving on every subject of our clients as the daily job description. The ability to quickly adapt to a changing factual and legal circumstance is therefore also a known quantity if you accept my application, something

the last year has proven to be of critical value if this Library is to be considered—in truth—the best small library in the country.

Crisis of Management

Although not addressed here in detail, the Board must be informed that a series of very serious issues of both fairness and legal liability for the Board and its individual members, have arisen as a result of certain actions by the current Director. I myself and other staff have confronted the Director with those issues, and he has admitted wrongdoing.

He has also promised staff to make full disclosure to the Board of a series of actions he has taken, including mismanagement of payroll, noncompliance, and lack of knowledge of applicable wage, hour, open meetings and other aspects of Library Law, interruption of Library operations, in part to conceal certain of his own acts and omissions, and retaliatory conduct toward employees without investigation or knowledge of the controlling facts or applicable law.

His response to constructive discussion on these issues has been best characterized by “promise to come clean, but don’t tell the Board what’s happening.” We have delayed as a group coming to you because we have been kept from comment on the record, and discouraged actively from attending your meetings. Any Director candidate who does not know the facts must know them before accepting the Director’s position.

This must stop, and stop sooner than a national search for a new Director can accomplish. The crisis of leadership at present leaves our Library without direction or effective leadership, and the Board is not charged by statute with personnel matters, nor should it be. A Trustee has recently stated to me that our Director has “checked out.” Any inaction now leaves the Library under the direction of a man who has admittedly absented himself from the day-to-day operational responsibilities that he has. There is consensus among Library staff that this is true. We are in effect on our own until a Director is hired.

I am prepared in any interview for this position to be specific on all these points and to support my concerns with clear and convincing proof. Whatever your decision on this particular application for Director, I ask you most sincerely to consider your choice with these facts firmly in mind, and in the mind of any future director prior to the time of hire. Our community deserves no less than this consideration, as do all Library employees.

Conclusion

You have in front of you an application for Director that hopefully shows how important this Library and the community that supports it is to me. You have the discretion to address the facts and reasons for my conclusions as a Board, acting as Trustees of

public funds and public education as you see fit, in accordance with law. This letter is designed to give you the information you need to make those discretionary decisions with full knowledge of the facts. The law requires our decisions as public servants to be based on facts, not preference, and it is not my preference to tear down.

But one cannot build if the underlying structural support is defective or inadequate. The Director you choose will inherit a known factual situation, and face a learning curve under fire which would be daunting to any qualified professional. Therefore, it is necessary for you to make some hard decisions now based on those facts, and protect the trust given to you by the patrons and taxpayers of this County.

One of the most constructive and responsible decisions you can make to begin the process of restoring this Library to its 2017 status as "The Best Small Library in America", is to face the truth head on, and to make choices about this process based on the best interests of the community we serve, the staff that makes it happen daily, and the taxpayers who fund it.

With all due respect, those choices begin with granting this respectful request.

Respectfully Submitted,

Dana Boiler



Craig >

Fri, Feb 5, 4:14 PM

Text me the schedule you
proposed this morning.

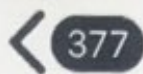
Fri, Feb 5, 6:10 PM

Wednesday through Saturday
from 9 to 5. This would give
you a third closer on Saturday if
you still wanted that. Lynn is
not working on Thursdays and
Dianna doesn't usually say
anything to me if Lynn's not
there. I'm usually downstairs for
half the day on Wednesdays
with Storytime so that limits my
time around them. I cannot and
will not be subjected to any
more harassment, so I need
this schedule, or one very
much like it, to address this
problem. I encourage you take
disciplinary action now and in
the future especially when

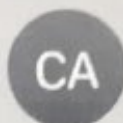


Text Message





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Craig >

much like it, to address this problem. I encourage you take disciplinary action now and in the future, especially when library operations are adversely impacted by inaction at this point. I remind you that just last week Derricks admitted outburst against Mac that caused a patron to leave the library furious at the treatment they had received was resolved without any disciplinary action. Instead, he has been rewarded for that behavior when you arbitrarily assigned him my hours without consulting with me on his request for no stated reason other than his convenience. We have been punished because of it. You having to stay until 6 last night and me having to put up with harassment from a small group



Text Message



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CA

Craig >

and me having to put up with harassment from a small group my coworkers. I can't urge you in any stronger terms to take leadership action now before it becomes fatal to library operations.

It's coming

Sun, Feb 7, 1:24 PM

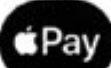
I'm not sure if you are referring to my schedule change or what? I'm scheduled to work tomorrow though. Am I working Wednesday thru Saturday, or should I come in tomorrow?

Sun, Feb 7, 4:45 PM

You have 8 hours paid vacation time on President's day so you don't have to come in



Text Message



Sun, Feb 7, 4:45 PM

You have 8 hours paid vacation time on President's day so you don't have to come in tomorrow. Let's go back to your old 10-2 Monday and 9-5 Tuesday through Friday. Tomorrow, I will deal with that other problem. That's what I meant by my other message. By Tuesday it WILL have been dealt with.

Okay, that sounds good for now. Please do that.

Done.

Tue, Feb 16, 7:10 AM

Please post the updated agenda before 10:00 a.m.



Text Message



Boundary County Library Board of Trustees

Judy Mace - Chairperson

Bob Blanford - Vice Chairman

Ken Blockhan

Aaron Bohachek

Wendy McClintock

6370 Kootenai St.

Bonnors Ferry, ID 83805

Dear Trustees:

I am very pleased to offer my unreserved recommendation of Dana Boiler for the position of Boundary County Library (BCL) Director. My 33 years of library workplace experience, as well as my Masters degree in Library and Information Science, give me a unique ability to evaluate qualities and strengths in a candidate for this position. Dana's status as a Boundary County native, combined with her education and the accrued experiences she has gained while employed by BCL and while working in a valuable, relevant variety of previous vocational areas, make it very easy for me to envision her as BCL's next director.

The bulk of my 33 years in library work was spent at the Sonoma County (CA) Library, from 1990 to 2018, when I moved to Bonners Ferry. During those 28 years, I worked under numerous library branch managers, as well as six library directors and five interim library directors. Library directors can tend to be remarkably nomadic, often remaining in a library system only long enough until a better opportunity arises, even at a completely different area of the country. By stark contrast, Dana has deep Boundary County roots, and would plan to remain as BCL Director for the long haul, should she be chosen for the position. We live in a relatively isolated area of the United States, making a high turnover rate for a professional position such as BCL Director extremely undesirable. From my personal experience, the Sonoma County Library's high library director turnover rate was detrimental to staff morale, as their priorities varied widely and often clashed harshly with those of staff.

By tapping Dana for BCL Director, this problem I experienced at my former workplace can be largely, if not entirely avoided. Additionally, the work that directors of larger library systems perform is far narrower in scope than at BCL. They focus much more exclusively on administrative, top-floor office tasks, and never perform branch manager work, or provide reference, children's services or circulation services to patrons as is done at BCL. Dana has not only excelled in each of these service areas, but has also done technical service work such as processing new book covers. She played a key role in creating BCL's current ReadBox book/DVD display, and matching books and DVDs for it. Very notably, Dana partnered with Cari Haarstick in completely revamping BCL's website. It is absolutely outstanding in its aesthetics and ease of information retrieval, comparing very favorably to websites of larger library systems with their larger budgets. Thanks to Dana, no outside webpage design experts were needed in achieving this truly significant, beneficial milestone for BCL.

As much as these examples illustrate how qualified Dana is to serve as BCL Director, her previous work experiences prior to coming to BCL would, in my estimation, enable her to work as the director of a much larger library system. Specifically:

- Dana co-managed a law firm for over 10 years, gaining invaluable experience in labor law, an essential knowledge area for a larger library's human resources manager, and arguably for BCL Director
- Dana would bring her prior experience as the law firm's bookkeeper when creating and overseeing BCL's annual budgets, and when working to comply with FMLA and other government regulations
- Dana would bring her prior experience as a professional licensure testing facility hiring manager and trainer to the BCL Director position
- Dana has gained experience in grant writing, a skill that will undoubtedly become more crucial in importance as county, state and national economic conditions will likely worsen sharply in the coming decade

I have witnessed Dana's interactions with our patrons and other staff. Like Craig Anderson, she is an excellent teacher - knowledgeable, approachable, friendly, enthusiastic, and professional without being cold or aloof. She has assisted numerous patrons who use our FabLab, public Internet computers, and their own mobile devices. She has helped me in learning how to attach mylar covers to new books, something I didn't know how to do at my previous workplace, since it has a dedicated technical services department. Dana understands the crucial importance of having our small staff cross-trained in additional areas so as not to allow any area of library service to be compromised should a staff member be absent for an extended duration.

In Dana, BCL and its user community would be most fortunate to have a library director who excels in managerial and administrative work, who excels as a human resources manager with extensive knowledge in labor law, who would interact effectively with elected officials, who would serve as an outstanding building facility manager with the same competencies as a branch manager at a larger public library system, as a reference librarian, and as a circulation service desk technician who can train others in the FabLab, materials processing, and creating building displays such as ReadBox and the Winter Reading Program. As important as each of these aforementioned items are, Dana would enjoy an unmatched rapport with our user community, already knowing many of its members on a first-name basis. No other candidate for BCL Director can match, let alone exceed Dana's truly unique breadth of leadership experiences and competencies that are needed in a BCL director to ensure that our library system will continue to build upon its status as Best Small Library in America. The citizens of Boundary County deserve no less. Dana has my unqualified, highest recommendation.

Please feel free to reach me any time as per contact information below, or in person.

Sincerely,

Eric J. Lindenbusch, MLIS
 Librarian, Boundary County Library
 eric9b@protonmail.com
 (707) 508-7905

3/4/21

Aaron,

I have been asking to speak to the Board of Trustees for nearly 5 months, but was not provided with contact information and Craig would not make arrangements for me to speak to any of the Board members. I told Ken in person that I would like to speak to the Board, and he ignored me. So thank you for providing your email address so that I may finally inform you of some very serious matters of both private and public concern.

In August of last year, I called in sick with a migraine. I have suffered from chronic migraines for most of my life and take several medications to help control them. The following day, I returned to work to find that Craig had hired someone overnight to supposedly be my replacement. There was a lot of confusion surrounding her being there, since Craig claimed that she was only volunteering, while she stated that she had been hired. During the course of the day, this woman felt quite comfortable speaking negatively about several employees including Craig, Dianna and myself. She even called me a "bitch." Without any prior notice, she was dropped into the library during a pandemic without any training, on a busy summer Saturday during a massive book sale. Craig did not come in to help, but rather made it worse by adding to our duties on an already busy day. The whole thing for everyone was strange, and by the end of the day she had decided that she didn't want to work there. I discovered fairly quickly that Craig was angry that I had called in with a migraine, and as a direct result he was intending to reduce my hours and ultimately let me go.

Because of this, Craig, Dana, Teri and myself met in the craft room to discuss the matter. Dana and Teri both took notes during the meeting and gave them to Craig to keep in my personnel file. During that meeting, Craig stated that he didn't believe I was really home sick with migraines, but that I was wanting to take the day off to be with my husband. I showed him my doctors notes, prescription medications, and told him about my medical condition. In 2.5 years, he had never once asked me for any documentation to prove that I had chronic migraines, but instead chose to believe that I was a liar. I was offended by this gross mischaracterization.

Additionally, he said I was abusing the sick leave policy and that he had gone through his phone and found 22 text messages over the past 2.5 years where I had called in sick. I then told Craig that I had just recently discovered from my coworkers that there was a sick leave policy, and I was eligible for paid sick leave. For 2.5 years Craig had failed to provide me with a policy manual, and in fact specifically told me that I had to always make up my sick days if I wanted to get paid for them, which I did for 2.5 years. The 22 days I had called in sick were all made up by me working another day. I was never paid for a sick day, nor was I ever told that was an option. Therefore, I was not abusing the sick leave policy, as I was entitled to those sick days, and had earned them, but never actually got to use them.

Not too long after that meeting, Craig gave me two envelopes with cash on two separate occasions, I presume for back sick pay, even though I now know the policy states that if you don't use your sick leave in a calendar year you lose it. He did not provide a clear explanation for cash payments, which came in envelopes with my paychecks. One of the cash payments was for \$45.03, and the envelope stated the cash was for "carryover sick pay from the previous fiscal year." Nobody gets paid for carryover sick pay at the library, so that's confusing and IF he is paying me for back sick pay it should be a lot more than \$45. The other cash payment was about \$25, and was for miscalculating a previous paycheck. I have never seen any accounting for these cash payments and assume that the withholdings were never taken out. Likewise, I have never seen an accounting of my paid sick leave, FMLA leave, vacation leave, and have no idea at this point how many days I have accrued. I am doubtful that he is even tracking it considering his method as of last August was to scroll through his text messages.

In mid-October, Derrick went on vacation to Utah and stayed with his kids who had recently had Covid. When he returned home he was diagnosed with Covid about a week later. The library was closed and the employees were told to quarantine at home until November 3rd because we had all been exposed to Derrick that whole week. There was no further communication with staff until the evening of November 3rd, when Craig sent out texts to each of the staff that said the following:

Here is a statement from the Board of Trustees regarding adjustments to

protocol.

The Board of Trustees has directed Boundary County Library staff to do the following:

1. Wear a mask while in the Library.
 2. Practice social distancing while in the Library.
 3. Suspend Storytime for now.
 4. Submit concerns re: the above points in writing to the Director, indicating whether you wish said concerns to be shared with the Board.
- PS. A more detailed written statement will be provided Thursday.

This text instantly caused a flurry of angry texts among the staff. These were the harshest pandemic restrictions we had endured yet, and there was not even a discussion beforehand with the staff, nor notice from the Board.

On Thursday, November 4th, I was not working, but Dana told me that Derrick arrived at work after being gone for only 10 days, and appeared to still be symptomatic. He was incoherent, tired, wheezing, couldn't speak without taking huge breaths, coughing, etc. She said he was like a zombie. Dana went downstairs and informed Craig that Derrick was in the building and he should probably come upstairs and take a look. Craig said he would be up later because he needed to finish writing up the details of the Board's new protocols. Dana went back upstairs to find Derrick putting together the PPE face shields for several of the employees while not wearing a mask himself.

About a half hour later, Craig came upstairs and gave everyone a handout that said the exact same thing as the text from the night before, except that we could have a 15 minute mask break during the day and he stated that the Board had voted 5-0, and he couldn't vote, so there was nothing he could do. He was oblivious to Derrick's obvious condition and continued to allow him to work the rest of the day.

After learning of the new mask mandate from the Board, I immediately went to my doctor and was given a written mask exemption due to my migraines. I came into work the next day and gave Craig my mask exemption letter. Derrick came in looking extremely ill. I immediately approached Craig and told him that Derrick was still clearly symptomatic and in very ill health and needed to go home. Eric and Dana both agreed. About halfway through the day, Craig told Derrick if he needed to he could go home. Derrick finally decided to go home and remained quite ill for several more days.

The same day several employees who were extremely displeased with the new mask mandate and program cuts began writing letters of concern to the Board as directed in Craig's handout. I specifically requested a meeting with the Board. I was adamant that we be able to speak directly with them and not use Craig as a conduit for our concerns anymore. Craig said he would try and set up a meeting. Around this time I also told Ken that I wanted to talk to the Board. He ignored me, and didn't even respond.

About a week later, on November 13, while one employee was reading another's letter to the Board aloud in the back workroom, Craig walked in and overheard the nature of some of the concerns and stated that he needed to correct something in the letter regarding having a Board meeting without notice. Dana then walked in and asked Craig if the Board met and voted on a mask mandate and program cuts? He said they didn't actually meet because he called them all on the phone. Dana told him that constitutes a meeting, especially since he stated they voted. There was no notice of the meeting or record of the meeting, therefore the actions taken were void. Craig then thought for a long moment and said that he had lied, and there really was no meeting or vote. He had made it all up and he alone was directing us to have a mask mandate and cut programs. Dana then said to him, if that were the case, then why are we all writing letters to the Board when we can just come to you directly with our concerns? At that point, the conversation moved out of employee earshot and downstairs to the craft room.

Dana had already been speaking to Craig in the craft room for awhile before I came in at Craig's request. The conversation continued for another two hours and we left the library late that day. In substance, Craig admitted that he had lied and deceived the staff, that he had failed to follow open meetings laws for years by not providing notice, and that he was pretty sure he had PTSD, which was the reason he was making so many errors in judgment. He said he was calling off the meeting that he was going to schedule with the Board and staff and would call a staff meeting instead and come clean about everything. He told both Dana and myself repeatedly that he was pretty sure he was going to get fired. He walked me out to my Jeep in the city lot and told me again he thought he would be fired and thanked me for my understanding and forgiveness. I think it is also important to mention that during that meeting Craig indicated twice that both Dana and myself could be fired for any reason, and that he actually didn't even need a reason since Idaho was an at-will state. I find it threatening

for him to be walking around saying that to employees, especially when Dana has informed him that is not true. According to Dana, Idaho is an at-will state, however librarians, specifically librarians can only be fired for cause. The policy manual is incorrect when it states that librarians are at-will employees and only a contract authorized by the Board can alter there at-will status. The policy manual is not consistent with the law.

The very next day on Saturday, November 14, Craig and his wife went to the library before it was open at about 8 am. He put a list of dates on the counter in front of Cari and told her to post them on the old website immediately. She didn't know what he was talking about having no idea what the dates were for. He then said they were for notifications. Cari didn't understand what he meant by that either, so Craig's wife had to step in and explain that they were the meeting dates for the board meeting for the whole year. (He was advised by someone that if he posts the meetings, past and upcoming, for the whole year on the website, then he didn't have to worry about the notice requirements. By doing it as soon as possible he could avoid the appearance of not giving proper notice for the past meetings.) He also wanted Cari to change the design of the page to make the notices more prominently displayed. She told him no, because they were only a couple weeks away from launching a whole new website with a different host.

On Monday, November 16, Craig closed the library because he failed to timely read the Governor's new modified order that came out on the previous Friday, which directly impacted library operations. Apparently, he was too busy all weekend covering up his other mess, which he thought would get him fired, that it left him no time for anything else relating to the library. Dana had spent all of Sunday trying to get him to look at the Order, but couldn't get him to understand it's importance until about late afternoon. On Monday, he sent out a text to all staff saying that the library was having a "snow day", despite the weather being normal. He spent the whole day on Monday calling Andrakay Pluid, Emily Sitz, and other directors for guidance.

The next day, on Tuesday, November 17, Craig called the promised staff meeting in lieu of Board meeting, and spent the entire time talking about who he had called regarding the order, what they had said, and how Panhandle Health had praised him for what a great job he was doing. There was no talk of any of his wrongdoing, as he had promised during the conversation in the craft room the previous Friday. It was like it had never happened. I was stunned.

A few days later, Dana informed me of a call she received from Craig at her home. He called and asked her if "the past was in the past?" She told him she wasn't sure what he meant by that, but that she was always only trying to help him get things cleaned up, and had no intention of outing him to anyone, but things needed to change. He told her that he had fessed up to two board members and Andrakay Pluid. He also told her that the statute of limitations had run on the failure to give notices, so there was nothing that could be done. Dana told me she didn't believe that to necessarily be true considering that it was a continuing violation taking place over several years that demonstrates a practice and pattern of willful violations of the law, and they still continue to regularly violate opens meetings laws. Basically, she said it falls under a different area of law that doesn't carry the same statute of limitations. Honestly, I trust her over Craig when it comes to legal analysis.

Four days later, on Saturday, November 21, I started exhibiting symptoms of Covid, and subsequently tested positive, while nobody else in my family did. This was exactly two weeks from last exposure with Derrick. I believe that I contracted Covid from Derrick and told Panhandle Health the same when they called me for contact tracing information. When I informed Craig that I had worked on Saturday all day with a headache, not knowing I had Covid, he was upset with me. However, I told him I get headaches often, and didn't have any other symptoms. I received disparate treatment when I tested positive for Covid, especially from Craig, but also several other coworkers. When Derrick was ill nobody criticized him for getting Covid even though he put himself in direct proximity to it, and then came to work for a week symptomatic, then came back to work again 10 days later still symptomatic, not to mention Craig's negligence in the matter.

I was out sick with Covid for 2 weeks. Additionally, the coworkers who admitted to being exposed to me were told to quarantine at home for two weeks, which included Dana, Cari, and Eric. I did tell Craig that I was certain I was around everyone. Regardless, Derrick, Amy, Dianna, Teri and Lynn disagreed and they were allowed to continue to work.

Even before I returned to work I was told by Dana and Cari that the atmosphere had drastically changed and something was about to happen around there. Nobody was talking to anyone. It was tense, and Lynn and Dianna were being overly nice, which is never a good sign.

They were right, because sure enough, on December 7, I returned to work from FMLA

leave, and I was given what appeared to be a disciplinary letter.

I was shocked to discover that while I was out sick with Covid the letter had been circulated among the rest of the staff a week prior to it being given to me. Craig admittedly gave it to Lynn who showed it to Amy, and so on. I objected to my private personnel info being circulated among my coworkers before it was ever even seen by me. This was looking like an awful lot like a group effort by my coworkers who were not quarantined to get me fired. I also questioned how it were possible that all these complaints had mysteriously come in during my absence? Apparently, there were patron, staff and Board member complaints all made against me while I was out sick. I have had no such complaints against me before my illness, and none after I returned. It was only during this three week period while I was out sick.

When I asked who had complained about me, Craig refused to tell me and would not tell me what the complaints were regarding. I learned from a coworker that the Board member who had complained about me was Aaron Bohachek for not wearing a mask when his wife came into the library. However, I have a medical exemption, and I am not required to wear a mask. This exemption is on file at the library.

Regardless, I was removed from working upstairs including the circulation desk, my job duties were changed, and I was removed from working Saturdays, which was a permanently scheduled day for me. Additionally, I was told to stop speaking to my coworkers and patrons. I believe this was all done out of retaliation for speaking out against Craig and for demanding to speak to the Board. I do not believe there were real complaints made against me. I believe that the employees who were not exposed to me and remained at work, assisted Craig in trying to get me fired.

All attempts to communicate with Craig regarding the letter were futile. He refused to discuss it and began avoiding me. He would leave the room if I were present, or dodge the other direction if he saw me coming. Shortly after that, the Board scheduled an executive session to evaluate an employee. Literally everyone knew it was about me. On December 16, Amy was seen by other coworkers dancing out of the library singing, "Someone is going to get fired tomorrow."

On December 17, the Board went into executive session presumably to discuss my possible termination. I later found out the executive session, however, started out about me, but turned into more of an evaluation of Craig.

On December 21, Dana came into the library for 3 hours on her day off and met with Craig to specifically inform him of the Boards executive session violation and how to cure it. She explained the open meetings laws and guided him through the various steps to fix the problem. She also informed him of what appeared to be retaliatory behavior toward me. She explained how you can't retaliate against someone when they come back from FMLA, or because they are threatening to expose you for wrongdoing. Craig then asked Dana to mediate a meeting between me and Craig to hopefully resolve the pending issues.

During that meeting, Craig said he was not going to fire me regardless of the Board's recommendation. Additionally, Dana told him he needed to get training in HR, needed an updated policy manual with a disciplinary plan, and needed to learn the laws pertaining to open meetings, libraries and labor law. He also needed training in accounting. She questioned how he had become Director if he was so inexperienced and unqualified? He responded by saying that Sandy had hand selected him for the purposes of promoting the Fab Lab and they knew each other from doing the business projects together. Other than that, he had no idea, since nothing he did as an educator really transferred over to the position of library Director.

On December 31, Craig gave me a letter of exemplary performance and rescinded all prior letters, which were supposed to be purged from my file. He reinstated me to my former status with the exception of giving me back Saturdays.

By this time, the damage was done, and to make it worse, Craig failed to inform my coworkers that he was wrong in what he did. He never told anyone he was restoring me to my pre-covid status. I am still working in a hostile environment where several of my coworkers are rude and disrespectful, to not just me, but pretty much everyone and to make matters worse, Craig will not speak to me unless he has an attorney present.

As an example, Derrick got so angry last month, that he yelled at me in front of patrons and proceeded to quickly come after me while I was standing at the top of the stairs. He told me I didn't know anything because I was a newbie. I've been there 3 years and seen many staff come and go. I'm not a newbie, and that is disrespectful. Patrons witnessed the entire exchange. One patron and her son were so upset by it they had to leave the library. Nothing was done to correct this behavior, and it continues to escalate. Craig did a similarly threatening thing to Dana, simply because she asked to talk to him. When the men in the workplace start acting in a threatening manner toward the women, husbands tend to get involved. I know my husband was extremely angry when he found out what Derrick did to me.

It is disturbing to me that I can nearly be fired twice in a 5 month period for

having a legitimate medical condition and for not wearing a mask, while Craig continues to terribly mismanage the library and continually violate the law, yet he still remains employed. These are not personnel matters anymore. The only personnel matter is the one created by the Board for not evaluating Craig and thereby for years leaving us with a Director who is unsupervised, unqualified and delusional. This is a serious matter of public concern that myself and the rest of the staff at the library are in total agreement. If any of us agree on one thing it's that Craig should not be allowed to continue for one more day, and I know for certain that at least half the staff would really like to see Dana step in and clean this whole mess up. We know she is the only one who could possibly fix all this. She has been doing it since the day she started working here, she's just not getting paid for it. She's the one that employees go to when they have a workplace problem. For example, she spent all of last Sunday helping me figure out my mixed up payroll issues while Craig won't give me the time of day and tells me I need to see his attorney. I have watched her pull Craig out of the fire so many times he doesn't even realize. You all should be thanking her.

Please consider taking immediate action on all of the above information. While this email is meant for the Board, I have also copied it to Craig's attorney, since that is who he keeps referring me to. I really hope that the Board receives competent advice from counsel so that these matters can be resolved prior to a new Director being thrown in to the mix.

Sincerely,

Mac Withers

Librarian

From: [Dana Boiler](#)
To: redacebees@gmail.com; tbwilson@bonnersferrylaw.com
Bcc: dana@boilerlawfirm.com
Subject: Boundary County Library Problems: Supplemental Information and Follow Up
Date: Saturday, March 13, 2021 2:18:42 PM
Attachments: [Dana Boiler Ltr Boundary County Library Bd Trustees 2.2.21.pdf](#)
[Dana Boiler notes re website and tax issue 2020-2021.pdf](#)

Since I am no longer the Board Secretary, early next week I will be forwarding the notes from the special meeting that will need to be typed up by the new Secretary at Tim Wilson's office. Additionally, I have copied Mr. Wilson's office with this email and all its attachments, as I have not received any response from you regarding my request to forward my previous correspondence to him. I was surprised to learn from Craig recently that he has not been provided with a copy of any of the emails or correspondence you have received regarding all these matters. If intentional, this has proven to be counter productive at best. He actually invited me this last week to write a summary of the website tax issue to Leonard Schulte and Tim Wilson, which tells me he hasn't seen the lengthy summary Cari and I sent to you and asked you to forward to help resolve this matter quickly. It has now been over a month since I raised the tax issue with Craig. He assured me two weeks ago the Board wanted to resolve this matter quickly. Considering I know it only took me about a half hour to research the law on employee vs. independent contractor in Idaho, I am concerned about the length of time that has passed for someone to come to a conclusion, and I am truly perplexed by the lack of communication. While I don't file my tax returns until October and have a CPA, Cari files returns herself and was hoping to file early. She understands that is not going to happen now, however, she needs time to prepare her returns at least by the April deadline. If the intention is to do nothing, then Cari and I want to know this as soon as possible so we may file a claim with the Department of Labor and get this resolved. Please understand this is not meant as a threat. It is unfortunately obvious, however, that these serious matters are not being addressed with the people they impact the most.

Over the last month, you have been supplied with emails and correspondence from various employees offering indisputable facts involving serious matters now pending at the library. This email is a final supplement from me pertaining to these serious issues. It is long, and detailed, and I encourage you to read it before making any decisions as a Board on these matters.

Payroll / FMLA and Leave Policy Issues

You are well aware of some of the payroll and tax issues that date back to March of last year and are presently being handled by Leonard Schulte and Tim Wilson. In addition, it seems necessary to inform you of another payroll issue that also dates back to that same time. The library went into a federally mandated closure on March 16, 2020, and all employees were sent home for an unknown length of time. Approximately a week later, Craig called me and asked if I could help him out by researching a way that employees could lawfully be paid during the shutdown. About an hour later, I called him back and informed him of my findings. Just days before on March 18th, the President had signed into effect the Families First Coronavirus Relief

Act (FFCRA), however it was so new and unprecedented that there was no guidance or clarification on the Order. The Department of Labor had not posted anything to their website yet, nor had any other agencies that I could find. Nevertheless, I explained to Craig that I believed employees could be paid under the two provisions contained in that Order: expanded paid FMLA and the paid sick leave act. Since we already were entitled to FMLA, according to our own policy manual, we qualified and were entitled to expanded paid FMLA. I read the Order aloud to him, sent the link via text, explained its provisions in detail, as well as the process for paying employees as specifically directed in that Order. I offered to relate the same information to the Board, but they turned down my offer. I also recall explaining it to my other coworkers at a staff meeting in April at their request, but I didn't get the impression that it was really understood, which was fine because everyone was just happy to get paid. However, this Order would become vitally important over the coming months to public employees and librarians across our state.

When I received my paycheck I realized that Craig had probably only heard the part about how it's lawful that everyone be paid, but failed to understand the finer details on how to implement it. He had not paid anyone according to the Order's direction, which was to average hours over a six month period. Instead, he made up his own ad hoc system of paying everyone by giving them exactly what they had made in February, which is the shortest month of the year. I wasn't going to raise a fuss over it, since there was so much uncertainty all around us at the time, and like I said, everyone was just happy to be employed and get paid.

Except Cari called me and told me she had been shorted on her paycheck by a significant amount. She told me that February was the month she had worked the least amount of hours and was definitely not an accurate reflection of her average hours. I explained to her what had happened, but I don't think she understood it well enough to do anything about it, and she also didn't want to cause any waves. None of my other hourly coworkers are even aware that they were shorted on their paychecks during this time. It was mostly just annoying to me that Craig didn't pay attention, but there was a lot going on and I gave him the benefit of the doubt. However, in light of all that has transpired over the past year, I am now fully convinced that this is an ongoing pattern of behavior for Craig that continues to this day. Craig will look you in the eye and tell you that he completely understands something and will ask no questions to clarify, then he will go and do the opposite, or often nothing at all. Unfortunately, when Craig regularly chooses to do nothing at all, employees are regularly compelled to step in and do his job for him.

A good example of this is when the employees created the entire opening and reopening plan both times when the library was on lockdown. We researched the law, cdc guidelines, panhandle health guidelines, and developed and implemented the procedures and protocols for opening to the public. Craig bought shower curtains. We didn't do this because we wanted to, or because we were asked or told to, but because Craig gets hyper-focused on minutia and fails to perform the overall task. In the past, employees would step in and come to his aid. However, when Craig told Cari and I to come up with a third plan in October when Derrick had Covid, we said

no. We both said simultaneously, "Let's see how he handles it on his own." The one time we were not there to guide Craig through something, or do it for him, he utterly failed. Craig concocted an opening plan all on his own involving fabrication and deceit, which I believe ultimately ended his career at the library and forced his resignation. I have known since last year of Craig's intent to resign, and I know the reasons why, and it's not because he is just ready to retire, or because he has "shined so brightly for so long", as he has said.

Regrettably, in August, the issue of the miscalculated payroll from March and April arose again for me when I began the process of buying a house. To be approved for my home loan I needed to work 144 hours a month, which I definitely did, but when I sent in all my paystubs the lender said something wasn't adding up. I knew what it was. Craig had shorted me hours in the Spring when he failed to pay us according to the FFCRA guidelines. The lender sent over a verification of employment form and Craig wrote that I only worked 136 hours a month. This was not true, and I told Craig the reasons why. He had hired me at 136 hours, but that is not what I actually worked. In fact, as you all know, I was working approximately 200 hours per month putting in huge amounts of overtime on the website as an employee. The lender agreed to allow Craig to revise the form after I explained his error, and Craig did end up putting down 144 hours for me, but he acted like I was having him commit fraud or that he was doing me some kind of huge favor. This was precisely the opposite of what he was actually doing. He nearly lost us our home loan because of this mistake. Regardless, Craig went to the Board, without my knowledge, and they voted that I must work 144 hours. Craig now thinks that if I don't work 144 hours for the rest of my life, then he committed fraud on my paperwork. This seems delusional. It's unfortunate that he lacks the same sensitivity to fraud and mismanagement in more important matters on a regular basis. I explained to him his error in miscalculating payroll in the Spring, and his attitude was basically what is done is done. It is a requirement that eligible employers provide expanded paid FMLA leave, and it is a requirement that he calculate payroll for expanded paid leave correctly. He had a choice in the Spring, to lay us all off or to pay us according to the FFCRA Order. Since he chose to pay us, the employees were entitled to receive their full wage according to those guidelines. I am certainly not suggesting that anyone go back and recalculate payroll and make it right an entire year later. This just serves as another example among several that bring attention to the necessity for a process of oversight. Approving payroll expenditures at your meetings each month would be a good start. This is not only my opinion. ICRMP's representative has stated in an open meeting with this Board it should approve all such expenditures monthly.

The issue of expanded paid FMLA came up again in December when Mac returned from leave after being out sick with Covid. I discovered during that time that Craig did not know what FMLA was, or how to comply with the laws that govern it. Apparently, for the past 4 years the library has not been in compliance, and still is not to this day. I know this because I sat down with Craig at his request and explained the first step in becoming compliant and told him to come back when that was complete. I would then tell him the next step, which he has not done. I also told him to hang up the required wage and hour posters, which I showed him where to find on the Department of Labor

website. I understand that Craig has never been an employer prior to taking this position, but there are some basic guidelines that must be followed as they carry serious consequences for noncompliance. By his own admission he received no training in this area, but on the other hand, he never asked for it either. I don't know who is ultimately responsible for that oversight, but the bottom line is there are known payroll issues that go as far back as March of last year, and there are known compliance issues with FMLA that extend back 4 years.

Additionally, the first step in the FMLA process was for Craig to calculate everyone's sick leave. Since he never told me that was done, I can only assume he hasn't been properly tracking sick leave or vacation leave, which is good for some of the employees who would gladly like to abuse it, but not good for the library or taxpayers who don't want to fund our endless sick leave and vacation leave. We all know Craig is not tracking it, and we can therefore have as many paid sick days or paid vacation days as we please. When a new Director comes on that is none the wiser, it will be interesting to see how well the honor system works here.

There have been numerous impacts on me because of Craig's inability to perform his job duties as Director. I have spent countless hours dealing with employee grievances while at work and after work. I have spent many nights and weekends typing Board minutes, solving payroll problems, researching the law for Craig, mediating employee matters and documenting countless incidents. What started out as a part time job has evolved into an overtime job without pay. On the day I wrote this Craig told me in response to some of these issues that I simply move too fast. I respectfully submit that a delay of over a year in working with him on these issues with no constructive response cannot constitute moving too fast.

I have always helped Craig when he needs it, as well as my coworkers. I understand from Aaron that Craig has indicated there is some kind of division among the employees and that I do not have their support. Before you come to any conclusions regarding that, I would first ask you to consider the source, then bring to your attention the letters of reference from Eric and Cari. If you need more certainty feel free to contact my other coworkers. While it is common knowledge that Lynn and Dianna do not support me, it is also common knowledge that they will not likely support anyone who advocates a change in office routine or their personal duties. When Craig was hired, they threatened to quit. I am personally aware of several employees who have left the library due to their negative attitude and disrespect. When it comes to Lynn and Dianna please understand that they have expressed resentment when Craig has deferred to my judgment against their wishes many times in the past. They would prefer that I be marginalized, and do exactly what they say, when they say it. I was specifically told by Dianna that I am never to go to Craig for anything, rather that I am to report to her. She even slapped me on the ass as she said it, as if I'm some kind of problem child. In an attempt to resolve some of the growing hostility between Dianna and myself, I asked her if she had a problem with me and she said she didn't like that I was working downstairs and wanted me to tell her where I was and what I was doing at all times. There is no organizational structure that places Dianna or anyone else in a supervisory position over me. I report

to Craig alone. No other employee reports their whereabouts to Lynn, Dianna, or anyone else, but for the purpose of maintaining the peace I decided to go ahead and do just that. However, that seemed to cause more problems than it solved and only fueled the existing hostility.

At the same time, I told Craig he had initiated a legally questionable practice he called FLEX days. In its initial incarnation Craig was its only beneficiary. He awarded himself eight hours of time off on Monday for every Saturday he worked four hours. When Mac was permanently removed from working Saturdays, he decided to extend his incentive program to two other employees whereby, if they worked four hours on Saturday, they were paid for eight. It was not offered to Cari or Eric who also work on Saturdays. In fact, Cari is required to work the full eight hours, even though the library is closed. I told Craig that I would really like to have that deal. Who wouldn't? Except for the fact that it's not lawful. He then immediately ended his incentive program and told the employees they had to retroactively make up the FLEX days before the end of the month. However, the following week, Craig took a FLEX day again, so whether this problem has actually been addressed is unknown.

These are just a few examples of the kinds of behavior that takes place on at least a weekly basis at the library. I hesitated to mention this to you given your lack of response to date to my concerns, however, I believe you need to know that both this inaction and the underlying mismanagement of these serious matters has required of me scores if not hundreds of hours of time and effort to the harm of the library's patrons but also to myself and my family. Since I began working there, I have spent a shocking amount of time and energy on a variety of personnel matters, HR training, legal advising, and just generally sweeping up behind Craig, all in addition to my regular duties, while working approximately 200 hours a month to build a website: during a pandemic in a hostile environment.

I did not ask for this, did not plan it, but have fallen into this role because my coworkers have identified me as the most knowledgeable and capable person to solve problems of this nature, and I will not turn my back on them, regardless of the retaliation I receive in return. I am equipped to handle it. You may feel overwhelmed by the sudden seriousness and the detail that your job as Trustee seems to now entail, but try and imagine how the employees feel who have daily suffered through this over the past year. In a word, you have been misled.

Please recall in my letter to you of February 2nd, I said that inaction is not an option. Since then, the Board has taken one constructive step towards action by hiring an attorney, however, it has failed to even acknowledge receipt to me of the detailed and serious matters discussed above and in my earlier letters. Both ICRMP and ICFL responded immediately and professionally to my forwarded concerns at that time. This Board, however, has not. And it's Director now refuses to discuss these concerns outside the presence of his attorney. Craig should not be abrogating his duties of Director over to the Board's attorney.

Fiscal Mismanagement

Simply telling Craig to fix these problems on his own, rarely works. He needs assistance. For instance, there is a blatant disregard for cash management despite my repeated attempts to bring it to Craig's attention. Money in the library must be controlled. I'm sure Aaron must have talked to Craig about his cash situation, since it was mentioned to him after the last Board meeting, and I have noticed recently that the cash receptacles are being emptied on a more regular basis. However, that is not the entirety of the problem. Craig should not be using the cash donations for his petty cash account. I'm going to repeat that because it's so important that this change. Craig should not be using cash donations for his petty cash account. There has been no tracking of cash donations that come in on a daily basis, and large sums of money are involved. Patrons are not given receipts. There is no record of the donation. The donation cash is held in a tupperware container out in the open and is counted maybe monthly, sometimes longer, and then deposited. Therefore, there is no reconciliation of that cash. Anyone at any time can take money out of the donation tupperware and use it as petty cash for any number of purchases. They are supposed to put a receipt in later, but there is no accountability with this system. I counted all the cash on a random night and found there to be nearly a thousand dollars spread across six unsecured locations. Considering that employees are allowed to use their keys to come in any time after hours, including Becca and her children, as well as many former employees who have not returned their keys, it is not wise to leave such large quantities of uncounted and undocumented cash laying around. It should be dropped at the bank or locked in a secure location. Furthermore, Craig is insistent he be the only employee who counts the cash, which under the circumstances, is troubling to me. Internal controls, policies and procedures pertaining to cash should be put in place immediately AND the library needs to set up a lawful petty cash account before a new Director is hired. Please ask Leonard to look into this serious concern, as I think he would agree if he were only made aware of the situation. I can't uphold the public trust without disclosing this matter to you, and therefore cannot let it go. You can choose to uphold the public trust I protect voluntarily by taking lawful action on the information I have provided you. However, if you refuse to do so, please understand clearly: I believe the entire matter and all issues must be submitted to a hire legal authority for close judicial scrutiny.

The financial mismanagement extends beyond the mishandling of cash donations and petty cash. I am also greatly disturbed by the gross mismanagement of the collection that has resulted in a backlog of over \$20,000 in unprocessed materials. My coworkers are deeply concerned by the lack of attention that has been placed on this mounting problem, and by the recent attempts to conceal it by discarding large quantities of valuable materials already paid for by the taxpayers. This problem has been years in the making and has now reached an unmanageable level. Dianna is the only employee that processes all materials that flow through the library. She works four days a week and has a multitude of other specific duties, all of which she performs well. She has a great attention to detail and rarely makes errors in her work. However, processing materials into circulation is not complicated, and other employees have already taken it upon themselves to learn it through OCLC tutorials. Dianna is quite stubborn and protective of her role at the library, and will not allow

anyone else to assist, and Craig has refused to order her to cross-train other personnel.

This is unprecedented for a library of this size and the data proves it. The statistics provided to the ICFL show that we processed 890 materials and spent \$34,000 for those materials. That math works out to an average of \$38 per item. Compare that data to a library with a similar materials budget, and they added 1,500 items to their collection for an average of \$8 per item. Are we purchasing rare books? No, we do not actually average \$38 per item, nor does any other library in the state. Not even close. The library is purchasing all the budgeted materials each year, but only about half are actually going out on the shelves. The other materials are waiting to be processed by Dianna. There is no acceptable excuse for this and it is undeniably intentional. I have received complaints from patrons regarding the lack of new materials being added to our collection. Most recently a Mennonite mother just last week told me her friend has decided to use the Sandpoint library instead because they are always putting out new materials and we rarely do. She was considering switching to Sandpoint as well, and I can't blame her.

I have made numerous attempts to convince Craig to take action on this critical issue. My last attempt was about a month ago. I asked Craig again what he was going to do about the circulation bottleneck? He became nervous and agitated and told me he had a plan. He wouldn't tell me his plan, but he said, "I'm not lying this time, I really have a plan." About two weeks later, we all saw a stack of hundreds of DVDs piled on Dianna's desk. We were thrilled that they were finally getting processed and couldn't wait for patrons to enjoy a new selection of movies. Later that afternoon, the DVDs started showing up downstairs by the bag fulls to be given away or sold for a donation at our ongoing basement book sale. That was the plan? To get rid of them as quickly as possible by giving them away. They were removed from the sale by the other employees and remain in our homes until this matter is resolved or Craig is no longer the Director, whichever comes first. We are in possession of thousands of dollars of good materials that should be on our library shelves. This process of removing the evidence of negligence and mismanagement continues under Craig's direction, and the employees will continue to bring these discarded materials home to be returned at a later date. My coworkers are ready, willing and able to fix this collection problem immediately, without any difficulty, if the Board would only bring it to Craig's attention and direct that it be done. The one thing that cannot be done is to continue to hide and/or destroy the evidence that the materials in this library are being deliberately mishandled to cover up wrongdoing. This is in Craig's words, "the plan".

Mental Health Concerns

While I am not going to go into unnecessary detail, you should know that I have spoken with Craig on several occasions regarding his mental health. I hope you recognize the great toll that managing the library during a pandemic has taken on him. Craig experiences a wide range of emotions in a very short time frame. He can be happy and confident one moment and crying and visibly shaking the next. Myself and my coworkers have never witnessed such a display of unusual behavior in the

workplace. In Craig's own words, "what a long, strange road it has been."

In my opinion, based on the evidence and my own personal observations only, he is unstable and unfit to perform his duties. I do hold a bachelor's degree in psychology, but I am not his therapist. Similarly, the staff unlucky enough to be present during his emotional outbursts are not his support group.

This observation is not intended to be hard-hearted. Things have simply gone too far to ignore, and this is the clearest way I know how to summarize how intolerable for the public and staff this approach to problem solving by Craig has become.

Someone wiser than me put it more plainly; "We gotta have some law."

Craig has yet to provide a time of departure even though he apparently hinted at it in his resignation letter with the phrase "when Winter turns into Spring." However, I think we can agree that all concerned know this is not any particular date. The plain truth is that we are all unsure about "when Winter turns into Spring" might fall on this year's calendar.

I believe that in light of all these facts, Craig should not be involved in the direct operations of the library, effective immediately. He should not be allowed to train a new Director and start the cycle of mismanagement over again. Training another Director in the methods Craig used would ensure these serious problems would remain unaddressed and kept hidden from the taxpayers of this County and the Library patrons, for the foreseeable future. Such an outcome seems both legally and morally unacceptable, and borders on the outrageous.

Choice of New or Interim Director

It now seems most unrealistic to believe that a new out-of-area Director can be easily found and retained -- at a cost the Board has already suggested will add tens of thousands of dollars to the budget item for Director salary and benefits--without impossibly complex disclosures and contractual arrangements which conceal these problems from public scrutiny, and would multiply the problems and the cost of the new Director many times over your present estimates. As a fiscal matter alone, such a course seems to be the worst possible response if responsible handling of the public trust, and not preservation of the status quo at all costs, is what the Trustees were elected to do. However, concealing the truth from any new or interim director is not an option, and neither the public, patrons nor library staff will permit that to happen in secret.

This is because choosing a new Director, particularly given the needs of this unique community, demands fact-based, immediate and effective action by this Board without purpose of concealing the whole truth. I have taken the time to summarize the problems and provide solutions in hopes of repairing problems which left unrepaired have caused and will cause great harm to the taxpayers and patrons of this Library. However, if the Board will not act responsibly to address these issues promptly, they

will be disclosed responsibly and in detail to the public and to outside authorities with jurisdiction over the various legal violations which have become the policy or practice of the Library District. This is not intended as a threat. It is simply to inform you that this is not a personnel issue. It is a matter of public trust.

Please continue to consider my pending application in light of these facts.

Conclusion

I hope it's now clear that continuing to ignore these matters is not progress, and is not responsible management for large sums of public property tax moneys which fund this Library. With all due respect, inaction, hand-wringing and continued silence by the Board on these issues, as its most recent meeting agenda for March 18 seems to suggest, is a serious mistake. If this is simply due to the press of other business, there is time to change things for the better, if no more time is lost as the matter is kicked down the road.

However, if inaction and continued silence is deliberate, I encourage the Board to carefully consider all the written input it has received on any of these issues since my first letter to you dated February 2nd of this year and quickly address them publicly by special meeting. These are serious legal and safety concerns that do not permit the Board to do nothing as their official response.

If these matters are not addressed immediately it will be necessary for the entire story to be made known publicly and to agencies with jurisdiction of these issues. The truth must be the basis for your action, but the truth will only come out if you acknowledge the seriousness of these matters and allow me to help fix some of these problems.

We really can work on this together, but it's up to you. The Board must change course in order to solve these problems.

Consider the facts: The Board has to date given the impression it is above the law and has no duty to respond to the safety, fiscal and mismanagement concerns which are demonstrably systemic. It has known for over a month that there is a serious crisis in management, including serious safety concerns, physical contact (spanking), lunging at female employees and creating a truly hostile and unsupervised work environment.

The Board has been provided with all the information and solutions necessary to correct these problems. This leaves inaction to date completely unexplained.

At some point, failure to act in light of these facts--and failure to tell the public what has happened and why it is not being publicly addressed in an open way--looks very much like complicity. If that is not your intention please communicate it to me clearly, at least by email. I told Craig the other day that I realize from his perspective he blames me for all his current troubles, and even his resignation. He did not disagree. However, from my perspective and from the perspective of many of my coworkers, I am merely shedding light in a dark place. If you have any doubt let me tell you plainly:

that is my motive, that is my cause.

Summary of Notes regarding Website and Payroll/Tax Issues

On May 1, 2020, Cari and I were told by Craig to begin the work of building a new website for the Boundary County Library. Since the library was closed due to Covid, we were told by Craig to work on it at the library and at home and to keep track of our hours and turn them in with our timesheet at the end of the month. I was provided with a laptop and relevant software to work on the project at the library and at my home.

On May 27th, Cari and I turned in our regular monthly timesheets with the additional hours as previously directed. The following day, Craig told us he needed to pay half now and half next month and did not provide an explanation. We reluctantly agreed that would be okay, but we were suspicious. A short time later, Craig went to only Cari and told her he actually needed to pay us our May hours over 3 months. I was not informed of this significant change.

When we received our paychecks on June 1st, I was only paid for 12 of the 56 hours I worked on the website and Cari was only paid for 26 of her submitted hours. There was no explanation to accompany the discrepancy in what he said he was going to pay and what he actually paid each of us. When Craig approached me later in the Fab Lab, I asked him what was going on with our paychecks. He then told me he needed to pay us over time to avoid alerting Leonard to overtime, which is why I only got paid for 12 hours because I was scheduled to work more than Cari and that was all the hours he could pay me for without paying overtime. I told him then that he should go to the Board and get approval for the project. He refused. This was troubling to both Cari and myself as we were seeing a developing pattern of dishonesty. We began keeping notes and documenting the exchanges with Craig in regards to this project.

Two weeks later, in mid June, I went to Craig and informed him that our June hours were going to be just as much as our May hours, therefore paying us in chunks over time was not feasible. At that rate, it would take a year to pay us. Again, I told him he needed to go to the Board. Again, he insisted it be done the way he was doing it.

A short time later, he went to Cari privately and told her he would pay us soon for our May and June hours. A few days later, Craig came to me privately in the basement of the library and told me he didn't want to pay us at all anymore. Cari and I had finally had enough of his manic back and forth, so the next day, at my request, Craig, Cari and myself met to discuss the continuation of the project. Cari and I insisted that he go the Board and get approval for the whole project and stop changing the deal every other day. At this point, we were halfway done with the website and we had only been paid for a tiny fraction of nearly three months work. We did not agree to this arrangement. He then told us that we were on our own and we would have to go to the Board ourselves and give a presentation to get approval to get paid for the work we had already completed. He said he could only find \$1500 in the budget, and so it would have to be somewhere around that amount. He told us to form an entity and he would treat us as contractors, otherwise we wouldn't get paid. (We did not form an entity). We both told him we were ceasing all work on the website until we were paid for the work we had already done. By now, we had lost confidence in our Director and did not trust him to do as he said. We agreed that anything further needed to be in writing, and that we would not speak to him about the website unless we were both present.

In mid July, we presented the website to the Board for over an hour and requested payment of \$1500 each for the entire project, which unfortunately for us would be well under minimum wage. We were

not allowed to bring up the details about what had transpired from May through July and we were made fully aware that if the Board did not approve the project we would not be paid for our work.

When the Board saw the work we had already completed, they asked why we were only requesting \$1500? We informed them that was what Craig said was available in the budget. They told us it was worth far more than that amount and they would pay us from the carryover fund when we finished the website. They told us to continue keeping track of our hours with detail and to present the Board with a final amount when the website was complete.

After that day, we were told by Craig to work on the website when we could during regularly scheduled work hours, and to also work on it at home. We only kept track of the hours we worked on the site while at home, so when we gave the Board our final hours they weren't paying us twice. We continued to be paid for the hours we worked on the website at the library through payroll as employees at our regular hourly rate. Unfortunately, during this time Craig never informed the rest of the staff about the project, or made any accommodations at the library for us to work on the website. If Cari and I would absent ourselves from any regular duties, we were criticized by our coworkers. This created an environment of contention anytime the website was being worked on while at the library. In short, there was open hostility from several employees in regards to the creation of the website by Cari and myself for various reasons outside our control.

In November, we finished the website and went before the Board to request final payment. They voted to pay us \$2500 each, and also voted that we continue to maintain the website while at the library as part of our regular job duties, which we continued to do from November to the present.

In February, Cari began preparing her tax returns and alerted me to the absence of a 1099. She also believed her W2 was not accurate. I found the same to be true with my tax documents. She asked me to speak to Craig about it.

By this time, however, Craig had stopped speaking to employees regarding most issues. As far as I could tell, unless I was holding his feet to the fire about something, he would not take any action to correct the serious problems in the workplace. In my view, his mental health is in question and has been for quite some time. He is easily overwhelmed by minor requests and simple tasks and seems to be incapable of settling matters that involve even the slightest amount of confrontation. Moreover, he communicates very cryptically using obscure metaphors and phrases inappropriate in the circumstances both verbally and in writing. We have many examples of this. I told Cari that I would try and bring it up with him by the end of the week, but needed to wait until Craig could handle it. At the time, he was in the process of moving his office upstairs.

I told Cari I would talk to him by Friday. So, late afternoon on February 12, I attempted to speak to Craig about the tax issue, but he refused to talk to me and refused to tell me a time that he would talk to me. He became hostile and agitated and lunged at me. See my notes below from that day.

Notes from Friday, February 12, 2021:

In the afternoon, I approached Craig at his desk upstairs and asked if he had a moment after work to discuss a few things. He said, "No, I'm leaving at 5." I asked if there was a time next week that I could speak to him and he said, "No, I'm good." I told him that response didn't answer my question because I needed to know when I could talk to him because it was

important. He said, "without giving any specifics, what is it about in a ballpark way?" I said it's actually several different things and I couldn't think of a ballpark way to organize those, but regardless I'd like to set up a time to talk to him privately. He said, "No I'll come to you", which everyone knows would never happen. He then said he didn't like the expression on my face. I said I didn't know what he was talking about. Then his eyes got real big and he lunged at me from across his desk so his face was about a foot away from mine. I was forced to take a step back, and felt very threatened. Then he said in an agitated and loud voice, "You see." I walked away and the discussion ended.

At about 4:15, Craig came downstairs and confiscated my computer. He took it upstairs and put it behind his desk. I went upstairs and told him that I needed my computer to do my job. He continued looking only at his computer screen and said, "it's going to stay right here." I said everyone else has a computer to do their job, why are you taking mine?" Again, he continued looking at his screen and just said "it's staying right here," and pointed to the filing cabinet it was sitting on. I said to him, "if you are trying to tell me that you no longer want me to take the laptop home, then you just need to say that. Is that what you are trying to say?" He then looked up at his computer, and said, "I don't want you to take the laptop home." I said, "Okay, no problem", then grabbed my computer from his filing cabinet and took it back to my desk. He got up from his desk and came into the back workroom where I was and told me that I needed to change the password on the computer to the same one that is on the circulation computers. Apparently, he had attempted to get into the computer after he had taken it from me and was unable to. I can't think of any reason he would need to use that computer as it only contains my work. The hard drive was switched out late last summer by Derrick and I am the only one who has used it besides Cari since then. Regardless, I told him I would change it, but I needed to log out of my accounts, including email, before it became the community laptop.

At closing time, my husband arrived to pick me up, so again I attempted to speak with Craig and told him that one of the things I needed to discuss with him was time sensitive regarding taxes and the 1099. He said, "Yeah, your 1099 is coming." I said, "Well there may be an issue with that and I need to talk to you privately. If not, I would have to speak to Leonard myself." He then committed to talking to us on Tuesday.

End of Notes from Friday, February 12, 2021

On Tuesday, my husband came into the library to talk to Craig about all these issues. My husband explained to Craig what he knew about the above details and why we should not be classified as independent contractors. He explained to him the penalties and fines associated with misclassifying employees, as well as the seriousness of potential tax evasion. Craig admitted the above details were all true and said he would immediately go inform Leonard the same, and he left the library.

The following day, Craig took me into the back workroom and apologized for lunging at me and said he was sorry if I felt threatened. I thanked him for his apology, but didn't have time to discuss it further as I was about to go downstairs for three consecutive Storytime sessions.

Nothing more was said about the matter until two days later when Craig left a sticky note on Cari's desk that said, "1099 is on its way", implying that he was still going to try and claim that we were independent contractors. The following day, on February 19, Craig told me in passing that the "1099 is coming." I stopped him and told him that was the exact opposite of what I asked him to do. He seemed

genuinely confused, and then admitted he didn't really understand any of it, and didn't know what to do. I told him that I needed to talk to Leonard, and he said to go do that. I called Leonard's office and Tammy refused to talk to me without Craig. I explained to her that he asked me to call because he didn't understand the situation and she still refused to talk to me. Furthermore, she said I couldn't possibly speak to Leonard until mid-March. I immediately informed Craig that Tammy would not speak to me without him. Later in the afternoon, Craig told me that he had found someone to advise him on the tax issue and it was "in the works."

On Tuesday, February 23, Cari informed me that she received a 1099 in the mail from Schulte's office. They were apparently still going to try to treat her as an independent contractor leaving her with a \$1,200 tax liability and an inaccurate W2. I also received a 1099 in the mail that mischaracterized me as an independent contractor.

On Thursday, February 25, I had the opportunity to quickly explain the situation to Board member, Aaron Bohachek, and he seemed to understand it, but at the same time made no promises to do anything, and provided no advice on what we should do about it. Cari indicated to me that she was going to have to hire a tax preparer this year to resolve these issues when normally she could just do the taxes herself.

On February 26, I asked Craig if he had a chance to look into the tax issue and he told me he would be dealing with it all next week and that the Board really wanted to get it resolved quickly.

From: jboiler@boilerlawfirm.com
Subject: FW: Demand for return of personal financial information; personal
tax liability issue resolution status
Date: Jun 21, 2021 at 11:22:17 AM
To: dana@boilerlawfirm.com

From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>
Sent: Friday, March 19, 2021 6:05 PM
To: 'jboiler@boilerlawfirm.com' <jboiler@boilerlawfirm.com>
Subject: FW: Demand for return of personal financial information; personal tax liability issue
resolution status
Importance: High

To put cc in phone inbox

From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>
Sent: Friday, March 19, 2021 6:04 PM
To: 'craig@boundarycountylibrary.com' <craig@boundarycountylibrary.com>
Cc: 'dana@boundarycountylibrary.com' <dana@boundarycountylibrary.com>
Subject: Demand for return of personal financial information; personal tax liability issue
resolution status
Importance: High

Craig,

Today I learned that the hard drive you had Derek remove from Dana's work laptop in October was given by you to Derek, and is kept at Derek's house. As you know, Dana saved her invoices for work on the website you commissioned Dana and Cari to create on that hard drive. I understand you disclosed today what you had done to the hard drive because you cannot find the invoices for June which she created and submitted to the Board for payment in July. You will recall this was done for the Board presentation you required her to give in July. Recall she was compelled to do this after your promise to pay then reneging on that promise. You also required her to make her own case for payment before she could be paid, misrepresented the amount in the budget available to pay it to her and to the Board (\$1500), and demanded that she make her presentation without mentioning your now- admitted attempt to evade federal taxes and overtime in order to be paid in July. All of this occurred after you reneged on your promise to pay her for hours worked on the new website, having induced her to undertake the project on your express promise of payment for hours worked.

You have indicated that you now want to correct the mischaracterization of her worked hours as 'independent contractor' hours and convert them to wages with appropriate W-2s instead of 1099s to evidence the payments. The issue of where those invoices are kept arose today because you could not find the June invoices for her work, although you have clearly seen them, the Board has voted on them and commented how little she was charging given the

number of hours worked. As you know, the low flat fee was offered because you falsely represented to her that \$1500 was 'all you had in the budget to pay' for what you had commissioned her to do. It was so low that hours worked would not meet federal minimum wage requirements, as you may recall.

Since then, you have also indicated that you were unaware federal wage and hour rules applied to Idaho, and have made it a point to also falsely represent, in order to urge her silence, I presume, that she was employed at will and could be fired for no reason. That falsehood was dealt with at this week's meeting, as I recall, involving the new policy manual. As ICRIMP's Risk Manager has said on the record at this Board's past meeting, librarians CANNOT be fired 'for no reason', and the policy provision you relied on to make this statement is unlawful, according to your insurer's own counsel.

It is against this history of falsehood and the facts summarized in written form and provided to you and the Board already, that I consider what I learned about your removal of Dana's hard drive from her today. You have done these things above and have admitted wrongdoing to Dana, myself and others, so my conclusions are not rash or unwarranted by the evidence. However, it seems undeniable that there is a connection between those admissions and your current claim that you have 'lost' or 'can't find' her June invoices, which you know meet or exceed her May hours...which you also refused to pay in June. I view your claim today about lost invoices as disingenuous, after she was required to present to you **in June** the entire work history on the website as a condition of being paid at all, then pitch the same data to the full Board in hopes of being paid. It looks for all the world as if you are trying to again keep from paying her what you know very well she has earned several times over.

Now you can't find the June invoice. That she created the invoices and they exist, you know, you have seen them and reacted to them as a matter of record. I know this because I saw them when they were created, and know they were on the hard drive of the computer you confiscated from her without notice. I also know that prior to that time, you had Derek remove the hard drive on pretext of 'changing it out'. I have a very hard time believing the change was routine, given the situation as you know it to be and as summarized in written form to you and the Board prior to the Board meeting this week. If you have any facts that explain how and why Derek was given a hard drive owned by the library with our personal information on it, I'll be glad to hear them.

Please don't bother to suggest the personal information shouldn't be there. You knew full well that she was required to work unpaid hours at home for months to cover for you. Regardless of specifics, she made it clear to you that in order to insure all the work necessary for her to do for you, that computer was hers to use at home or the office. That only changed when Derek decided he wanted to 'put her in her place' and get a piece of the pie himself. I know he told you around the time you said you refused to pay for work performed, that he could do the job for far less. He clearly had a financial motive and you clearly had a motive to conceal the things you had been doing, which you now know are a

matter of record with the Board. You have copies, you know I am not overreaching by suggesting this. You know very well you had no problem with her working from home and using that hard drive and computer for our home purchase was part of it. You knew we were in August and September in process of buying a home at the same time, saw her working on it and that very computer more than once, the evidence suggests, and had no objections as long as you thought her possession and use of the laptop benefited you personally. Please resist the temptation to blame her for your loss of her invoice information, if you did lose it. That would be rather like suggesting that a rape victim was "asking for it" by being seen in a public place attractively dressed.

Today, in any event, this will confirm that you asked Dana again for her June hours worked in invoice form, but now you can't find it. Dana has told you that our personal information for home loan—including tax returns, social security information and numbers, children's names and dates of birth, and work history—was on that drive because working for you at home on nights and weekends was required at the same time our home loan and purchase was closing. You had the hard drive changed out by Derek within a matter of a few weeks after our loan closed and we took possession of our new home. You did this at Derek's urging. In light of all the other facts we have summarized for you in written form and supplied you this week and learning today that the hard drive has magically appeared at Derek's house, while he is on vacation for a week, the timing of the 'change out' hardly seems coincidental.

If this was for library work at home by Derek, why did he need that particular hard drive, and why may he take it home while Dana's laptop has been taken from her and is to be kept in the library? For what use related to the library is Derek's possession of our home application information, including social security data and tax returns? Did he sign for it or pay for it? Have you had any communication with him about it at any time since October? What records of your contacts with him exist by phone, text or email?

Please consider this a public records request for all documents which evidence any transfer of this library property and personal information to him since the new website was approved for payment by the Board in July of 2021. This request includes, but is not limited to, any receipts for his purchase of it or other record which mentions disposition of the hard drive or its contents in any way, and any telephone, fax, text, email or other data relating to it which may be reduced to tangible form by electronic means. Please be mindful of time limitations for response to public records requests in making your decision on whether and how to respond to this request.

Please take special note: Time is of the essence in this matter, including any response you may have to the demand in this letter.

If you wish to obtain legal advice please do so promptly. Regardless of whether you do, I think you will agree that as a practical matter, the circumstances of the hard drive's removal

and your subsequent conduct in seizing Dana's work computer, partially on Derek's urging (the details of which, and the stated motive for which, I am aware), creates the impression of deliberate invasion of my personal privacy. As a member of the Federal Bar in Oregon and the U.S. Circuit Court of Appeals for the Ninth Circuit for several decades, I take such invasions of personal privacy by government agents very seriously, particularly in light of the substantial body of evidence summarized in writing for the Board and provided to you earlier this week. Regardless of your training and experience or lack thereof in such matters, the undeniable fact is that you had and have no legal right to see, copy, use or give to others our personal tax and social security information, all of which was contained on that hard drive. You knew or had reason to know this in October when the action was taken. It's hard to imagine any reason other than an unlawful one for providing Derek **of all people** with library property Dana had most recently used extensively to memorialize her work on the website and other library issues.

Regardless, **there is no factual dispute that the very part of her computer which contained the work you now cannot find, was the part you decided to change out in October.** There is also no apparent dispute that the personal information was not cleared or removed prior to your seizure of it, nor was any opportunity given for us to do so. We also know you attempted to access her computer secretly when you took it without notice—recall your demand that she restore the old password on surrender of the laptop on your demand. That was the day you lunged at her, if you'll recall, and you and I have privately discussed that, and you have admitted doing it. This shows you have a pattern in the past attempting to gain access to her laptop contents without telling her, having no reason whatever to do so other than to benefit your own personal agenda, not that of the public. I will not stand silent about these abuses any longer, Craig. Abandon all thought of characterizing this as a misunderstanding, it is part of much larger picture and you are at the center of it.

Unlike you, we have nothing to hide, but you have violated our legally protected personal privacy and impacted our family's off duty dealings without regard for the legal issues presented, **for the very last time.** Your conduct in this matter will not bear close examination. I solemnly promise you that close examination will be forthcoming if you choose to ignore this communication or pass it on to someone else without the power to do something about it, and do it promptly.

To summarize: the evidence you and the Board knows to exist strongly suggests that you have already engaged in privacy violations and retaliation in the workplace of a very serious nature, while also ignoring applicable law unless absolutely compelled to comply. In the past months:

- You have personally lunged at Dana (your words as she retreated "YOU SEE!") and thereafter offered the most insincere and qualified of belated apologies, and that only after you and I discussed the matter;

- You have encouraged or tolerated that conduct by others, including the taking of no disciplinary action for her being struck by a female co-worker, allowing Derek to physically harass Mac Withers, and many other examples;
- You have chosen to punish Dana for clearly acting in the public interest, which was not co-extensive with your own personal interests, and it has now resulted in yet another serious legal gaffe that this time involves not only Dana, but me, personally.

This is not a situation as you recently suggested to Dana, in which "hope is a good thing." Hoping requires more than wishful thinking. To reference the same literary source as you have in your most recent note to her for that quote, it seems more apt to remember the needlepoint on the wall in the preceding scene: "His judgment cometh, and that right soon."

Craig, due to our common belief, I can tell you I give you my personal forgiveness. However, it is not in my power to undo the damage you have done in so many ways, or to make lawful that which is plainly unlawful, particularly when part of a pattern and practice which the Board has adopted over years of negligence in these matters, the latter of which seems clearly shown by the other evidence we have provided to you to date. Similarly, it is unwise to empower you by creating the impression that I believe this may be a misunderstanding. I do not. Your previous actions make that highly unlikely, and it will take prompt and effective action, not discussions or a blue ribbon panel to investigate, if you wish to rectify this serious matter. Please have this clearly in mind as you decide what to do next.

Please understand I am writing this without seeking Dana's input as to the language or positions taken. These are wholly my own, based on the evidence and daily exposure to the situation on the ground each day for over a year, at least three times a day. Dana may be under your control as an employee and therefore may choose not to object to your conduct in this matter with the same force as I can, so I am taking the time to write to you without her input as to content of this message. My conclusions and my language here are my own, but I know the evidence quite well and lived through every day of it, so there is no question of a factual mistake. The facts summarized above are not opinions and Wendy and Judy's go-to defense notwithstanding, "I don't agree" isn't going to impress any finder of fact on these issues in any formal proceeding. Please choose your next steps with that surety firmly in mind.

You are a public servant and I am a taxpayer to your library. I am not standing with my hat in my hand any longer, saying "Please, sir, may I have my minimum rights under law"—not to you, and not to this Board. Therefore, I do not ask, I demand you fix this privacy problem and the tax problem you have created immediately, and if that means going to Derek's house, then I strongly suggest you do that if you wish to keep this matter from broadening in legal scope unnecessarily. Please understand it is my position that the library is fully responsible for all our tax liability regardless of the numbers, because the law so provides

when the error is intentional. You know it is and you know we have the evidence to prove it. Please include your position on this with any proposed resolution of the tax liabilities created by your concealment of this arrangement from Leonard and the IRS,

In any event, **if you do not advise me in writing that the data in question has been returned to Dana and that all copies of any part of it have been identified, disclosed and returned to us or destroyed, all by the close of business on Monday March 22, 2021, I will consider your inaction a refusal to respond and take whatever legal action is appropriate in U.S. District Court to obtain injunctive relief to order your appearance to show cause why it has not been returned, why it was taken, and whether further legal action is required to depose you and Derek on this issue under oath.** Please note I do not require agency approvals for this. I consider this a most serious privacy violation and in context see it as a part of an ongoing practice which is well summarized for you and the Board already, in written form provided to you this week.

For clarity please note: This is to demand immediate return of all our personal information contained on that hard drive when you gave it to Derek, along with all copies. You may use my email address above, if you wish. for any response, so may any attorney representing you or the Board. Any explanation accompanying your response should be in writing to avoid further misunderstandings, but either way please understand most clearly that I demand immediate return. If legal action is required to obtain your compliance, I will take it, and it will be very costly. Please understand your conduct, not Dana's, which has made my involvement necessary, she is innocent of any urging or foreknowledge of the contents or issues discussed in this writing.

I am willing to work with you in the **very** short term and will take into consideration any explanation you can provide, but if so please don't use generalities, if you wish to be constructive. The law will require you to ultimately give specific answers to how, where, when and why Derek was given possession of this information, and if it was allegedly wiped, when that happened, on what computer, by whom, and the location of any copies of any portion of our personal data which was not destroyed. You can choose to avoid this outcome by a full, constructive and prompt response, or you can refer it to others and hope it goes away. I can only assure you that if that's your response to this communication, it will not. I hope when you consider my forbearance to date you will understand and remember that I bear you no personal ill will, but cannot continue to stand silent as abuses of my wife and other workers, as well as patrons, are scoffed at by a Board clearly without the ability or inclination to act in anything other than their own personal preferences or self-interest, not the interest of those they claim to so diligently serve.

Thank you for your prompt attention to this matter.

Jeff

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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From: jboiler@boilerlawfirm.com
To: "Timothy Wilson"
Cc: intake@icrmp.org; dana@boilerlawfirm.com
Subject: Pending Public Records request; Notice of Transmission of Sexually Explicit materials by Library personnel to my minor child; Demand for Immediate Action
Date: Monday, March 29, 2021 2:18:18 PM
Attachments: [Amy Maggi Sexually Explicit Video Part 1.mp4](#)
[Boundary County Library Lyrics Text Attachment 032921 CR-1 \(counsel\).pdf](#)
Importance: High

Tim,

A library employee has transmitted sexually explicit visual and audio material to my daughter, directly, and without the knowledge or consent of my wife and I. My daughter is 14; she was 13 years old at the time of receipt. This employee is Amy Maggi. The stripper pole which is used in her sexually explicit and unsolicited video and audios was installed by Derrick Grow, who is set to begin as interim director at the Library April 1.

I understand you are working on a response to my public records request. Unfortunately, I became aware of these facts only yesterday, which in turn has required me to act immediately due to the child abuse evident by the unlawful communication referenced in the attachments. The video attachment is approximately 1.5 minutes of a video containing 3 minutes and 10 seconds of footage, some of which is omitted due to length of the attachment. It is simply more of the same. A full copy of the audio lyrics is attached in writing with a full factual summary. More than one video was sent by Ms. Maggi to our daughter between June, 2020 and October, 2020, and they are in my possession, along with any audio and text messages between Ms. Maggi and my daughter. These communications were made surreptitiously and without the knowledge or consent of either Dana, her natural mother, or myself, her natural father.

This now involves the safety of a minor child. The child is my daughter. She has received from Library employee Amy Maggi sexually explicit video and audio materials, unbidden and without parental knowledge or consent. A full explanation is attached, along with a copy of one of several sexually explicit audio and visual materials sent by Ms. Maggi directly to my then-13-year-old daughter between June and October of last year. A copy of this email and its attachments are being supplied to Jim McNall at ICRMP with the urgent request that he also promptly review this communication and its attachments and advise his insured accordingly.

For safety reasons and to satisfy our mutual child abuse reporting duties, and for the reasons set forth in detail in the attached Summary and exhibits, I must demand that you take immediate action on the information contained in the enclosures, in accordance with my written attachment summary, before my wife's next work day, which begins at 9 a.m. tomorrow, Tuesday March 30. Child safety is at issue and our family cannot be expected to voluntarily absent ourselves while the Board waits to do something. The attachments explain in full, but our demand is for the termination of employment of Library employees Amy Maggi and Derrick Grow, the immediate resignation of Board member Ken Blockhan, and the termination of volunteer service by Sandra Ashworth. The facts attached speak for themselves, but there's a lot more and I encourage you in the interests of our community to prioritize this matter so that we may proceed as professionally and collegially as possible under the circumstances.

Please respond to this demand in writing after review of the attachments.

Please preserve all evidence relating or pertaining to any of the issues raised or discussed in the attachments, or in my public records request for the reasons set forth in the attached summary.

I see no reason for delay in response given the clarity of the evidence attached and previously summarized in writing to you, ICRMP or the Board between February 2, 2021 and the present. If you are not aware of them, there are about 35 pages, single spaced, of specific evidence leading up to this demand, which will have a legal bearing on the District's decision on how to respond to this communication. If you would like copies, please let me know and I will forward them to you.

Thank you for your prompt attention to this serious matter.

/s/ Jeff Boiler

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

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From: jboiler@boilerlawfirm.com
To: "Timothy Wilson"
Subject: Boundary County Library matter; notice of special meeting for 033121
Date: Tuesday, March 30, 2021 11:07:05 AM
Attachments: [Boundary CountyLibrary Special Meeting Agenda dtd 033121 \(Published 033021\).pdf](#)

Tim,

I am at the library and on their website just appeared the attached Notice of Special Meeting. Since it appears from this and from other facts evident here in the library (copies of criminal statutes about 'not being loud or boisterous' in public posted in four locations around her sole work area downstairs this morning, for the first time), I thought I should call the notice and its content to your attention as you go through the other issues I've written to you about the last two days. There is no mention of any changes whatsoever and none of the issues I have raised are discussed. This is business as usual, and I encourage you to consider advising your client directly to undo the retaliatory schedule changes issued this morning, and get the sexual abuser and Mr. Grove out of the building.

On the latter issue, I should advise you now that I have been advised by our tax preparer that 'unknown individuals' using my tax return taken by Mr. Grove filed a fraudulent tax return in my name in October or early November, 2020. The tax return information taken home by Mr. Grove and admittedly put on his personal hard drive at the time was the only place other than my house where that comprehensive set of personal information existed, which would be necessary to file this fraudulent return. We are already investigating the circumstances of this action, and it obviously bears on the issues outlined in my summary to you yesterday.

This special meeting publication may be an opportunity for ICRMP to weigh in before more damage is done. However, time is of the essence. I will have to conclude if this meeting goes forward that my appeal for action due to the serious child sex abuse issues is simply being ignored. I don't want to jump to that conclusion but I've been living with this for quite some time and can tell quite clearly from what I see here today that absent prompt and proper response to the issues I have raised, it will be necessary to involve higher authority immediately to resolve this matter. I sincerely hope your clients have the common sense to avoid this so we can get to serving the public rather than concealing or ignoring child sexual abuse by library personnel.

Jeff

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error, please destroy or delete as applicable, and inform the sender promptly.

From: jboiler@boilerlawfirm.com
To: ["Timothy Wilson"](#)
Subject: RE: Records Request
Date: Wednesday, March 31, 2021 11:12:08 AM
Importance: High

Tim,

Thank you for your reply to my request. For our mutual ease of reference, I will respond to your emails from yesterday in this single document.

You may not have been told the whole story of how the seizure, transfer, use and maintenance of our personal data was achieved and maintained, since I note there is no reference to the personally owned external hard drive to which Mr. Grow transferred our personal data.

Your Response

Our data was not **only** contained in a library owned hard drive, which you indicate is still in library possession. Without going into detail, there is no factual dispute that it was not the library hard drive itself from which the criminal use of our personal data was achieved, although it remains possible given your client's response. The criminal misuse of our personal data was achieved between October and November, when Grow had the data on his personal hard drive.

Grow transferred what was on the library owned drive to a personally owned external drive which he then kept at his home. He brought it back and forth from his home and has stated so himself in the presence of witnesses. This fact is not subject to dispute, the evidence is clear.

As your response acknowledges, he then brought that data back in for the one instance my wife needed data from it (related to her duties of web site construction and maintenance, with which she has an express agreement with the Board as a condition of her payment in July 2020), and then he took it home again. Is he claiming this also was wiped? He has indicated the data was wiped in December. He had it in his personal possession at home for the period between October and December during which someone filed a fraudulent tax return in our name. That is strong circumstantial evidence, and demands Grow be removed from duty pending investigation if 'the safety of **'all'** library staff and patrons is truly the goal of your client. Thus far, the only ones protected with Board personal assistance, are the ones we have identified as responsible for both child abuse of our daughter, and use of our personal data most casually, to put it as gently as possible. This is hypocrisy and won't bear much examination once this is out of the control of this Board and its helpers.

Claim of "Safety" Concern

I am taking the time to explain these additional facts to you so that you may insure that the public records request response data given to you does not mislead you into taking a position which is contrary to the evidence. I am not attempting to be argumentative. Your correspondence yesterday indicates that you are concerned for the safety of ALL library employees, and I have no doubt of that for you personally. However, I do not believe, and the evidence does not support, the

claim that this was simply a single hard drive in a library computer. It looks for all the world like a street hustler's shell game, with external drives and Grow's personal custody of our personal data, and that of our children, who have now been victims of child abuse at the hands of another library employee, Amy Maggi.

Since these facts remain unexplained and you have direct evidence now that Mr. Grow has at minimum not been completely forthcoming in providing you any information on which your response to this records request was based, I ask that you instruct your client's principals to take some action rather than posting signs with the definition of the crime of "Disturbing the Peace" prominently displayed within sight of my wife's work station in at least two locations, which I have photographed, if they want me to believe they are truly concerned about anyone's safety but their own.

I also trust the smirks and hostility, along with scheduling retaliation of my wife and others, cease if in process, and be seriously reconsidered before any changes are made. If your client expects to taunt patrons like myself, or employees like my wife, they can't then wrap themselves in the flag of "employee safety". Shame on anyone making such a suggestion, once these facts are publicly know.

Tim, this is all part of a seamless whole, and your client's Board isn't doing itself any favors by stonewalling, countercharging a crime victim or her friends and family with criminal statute postings, or overt retaliation.

This method of seizure and maintenance also was not mentioned in your response, and I assume that is because no one at the library told you. Please inquire further and advise me of your client's position in this regard.

Personal External Hard Drive Not Addressed

Additionally, I note there is no reference to Grow by name when it was apparently he alone who was the I.T. employee to whom you refer. What happened to the data on his *personal* hard drive, and who had access to it at his home? What it ever taken from his home? Who had access to it? When he co-mingled library hard drive data with his own external hard drive, that drive and its records became subject to this request. No reference is made to it in your response.

If your client now claims his personal external hard drives were 'wiped' too, what kind of firewall was in place during his possession and use of that drive in any computer? What are the identifying numbers for all devices involved? What is the explanation for this omission? From where was it done, and where is the digital record that will show time and date of when that was done? Where are the records of who has it now? Where and why was it given to others, if it's not currently in Grow's possession? On what computer(s) was it placed, between the time Grove obtained it and the time he claims to have 'wiped' the library hard drive. Where are the records of all that, and if it was provided to you, why isn't it mentioned in the response? Is there a claim of privilege?

This renews my demand for preservation of all evidence relating or pertaining to my public records request, with specific reference to the paragraph immediately above.

I have no doubt whatever that you personally are being completely open and honest with me regarding the facts you were provided for response, but from the language used below, it seems very clear based on the facts which are known about how this was done and to what media it was transferred, that your response is at best incomplete. I fear someone is playing lawyer with you on the staff. I need a supplemental response at your early convenience which explains fully the exact disposition of the hard drive **data and where it went** after it was in Grove's initial possession in 2020. There is no doubt the data was compromised and used for unlawful purposes by someone within a short time after Grove seized it at the Director's demand, without warning and for no bona fide business reason which has ever been disclosed.

Where is the library's stated concern about the safety of 'all' employees. given these circumstances? Only my family crime victims, victimized at the hands of your client's employee(s), with Board member Ken Blockhan on speed dial if the perpetrators or their friends feel 'harassed'.

Is a stonewall response, concealing from you the real routing of this information of our through Grove's hands, and yesterday's posting of criminal statutes reminding my wife's all about her work station of the verbatim language of Idaho criminal code on "Disturbing the Peace", really the best explanation they can give for this obvious hypocrisy?

Clarification on Safety Concern Reference in Response

I also require a clarification on the claimed safety concern contained in your email response of yesterday. The clarification requested is: what exactly are you talking about? I can't do what I can to insure anyone's safety unless I know what your implied concerns may be, other than the obvious ones which impact me and my family.

In this connection, you may not be aware a uniformed police officer with a dog was in the library alley during a previous board meeting which was to address public and private concerns about Board and management misconduct, which is well described in the written record of attempts to communicate with your client's Board by library employees to date. I've attended every Board meeting by zoom and in person, and was personally present when I saw the officer and his dog in the alley behind the library about 40 minutes prior to the meeting which resulted in good public attendance in the library itself. Is there a threat among the attendees? Did any library personnel contact any police agency and make representations about the need for police attendance at any Board meeting? If the client is concerned, they are going to have to be more specific than posting criminal statutes over my wife's work station.

I've seen this tactic before, and it seems obviously ham-handed and far beneath any entity which claims the mantle of 'Best Small Library in America'. Please specify why your client thinks there is any safety concern if you want my assistance in addressing any bona fide concern. If your client intends to use the police to silence the public in this regard, I shudder at the legal implications. An ounce of prevention is worth a pound of cure. This stated vague safety concern would be comical if it were not evidence of something far more serious, and which I don't find comical at all.

Grounds for Posting Criminal Statutes at Dana Boiler's Work Station March 30, 2021.

Your response mentions safety of all employees. Are you honestly suggesting the library needs protection from my wife, whose crime has been to point out systematic legal violations by her employer, and having the bad grace to become a crime victim at the hands of library employees? Are you suggesting I am such a threat? If so, on what evidence other than our complaints of library sanctioned child abuse and identify theft and fraud? Is your client suggesting a disagreement with them on clear legal grounds with evidence to back it up is now a potential criminal act? Is it your client's intent to interpret "Disturbing the Peace" criminal law as applicable to our responsible and respectful treatment of this matter? My complaints to your client have an obvious good faith factual basis, so why posture with such intimidation?

Does ICRMP know about or sanction this? This signage and the cameras installed to surveille my wife at work obviously have no good faith factual basis, and it is all being installed at Grow's direction or by he himself.

Please then clarify your response comment on safety: How is are these actions for 'protection of all library employees', when the posting is all around my wife's work station and posted only yesterday, the day after our complaint of sexual abuse of our daughter by library employee was sent to you? With all due respect to you, who have had, I have no doubt, no part in causing or counseling this conduct whatever, I am certain that any jury will see the true facts this represents and the serious safety concern for my wife and family, which your clients should fear-- most of all.

This conduct is a continuation of pure (and very clumsy) harassment and intimidation, which I can only assure you will be scrutinized fully in the federal system, far from this Board's influence, if this conduct continues.

If 'protection of all employees' is your client's goal, a good place to start is to get the parties responsible, and those who actively aid and abet its concealment, out of the library building and stripped of any legal authority to inflict further damage to our family, other patrons and the employees you claim the library wishes to 'protect'. Only this evidences any sincere desire to protect "all employees' and their families from this abuse of authority by library Board and management. I will proceed accordingly after I receive your response to this correspondence.

Thank you for your continued courtesies and professionalism in this matter.

/s/ Jeff Boiler

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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error, please destroy or delete as applicable, and inform the sender promptly.

From: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Sent: Tuesday, March 30, 2021 5:13 PM

To: jboiler@boilerlawfirm.com

Subject: Re: Records Request

Mr. Boiler,

I have reviewed this response to your public records request. The Library has no records that are responsive to your request concerning the hard drive, the subject of your request. There are no telephone, fax, text, email, other data or records pertaining to this hard drive. The hard drive was removed from the computer referenced in your email and the only person to access that hard drive was Dana to copy some records she stated she needed (No record was kept of the documents copied by her). The only other access was by the IT person at the library, twice. The first time was to set the drive up for Dana to make copies of data and the second was to connect to the drive so that it could be formatted and erased. The drive was then erased.

There were no records of, copies of or printouts of the data from the hard drive. The drive has not been removed from the library and remains at the library at this time. No transfer of the ownership of the drive has been done and the drive remains the property of the Library.

Thank you.

Tim Wilson

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From: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Sent: Tuesday, March 30, 2021 4:39 PM

To: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Subject: Re: Records Request

Mr. Boiler,

I am sorry, I cannot discuss personnel issues with you. I can say that the Library is taking all appropriate actions it deems necessary, in accordance with Idaho law, up to and including the report to the Prosecuting Attorney, for the protection of involved library personnel. Thank you.

Tim Wilson

**** Notification * ***

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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Tuesday, March 30, 2021 12:54 PM

To: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Subject: RE: Records Request

Thank you, Tim.

Please let me know, if you can, whether the library intends to take any action on the issues of library personnel raised by my emails to you yesterday and today. If not, please inform me of that fact so I can proceed accordingly as outlined in previous correspondence.

Jeff

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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From: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Sent: Tuesday, March 30, 2021 12:32 PM

To: jboiler@boilerlawfirm.com

Subject: Re: Records Request

Mr. Boiler,

I have reviewed your latest email last night and again this morning. I want to let you know that the library takes any complaints of child abuse very seriously! In accordance with Idaho Code §16-1605 I am forwarding your email and complaint to the Boundary County Prosecuting Attorney for proper action in this matter. Thank you for informing me of your concerns.

Tim Wilson

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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Tuesday, March 30, 2021 9:31 AM

To: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Subject: RE: Records Request

Good Morning, Tim,

Sorry you got sabotaged by technology, I wish I had a nickel for every time it's happened to me. Thank you for getting back to me when you found out.

I realize that my email to you yesterday was long, but it had to do not only with the technical aspects of the Library's request response, but related issues that are quite serious and truly do require a direct response today as soon as possible. I've called your office this morning and left a message to ask that you please check the email I sent yesterday around 2:30 to your office and ICRMP. My daughter was sent sexually explicit materials by a library employee between June and October and I discovered it Sunday the 28th. That is what prompted my letter to you yesterday.

I need to remain at the library with my wife to insure her safety for time being, but have my cell phone and email and you can contact me any time by either method. I'd ask that you please read what I sent and review the attachments as soon as possible this morning and let me know what your client's response is going to be. I think we may agree once you read it over that what I have demanded in that email is reasonable and necessary for the protection and safety of children and staff. The offending employees are still on the schedule and my wife is still required to submit to the conduct outlined in detail in my letter of yesterday.

I'm sure you've already thought of this, but I would also respectfully request that you inform the insurer of these facts immediately and confer with them on course of action. This is a very large potential problem for them and I don't want to contribute to it by being unreasonable, but when my daughter and wife are being subjected to what seems clearly criminal abuse by library employees, without action, that makes the entity itself complicit. I'm not trying to blow up our library, but you have a very serious problem and as luck would have it, this is the area of my expertise from 38 years of practice, so I'm not playing catchup.

Semper Fi.

Jeff

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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From: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Sent: Monday, March 29, 2021 10:01 PM

To: jboiler@boilerlawfirm.com

Subject: Re: Records Request

Mr. Boiler,

My system sent your response to junk mail and I am just now reading it, I apologize for that. I didn't see your answer until tonight while searching my email for your forwarded email. I sent an advisory to Microsoft Outlook to adjust my email settings for your address.

Your request was opened by the library at 10:25 am on 3/24/21, I received it at 11:00 am

that day. The reason I didn't include the date with the last email is that I wanted to see and verify the date and time stamp of opening.

Not to belabor the point, or the date, I want to get you an answer. I should receive and review the library's response and provide it tomorrow. Have a good evening.

Tim Wilson

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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Thursday, March 25, 2021 9:06 AM

To: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Subject: RE: Records Request

Tim,

Thank you for taking the time to read the public records request, contained in a longer email with some context. If you only have the request language and would like to know that context, please request it and I will promptly forward you a complete true copy. I will calendar ten days from the date of sending, since the date of receipt you mention is not mentioned.

If you intend to use a different date than the date of sending, please advise. Date of sending is March 19.

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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From: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Sent: Wednesday, March 24, 2021 5:25 PM

To: jboiler@boilerlawfirm.com

Cc: Leanna Andrews <leanna@bonnersferrylaw.com>

Subject: Records Request

Mr. Boiler,

I represent the Boundary County Library. I have received a records request from you to the director of the library. The staff at the library needs more time to comply with your request.

In accordance with Idaho Code §74-103 I am notifying you that we will respond to your request within 10 days of the day of receipt. Thank you.

Tim Wilson

** Notification * *

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Memo to the staff of the Boundary County Library

Received
MARCH
31 w/ schedule
per Sandy

The current state of the library's management and operations can be well described by the old adage *"life is what happens while you are busy making other plans"*. The Board of Trustees' plans for an orderly changeover of the directorship were totally upended by the imperative need to find an interim director in less than 30 days.

As you know, the management crisis has been addressed after Derrick offered to serve as the interim director and I volunteered to advise and facilitate the transition to a new director at no cost to the library district. I refer you to my proposal that the Board accepted at their March 24th special board meeting that I have attached to this memo.

For the next few weeks, two sets of transition activities will be taking place in conjunction with one another. First of all, and most important, library leadership will be implementing a management/operations reset under my guidance. I have attached the action plan for that transition activity. Think of it as a preliminary blueprint.

You will be kept fully informed as specific implementation steps are formulated and prioritized, primarily through periodic memos and other supplementary documents. Staff meetings will follow once we get more of the details worked out and approved by the Board.

The other transition activity underway is the comprehensive assessment/audit of the library's operational strengths, weaknesses, potential growth opportunities, potential risk factors that I will be conducting specifically for the Board of Trustees. Think of it as a kind of report card on the state of the library at this particular time.

The purpose of this assessment is to provide the Board and Craig's successor with a baseline to aid them in developing next year's budget and set short-term planning goals. It is also intended to guide their long-range planning for the library's continued success.

Craig's short tenure was immensely successful, with significant potential for future growth in innovative educational resources and programs. His unexpected departure is a great loss to the library and the community it serves—not just in terms of his creative teaching skills but, more importantly, in terms of the lasting connections he has with hundreds of his former students. The value in good will/support for the library that he brought as "Mr. Anderson", everybody's favorite teacher, was priceless—and irreplaceable.

Sandy

OPERATION RESET

New Management, New Rules, New Structure

A strategic plan that builds on the Boundary County Library's past successes to increase its capacity to provide optimum library services that not only meets the needs of the community it serves today but grows in relevance and value to meet the challenges of a post-pandemic future

New Management

Establishment of a clear chain of command, with well-defined lines of authority and corresponding supervisory responsibilities. Think of the library as a submarine—captain, officers, crew, with each “submariner” no matter what rank or length of service, sharing the same basic skill set and core duties to keep the library boat intact and fully operational.

New Rules

Adoption of new employee and revised library policies, as well as procedures, to maintain a safe, secure, and beneficial work environment for all staff, and to ensure the library is a welcoming and pleasant place for all users at all times.

Implementation of new performance guidelines to facilitate more efficient and productive time management and maintain the highest standards of excellence in overall customer service.

Development of a wide variety of on-the-job training/education opportunities to enhance employee skills sets to increase institutional capacity and resilience.

Improved building/grounds security for both library users and staff through the addition of such security devices recommended by local law enforcement and other security experts (such as exterior/interior surveillance cameras, door alarms, increased exterior lighting.)

New Structure

Establish a well-ordered management and operations structure to increase organizational efficiencies, improve productivity, and build organizational capacity that can meet the changing information/educational needs of Boundary County residents of all ages and circumstances by:

- Capitalizing on institutional strengths (such as collections, program, Fab Lab)
- Utilizing employee work time more efficiently and effectively (work assignments, scheduling)
- Providing on-the-job training opportunities for to enhance work skills
- Promoting productive staff teamwork (clearly defined responsibilities)
- Fostering team building to provide excellent customer/patron service

PROPOSAL

Library management advisory services to the Boundary County Library District Board of Trustees (Pro Bono)

By Sandy Ashworth & Associates

S.A. & Associates will provide nationally-recognized, award-winning library management expertise and hands-on management experience to aid the Library Board and Library Leaders effect a rapid change in leadership successfully by:

- Advising and facilitating the library management change in command, with the development of clearly defined lines of authority and corresponding supervisory responsibilities
- Advising and coaching new library managers in the establishment of nationally-recognized protocols to provide and sustain optimum library services
- Advising and coaching new library managers in best practices in strategic planning, both short and long-term, community mapping, and effective collaborations
- Advising and facilitating the development of a comprehensive set of evaluation tools to measure the impact and relevance of the library's programs and services within its community-at-large
- Conducting a comprehensive systems-wide overview and audit of the library's current operations and management—building, collections, communications, community connections, digital resources and services, educational resources and services (staff/public), public relations and outreach, programs for all ages/interests, and staffing
- Provide the Library Board and new library management with guidelines incorporating nationally-accepted standards for optimum public library services and current community assessments to further the development of relevant, flexible services that will enable the library district to remain a valuable and valued information/education resource for Boundary County residents of all ages and circumstances

March 17, 2021 Submitted by Sandra (Sandy@theLibrary) Ashworth

4/8/21 Patron Questions

When is the Fab Lab going to open?
Multiple kids asking daily.

When are you going to stop quarantining
your books?
Kathryn

What is up with all the yellow signs?
What are those for?
Marie

Why do you not put the book #'s into the
Catalog online?
Carol

Why does it take so long for new
materials to come out?
patron did not want to give name!

Why are there cameras, where are all
of them located & where do the images
go & who's looking at the footage? "If it's the
guy in the ballcap, he's really creepy!!" Direct
quote from patron!

M.G.
Is the library going under?
H.L.

What's up with the wierd atmosphere & staff
upstairs being rude?

From: jboiler@boilerlawfirm.com
To: apluid@boundarycountyid.org
Cc: dana@boilerlawfirm.com
Subject: FW: Pending Public Records request; Notice of Transmission of Sexually Explicit materials by Library personnel to my minor child; Demand for Immediate Action
Date: Tuesday, April 27, 2021 1:12:36 PM
Attachments: [Amy Maqqi Sexually Explicit Video Part 1.mp4](#)
[Boundary County Library Lyrics Text Attachment 032921 CR-1 \(counsel\).pdf](#)
Importance: High

Ms. Pluid,

As you recall, you and I spoke regarding the report forwarded to you below three weeks ago. In that conversation, you advised me that our complaint regarding transmission of sexually explicit material to our minor daughter, made initially on March 29 to Tim Wilson as attorney for the Library District, had been referred to ISP for investigation. You indicated that the reason for the referral was a stated conflict of interest at the Sheriff's Office, relating to the suspect being a public employee of a taxing District within the County, and the Sheriff's Office also being a county-funded entity.

I have learned that no such referral was ever made in the manner required for ISP to even consider opening an investigation into the referral. I am now aware of what actually happened. This is to request your explanation, as summarized below.

After you and I spoke by phone on or about April 5, we were not subsequently contacted by ISP. Because my wife and I were not contacted by ISP and because your office did not request the evidence beyond the partial video supplied to you, after a week passed following our conversation, I investigated, and contacted ISP more than once. I have now learned what actually occurred.

I was advised last Friday by ISP personnel responsible for such investigations that their offices had no record of a referral. I have confirmed those facts with that officer's supervisor. ISP has advised that such a referral can only be considered by ISP if a written referral from a law enforcement agency is received. ***We have confirmed that no such written referral was ever made.***

I request your explanation as to why, and the explanation for your contrary statement that the matter had been referred to ISP due to a conflict of interest.

It is possible that at the time, you were unaware that this was the process for a 'referral' of this type to be made. If so, please advise me by reply. As it stands, it appears my wife and I have been seriously misled, as you may have been, about what was being done with this complaint. I believe it would be constructive to discuss this with me if you have been misled or you disagree with my summary of these facts. I will make myself available to do so on short notice on your request.

Please understand this communication is not only relating to our complaint of abuse against our daughter. The misleading characterization of this 'referral to ISP' creates a false public impression. The Board's official reaction to media reports on this and related claims of public corruption at the Library included the allegation that "ISP has dismissed [our] claim as meritless." However, you and I may agree there can be no 'dismissal as meritless' of a complaint which has never been referred in the manner required by law (in writing), particularly if no evidence has been reviewed and no victim contact or interview made.

We have confirmed that no evidence or contact information was supplied to ISP, and no written referral made. You were aware we had an entire video, not just a part of it supplied to Mr. Wilson and forwarded to you, and that other videos and physical evidence of criminal wrongdoing exists, and we had previously made a request for preservation of evidence relating to it, to library counsel. You have made no request for this evidence, and have commented obliquely in a public forum on it, without having seen it. Why?

Lest you dismiss this concern, please take special note that materials have been observed being removed from the library by Sandra Ashworth and given to Amy Maggi in the parking lot adjacent to the library, after she was kept from coming to work due to this matter and after repeated demands for preservation of evidence had been made to library counsel. The library is now locked down and accessible to anyone Sandra Ashworth, an unpaid volunteer, chooses to give access. This seems to clearly obstruct any investigation, and does so with an identified conflict of interest present, as discussed below:

You have advised me personally that the Sheriff's office had a specific conflict of interest and could not take action on our complaint as a result. However, it was the Undersheriff himself who made the call to ISP which resulted in their impression that this was a case that did not warrant use of their scarce investigative resources for such outside matters. This was done, like most library operations of which we complain, entirely in secret, by phone, without writing, and without any disclosure of evidence known to exist. You have said and done nothing to address this issue with us or the public, and appear to be furthering the interests of those who have mischaracterized these serious matters as meritless. ISP has made no such determination.

You have, however, weighed in on the opinions of others who commented on media posts concerning this issue and the much broader claims of official misconduct published in the Kootenai Valley Times (www.kvt.news.com) on Sunday April 25. We have reviewed your 'likes' to that commentary and you are easily identified as the one 'liking' the opinions of those with no knowledge whatever of the facts, hardly objectively reasonable conduct given our previous discussion on that very type of public endorsement.

Please recall that you and I discussed in our call that it would be inadvisable for you to express public support for matters relating to these claims, and you seemed to agree. However, it appears you 'liked' only the posts of relatives or supporters of the claimed suspects in the various legal violations discussed in this article, and your identity is easily seen by anyone reading posts and wanting to know who expressed their approval.

In short, while this situation with ISP was going on and we had the impression a referral had occurred, which you created by your own statements to me, it had not. You were expressing public support on the very matter the Sheriff claimed to also be a 'conflict of interest' for his office to investigate. You also had a conflict of interest which we have not discussed when you engaged in this conduct. Craig Anderson has identified you as 'his' attorney advising him on a variety of actions now subject to our comprehensive complaints of public misconduct. He cited you as his consultant for multiple violations of open meetings law and a variety of other subjects prior to taking the

position as County Prosecutor. In short, he made it clear you were either his attorney, or the attorney for the Library District, when much of the conduct of which we complain, not the sexual abuse allegations alone, occurred.

Therefore, at the time you chose to go online with your opinion last Sunday, you were also apparently aware of the other allegations of misconduct now summarized in part in the media. You had already expressed your bias against the claims, without benefit of the facts, in online posts in your own name. I thought you agreed that would not continue, when we spoke in early April. However, following Sunday's article expanding and providing context to these allegations, and despite our agreement that it would be improper for you to do so during our conversation on the phone, you 'liked' more than one post hostile to the article published, which contains serious matters of public concern, including criminal concern not limited to our complaint.

In short, it appears you either knew or had reason to know when you made these most recent 'likes' (which are easily identifiable as yours by name, to anyone on Facebook reading commentary online), that the Sheriff's Office had a conflict of interest, that you had an undisclosed conflict of interest, that ISP did not in fact have a written referral, and what had happened was a phone call from the Undersheriff to Paul Berger of ISP, the contents of which are unknown and did not include any evidence already provided to you. It seems quite obvious from this evidence, in light of my more than three decades of litigation experience involving whistleblowing police officers, that the Sheriff's office did what it could to see to it that a true investigation of our complaints, in context, would never occur.

This was done to further personal goals and beliefs, not public interest.

Additionally, you did not request evidence and claim to have no investigative capability, but knew we do and had offered to share all of it with you. Neither you nor any other law enforcement agency contacted us about this, and only you were in a position to know all these facts and inform us. Because of the call to ISP by the Undersheriff, however, it appears ISP was not truly alerted to the nature of our complaint and its clear broad public impacts beyond a sexual abuse matter. This in turn seems to have placed ISP in the unwanted position of being cited for the public proposition that our claims are 'meritless', when you know from the Facebook posts alone that community standards were clearly violated by what occurred.

Before you respond, please note that today I have confirmed that ISP has not seen any evidence, has not spoken to victims, has opened no file, has undertaken no investigation, and has expressed no opinion on the merits of our complaint. My understanding is that ISP is unaware of the much larger context of this complaint, now in the public realm due to media reports, and has dismissed nothing, having opened no investigation. We have now advised them of those reports. My understanding from this conversation is that ISP has simply made a resource allocation decision based on a phone call by the Undersheriff, which doubtless contained characterizations designed to help ISP come to the conclusion that this was a minor matter not deserving of their time. This may in turn well have misled ISP in making the decision about resource allocation at all, and this seems to be an intended outcome, judging by the Undersheriff's actions.

This was done through a Sheriff's office with an acknowledged conflict of interest, which in turn clearly constitutes interference with the objective evaluation of this serious matter by law enforcement, ISP.

Please explain to me by reply if you disagree, or believe I have misunderstood the facts in any way. I will wait a reasonable time for your reply before deciding on what further legal action may be required next.

Summary and Conclusion

The course which you have chosen or allowed to continue seems to abuse the good offices of ISP, misleads the public into the belief of their approval of the activity of which we have complained, and does so with an open and acknowledged conflict of interest by the very county office that claims it has a conflict of interest.

I must ask you to explain these facts. Please recall that when we spoke by phone, I urged you to refrain from expressions of public support online or otherwise on the merits of this complaint or related claims. You agreed with my request, as I recall. However, I note that you logged 'likes' at least twice on Facebook comment about the very merits of our complaints. I realize your name does not appear when you 'like' a post on Facebook, but it's a simple matter to click on a 'like' and find out who that is.

I must also ask: Why you believed this was a proper lawful course of conduct given the facts summarized here. You did you approve of comments on the merits by Sandra Ashworth's relative, for example, when you had acknowledged that expressions of public support would be inappropriate and could prejudice the integrity of any investigation by law enforcement into our evidence-based complaints.

It is time to stop dancing around the truth of this matter and turn it over to a truly objective investigative body which cannot be subject to inappropriate influence, telephone call hearsay evidence of interested law enforcement, or other unprofessional handling of this serious public corruption matter. This is not merely a sexual abuse of minor case. Whether you 'like' it on Facebook or not, this evidence clearly demonstrates a need to explain yourself. You are an elected official and speak for everyone, not just the people who belong to the 'friends' list for involved Library personnel, or your own friends.

I remain willing to work with you in order to deal with all these matters of public concern cooperatively and constructively, but not when the fix is in. The 'decision' not to investigate by ISP was not based on the merits, and the entity with a conflict of interest you claimed to exist has done what it can to see to it that the public is misled into the conclusion that law enforcement has objectively considered the evidence--when you know very well now that it has not. It appears based on the evidence, and on my experience and training, that ISP has been deliberately kept from the evidence, as nearly as I can tell, and appear innocent in the matter.

From all appearances of the evidence, however, this is not true of any government agency locally

which has touched any aspect of these most serious factual matters, matters which you know include out of state militia recruitment by extremists, assisted by a library director who says you were his attorney at the time. It includes theft of our personal tax return information and other computer crime, systematic financial mismanagement, and continuous refusal to conduct public meetings in public—even to the point of threatening arrest to attendees of public meetings who offer no disturbance.

This is a serious matter in a fact pattern as broad as the underlying corruption charges summarized now, in part, through publicly available media sources.

To summarize:

- This is to respectfully request your explanation for representing that the case ‘had been referred’ to ISP, when ISP itself has clearly stated that no written referral, which is a condition precedent to even begin an investigation, had in fact ever been made by the Sheriff’s Office.
- The case was not ‘referred’, a phone call was made to bury the case after by your own admission, by the Sheriff’s Office with a conflict of interest. No record of what was said apparently exists, but it had the impact of leading us to believe you had referred this to ISP, when you had not.
- These facts were not reported to us, and you created and continue to create a factual impression contrary to known fact regarding your referral and the evidence in support of our claims of child sexual abuse by a library employee. You have tacitly and publicly endorsed online comments of opinion, giving them credence as fact, apparently based on your personal views and not on the evidence. You have led me to believe you would not do so, and did so by ‘likes’, apparently in the belief your support would not be found out. It has been, and it completely taints any action or decision by your office concerning any aspect of our complaints, including without limitation those of sexual abuse of our minor daughter by a library employee, where my wife also works.
- You have not disclosed that you have been identified by Craig Anderson as attorney on whose advice he was acting on various matters of alleged mismanagement and systematic legal violations by the Library during his tenure, which ended on this April 1, 2021.

As you know, a good deal of the context as to why this is a much broader matter of public concern is now available to the public as a result of media coverage of this and related matters. You have commented on these despite being the attorney advising the Board and Mr. Anderson during the relevant time period, and ‘liked’ the uninformed personal opinion of those personally interested in the outcome. See, April 25, 2021 online edition, Kootenai Valley Times (www.kvt.news.com).

I call on you one final time to agree to cease this activity and disqualify yourself from any decision-making or other activity having a bearing on the objective review of all the evidence in each of the matters we have identified as matters of public concern, particularly those which may involve criminal activity at or through the agency of anyone acting for the Boundary County Library.

Most Sincerely,

/s/ Jeffrey H. Boiler

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Monday, April 5, 2021 4:05 PM

To: 'apluid@boundarycountyid.org' <apluid@boundarycountyid.org>

Cc: 'dana@boilerlawfirm.com' <dana@boilerlawfirm.com>; 'Timothy Wilson' <tbwilson@bonnersferrylaw.com>

Subject: FW: Pending Public Records request; Notice of Transmission of Sexually Explicit materials by Library personnel to my minor child; Demand for Immediate Action

Importance: High

Ms. Pluid:

I am writing to inquire on the status of my report of child abuse of my minor daughter by Boundary County Library employee Amy Maggi. I discovered it Sunday the 28th and advised Library attorney Tim Wilson of it and the facts giving rise to it on March 29, last week. Forwarded below is the text of my initial report of March 29, together with the attachments above. I received Mr. Wilson's email response below and contacted your office today to determine what, if anything, had been done with the report.

This will confirm that I called you today and you returned my call. Thank you for forwarding it to ISP for investigation, which I understand you have done. This is to request that you also forward this email with attachments to those handling this matter at ISP, as well.

In addition to forwarding my initial email with the attachments above, I ask that you also forward to the ISP personnel charged with this investigation our request that they contact my wife and I by appointment so that we may discuss with them other criminal issues relating to the suspect identified in my email to Mr. Wilson, as well as other present and former library employees. The information we have bearing on such criminal issues involves past failure to report child sexual abuse

(written love letters by a convicted sex abuser of a library intern, and stalking of a minor working for the library by former Director Craig Anderson), and also involving personal threats to my wife, Dana, by members of the Board of Trustees, beginning two days after my written email to Mr. Wilson of March 29 was sent and received by the District's Trustees. The last instance took place last Friday, in my presence and in the presence of one other library employee in addition to my wife, the employee's spouse, a manager at a local business, and by me, personally. Suffice to say, the evidence is shocking and clearly is retaliation for filing this child abuse complaint. The treatment is not merely civil, it involves clear threats and intimidation of my wife for making this report of child abuse.

Here is the language of complaint used in my opening to Mr. Wilson, for ease of reference. The forwarded email is below, in the interest of full disclosure given my reporting duties as an attorney:

"Sent: Monday, March 29, 2021 2:18 PM

To: 'Timothy Wilson' tbwilson@bonnersferryllaw.com

Cc: 'intake@icrmp.org' intake@icrmp.org; 'dana@boilerlawfirm.com' dana@boilerlawfirm.com

Subject: Pending Public Records request; Notice of Transmission of Sexually Explicit materials by Library personnel to my minor child; Demand for Immediate Action

Importance: High

Tim,

A library employee has transmitted sexually explicit visual and audio material to my daughter, directly, and without the knowledge or consent of my wife and I. My daughter is 14; she was 13 years old at the time of receipt. This employee is Amy Maggi. The stripper pole which is used in her sexually explicit and unsolicited video and audios was installed by Derrick Grow, who is set to begin as interim director at the Library April 1.

I understand you are working on a response to my public records request. Unfortunately, I became aware of these facts only yesterday, which in turn has required me to act immediately due to the child abuse evident by the unlawful communication referenced in the attachments. The video attachment is approximately 1.5 minutes of a video containing 3 minutes and 10 seconds of footage, some of which is omitted due to length of the attachment. It is simply more of the same. A full copy of the audio lyrics is attached in writing with a full factual summary. More than one video was sent by Ms. Maggi to our daughter between June, 2020 and October, 2020, and they are in my possession, along with any audio and text messages between Ms. Maggi and my daughter. These communications were made surreptitiously and without the knowledge or consent of either Dana, her natural mother, or myself, her natural father.

This now involves the safety of a minor child. The child is my daughter. She has received from Library employee Amy Maggi sexually explicit video and audio materials, unbidden and without parental knowledge or consent. A full explanation is attached." [Emphasis Added]

The entire email to Mr. Wilson is copied and pasted below, from my inbox, along with Mr. Wilson's response. Mr. Wilson's acknowledgement email is the only response I have received on behalf of

the Library. Your return call today is the only contact I have had from any law enforcement agency involving this matter.

I have twice supplied Mr. Wilson under separate cover my demand for preservation of evidence relating to this matter and other serious matters which involve the library, and I have a public records request involving aspects of this criminal matter which has still not been fully answered. I will share my responses from the library with law enforcement when I receive them.

With due respect, I must disagree with any characterization of this matter, however, as 'a personnel matter'. These complaints hardly deal solely with 'personnel matters'. This is a repetitive, concealed and enabled child abuse and safety issue, being undertaken while the local papers publish fluff pieces on how wonderful the library director and new staff are. This is not merely small town politics, it is an attempt to mislead the public into the false belief that this conduct is not going on. In fact, the reported facts in those stories are also seriously misleading, and seem clearly designed to create a false impression in the public mind about systematic official misconduct by a library District using nearly half a million dollars a year of public money to fund wrongful conduct, which includes child abuse, tax fraud, intentional violation of mandatory child abuse reporting laws, and secret toleration and certain enablement of other child abusers.

One such instance occurred when former Director Anderson concealed child abuse by a ambitious armed militia proponent, who used library resources to seek a 'general's rank' in an out of state armed militia, suggesting the library be used as a headquarters for that entity. I am personally aware that the Library Director was asked for the library to be used as a meeting place for that armed militia. The Director personally showed me some of the websites consulted by this patron. Communications with out of state militia groups have taken place using library resources, also shown to me by former director Anderson, who determined that the clear security threat presented by the involved parties was less important than 'redeeming the poor misguided lad'. The 'lad' stalked library employees, women, resulting in a request for local police presence for escort at closing. The request was refused.

In context, I hope we can agree, endorsement publicly of this regime and its hand picked successors, who seem bent on intimidating my wife or anyone who 'write letterss' to the Board about these issues, is at best ill-advised. I am providing this information to you after our talk today so that I know law enforcement now has reason to know the seriousness of what has been characterized as a 'personnel matter'. To suggest as much to a father and mother whose child has been exposed to this material, without their knowledge or consent, is quite simply an outrage given community standards and the public posture of the library as 'the Best Small Library in America'. I can think of no other word for it.

Harboring and tolerating sex abuse is bad enough, but doing so when one perpetrator has actively solicited out of state affiliation with armed militia, in the present political environment, is also a most serious federal matter. I ask that ISP take this into consideration in evaluating how far their investigation into this matter should go, because I do not relish federal involvement. This is our home, my wife grew up here, and we are Idahoans, not outsiders. We simply have been placed in such a way as to use our legal background to help shine light in a dark place. I hope we can agree

this is a lawful and moral course of action to pursue, however it may impact certain of our friends and neighbors. We as attorneys are to do justice, even though we should also love mercy. I hope we can work together to both ends as this matter goes forward.

But please make no mistake: my daughter has been violated and my wife has been physically threatened by a Board member in the presence of three witnesses, just last week. She has been threatened with termination and forced without notice into a small room with an over 300 lb Board member, Ms. Maggi, Derek Grow, interim director, and Sandra Ashworth, "Librarian Emeritus Consultant" (unpaid volunteer), where she was accused of 'a campaign of writing letters to the Board'. That was the library's official response to our child abuse complaint last week, the meeting occurred March 26. She was accosted by another Board Member on April 1 in the library basement, in my presence and the presence of two other witnesses, one an employee and one a manager for a large local business. The Board Member advanced on her, causing her to retreat twice, and when asked to lower his hand in her face, he refused to do so. I then approached and told him about the child abuse complaint, with no offer of violence. His response was to ultimately leave the area while pointing to a newly printed text of a criminal statute (Idaho Code) involving the crime of disturbing the peace. The print had been posted in at least two places near my wife's work station on or about the day following our sex abuse complaint being made last week.

ISP should also know that Derek Grow, the interim director who installed the stripper pole on which Ms. Maggi's dance above appears, has been identified as the one who took the personal information belonging to my wife and I from her library computer and transferring it onto his personal hard drive. The library has thus far refused to acknowledge or provide any response to my public records request for all documents relating or pertaining to that information which may be in Grow's personal control, and I am pursuing this with Mr. Wilson as Board attorney under separate cover.

As you may also know from reading the materials I have forwarded to Mr. Wilson last week, Mr. Grow obtained our information with the approval of, and with the active aid and assistance of, former library Director Craig Anderson. We were advised some time later, around the time my wife's stimulus check did not arrive in December, that someone had fraudulently filed a tax return in our name. This would necessarily have been done during the period of Grow's personal possession of the personal data from our returns and home sale closing documents (October through December, by his own admission), which would have been likely necessary for this fraud to have occurred at all. I ask that you forward this information to ISP as well, as it seems related to the ongoing pattern of unlawful activity which has been tolerated, enabled and concealed by current and past library management and employees. Over 30 pages of specifics in this regard have been provided to the Board by my wife and other employees in support of these allegations, and other serious legal violations, since February 2. We will provide them to any bona fide law enforcement agency investigating this matter, including ISP.

I intend to pursue this matter in U.S. District Court utilizing federal civil remedies which are designed to address the systematic misuse of people and public money by the District Library, but do not wish to interfere with any ongoing investigations. Therefore, I respectfully request you inform me of any such investigations if they occur, so that I may plead the issues for U.S. District Court resolution as

responsibly as possible in order to protect the integrity of any *bona fide* criminal investigation.

I intend at present to refer all the evidence in my possession on these and many other serious issues of public concern raised by the evidence to the appropriate federal law enforcement authorities, regardless of action taken on this matter. I therefore urge you to act promptly to remove the dangers to children which are now undeniably evident in the library under both current administration and former Director Anderson. With all due respect, my 38 years of law practice in the field of public misconduct reported by whistleblowing law enforcement officers does not leave much room for reasonable factual dispute. I consider this a most grave and serious abuse of the public trust, and it creates a false impression of our community which must see the light of day if patrons of our library are to ever feel safe again.

I understand from our conversation today that you consider this as a report of sexual abuse, but please understand it does not stop there. I understand you may wish to defer to federal authorities given the circumstances, and I will support that decision if you do, as much as conscience permits. However, whether you choose to expand your investigation or not, I will be taking civil action in U.S. District Court to expose this matter, and I will be providing federal law enforcement with the evidence which bears on national security, child abuse, tax fraud and other federal issues if this matter is not dealt with comprehensively and quickly.

As a father, I must demand that you advise our family what action you intend to take, if any, and when. Time is of the essence in this matter.

My wife and I are available by appointment to discuss the evidence with your office or any sworn law enforcement personnel officially charged with investigation of this crime. You may supply any information you wish by way of response to this letter by use of this email address:
jboiler@boilerlawfirm.com.

Very Truly Yours,

/s/ Jeffrey H. Boiler

Jeffrey H. Boiler
OSB #830219
jboiler@boilerlawfirm.com
www.boilerlawfirm.com

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Very Truly Yours,

/s/ Jeffrey H. Boiler

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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Monday, March 29, 2021 2:18 PM

To: 'Timothy Wilson' <tbwilson@bonnersferryllaw.com>

Cc: 'intake@icrmp.org' <intake@icrmp.org>; 'dana@boilerlawfirm.com' <dana@boilerlawfirm.com>

Subject: Pending Public Records request; Notice of Transmission of Sexually Explicit materials by Library personnel to my minor child; Demand for Immediate Action

Importance: High

Tim,

A library employee has transmitted sexually explicit visual and audio material to my daughter, directly, and without the knowledge or consent of my wife and I. My daughter is 14; she was 13 years old at the time of receipt. This employee is Amy Maggi. The stripper pole which is used in her sexually explicit and unsolicited video and audios was installed by Derrick Grow, who is set to begin as interim director at the Library April 1.

I understand you are working on a response to my public records request. Unfortunately, I became aware of these facts only yesterday, which in turn has required me to act immediately due to the child abuse evident by the unlawful communication referenced in the attachments. The video attachment is approximately 1.5 minutes of a video containing 3 minutes and 10 seconds of footage, some of which is omitted due to length of the attachment. It is simply more of the same. A full copy of the audio lyrics is attached in writing with a full factual summary. More than one video was sent by Ms. Maggi to our daughter between June, 2020 and October, 2020, and they are in my possession, along with any audio and text messages between Ms. Maggi and my daughter. These communications were made surreptitiously and without the knowledge or consent of either Dana,

her natural mother, or myself, her natural father.

This now involves the safety of a minor child. The child is my daughter. She has received from Library employee Amy Maggi sexually explicit video and audio materials, unbidden and without parental knowledge or consent. A full explanation is attached, along with a copy of one of several sexually explicit audio and visual materials sent by Ms. Maggi directly to my then-13-year-old daughter between June and October of last year. A copy of this email and its attachments are being supplied to Jim McNall at ICRMP with the urgent request that he also promptly review this communication and its attachments and advise his insured accordingly.

For safety reasons and to satisfy our mutual child abuse reporting duties, and for the reasons set forth in detail in the attached Summary and exhibits, I must demand that you take immediate action on the information contained in the enclosures, in accordance with my written attachment summary, before my wife's next work day, which begins at 9 a.m. tomorrow, Tuesday March 30. Child safety is at issue and our family cannot be expected to voluntarily absent ourselves while the Board waits to do something. The attachments explain in full, but our demand is for the termination of employment of Library employees Amy Maggi and Derrick Grow, the immediate resignation of Board member Ken Blockhan, and the termination of volunteer service by Sandra Ashworth. The facts attached speak for themselves, but there's a lot more and I encourage you in the interests of our community to prioritize this matter so that we may proceed as professionally and collegially as possible under the circumstances.

Please respond to this demand in writing after review of the attachments.

Please preserve all evidence relating or pertaining to any of the issues raised or discussed in the attachments, or in my public records request for the reasons set forth in the attached summary.

I see no reason for delay in response given the clarity of the evidence attached and previously summarized in writing to you, ICRMP or the Board between February 2, 2021 and the present. If you are not aware of them, there are about 35 pages, single spaced, of specific evidence leading up to this demand, which will have a legal bearing on the District's decision on how to respond to this communication. If you would like copies, please let me know and I will forward them to you.

Thank you for your prompt attention to this serious matter.

/s/ Jeff Boiler

Jeffrey H. Boiler

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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error, please destroy or delete as applicable, and inform the sender promptly.

From: jboiler@boilerlawfirm.com
Subject: FW: Notice of Representation and routing email to Grow 051821
Date: Jun 8, 2021 at 1:35:55 PM
To: dana@boilerlawfirm.com

From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>
Sent: Tuesday, May 18, 2021 3:54 PM
To: 'derrick@boundarycountylibrary.com' <derrick@boundarycountylibrary.com>
Subject: Notice of Representation

Derrick:

I represent Cari Haarstick, Eric Lindenbusch, Mac Withers and my wife, Dana Boiler, in all matters pertaining to their employment with the Boundary County Library. Please open and see the attached Notice of Representation with attachments, which pertains to that representation.

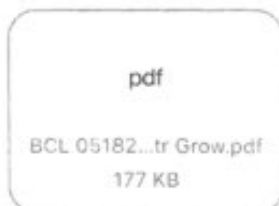
Lest you be unduly concerned over my status as counsel, please be advised that I have been sworn in by the Idaho Supreme Court and U.S., District Court for the District of Idaho, and retain my active status in all State and Federal Courts in the State of Oregon as well. I have been formally retained by all four clients prior to your communication by text yesterday with Ms. Haarstick. The attached Notice contains a response to that communication.

Please route to me any future communications for these employees from you or any other agent of management for the Library or its Board members for response. If you retain an attorney for this matter, please have him or her contact me with such communications.

/s/ Jeffrey H. Boiler

Jeffrey H. Boiler
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Paralegal

Dana L. Boiler
dana@boilerlawfirm.com

May 18, 2021

BY EMAIL ONLY

(derrick@boundarycountylibrary.com)

**Derrick Grow
Interim Director
Boundary County Library
6370 Kootenai St.
Bonners Ferry, ID 83805**

Notice of Representation

**Clients Represented: Cari Haarstick, Eric Lindenbusch, Mac Withers,
Dana Boiler**

Dear Derrick:

Cari Haarstick has forwarded me your Facebook message to her today for response. This is the text she has forwarded:

"Cari, the board wants me to be made the owner of the website, and you can be a Admin. If you can make this happen ASAP I'd appreciate it. Derrick".

Notice of Representation

Please be advised that I represent Cari Haarstick, Eric Lindenbusch, Mac Withers and my wife Dana in all matters relating to their employment at the Boundary County Library. Please route any communication intended for them to me and I will respond appropriately. If for any reason you need a secure email portal, please use the field provided for that purpose on the Contacts page of my website, at www.boilerlawfirm.com. Email addressed to jboiler@boilerlawfirm.com will also go directly to me, and may be used for any bona fide business communication regarding this matter, and for no other purpose.

Response

Please note these responses to your text above:

- Cari and Dana have a contractual responsibility undertaken by unanimous Board vote to maintain the library website. The Board also retains the obligation to Dana and Cari to make them whole by completing the payments which are due them once the IRS audit of the two 1099s the District has issued to my clients is reconciled with the W-2s the District provided Dana and Cari, to which they objected. Please review the record of Board questioning of Dana and Cari on this point prior to the resolution authorizing their invoice payment.

I suggest you review the minutes verbatim from all October and November meetings if you have any questions on this issue. The net result of the Board's failure to correct the inaccurate and contradictory 1099s and W-2s issued to Dana and Cari is that their tax returns will be audited, which in turn will result in a liability the District must pay. By the Board resolution's own terms, ownership of the website did not and will not transfer from Cari and Dana to you or the Board's designee until the Board discharges its contractual obligations to them in full. Judy clarified this point on the record, and it was clearly memorialized to Craig Anderson, library director at the time, by both Cari and Dana.

Unfortunately, the Board appears unwilling or unable to discharge those obligations to perform its contractual duties to Cari and Dana without forcing an IRS audit of their tax returns, which will be triggered by the Board's refusal to issue a corrected W-2 and issuing conflicting 1099s. All of this must be disclosed to the IRS in order to avoid penalties and interest on their taxes. That can't happen until after the IRS decides how to apply its rules regarding independent contracts with employees. In short, the Board's own choice not to issue corrected W-2s and disclose its own unreported tax liabilities, as a result of mischaracterizing employee wages as contract payments, has made it impossible for the Board to discharge its remaining obligations to the creators of the website, Cari and Dana, until after all tax liabilities to them and to the IRS are fully paid by the District.

Until then, the Board's obligations to Cari and Dana remain unperformed. The Board owns the domain only; the content of the website and all intellectual property rights attendant thereto remain Cari and Dana's until the Board fully performs its payment obligations above. Ownership of the site content cannot transfer until those obligations are fully performed. Therefore, it is their the ownership change your text proposes cannot occur until the District pays all costs attendant to its mistake in accounting to the IRS for payments to Dana and Cari on the website .

In this connection, please note that the checks issued to Cari and Dana for partial payment of this obligatoin were not releases of claims to ownership. The checks were negotiated with conditional endorsements. The endorsements expressly state that negotiation of the check is not a release. Craig Anderson, then-director of the Library, was informed of this fact at the time the checks were offered. They were accepted with the full understanding that the claims to be made whole for tax liabilities which were by definition unknowable, were not released, and the Board's obligations were therefore not fully performed, giving rise to any right of ownership.

My clients have allowed all access necessary for use of the site and day to day operations of it, and have taken no action to disable or compromise its day to day use in any way, despite the Board's refusal to discharge its obligations to pay all tax liabilities arising from mischaracterization of Cari and Dana as independent contractors during the entire period of their work on the new website.

If I interpret your text above correctly, the Board seems to now wish to ignore these contractual obligations to Cari and Dana, and to vest in you these rights of ownership. This presumably includes transfer to you personally, since your text states the Board's alleged intent, as a body, to make you personally the new 'owner'. I respectfully point out that ownership has not transferred, and therefore any demand to surrender control of the site to you or anyone designated by the Board is at best premature. As a result, it is not possible to comply with any request that Cari or Dana take any action inconsistent with their rights of ownership, which remain until full performance by the Board of all its obligations to Cari and Dana.

- Deferring your request to transfer ownership does not seem to have any practical impact on library operations. You are the proposed new owner, but had nothing to do with its design and have no knowledge of how it works that does not come from my clients. They have a contractual obligation to maintain the site. Any action transferring control of the site to you would make it impractical or implausible for them to discharge those obligations, since the new 'owner' would have the ability to deny access entirely, impair access, or alter actions taken to maintain the site. You attempted to convince Director Anderson that you should have been awarded the contract that went to Dana and Cari, and have engaged in retaliatory conduct towards them in various ways memorialized under separate cover, ever since. Therefore, most particularly any transfer of ownership of the site to you seems not only to violate the Board's contract with Dana and Cari, but to enable mischaracterization of their work and your role in it to continue. This would further unlawful retaliation and reward your own undisclosed personal motive and self-dealing in connection with the very website you now desire to control.
- My clients do not consent to any transfer of ownership, but have taken no action to restrict or deny your access to the site for day to day operations, notices or other necessary functions. They would have been within their rights to do so, but did nothing of the kind. There thus seems to be no cause for your concern for quick transfer, other than your personal desire to obtain control of that which you did not create, and do not understand how to use. You have suggested no business need to transfer ownership. If there is one, please provide it to me and I will advise my clients responsibly in order to allow normal library operations to continue, without the ability to alter or destroy evidence, which given the evidence to date seems likely to occur if any outright transfer of ownership occurs..

If we continue to disagree on this issue, it will be decided by the IRS and the courts, not unilaterally by you, unpaid volunteers, or the Board of Trustees. Once the tax obligations of the Library to my clients and the IRS are fully known and paid by the District, we will discuss transfer of ownership if desired, based on the facts.

To summarize: Our position on your request for transfer of ownership is that you may not lawfully cancel Board action without written consent by Dana and Cari; or by full performance by the Board of all its obligations of payment, along with lawful Board action to change the contractual responsibility of record for maintenance. That consent is not given at this time pending full performance by the Board, and the time for full performance will be driven by the IRS and when tax returns are filed. Until then, any purported transfer of ownership is without consent and is claimed to be void.

- I also note the assignment and co-ownership change is only for my wife. This change in work duties is clearly retaliatory, and your involvement in any aspect of it given your conduct toward her to date, suggests transfer to you personally could well be a risk to the welfare and safety of the patrons and public using that site.

This conclusion is heavily reinforced by your most recent tasteless and threatening online posts, discussed below.

- We therefore also object to your request to transfer ownership on grounds of unlawful retaliation. Any change in contractual status of Cari or my wife in connection to your text does nothing to further efficiency or employee security, except perhaps to further your own ability to claim expertise you do not have, over programming which you do not understand how to use. How this is in the best interest of the patrons and public is unclear.
- We further object to your request also due to your refusal to preserve evidence as requested in writing, participation in removal of evidence germane to allegations of fraud and mismanagement at the Library, destruction of such evidence, and disseminating deliberate misstatements of fact regarding evidence of wrongdoing by library employees, including yourself, which have been matters of public interest and media attention since you took your current position on April 1 of this year.
- Transferring any control over public library website content to you is specifically inappropriate for you, for these additional reasons:

You have made at least two recent posts which illustrate why any request to turn over operational control of any library online resource to you personally would violate conscience and arguably invite abuse of library resources you would then control.

The first post portrays you in a cartoon as a man cutting off heads and watching them roll downhill with blood spurting out. The caption suggests that is your new job, and you enjoy your work. A screenshot is attached. As a man who needed the police to stand by for his claimed "protection" to conduct a public library meeting, I'm sure you can appreciate how threatening the cartoon role your post assigns you may seem, particularly to those who have charged you with workplace misconduct including physical retaliation. At minimum, the level of threat such dark 'humor' suggests seems to far exceed the use of unflattering language or strong

disagreement over matters of public concern at a public meeting. What's good for the goose is good for the gander, and a threat is a threat. Turning over any fiduciary duties to you personally given this state of affairs would seem to endanger people, and invite abuse of public resources in the form of a crucial library resource, the website.

In your second recent social media post, dated April 14, you graciously share with the viewing public, using your own name, the name you have given your penis. You even suggest a formula for so naming body parts by others. A screen shot is attached.

I realize you took recent action to remove this post. It is wise you did remove it, but for the purpose of public evaluation of your credibility as any form of manager at a public facility, your removal seems far too little, far too late. Taking down this offensive and sexually suggestive material, particularly given your role installing a stripper pole for a female library employee, simply seems to be an attempt to conceal your own sexual indiscretions, yet again. It makes you appear guilty and aware your conduct was outrageous, and certainly is not conduct that would recommend you as an owner of a website held in community trust, particularly for young people, children and older members of our community.

- We also object to any purported Board action on the Board's contractual obligations to my clients without a lawfully noticed public meeting, with an actual agenda item for it, actual record of proceedings and accurate minutes retained, so the public will ultimately know why any change was made.
- We further object on grounds of your personal interest. I am already aware of your conversations with Craig Anderson attempting to wrest the contract for website construction from Dana and Cari for yourself when it was under construction, and your urging that you could do it at a much lower price. There is no factual question you had, and you continue to have a personal financial motive for making these purported changes. Your personal financial interests include, but are not limited to, those discussed in this correspondence, as you know. Those additional undisclosed financial interests are being investigated and documented, and have been discussed in part previously with Craig Anderson, when he was still Director.

Communications

I call on you as Interim Director to inform all attorneys advising you in this matter that the four employees named above are now represented by me, and to inform me of just who the various attorneys involved do represent formally, in this matter, if anyone. I also reiterate my previous written requests for preservation of all evidence germane to any allegation of wrongdoing by any Library employee, volunteer or Board member to date.

It is unclear from the record of proceedings of the Board's various actions behind closed doors in the last few months, exactly who, if anyone, represents you or the Board in this matter. There is simply no way to know and no way to exact a response from anyone as to who represents whom. Therefore, to avoid needless cost in handling this notice, please forward this notice of

representation to *anyone* you think might be your attorney, or might be acting on behalf of you or the Board at the present time. I will do so ultimately but you are the one making demands for change in legal status of a contractual matter from my clients, so I am directing my clients' response to you directly. I will correspond with any counsel who will acknowledge that they represent you, or the Board, once they are identified along with a statement of their scope of work responsibility.

Impact on Operations

My clients have no intent to adversely impact library operations, and have done nothing to cause such a result. However, any changes you wish to make to the website will need to be only by lawful means, and in this case that will mean Board action with a duly noticed public meeting, and an agenda item which refers to the change and the objections to it contained in this letter.

Any changes to the existing obligations undertaken by resolution, of course, will only be enforceable, if they are lawful. Changes in ownership your texts suggests the Board wishes to make cannot be lawful without a lawful meeting, since it proposes to alter existing duties of Dana and Cari to ongoing maintenance. This cannot be done lawfully on the request of one or two Board members, or by acting as a go-between on the phone with them.

You have the ability to post meeting notices on the site. While those notices are pending, Dana and Cari have provided you with all the access required to continue operations and to post notices as may be indicated by law or otherwise. They simply do not consent to any full transfer of ownership or rights attendant to ownership of the site, without full performance by the Board of the contractual obligations they have undertaken by unanimous vote.

If you have a reason for becoming owner of the site other than for retaliation and to further your own personal business position, please let me know and I'll discuss it responsibly with my clients. However, the way it presently appears there is no other explanation. To fix this, you'll actually have to communicate with the Board and the involved employees, not an unpaid volunteer, and not by text messages on Facebook. Any *bona fide* changes which are necessary to insure proper operation of the website and its availability to the public have not been and will not be impaired while the Board takes whatever action it feels it can or must to alter its contractual and statutory obligations to Dana and Cari.

Demand for Cessation of Threatening and Sexually Offensive Posts by Derrick Grow.

I note your text today by Facebook Messenger is outside normal channels provided for business communications. I have also noted your social media postings of late have included a discussion of the proper name you prefer your followers to use when referring to your genitals, specifically, your penis. Screenshots of both are attached, lest you suggest to your superiors that you have been 'falsely accused'.

I can't imagine how you believe that is in any way appropriate for an Interim Director of a library closed 'until further notice', without any true explanation to the public as to why. Can you provide an explanation? I call on you on behalf of my clients, patrons and taxpayers to

refrain from any further offensive postings, such as those discussing the favored name for your penis, or your new job acting as executioner with a guillotine featuring severed heads rolling downhill. Please have some dignity, and respect the title you have obtained, even if your personal values don't include respect for the sensibilities of children, your co-workers or the public.

Please understand that this objection is not based on personal disagreement about taste or offensive ribald language or pictures generally. I object to your subjecting the public and library employees to your tasteless, threatening, obscene and sexually inappropriate use of social media, because you hold a position of trust you seem to disrespect by this activity. You are in charge of I.T. at the Library, and the appearance of impropriety alone would seem to require you to stop this activity.

You have demonstrated that professional communication using anything other than email risks subjecting both my clients and the general public to your offensive words and pictures online and in forums, as discussed above. Giving you control of any public agency's website risks liabilities that the public and the Library's insurers and counsel can imagine, even if you and Ms. Ashworth cannot. I therefore respectfully suggest you simply work within yourself and try not to make statements or set action into motion on a whim, that will appear sexual or threatening in this charged public atmosphere, and adversely impact the public who use the library as a result.

Since there is no factual dispute about what you have recently posted and how it bears on the public interest as well as the issue of retaliation, I suggest we simply agree you will use email or USPS for your communications to my clients for now, and direct those communications to me. Social media is clearly not your forte. None of my clients, and I daresay none of the public you claim to serve, wish to be subjected to it further with orders from you about library matters.

Please feel free to contact me if you have any questions.

Very Truly Yours,

/s/ Jeffrey H. Boiler

Jeffrey H. Boiler

Cc: Clients

**If Your VAGINA 🐼 or
PENIS 🍆 was named
after the last TV show/
Movie u watched what
would it be... 😂😂**

funny.co

👍 105K

1.4M Comments 61.2K Shares

👍 Like

💬 Comment

➦ Share



Rusty Ritz

In Touch ministers with Charles Stanley

Like Reply



Derrick Grow

Rusty Ritz the Desolation of Smaug

Like Reply



Write a comment...



BONNER COUNTY
DAILY BEE.COM

Bonner County Daily Bee



1d · 🌐



📶 Verizon LTE

9:33 PM

🔔 46% 🔋



Derrick Grow



Apr 14 · 👥



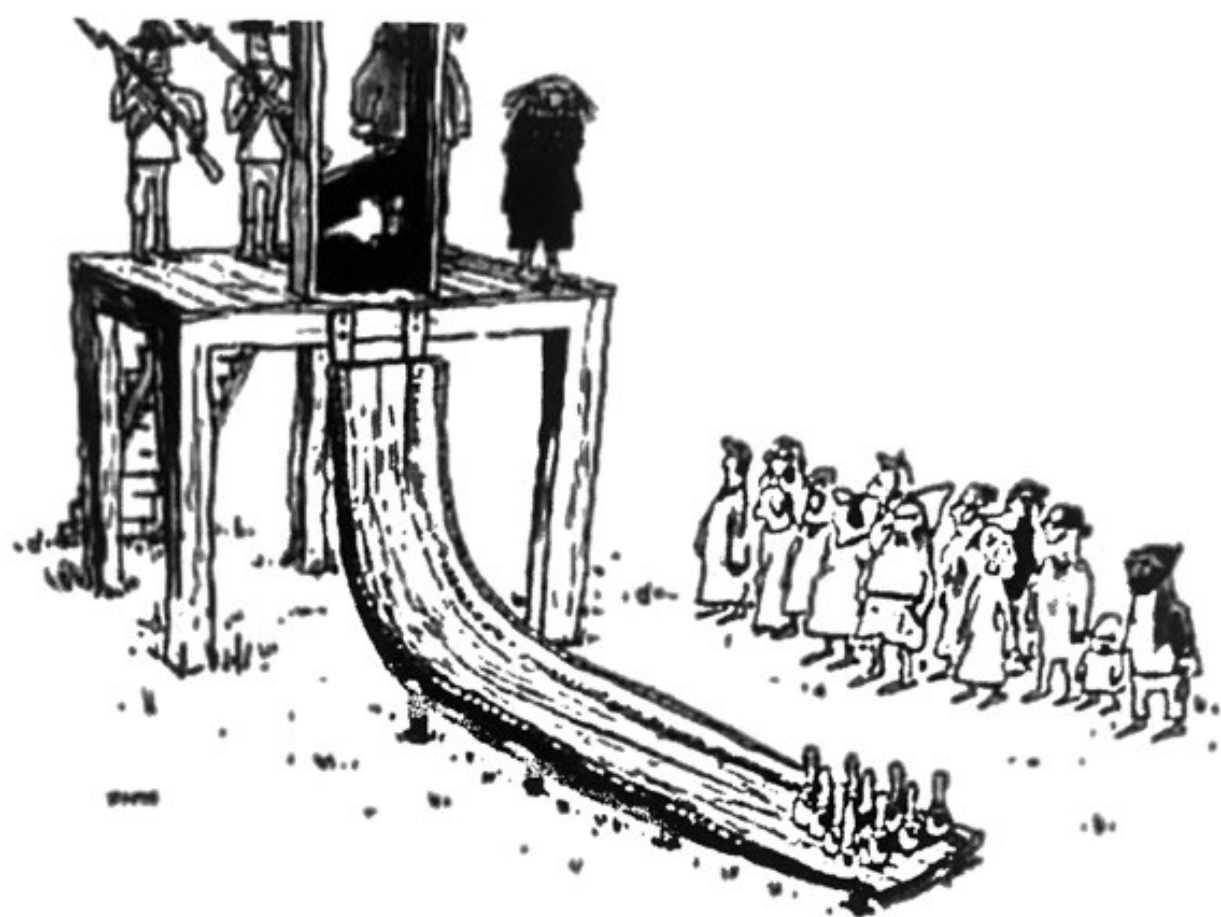
The Far Side

Group post by Bob Swafford · Apr 13 · 🌐

🎵 Always look on the bright side of life...🎵

No matter what the job,
Always try to make it fun!







Wilson Law Firm



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Attorney at Law

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May 27, 2021

Jeffrey H. Boiler
PO Box 877
Bonners Ferry, Idaho 83805
(By email jboiler@boilerlawfirm.com & First Class Mail)

Dear Mr. Boiler,

As you already know, our firm represents the Boundary County Library, its Board of Trustees ("the Board") and its Interim Director in their capacities as such (collectively "the Library"). The Library has referred your May 18, 2021 letter to us for a response.

Going forward, please do not attempt to communicate directly with the Library, its Board or any of its employees, and please send all future correspondence regarding the Library, its Board and any employees to my attention.

You state that you represent Cari Haarstick, Eric Lindenbusch, Mac Withers and your wife, Dana "in all matters related to their employment" and that "any communication intended for them" should be routed to you. We are unaware of any authority that would require an employer to "route" non-litigation related employment communications through an employee's lawyer. To do so would cause unnecessary disruption to the operation of the entity and it is unreasonable to suggest that an employer or supervisor needs to communicate through an employee's lawyer in order for the employee to perform their duties. In that regard, Mr. Grow will continue to communicate directly with any and all of the Library's employees as in his discretion he deems necessary.

Although it is clear from your letter that Ms. Haarstick and Mrs. Boiler appear to believe they have certain claims regarding the tax consequences of their initial decision to be treated as independent contractors in connection with creating a website for the Library, it is unclear what claims, if any, Eric Lindenbusch and Mac Withers purport to believe they have for which they would seek your representation. Please advise us of the specific claims Ms. Withers and Mr. Lindenbusch are asserting for which you represent them, as well as any other claims Ms. Haarstick and Mrs. Boiler are asserting.

As you know, the Library has retained an outside law firm to conduct an independent investigation of claims/complaints made by, among others, Mrs. Boiler, and it would assist the Library and the investigator to know the issues that Ms. Withers and Mr. Lindenbusch are asserting. As you also know, the independent investigator does not represent the Library and is scheduling interviews with Library employees and others in connection with the independent investigation.

Notwithstanding the investigation and specifically with regard to Mrs. Boiler's and Ms. Haarstick's current contention that they have no obligation to transfer ownership of the Library's website until they are fully paid, the Board rejects that contention because the Board has in fact fully performed its obligation to pay them. But any discussion of this issue should begin with the understanding that the term in Mr. Grow's request to be made the "owner" was not meant in an intellectual property sense, but rather it was a request to transfer the authority and rights and privileges necessary to administer the Library's website that the Interim Director and the person in charge of IT should have. Although the Board believes it currently owns the intellectual property rights and that your clients are in breach of their agreement to transfer ownership of the website to the Library after being fully paid, the Library will deal separately with that issue at the appropriate time. But for now it seeks only to have "owner" privileges assigned to the Interim Director.

To the extent the refusal to transfer owner privileges of the website to Derrick Grow in particular is based upon Mrs. Boiler's and Ms. Haarstick's personal unresolved tax issues with the IRS, such issues are of your clients' own making and is not a sufficient reason for the improper refusal to transfer "owner" rights and privileges. Your clients initially requested to be treated as "independent contractors" and the Board minutes to which you refer reflect that all parties concerned acted consistently with that position. In fact, in Mrs. Boiler's signed letter/memo to the Board dated November 9, 2020, she represented that:

The attached invoices are asking for a final payment of \$2,500 each to both Cari and I covering work performed from the end of July through November. These are final invoices and there will not be any ongoing costs associated with the transfer or further maintenance of the site. *Additionally, Cari and I have previously agreed to accept payment on a contractual basis and therefore be provided with 1099s, wherein we bear the full tax liability.*

In any event, if any IRS audit determines the Board was incorrect, it will act appropriately and in accordance with the IRS's determination. But this issue in no way gives your clients the right to hold the website or the privileges hostage and we demand that your clients transfer owner privileges to the website to Derrick Grow immediately.

The remainder of the contentions in your letter is equally without merit and not worth a lengthy response. Suffice it to say that the Board disagrees with your position that your clients have a contractual right to maintain the website.

But, in any event, no one has suggested that your clients not continue to maintain the website during normal work hours. Mr. Grow simply asked that owner privileges be transferred to him, as is appropriate for their manager, the Interim Director, and the person in charge of IT. Your clients' refusal to do so is improper and not justified. And, whether you or your clients believe he is an inappropriate person to transfer control of the public library website, the Board is fully aware of Mr. Grow's personal social media

content and does not believe it has any bearing on his ability to fulfill the role of Interim Director.

We reiterate the demand that your clients immediately transfer owner privileges to administer the website to the Interim Director, Derrick Grow. The Library will take any and all legal action it deems appropriate if your clients fail to do so. Please be guided accordingly.

Very Truly Yours,

Wilson Law Firm

By:


Rafael Droz

cc: Derrick Grow
Board of Trustees

From: jboiler@boilerlawfirm.com
To: dana@boilerlawfirm.com
Subject: FW: Response to June 3 letter
Date: Sunday, June 6, 2021 1:20:26 PM
Attachments: [Engagement Letter Executed.pdf](#)
[Special Meeting Minutes April 26.pdf](#)

From: Rafael Droz <rjdroz@bonnersferrylaw.com>
Sent: Thursday, June 3, 2021 4:55 PM
To: jboiler@boilerlawfirm.com
Cc: Timothy Wilson <tbwilson@bonnersferrylaw.com>
Subject: Response to June 3 letter

Mr. Boyler,

This email is in response to your letter dated today, June 3, 2021.

Let me reiterate that Ms. Nutsch is a third-party, outside, completely independent investigator that was hired by the Library Board to conduct an independent investigation of the complaints made primarily by and on behalf of some or all of your clients. Again, although Ms. Nutsch is an attorney, she does not represent the Board and she does not have any attorney-client relationship with the Board and takes no direction from the Board or its counsel, the Wilson Law Firm. I have attached the unofficial Board minutes of the Special Meeting held on April 26, 2021 at which meeting the Board approved the hiring of Ms. Nutsch to conduct the independent investigation. The Board minutes are not yet official because, as you may or may not know, the May meeting at which they would have been approved was canceled. In addition, I have attached the Engagement and Fee Agreement between the Board and Ms. Nutsch and her firm.

And, to be very clear, the email Mr. Grow sent to your clients with respect to the independent investigation is NOT a Notice of Proposed Disciplinary Action as you state in your correspondence, but rather it is simply a directive from an employer to the employees to cooperate with the investigation. Mr. Grow has the statutory authority to issue the directive under the provisions of Idaho Code Title 33, Chapter 27.

Thank you for your careful consideration of the above response.

Very truly yours,

Rafael J. Droz
Wilson Law Firm
7174 Main Street
PO Box 3009
Bonners Ferry, ID 83805
Phone (208) 267-1777

Fax (208)267-1760
rjdroz@bonnersferrylaw.com

**** Notification * ***

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Any unauthorized disclosure, copying, use, or distribution of the information contained in this transmission is prohibited. Misuse of the information may subject you to any and all remedies available under applicable laws, including but not limited to, the laws governing copyright, trademark, trade secret, privacy and unfair competition. If you have received this transmission by mistake or error, please notify Rafael Droz at the law office of Timothy B. Wilson in Bonners Ferry, Idaho immediately, and then delete the transmission. You can make the notification by telephone at 208-267-1777, or by e-mail to rjdroz@bonnersferrylaw.com. Thank you.

JEFFREY H. BOILER

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July 5, 2021

BY EMAIL ONLY

(rjdroz@bonnersferrylaw.com)

**Raphael J. Droz
Timothy B. Wilson
Wilson Law Firm
7174 Main St.
P.O. Box 3009
Bonners Ferry, ID 83805**

Re: Response: RD ltr JB 052721; RD email JB 060321
**Please Note: May include issues relating to pending public
information requests**
Clients: Dana Boiler, Cari Haarstick, Mac Withers, Eric Lindenbusch

Dear Mr. Droz:

Thank you for your May 27 letter and your June 3 email to me regarding my clients listed above. This is to address the issues you raise in those communications, paraphrasing yourself, “,,to the extent they are worthy of response.”.

May 27 Threat of Immediate Legal Action: Transfer of Website “Ownership”

Your May 27 letter to me threatened immediate legal action against my clients for alleged failure to transfer ownership of the BCL website they designed and edited. Contrary to your assertion of May 27, transfer of ownership occurred in August of last year, and the domain transfer to Wix in November of last year. Director Anderson’s name and email were the specified owners’ contacts. He was fully aware of this, and the attachments show he was directly involved in the process right up to Wix domain transfer.

Transfer was complete, with full knowledge of these facts by both Director Anderson and the Board of Trustees, in November, 2021. I attach for your convenience the transfer documents. They speak for themselves, please forward them to the Board and whoever now has assumed responsibility for ongoing maintenance of the site. In connection with site maintenance duties, you also seem to state on May 27 your intent is not to interfere with my clients’ duties of site

maintenance, and that they would not be blocked from doing so. Unfortunately, the facts yet again do not support your statement. As a matter of fact, on the very day my wife testified to the fact finder, June 10, her access and the access of Cari Haarstick was blocked from the site. Derrick Grow has had the only access since then. How do you reconcile these facts with your claim that no denial of access was or is intended by your ‘demand’ to return ownership of that which was never taken?

Regardless of your response, these facts and the attachments were in your clients’ possession or available for download at any time for more than six months prior to your threat of litigation. Derrick Grow has no web design experience and his title as “I.T.” guy for the library gave him no special knowledge or powers to understand how to build and maintain a complex website that is a lifeline for a rural community. He fixes computers and attends to connectivity, he does not design or maintain website programming, nor has he displayed any talent or interest in that area, prior to his insistence that he be made ‘owner’—whatever spin you care to put on the title claim you have made.,

Because there was never a failure to transfer anything, as the attached record shows, wasting further public money on this issue you have pursued seems unnecessary. There is simply no obvious basis for the claim you have threatened.

However, your failure to *withdraw* the threat of ‘immediate’ legal action, and your gratuitous insult that my clients were duped “of their own making”, still needs to be addressed. I am allowing that you may not yet have digested all the facts, but there still does not appear to be any explanation for the threats of litigation “at the proper time” other than someone in charge telling you to threaten my clients, regardless of the known written and factual record. Your clients knew or had reason to know a threat of litigation on the grounds you outline May 27 was frivolous, as the attachments show. Why then has the threat not been withdrawn?

I have attempted to discern any remaining factual basis for your threat of May 27, but cannot do so. You appear to acknowledge in your May 27 letter that your clients do not claim ownership of the intellectual property associated with creation of the website, as well they should not, but that leaves unexplained the clear and immediate threat you have made in your May 27 letter. Please explain the factual basis for any continuing threat of litigation by your clients over the website ‘ownership’ issue outlined in your May 27 letter.

Absent a meaningful explanation I will consider any ongoing threat of litigation on this issue to be frivolous and subject to removal to U.S. District Court on grounds which will become apparent should the Board now choose to make or authorize any further unfounded threats of litigation against my clients.

1099/W-2 Issue

Your May 27 letter suggests the Board is not liable under Federal statute for knowing mischaracterization of an employee as an independent contractor, or that plain statutory language makes them liable for knowing tax avoidance or evasion, including my clients’ tax liabilities. You state you’ll wait to see what the IRS does before you’ll even consider rectifying this obvious

unlawful scheme. I respond that these issues arise only because of your client's admitted deception of my clients, in an attempt to cover his tracks and to avoid paying taxes, /These do not result from any defalcation by my clients, so your argument seems to be: you should've figured out you were being deceived before you took money, However, no waiver was intended and your assertion to the contrary is both disingenuous and inconsistent with the known facts. Anderson was advised the website "contractor" payments to Dana and Cari would be negotiated with a conditional endorsement, and they were. You instead suggest this was an eyes wide open transaction, which is either deliberately false or seriously misinformed as to what the facts actually are.

If you have *any* legal authority which parallel facts in support of your clients' admitted tax evasion purpose, please provide it to me. The statute seems plain enough: your client is obligated to pay all costs associated with their deliberate mischaracterization of my wife and Cari as independent contractors, and intentional failure to pay and report payroll taxes as a result.

The law as it long seems to have been, in Idaho as well as elsewhere in the U.S., is that my wife and Cari have no legal duty to "guess right" about whether they are employees under the IRC. It should be clear with even a casual reading of the applicable statutes and federal case law that an **employee** induced into an after-the-fact "contractor" status by an employer is **never** liable for the employers' intentional failure to pay taxes as their status as employees would dictate. There is no doubt this was intentional, Anderson has admitted it to more than one person.

We have also provided the factual investigator retained by your clients with detailed facts showing exactly why this was deliberate tax avoidance, and the evidence, rather than the "word on the street" propagated by wishful thinking discussed in part below, is clear: there is no reasonable factual dispute that mischaracterization of status of these employees was part of a plan to avoid paying taxes---by the employer. It was not a mutual cost saving measure, it was forced in order to obtain any payment at all, having been promised payment in full without change in employee status. Although your client may be in the habit of acting contrary to the law in this respect, that doesn't convert their position into law. It's simply well established that an employee cannot be made liable in this fact pattern for being misled into unknowing participation in an ongoing employer scheme designed to avoid paying federal taxes.

I note you begin your premise to the contrary with the false factual assertion that my clients "chose" to be independent contractors. I hope this statement reflects a lack of information rather than an intentional position. Mr. Anderson has already admitted several times and in several ways that he induced Dana and Cari with specific promise of payment as employees, with no limit on time.

It was he who, after urging from your new interim director, decided first to tell the employees to wait a few months or years to be paid, then refused to pay them at all unless they 'formed an entity', which they refused to do, and made their own case for payment to the Board, which they did. The employees were expressly forbidden by Anderson from telling the Board what Anderson had done by first tasking them as employees, then changing the deal—all on the urging of Mr. Grow, who has no background in web design that anyone knows about.

Similarly, your May 27 letter is silent on the legal effect of “consent” by an employee to a mischaracterization scheme like this one. It’s a hot topic and I encourage you to look into it in the professional literature. There’s a lot to read and I find nothing to justify your legal position in any of the statutes or case law I’ve reviewed in preparing this response to your May 27 letter. The bottom line seems simple enough, however. By statute, consent by an employee to a 1099 scheme like this one is by statute *irrelevant (please note the factors listed in this statutory analysis)*. Even if this were not the case, employee consent given after being misled into a contract of adhesion is not consent at all, and your client knows it. It’s simply a transparent attempt to cover an ongoing practice of tax avoidance or evasion, which my clients can’t and won’t tolerate, further or enable any further. Roll the dice if you feel you must, but I’d look carefully at the law before advising a client to do that in this fact pattern.

Withholding of pay during Library closure

The so-called tax issue is further clouded by your clients’ decision to short my wife 16 hours on her paycheck provided at the end of May. Please look at copies of her last two pay stubs, and compare them with those from October onward to closure. They show she was shorted 16 hours during closure in May, without explanation. Here is the explanation:

Last fall, former Director Anderson informed my wife that *by Board vote*, she was now *required* to work 144 hours per month, beginning last October. She objected but obeyed, although she was the only employee with children at home to educate and care for. Her pay records reflect she did in fact work those hours ever since, and more, until closure in April. A full factual report on how and why this was done has been provided to the factual investigator. It paints an accurate but unflattering picture of your clients, and explains how and why the Board reportedly insisted, said Anderson, that her hours be increased. In fact, it is possible that Anderson was simply lying, but the pay records show clearly that she was scheduled for and did work 144 hours per month after October last year.

Nevertheless, after closure, in May, she was paid for only 128, while Cari was increased to 144 hours. Her hours previously average about 136. This gift of hours benefited Cari, since the Library was closed, but was a change she had never requested, based on a schedule which she had never worked. It simply punished Dana. It came at a time when Derrick Grow was making obvious attempts to encourage Cari to look the other way at the abuses summarized since we served the Notice of Representation on him. It came after Dana and the others publicly criticized the Board and their agents for wrongful conduct in serious particulars, which were also met with threats and retaliation, including the “expect a lawsuit” quote from your Board when first confronted publicly with the facts of what they had done.

In short, shorting my wife by 16 hours in May looks like an attempt to gain Cari’s favor, and to punish Dana, and a transparent attempt at that.

Dana advised Grow of this last week when inquiring about when and how to be paid. He told her he was unaware of why the disparity between her authorized hours and paid hours occurred. He promised he would correct the problem and pay her this week. We’ll wait till week’s end to see if that’s true.

Your Ethics Concerns

Your May 27 letter seems to suggest that my service of my first and only Notice of Representation in this matter should not have been served on the only employee of the Library with actual legal authority on site to receive notices, requests or service of process—Interim Director Derrick Grow. Moving forward and absent any change in your status as his attorney, I will correspond only with counsel who identifies himself or herself as his legal representative.

However, please recall that I sent Mr. Grow the notice of representation in reliance on Mr. Wilson's statement in open meeting that his representation was limited to procedural issues. There has been no other disclosure of change in that status, and certainly no attempt to engage my office on any but absolutely necessary legal issues, e.g., our mutual child abuse reporting duties. Your clients have added a number of attorneys since Mr. Wilson, but none have told me they represent Derrick Grow, individually. His conduct bespeaks liability far outside the scope of his employment, e.g. threatening online communications, so his personal attorney would have been notified, but you and your firm have not indicated you represent him for those purposes. Your scope, as Mr Wilson has said, is "procedural matters".

My purpose in giving the notice was to notify whomever was then in charge of the library as a public corporation (a question not easily answered) that as of that moment, four employees were represented by counsel. Grow was their only supervisor in a dangerous work environment, partially of his own making and choice. Notifying you of my representation and scope would do nothing at the Library unless you chose to notify your client, and there were and are good reasons to believe communication with your office would not yield any prompt response or even an acknowledgement, and would not result in actual notice of our representation to Mr. Grow, who was the one person who needed to know of it in order to deter his further abuse of my clients.

At the time, I had no reason to believe that your office represented the Library, its Board or Mr. Grow for all reasons and in all seasons, in fact, the facts are quite the opposite. Mr. Wilson of your office has stated on the record of Board proceedings that the scope of his representation was "procedural matters". I do not consider giving notice of representation to an abusive supervisor—notwithstanding the blessing he may have from your clients, as you suggest in your May 27 letter—to be contact with one represented by counsel when the scope of your firm's representation was so apparently limited, and no other attorneys involved had advised me of their procedural representation of your corporate clients. Similarly, the Library's insurer has not advised me who their claims attorney may be, or whether I should correspond with them. Neither I nor my clients had filed or have filed any claim, and only injunctive relief has been specifically mentioned as a potential basis for redress of these grievances if the situation persists.

Prior to your May 27 letter, the scope of your firm's representation in this matter is *still* unclear to me and to many members of the general public, so please forgive any unintended communication with one I know to be represented by counsel.

I will now assume that you and your firm represent all the Board members, both as members and individually; Derrick Grow, individually and as a supervisory employee of the

Library; Sandra Ashworth, individually and as “librarian emeritus volunteer”, as specified by Board action in March of 2021; and Amy Maggi. I will route to your attention any communication required to be served on counsel for these individuals or entities

Public Disclosure and Mischaracterization of Physical Evidence supplied to your office.

In the meantime, however, I think a rather more serious and urgent ethical issue has arisen which will require a response from your firm. The substance of this issue has already been outlined to the fact finder retained by your clients for interviews of my clients in June. The issue is mischaracterization of the video evidence I sent to Mr. Wilson March 29 in furtherance of our mutual reporting child abuse reporting duties.

The issue is this: This spring, Greg, the son of Teresa, an assistant at your office, contacted my wife and other community members, in a public place. He then and there represented to my wife and two other witnesses present at the time, in a public place, that the video I sent to your office March 29 was manufactured evidence, and ‘photoshopped’. That as you know is an accusation of knowing criminal conduct by an attorney, and in this context, a felony.

He stated he was relying on information obtained from his mother, through your office, for making that statement of fact. He stated details that came from a conversation he had with his mother the day I sent the video to Mr. Wilson. In that conversation I advised her to take special care with confidentiality because the attachment I was sending contained sexually explicit material not to be viewed except by Mr. Wilson. She apparently did the opposite. Only by providence did Greg have the bad luck to repeat his libelous remarks in front of witnesses including my wife, whom he did not know. In other words, as you suggest in your May 27 letter in a slightly different context, “he brought it on himself”. He may have also brought it down on others. Whether she was encouraged or enabled in this by anyone at your office is not clear, but I call on you to give a full explanation of your view of the facts in response. Please do so promptly.

Since you have expressed concerns over the ethical implications for my service of a notice of representation on Mr. Grow, I assume you will have similar zeal when analyzing the foregoing ethics issue. I’ll take your response to these questions as guidance on what, if anything, needs to be done further to determine exactly why and how this misrepresentation of material evidence came out of your office.

In considering this matter, please understand very clearly that these statements by Greg were not casual conversation, they had an apparent purpose: to buttonhole people on the street, one block from your office, with materially false statements about key evidence, having no apparent basis other than Dawn Grow for an expert opinion on the subject. This falsehood went to the heart of serious allegations relating to child sexual abuse by a library employee.

I know the statement was false, because I sent it myself. Your firm knew or had reason to know it was false as well. We know this because I sent the attachment to Mr. Wilson, and I spoke to Teresa myself, I know what I said to her and why. I know the evidence sent was not photoshopped or altered in any way when I sent it. I offered to supply more. No one ever expressed any interest or suggested authenticity of the evidence was at issue at all.

Despite these facts, the false narrative was publicly circulated, while your firm, which you now insist represents Derrick Grow, the Board, the accused employee, and Sandra Ashworth, a “volunteer” who was seems to have been put in charge as means of avoiding liability by the actions of an ‘employee’, did nothing to confirm the truth or to inform my wife and I that your office had spread this vicious false statement, and lent its credibility to a lie by doing so.

I need you to answer these questions: Where did the story come from if not your office, and why was it not stopped immediately?

Labeling Public Records Requests

Your May 27 request that I clearly label future public records requests, in the subject line, as “public records requests”, is duly noted. I will make an effort to reiterate that what I am writing about is a past or present public records request, by adding that information to the subject line for future correspondence, beginning with this letter. However, I ask you to note that the statute does not require any particular form, and the seriousness of the issues raised in our communications, along with the high degree of specificity in our requests and demand for preservation of evidence, should be sufficient to warrant careful attention to all our communications, not just public records requests.

I will try to help by flagging our communications further, but I would hope your client and your office would be less concerned with labeling records requests and more concerned with the content of the requests and their impact on library staff and patrons’ safety. There is no future in obfuscation, threats of unfounded litigation, multiplying public costs with more and more lawyers to represent your clients...nor in stonewalling on the ground our requests were not “clearly labeled”. They were. Copies as provided to the factfinder are attached for your verification and comparison with the file materials you had available to you when you wrote me your May 27 letter.

In the same spirit, in the future please also note public records requests from my office also include italics and bold font, on occasion, for emphasis. I also emphasize when time is of the essence, or when preservation of evidence is required, as I have done throughout the contacts with your office and library personnel regarding our public records requests. Perhaps, as you have asked me to do for subject line labeling, you also could read the text of my correspondence itself when it comes to your attention, and check for those bold and italicized matters. I use them to alert the reader to the subject’s importance, and this is true of public records requests as well as other correspondence and writing.

For your ease of reference I attach a portion of the email and correspondence that both includes and involves my pending public records requests. I find it useful to have all the correspondence relevant to a threat of legal action or representations about material evidence in a criminal case to be kept in one place. I hope you do too.

This is also to add to our public records requests now pending, or to which no documentary response has been given. I have one reply to all our requests, including none on the issue of

preservation of evidence, and one on the issue of why no public records response will be forthcoming. . I have no other response not reflected in your email records, save a response our request for the Board resolution authorizing the fact finder's retention, and the contract for terms of that retention, receipt of which is hereby acknowledged. Our request for the actual, signed document, and not a draft, is renewed and still stands.

Here are the further and additional requests:

- A true, correct and complete copy of the factfinding report which is the subject to the July 6, 2021 agenda posted by the Library, together with all supporting exhibits, attachments, documents, photos and recommendations;
- True, correct and complete copies of minutes, draft minutes, audio, visual or other, reflecting in whole or in part, any Board meetings of any kind, whether regularly scheduled, special, emergency or otherwise, which constitutes or may constitute a public meeting of the Board of Trustees under applicable Idaho law, from January 2019 to the present. This is a continuing request;
- A true, correct and complete copy of any Board minutes, regardless of description, which contain or reflect in any way any Board-authorized action, or any Board consideration of, litigation by the Board or any of its employees, officers or agents against myself or any of my clients listed in the subject line of this correspondence; and
- True, correct and complete copies of all audio or visual records reflecting the content, time, date or place of such action or consideration for the purpose of initiation of litigation, rather than its defense, by any member of the Board of Trustees, or Sandra Ashworth, or Derrick Grow, or any other person acting by or on their behalf as lawful agent.

Clarification of “Matters unworthy of response”

Your May 27 letter states you will not reply to certain issues raised because you deem those matters “unworthy” of response. I request that you list specifically those matters in my correspondence to which you intend to refer, and that you state whether this is a position you take by Board direction. I don't wish to appear disagreeable, but after two weeks of interviews it certainly seems clear to my clients and to me, and I daresay the fact finder retained by the Board, that serious and systemic public and employee safety issues are presented in this fact pattern, along with clear abuse of public funds and facilities for unlawful purposes. A tone as dismissive as yours given this fact seems misplaced at best.

From the context, it appears from your comment that you are suggesting that our offer to have my clients available to reopen the library on a limited basis--for the good of the community which is being heavily taxed for a library that has been closed nearly three months—is certainly worthy of response, if for no other reason, accountability to the public for using four lawyers and counting to deflect attention from what is really going on at the library. There is no identifiable

reason for being dismissive of a plan to simply reopen on a partial basis in order to give the public at least some access to their library, now during an historic heat wave with air conditioning in public places for cooling, in short supply. If this is not what you intended to convey, please specify.

I have the advantage of living with the evidence for the last two years, so I can appreciate how much ground counsel may have to cover in order to reach a conclusion about what course to advise. However, why your clients would have contempt for the only group of qualified people in a position to help open the library, I am at a loss to understand. Was this a Board position? A position taken by another of your clients in this matter? Please explain by reply what you mean to include in this “unworthiness” statement, so I may act on the basis of the best facts available to me.

Notwithstanding the lack of professional respect evident by your tone, however, my clients will consent to work special hours to allow for public access to the library pending final disposition of the safety issues which are the stated basis for closure at this time. The only conditions on this offer remain compliance with all laws by the Board and their agents during the time my clients work, and their safety and freedom from further workplace hostility, harassment or threats of harm.

Very Truly Yours,

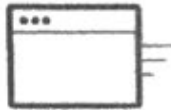
/s/ Jeff Boiler

Jeffrey H. Boiler

cc: Clients
Encls

From: Wix.com
Sent: Friday, August 28, 2020 1:27 PM
To: arilynnh@hotmail.com
Subject: Transfer Site Invite Has Been Sent

Can't see this email? [Click here](#)



Transfer Site Invite Has Been Sent to boundarycountylibrary@gmail.com

The invite to transfer the site: BCL has been sent to
boundarycountylibrary@gmail.com

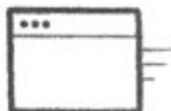
The invite is sent from "Wix Team" and may be diverted to their spam folder.
You can send them the link directly: <http://wix.to/i8BWDBM>

Next steps:

1. The new owner will get an invitation email to accept ownership of the site.
The invite will expire after 3 days.
 2. You'll be notified once the new owner completes the process and the transfer is complete.
-

From: Wix.com
Sent: Friday, August 28, 2020 1:29 PM
To: arilynnh@hotmail.com
Subject: Website Successfully Transferred

Can't see this email? [Click here](#)



Website Successfully Transferred

boundarycountylibrary@gmail.com has accepted and completed the transfer of the website: BCL

You can still edit the site since you're a Contributor to the site.

[Manage Site](#)

Questions? Contact [Wix Support](#)

Please do not reply to this email
500 Terry A Francois Blvd San Francisco, CA 94158
Wix.com Ltd., Wix.com Inc.
www.wix.com
[View our Privacy Policy](#)



Cari Haarstick <cari@boundarycountylibrary.com>

Web Host

2 messages

Cari Haarstick <cari@boundarycountylibrary.com>
To: boundarycountylibrary1@frontier.com

Wed, Oct 28, 2020 at 5:27 PM

Hello Craig,

Here are the details I mentioned in the text message. These are approximates as I do not know if there will be tax for the new website host.

Just let me know which option below you would like to do. The 2 year plan saves even more on top of the coupon I have.

#1 – \$15.38 a month at the 2 year rate

or

#2 – \$22.44 a month at the 1 year rate.

The coupon is good today only, 10/28. We will need a credit card to purchase.

Thank you,
Cari Haarstick

Craig Anderson <boundarycountylibrary1@frontier.com>
Reply-To: Craig Anderson <boundarycountylibrary1@frontier.com>
To: Cari Haarstick <cari@boundarycountylibrary.com>

Wed, Oct 28, 2020 at 5:30 PM

Let's go with the 2 yr rate.

On Wednesday, October 28, 2020, 5:27:54 PM PDT, Cari Haarstick <cari@boundarycountylibrary.com> wrote:

Hello Craig,

Here are the details I mentioned in the text message. These are approximates as I do not know if there will be tax for the new website host.

Just let me know which option below you would like to do. The 2 year plan saves even more on top of the coupon I have.

#1 – \$15.38 a month at the 2 year rate

or

#2 – \$22.44 a month at the 1 year rate.

The coupon is good today only, 10/28. We will need a credit card to purchase.

Thank you,
Cari Haarstick



Cari Haarstick <cari@boundarycountylibrary.com>

Fwd: Your Domain Transfer Request Is Being Processed

1 message

Boundary Co. Library <boundarycountylibrary@gmail.com>

Fri, Nov 20, 2020 at 11:28 AM

To: cari@boundarycountylibrary.com, Dana Boiler <dana@boundarycountylibrary.com>

----- Forwarded message -----

From: Wix.com <wix-team@notifications.wix.com>

Date: Fri, Nov 20, 2020 at 11:27 AM

Subject: Your Domain Transfer Request Is Being Processed

To: <boundarycountylibrary@gmail.com>

Can't see this email? [Click here](#)

Wix.com



Your Domain Transfer Request is Being Processed

We have received your request dated Fri Nov 20 19:26:59 UTC 2020 to become the new domain provider for boundarycountylibrary.com.

Please note:

- Your domain will be transferred to Wix within 7 days, unless your current domain provider denies your request
- After your domain is transferred to Wix, you won't be able to transfer it to another domain provider for 60 days

We'll send you an email when the transfer process is complete.

Need help? Visit the [Help Center](#) or contact us.

Please do not reply to this email.
500 Terry A. Francois Blvd., San Francisco, CA 94158
Wix.com Ltd., Wix.com Inc.

Confirm Your Contact Information

We need to confirm that the person who uses this email address is really the person who registered **boundarycountylibrary.com**.

Name: Craig Anderson

Email address: boundarycountylibrary@gmail.com

Click Confirm to verify that the email address we have for you is accurate.

Confirm

By clicking Confirm, I certify that the above information is correct, and agree to the Domain Name Registration Agreement.

All domain registrars are required by ICANN (Internet Corporation for Assigned Names and Numbers) to ensure all domain owners verify their contact information for all new domain registrations and changes to existing contact information. Contact information must be verified within 15 days of registering a new domain. Failure to do so will cause the domain to be deactivated until the contact information is verified.

Need help? Visit the Help Center or contact us.

Please do not reply to this email.
500 Terry A. Francois Blvd., San Francisco, CA 94158
Wix.com Ltd., Wix.com Inc.
www.wix.com
View our Terms of Use and Privacy Policy.

BOUNDARY COUNTY LIBRARY

July 19, 2021

Jeffrey H. Boiler
PO Box 877
Bonners Ferry, Idaho 83805
(By email jboiler@boilerlawfirm.com & First Class Mail)

RE: Notice of Denial of Records Requests

Dear Mr. Boiler,

The Library received your records request regarding the investigative report by Clements, Brown & McNichols, P.A. After reviewing the request, the Library is unable to provide you with either all or part of the requested record. The basis for the denial is that the Library believes that it is exempt from disclosure under the following statutory exemption:

Idaho Code section 74-106(1):

Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, including bonuses, severance packages, other compensation or vouchered and unvouchered expenses for which reimbursement was paid, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, social security number, driver's license number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent.

Idaho Code section 74-104(1):

Any public record exempt from disclosure by federal or state law or federal regulations to the extent specifically provided for by such law or regulation. That is, under Idaho Rule of Civil Procedure 26(b)(3), "ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent)."

The attorney for the Library has reviewed the request.

Under Idaho Code section 74-115, you have the right to appeal this decision in the District Court where the records are located. Any petition contesting the decision shall be filed within one hundred eighty (180) calendar days from the date of mailing of this notice.

Sincerely,

Judith Mace

Judith Mace
Chairman of the Board of the
Boundary County Library

JEFFREY H. BOILER

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Licensed in Idaho and Oregon
P.O. Box 877
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(541) 683-1901
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Attorney

Jeffrey H. Boiler
jboiler@boilerlawfirm.com

Paralegal

Dana L. Boiler
dana@boilerlawfirm.com

October 1, 2021

BY EMAIL

(rjdroz@bonnersferrylaw.com)

(tbwilson@bonnersferrylaw.com)

**Raphael J. Droz
Timothy B. Wilson
Wilson Law Firm
7174 Main St.
P.O. Box 3009
Bonners Ferry, ID 83805**

Re: Demand for Board hearing on proposed adverse employment
action

**Please Note: May include issues relating to pending public
information requests**

Clients: Dana Boiler, Cari Haarstick, Mac Withers, Eric Lindenbusch

Dear Counsel:

Response to Service of Notice of Proposed Adverse Employment Action; Demand for Full Board Hearing (All Clients)

This correspondence is to acknowledge receipt of the notices of proposed disciplinary action personally served on my clients Dana Boiler, Mac Withers and Eric Lindenbusch between 4 and 5 p.m. on Wednesday, September 29. If you are unaware of their contents, please inform me and I will scan and send copies to you. They were apparently written by Sandra Ashworth, although it is not clear from the handling of the issues there addressed that she has taken this action with advice of counsel. If you are aware of her action in serving these notices, no response from you on that issue is required.

If not, and if on review you would like to request time to consult with your clients on the issues presented by these notices, please advise me and I will grant a reasonable extension of time for you to confer with your client and determine whether any modification or qualification of the information contained in these notices should be considered. This may avoid unnecessary

disagreements later, and narrow the issues for what will already be a four hour hearing before the Board.

Proposed Dates for Hearing

This is also to inform you that the proposed hearing date reserved by Ms. Ashworth for the Board presentation pursuant to adopted policy of the Library, which I have reviewed, is unworkable due to illness. My wife, Dana, has been under a physician's care for a serious illness requiring treatment by a specialist, whose letter confirming this fact is attached for your reference. By providing you this letter and the information contained in it, my client does not waive her rights of confidentiality pursuant to State and Federal law in all health records, and the disclosure made about this issue is solely for the purpose of informing you of when the parties I represent will be available for the required hearing, and why. Her rights of privacy to this information should be protected to the fullest extent provided by applicable law.

I have confirmed with my clients that all four will make themselves available for hearing during normal business hours of the Library at a time to be set in good faith and by mutual agreement between your office and mine the week of October 18. Currently, all have reserved October 18, all day, any time during business hours, **on Monday October 18, 2021**. That is both the earliest date my wife can be available pursuant to Dr. Smith's attached letter, and only 14 days from the date proposed by Ms. Ashworth in her notices to my clients referenced above.

I have also confirmed that my clients can make themselves available most other days and times during business hours the week of October 18, if you or your clients prefer. Please inform me if you do, I will cooperate with you in finding a mutually agreeable date and time for the hearings.

Each client demands hearing and will require a full hour for each, as the policy specifies. I will be conducting the presentation of the testimony and argument as attorney for my clients. Please note the new policy of the library expressly provides for the right to counsel, the presentation of evidence by witnesses and other evidence in writing. We will be presenting evidence and argument on all clients for all charges.

Please contact me at your convenience after consulting with your clients about available dates.

Cari Haarstick Service

At the time of this writing, Ms. Haarstick has not to my knowledge been served with any notice such as those served on my other three clients, but I presume Ms. Haarstick is to receive such a notice as well. If she does, and if you require clarification on this issue, I am still her counsel, she will remain my client regardless of the contents of such a notice, and should it contain proposed disciplinary action, this is to demand hearing for one hour before the Board on her behalf as well.

At the time of my last contact with her yesterday evening, Ms. Haarstick had not been served with any similar notice, although her father observed someone looking into windows of their home late on September 29, dressed and described as the man who served my wife at our home was. He was dressed as a utility worker. I was present for service on my wife and someone similarly dressed effected service at my home, in my presence. My wife and I understood quickly that the server was only dressed this way to gain easy access to a home to serve legal papers, but no one had any idea your client was sending process servers to homes.

This was a rather inflammatory action to take given the circumstances, and was both unnecessary and potentially dangerous. I don't know who made the call to take such a ruse given the facts already known to exist which bear on my clients' safety at the hands of yours, but please advise your clients to refrain from contact through third parties with any of my clients, whether by ruse, using utility company road gear as a guise for entry, or otherwise. There is no need for such theatrics, and they risk serious misunderstanding.

If you would simply send me an email to request that I accept service if any future 'personal' service is foreseen on any of my clients, I am confident we can work cooperatively to handle any such housekeeping matters, particularly when they involve skulking about my client's rural property and peeking in windows under guise of a public utility employee. To do otherwise seems to invite the negative outcomes I'm sure both our firms wish to avoid.

This will nevertheless specifically inform you that if you will send me a full, true and correct copy of any notice or other document your clients wish to serve on Cari Haarstick, I am authorized to accept service for her. You may do so by email to this address: jboiler@boilerlawfirm.com. I will acknowledge any request for confirmation of receipt for such documents, and any others identified in this correspondence.

Public Notice

Board policy referenced in the served notices an appeal hearing before the entire Board of Directors at a public meeting to be duly noticed and conducted for one hour for each client. A meeting to take action such as this with a quorum present to do so constitutes a public meeting. The times set by Ms. Ashworth in her initial documents referred to above are arbitrarily set, and I see no notice of public meeting for October 4 at the time of this writing. Please advise your clients to strictly comply with Idaho public meetings law in giving public notice of the dates ultimately set for hearings in this matter.

Because the facts and issues are matters which involve all four, I anticipate we will both agree that the hearing should be scheduled for all four clients consecutively, one hour each, all on one day. To do otherwise would seem to serve only increased expense and time expenditure by legal counsel, the Board, my clients and my office.

Notice of Continuing Representation

This will confirm that I continue to represent all four clients identified in my notice of representation served on the Interim Director in May of this year, receipt of which you and your office have already acknowledged. I have consulted with all my clients regarding the contents of this letter. They have all authorized it to be sent and my representation of all four of them will continue throughout all periods of their employment with the Boundary County Library.

Specificity in Amended Notices

Finally, please note the served notices do not contain the provisions of the actual work rules or policies of the Library allegedly violated by my clients, although Ms. Ashworth represents that she has made 'findings' on the issues presented already. Similarly, the legal preclusion against reaching back to matters not subject to discipline over the course of now three prior Directors, or failing to specify what the actual conduct giving rise to a terminable offense, are not addressed in the existing notices I have seen. If your client chooses to avail itself of my offer to you of a reasonable extension to consider amending the notices given, please advise them as to applicable law in giving notices of this character.

Documents Relied Upon for Proposed Action Demanded

This is to demand true, correct, unredacted and complete copies of all documents and things, including without limitation digitized documentary, audio or visual media reduced or reducible to tangible form, which is relied upon in any way in taking any actual or proposed adverse employment action against my clients, or any of them individually.

Further Contact

Please use my email address for reply to this communication, or for any communication intended for my clients in this matter. This is the quickest and most efficient way to insure prompt communication, and to avoid unnecessary contact between your clients and their representatives and my clients. Sending a process server under ruse is specifically a very bad idea, please insure your client doesn't unnecessarily repeat this tactic, it only makes them appear more hostile, and is demonstrably unnecessary.

Of course I will respond on their behalf to ordinary mail and telephone contact attempts, but that insures delay in some degree for any response. The nature of this problem seems to suggest your clients' various agents and representatives keep contact with my clients at zero, not just at a minimum, except as arranged cooperatively through counsel and except as provided by policy and specifically applicable law.

Please also note I have not copied this communication to Ms. Ashworth because of your previous request that I refrain from such contact. I don't agree that this applies in the case of

service required by law, and it is she, and not you or I, who has set in motion the need for your involvement and receipt of this demand for hearing on behalf of all my clients.

I continue to represent all four employees referenced above, and ***do not consent to any direct contact by your firm or any of the representatives of the Library referenced in Ms. Ashworth's notice of proposed adverse action to each of my clients dated July 23, 2021,*** apparently her first official act as a nominal employee of the Library. As I presume you are aware, in that notice she threatened adverse action against all of them should they fail to "cooperate" with further investigation by your office or anyone acting on your behalf. No one in those categories have made any attempt to 'investigate' since that time by contacting my clients or myself. Any attempt to do so now will be and is hereby refused.

Please contact me if you have any questions.

Very Truly Yours,

/s/ Jeff Boiler

Jeffrey H. Boiler

cc: Clients
Encl

JEFFREY H. BOILER

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Licensed in Idaho and Oregon
P.O. Box 877
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Attorney

Jeffrey H. Boiler
jboiler@boilerlawfirm.com

Paralegal

Dana L. Boiler
dana@boilerlawfirm.com

October 11, 2021

BY EMAIL

(rjdroz@bonnersferrylaw.com)

(tbwilson@bonnersferrylaw.com)

**Raphael J. Droz
Timothy B. Wilson
Wilson Law Firm
7174 Main St.
P.O. Box 3009
Bonners Ferry, ID 83805**

Re: Status of Board hearing on proposed adverse employment
action

**Please Note: May include issues relating to pending public
information requests**

Clients: Dana Boiler, Cari Haarstick, Mac Withers, Eric Lindenbusch

Dear Counsel:

Response to October 1, 2021 Demand for Hearing Not Received

On October 1 I provided you an acknowledgement of service of Sandra Ashworth's signed and dated notices of proposed disciplinary action against my four clients in this matter, and proposed dates for hearing the week of October 18. At the time of this writing, I have received no word from you or your clients about the issues outlined in that correspondence, nor has anyone acting on behalf of your clients in this matter attempted to do so.

This failure to acknowledge or respond to our demand for hearing pursuant to Library policy requires me to inform you that I cannot and will not continue to hold the dates open the week of October 18, next week, if I do not receive a written acknowledgement of receipt of my October 1 correspondence to you by the close of business hours tomorrow, October 12.

In the event for some reason neither of you have yet reviewed that correspondence or the documents giving rise to it, please advise me and I will promptly deliver to your office hard copies

of the July 23, 2021 Notice of Proposed Discipline and Notice of Ongoing Investigation by your office, signed by Sandra Ashworth July 23 and received by my clients by certified mail shortly thereafter; together with hard copies of the September 29 Notices of Proposed Disciplinary Action from Ms. Ashworth and all the enclosures she chose to include with those personally served documents.

If you do so advise me, I will also deliver a hard copy of this letter to you at that time, so that there will be no doubt that we have communicated all this information to Library counsel and not your clients. If you no longer represent the Library and its various other agents, employees, volunteers, Board members or process servers, please simply inform me and supply me with contact information for any attorney who now may represent any of them in this matter. I will then copy all correspondence sent to you since the date your attorney-client relationship(s) may have ended. If you do represent them please confirm that fact in any reply to this correspondence.

This position is not taken to complicate matters. Silence and brinksmanship complicates matters, and that hardly characterizes our treatment of this serious legal matter, which is also a matter of deep public concern at this point. I simply have no other course I can take, given the silence since our October 1 correspondence to you, taken with the abject lack of meaningful response to any of the issues discussed in writing in any of our previous communications with your office in this matter. The problem is not going away by ignoring it, whether by silence, deliberate public dissemination of false information regarding this matter, or attempts at intimidation at my clients' homes by unnecessary personal service of routine employment communications with whistleblowers protected by statute.

The constructive and professional way to address it would seem to be, at minimum, replying to housekeeping matters to set the hearing which is the right of any Library employee threatened with termination, or conduct which could lead to it. An even better way might be to take some time to seriously consider what the public this Board claims to serve already knows and how they by their recall votes in a short time have articulated the concerns of hundreds of registered voters in this County, as recent recall efforts clearly show.

Effect of Failure to Reply

Ten full days have passed without even an acknowledgement, so if I do not receive your confirmation of receipt of this letter and my correspondence to you of October 1, and if we do not mutually agree to dates during that week by the close of business tomorrow, October 12, ***I will assume you do not wish to acknowledge receipt and do not intend to cooperate mutually in setting the time and date for hearing on all four clients. At that time, the offer of availability for all my clients will be and should be considered to be revoked as of that time, without further notice to you or your clients.***

Even if this occurs, we will thereafter cooperatively work with any counsel representing the Board or any other of its employees, volunteers, agents or other representatives to find the earliest mutually convenient dates for one hearing date, where each of my clients and I can appear and conduct presentation of their hearing evidence, as policy provides. At present I am looking into the following two weeks after the week of October 18 for mutually agreeable dates for all five

of us, and anticipate no problem finding mutually agreeable times and dates for hearing during that time frame. Please advise me if you or other counsel for the Library wish to discuss the time to be set for hearing.

Right to Counsel and Presentation of Witness Testimony

My clients have the right to counsel, the right to present testimony and the right to present other evidence at this hearing, by duly adopted Library policy. My wife, who is ill as outlined in the physician's statement enclosed with my October 1 correspondence, is a material witness for each presentation for each client. However, in the ten days of silence since my last correspondence to you both, she has not improved as quickly or as fully as hoped, and has been required to continue medications which impair her ability to participate in the hearing. Today I was informed by my client, Mr. Lindenbusch, that he must also now accompany his wife to surgery on October 20, and must care for her for several days afterward, with pre-operative duties as well.

Therefore, the right to presentation of testimony and other evidence guaranteed by policy, now set for the week of October 18, is not possible. Any proposed new date ***certainly cannot be scheduled at the last moment the law may permit without due regard for her medical condition and the medical condition of Mr. Lindenbusch, as well.*** Let us work cooperatively to quickly identify new and early mutually convenient dates for hearing.

This is not an emergency matter, nor is it a fiscal imperative given the seven months since the emergency declaration closing the library, and three months since the July notice you were going to conduct 'further investigation', upon receipt of Ms. Nutsch's report, which has been withheld. We are aware the Library wishes to hire a Director to deal with the responsibilities of a full Director as soon as possible, but this is not an emergency, it is a preference. Any director will inherit the legacy caused by the conduct of various Library agents and representatives during the time since, and should be aware of the facts to be adduced at hearing as a result. The public also should know, given the response over a very short time by hundreds of voters made aware of the continuing management problems at the Library under its current leadership and staffing choices, so insisting on an early hearing only serves to heighten public perception of wrongdoing already in place.

To argue otherwise after seven months of silence, and after more than three months since the threatened 'further investigation' of my clients by your firm (see Ashworth July 23, seems to have no purpose.) It is evident from the absence of contact from your office since July 23, and from the 'charges' against my clients supporting termination themselves, that no amount of further investigation will alter the factual record: my clients did nothing wrong, yours did, and they are unlawfully retaliating against my clients in every conceivable way in order to deflect public knowledge and an accounting to that public. No investigation period will change those facts, which is why I presume we haven't heard from your firm for the threatened investigation in nearly three full months.

Response and Failure to Respond

Please take special note: Any attempt to further ignore our professional correspondence in this matter will be taken with full knowledge that we consider further refusal to communicate, or to communicate using means reasonably calculated to invade the homes and privacy of my clients unnecessarily, to be in furtherance of unlawful retaliation against my clients. Please review the factual matters submitted by my clients and I to Ms. Nutsch last June in this regard. It seems plain that a large portion of the factual material submitted were or have become 'outside the scope of her engagement' as attorney/agent/investigator for the library in this matter. Please also reconsider your choice to ignore our right to copies of all documents relied upon in any way in issuing the notices of proposed disciplinary action to each of my clients. The demand for these documents and things is hereby renewed.

Ms. Ashworth has also misappropriated to her own use personal property of my clients, including but not limited to an electronic device supplied by my family to the Library for children's benefit during Library presentations for kids which my wife provided as an employee. Demand has been previously made by my wife for her materials, removed during library closure but personally observed by more than two witnesses, including my wife. Ms. Ashworth's response in substance was "anything you left on emergency closure is mine now", and "talk to the hand".

I can only assure you that she has simply taken and hidden or converted to her own use our personal property, provided for kids, for what appears to be no reason other than pure malice. Please return everything now, if your client wishes to avoid a full review of all property she has converted to her own use since 'emergency closure' in April of this year. Silence or refusal to respond on this issue will be viewed and reported in context as knowing and willful conversion of property in order to gain an advantage in a civil matter, along with other serious issues of false reporting of evidence in a contested matter, for the purpose of gaining an advantage in a civil case.

Consultation on Issues in Dispute

If you wish to discuss any of the issues in dispute, or mutually agreeable times for hearing for all four clients, please contact me directly at your earliest convenience. You may reach me at all times by email, and expect a response within 24 hours to that mode of communication. You may contact me by cell phone to discuss, if you do so from an unblocked number which identifies the number calling. You are not authorized to use my cell phone number for any other purpose or to give it to any other person, including your various clients. My private cell phone number is 541-517-2596. Voicemail messages are not accepted on this line, nor are texts, but I will pick up as able all calls originating in Idaho, with unblocked numbers.

If you wish to serve me or my clients by in-person delivery of any document or material, this is also to inform you I am authorized to accept service for all of them and you may do so by email, which I will acknowledge by reply if sent from your office or that of any attorney representing your clients.

Given the method and lack of notice of service chosen for the notice of proposed disciplinary action for each of my clients, however, my clients and I do not consent to any attempt

at personal service of any document or notice on the clients personally, or entering or remaining on any premises owned or controlled by them, unless specifically **required**, not merely permitted, by directly applicable law. My clients are represented, they do not require personal service for anything internal to the Library's administrative actions. If you claim such a ground exists, please inform me and I will arrange to personally accept physical service of any document you wish to serve on any of my clients, or on me personally. There is no obvious reason this cannot be done during business hours and without subterfuge, as with the last service of the notices of proposed termination dated September 29. Please ask your client to use these reasonable requirements as guidance in any further attempts to initiate contact with my clients.

This correspondence is unfortunately necessary at this time, although I do not relish it, due to the potentially dangerous situation created by your client's choice to effect personal service, knowing of the valid safety issues already proven and present, and caused by your clients, not mine. Knowing of the potential danger to my clients in the circumstances, and despite the specific statutory whistleblower protections which require their protection, your clients through Ms. Ashworth have chosen clever abuse of their duty to provide meaningful notice and opportunity to be heard, by use of deceit and subterfuge, not to mention theatrics. Please simply tell them to stop, they do themselves no favors by persisting and only serve to prove their malicious intent.

Further counseling such an approach, or standing silent while known abuses of my client are initiated and use your firm's own name as her agent of 'investigation' (see July 23 notice of proposed disciplinary action), I must view as intentional beyond this point. Please choose your response accordingly. It is in your power, by acting reasonably, to provide evidence, not mere rhetoric, to attempt to disprove your clients' claimed disregard for my clients' State and Federal whistleblower protections. At minimum, a reasonable response that does not ignore or deny established fact will at least provide **some** evidence that your silence to date is not part of a plan to assist others in deliberate violation of law, or misrepresentation of known evidence in order to gain an advantage in a civil matter.

If you cannot accept this exhortation, further liability is created by the law, the evidence, and specific portions of the Code of Professional Responsibility, which governs attorney conduct. We are prepared to prove the facts supporting such liability in many particulars, as I hope our October 1 and earlier correspondence clearly shows. That wrongdoing in treatment of my clients has deliberately occurred already also seems obvious to hundreds of registered voters, who have in the space of scarcely more than one month already called for recall of your client's Board for their mismanagement of this entire affair.

I respectfully suggest that under this record, inviting Federal Court scrutiny of the entire course of conduct already outlined creates liability that simply cannot be hidden, and shows malice, incompetence and unreasonable conduct underlies the entire course of conduct giving rise to the hearing demand we have made. Please respond as constructively as you can, since at this stage more unfounded threats of litigation and attempts at back room influence of the outcome will only reinforce the picture the evidence already paints.

Please make your decision about continuing to ignore our communications concerning the hearing required by policy with the facts and issues outlined above firmly in mind.

Please note that any failure to respond to this communication meaningfully by tomorrow October 12 at 5:00 p.m. will be considered a refusal to respond, so please make your decision about response to this communication accordingly.

Please contact me if you have any questions.

Very Truly Yours,

/s/ Jeff Boiler

Jeffrey H. Boiler

cc: Clients

Encl

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December 8, 2021

BY EMAIL

(kbrereton@lclattorneys.com)

Katherine B. Brereton
Partner
Lake City Law 435 W. Hanley
Suite 101
Coeur d' Alene, ID 83815

Your Client/Insureds: Boundary County Library
Our Clients: Eric Lindenbusch, Cari Haarstick, Mac Withers,
Dana Boiler

SETTLEMENT COMMUNICATION

Dear Ms. Brereton:

Having not received no reply to my December 7 email to you in this matter, this is to provide you the proposal you demanded by today. This form lacks the specificity we are prepared to provide, when you and your clients are prepared to disclose what must be provided prior to any hearing, whether under threat of arbitrary setting, as your email this week suggests, or otherwise. Because of this threat and to insure no later claim of waiver, I have drafted this proposal in simple letter format. Please advise me if you require a signed original by USPS. If so I will promptly send you one.

Proposal

My clients authorize me to offer this matter be comprehensively addressed within 90 days, or such other time as the parties may mutually agree, by private mediation of this matter before a mutually agreeable and available Senior U.S. District Court Judge or Magistrate Judge, or Senior 9th U.S. Circuit Court of Appeals Justice. The proposal requires my clients remain on administrative leave with pay until mediation is concluded, without the addition or modification of any proposed notice of disciplinary action against them.

We will consider agreeing to a mutual, but very temporary, agreement in this proposed approach to limit public disclosure of otherwise appropriate information to release to the public during the period which ends in mediation, provided, such a provision may not be used or invoked to conceal *bona fide* threats to public health and safety, particularly the safety of children, during the period prior to any mediation.

Documents and Tangible Things Subject to Production for Mediation

We cannot address the specifics of any release agreement which would be the product of such a mediated approach without a meaningful response to our pending requests, which you have to date declined to address except to refer to “general counsel”. Those include, without limitation:

- A copy of the policy manual(s) of your client District which is or has been in effect **at any time since July 23, 2021**, the date of first registered mail from Ms. Ashworth to my clients, announcing administrative leave and a duty to cooperate with a “continuing investigation by the Wilson law firm” and their agents, under penalty of adverse employment action. Please recall that you offered this policy manual to me, in writing, in prior correspondence. Characterizing my subsequent request for it as “unreasonable” doesn’t give me any information on the legal reason why you claim the right to withhold the very manual provision(s) on which your client now proposes to take final disciplinary action. Please do so in any reply if you choose not to give the policy manuals to me as requested.
- No one has contacted us pursuant to any “investigation” by Wilson Law Firm. The notices of proposed disciplinary action in September do not refer to it, and we have not been provided with any summary report of investigation of a Lewiston attorney who acted as agent for the District in taking statements of my clients in June of 2021. We have asked for her report, which has been withheld due to privacy considerations of other employees, which does not explain why identity redaction wouldn’t solve the problem. Simple redaction of names and identifying information suffices universally in other similar settings for this objection, so please provide me a more substantive reason for withholding the entire report of Ms. Nutsch if you also choose not to provide it. It is a condition

This is to reiterate all requests for any document or thing on which the proposed adverse employer actions noticed in September are based, or which were considered in any way in drafting the proposed notices of disciplinary action to my clients, at any time. You have identified yourself in writing as attorney for the District in this “personnel” matter. This request is being made in and for that personnel matter. How this is general counsel’s sole responsibility is unclear to me.

Of course, I will also discuss this with Tim Wilson pursuant to my email to you of yesterday’s date. However, whether his office is general counsel for the library or not, your initial letter to me informs me that you are the attorney for the District in

this “personnel matter”. I am making a request of you as attorney in this personnel matter. I do not presume to tell you where to get them, but they are known to exist and easily recoverable with a phone call or two.

In any event, withholding the factual basis from a notice and failure to provide the known supporting documents and records which are known exist, except in unreadably redacted form, seems clearly seems to me to be a decision involving this “personnel matter”. If you think there’s something mistaken in this analysis, please be specific when you let me know.

I have assumed for the purpose of our requests which bear on this personnel matter, that our requests are within the scope of representation which you stated in your initial correspondence to me. Please provide me with the legal and factual basis for your conclusion these requests are not your responsibility, if you disagree

- A Library Board member has already suggested directly in conversation that a mediated approach such as this would be desirable, but concluded my wife’s “trajectory” was to take this to Court. This is the same Board member whose first official act on reading the first media account giving rise to this retaliation matter was to publicly threaten my clients with a lawsuit by the Board. “Expect a lawsuit,” I believe were his quoted words in the news. I hope our suggested mediation approach helps him and other Board members to conclude that our “trajectory” was and is not public humiliation of the Board or its functionaries. It is simply a reckoning that comes with holding oneself out as a public fiduciary.
- Use of senior judges for mediation of disputes such as this, with serious federal issues presented, are often used in the 9th Circuit. Pendent potential state claims under Idaho law involve straightforward statutory retaliation, which does not require an Idaho-based Judge or Justice to mediate. Senior judges with background in the serious issues presented are available to conduct private mediation. If we cooperate to find a mutually agreeable federal Senior Judge, Magistrate Judge or 9th Circuit Justice, a short and straightforward and mutually agreed schedule should not present a problem.

Discussion

The benefits to this approach have already been acknowledged by at least one Board member of the District, who also has suggested mediation in acknowledging the serious issues of public concern presented, and potential for ongoing disputes with the public which will doubtless result if our Complaint must be addressed in filed proceedings in U.S. District Court. My clients are offering your clients a pause while mediation is attempted, with a good likelihood of success if brinksmanship isn’t the basis for response to this proposal. It costs very little in real terms and has the potential to save far more, while dealing with the most important issues of

public concern privately. Reasonable restrictions on comment during this process will be responsibly considered if your clients wish to accept the proposal.

I also sincerely believe, having lived the facts with my wife and clients in person daily, for two years, that your clients would clearly be best served by the approach we suggest, regardless of time frame. I assume your clients would not prefer that we simply use perhaps 50 pages of Facts Common To All Claims For Relief in the opening of our Federal Complaint, or some other public record, to disclose necessary facts to the public. A public record which will do so is their only option, if it is your continuing position that any agreed facts as part of resolution are completely off the table. Sandra Ashworth is no longer the Director, and it would seem this makes her an employee under the new Director's control in setting hearings. If I've misunderstood your letter on this point, please let me know.

Our proposed approach will also give everyone on your clients' side some time to think about what that kind of pugnacious response will actually do to your client, in real terms. We have no fear of defamation in filing the entire matter in a Federal Complaint, since truth is an absolute defense and this is most certainly not a Rule 11 situation. It is your clients who should fear the facts coming out, not mine. Therefore, it seems to me an offer of structured mediation while holding my clients' employment status in place for up to 90 days is a generous proposal. It also seems to be the only way to avoid complete public disclosure and the serious liabilities that will result if this proposal is dealt with as dismissively as my clients' serious fact-based concerns have been to date.

In discussing this proposal with your insurer and your client's representatives, ***please resist the temptation to characterize this matter as a simple overreaction by overprotective parents. It is not, any more than objections of enraged parents whose child is victimized by rape in a public school restroom are "domestic terrorists"***. I respectfully suggest this point in our history is certainly not the time to gamble on the standard program of denial and obfuscation sometimes employed by insurance defense principles in such cases. The American people, which includes my clients, are sick of this kind of intimidation by local government bodies, as a casual familiarity with national news can show.

My clients are victims, not whining complainers looking for a free meal at public expense while stalling to get the absolute maximum. The suggestion to the contrary created by your recent language is insulting and complete fantasy. Please treat them and their offer with the respect their selfless efforts to bring these matters of serious public concern to light deserve.

Please also note that this proposal does not contain a proposed specific terms of resolution of all claims which may be presented by this fact pattern, *only* because your clients won't provide the factual basis for their proposed adverse action, won't engage in simple redaction to respond to our public records requests bearing on this hearing, and won't provide even the policy manual now on which the District relies

for taking this position. Similarly, your failure to address nonproduction of the policy manual you offered is unexplained by your rather dismissive email reply of this week on the issue.

For all these reasons, I urge you to consult with your clients on this point before dismissing the federal mediated approach we propose out of hand. *In doing so, please carefully note that Sandra Ashworth is no longer Director, and has identified herself on the record at December 7th's Board meeting as "Assistant Director". The new Director was present and acting as Director with the Board at the meeting, so I hope this lays to rest the notion of Sandra Ashworth acting in any capacity for the District at any hearing in this matter which may result.*

I don't wish to leave you with the impression I am insensitive to the privacy and confidentiality concerns presented in fact patterns such as this. I have managed such in complex factual settings such as this, with public employees, many times. I intend to respect the restrictions on discretion inherent in the attorney-client relationship. I must nevertheless urge you most sincerely, one final time, to respond to the substantive issues I have raised to you in this and other correspondence since October. The public and not just my clients are not being served by hiding the ball, and safety of children is heavily involved.

The now-Assistant Director and some of her staff are responsible for much of this problem, and those problems will not go away by setting a hearing arbitrarily or conducting in without regard for the impropriety inherent in taking marching orders from Sandra Ashworth, whose legal standing to act is suspect at best. She is not in control and does not speak legally for your corporate client any longer. She has created serious legal liabilities for your corporate client, and those will all need to be addressed in mediation as well. But federal judicial mediation is a private venue where truly unreasonable conduct is rare, in my experience. Too much is at stake to be formulaic or dismissive about this, so let's work together to insure the new Director isn't presented immediately with the role of conducting a hearing on the people and issues she knows nothing about, or worse, about whom she has been seriously misled.

If we can accomplish this pause for mediation, I have no doubt, based on specific authority from my clients, that monetary damages will not present a roadblock to any comprehensive settlement. My clients are remarkably selfless, and it is fortunate for yours that they are. However, their patience in dealing with obfuscation and threats have limits, as does mine.

By this proposal, we can together structure what must be done in private mediation to insure the facts of the dispute are shared by both sides, which will benefit your clients far more than mine. We do this in part to demonstrate the unflattering implication in your last that we are 'stalling', is unwarranted. I have no personal distrust of you or your firm. I am confident we can agree with each other to exchange information in such a way that a responsible judicial officer has all the facts, and no one is at a disadvantage due to lack of knowledge of what the truth really is on a given topic.

We have already conducted a great deal of investigation and are willing in principle to share it if our proposal is accepted, *if* the mutual goal is to comprehensively deal with this matter by mediation with the assistance of a Federal Senior Judge or Justice. His or her

recommendations will weigh heavily in any agreed resolution, and that input will come without the need for public records to be created, such as tort claim notices and filed pleadings.

Does your client really wish to read what they could learn in mediation, in a filed Federal Complaint? That's the only alternative you leave if you proceed with the threatened setting of hearing without addressing all the issues raised to date in our correspondence.

I belabor this point because it may be the last best opportunity your clients will have to control the nature and content of the facts which will become matters of public record. It will be **our only** option, and will surely happen, should your clients follow through with any adverse employment action, or act arbitrarily in the setting of hearings which may be required in this matter, or otherwise take action designed to engage in further retaliation as defined by Idaho Code.

Thank you for your consideration of this proposal. Please feel free to call or contact me by email if you have any questions or wish to discuss.

There is no time limit on your response. This proposal will remain open unless and until revoked, or otherwise if by mutual agreement of the parties or their attorneys in this matter.

Very Truly Yours,

Jeffrey H. Boiler
ISB #11476
OSB #830219

JHB:jb
Cc: Clients



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Katharine B. Brereton
Partner
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January 26, 2022

Sent via email: jboiler@boilerlawfirm.com

Jeffrey H. Boiler
Attorney at Law
P.O. Box 877
Bonners Ferry, Idaho 83805

RE: Boundary County Library | Employees Eric Lindenbusch, Cari Haarstick, Mac Withers, and Dana Boiler
Letter dated December 14, 2021

RULE 408 COMMUNICATION

Dear Mr. Boiler,

Thank you for your letter dated December 14, 2021. The purpose of this letter is to provide a response to your letter and to advise you on additional information to aid in settlement discussions.

First, please be advised that the insurer for the Boundary County Library District, Idaho Counties Risk Management Program (ICRMP), has now taken over settlement negotiations regarding this matter. I will continue to communicate with you regarding this matter on behalf of the insured and insurer. With this development, the insurer will need you to provide a formal letter confirming your representation of Mr. Lindenbusch, Ms. Haarstick, Ms. Withers, and Ms. Boiler that also confirms your authority to negotiate on behalf of each individual. You may send such letter to me directly and I will forward it to ICRMP.

Second, I also wanted to provide you with the payroll information for each of the above employees, as ICRMP will be relying on this information for the negotiation of this matter. The current pay information for each employee is as follows:

Employee	Hours/month	Wage/hour	Annual gross pay
Lindenbusch	76	\$11.13	\$10,150.00

Withers	80	\$11.26	\$10,809.00
Boiler	144	\$12.36	\$21,358.00
Haarstick	144	\$14.91	\$25,764.00

In light of the individuality of the employees, the personal nature of each of the respective employees' alleged claims against the Library, the distinct bases for the Library seeking each employee's termination as set forth in the Notices of Personnel Action, and that each employee receives a different pay rate, ICRMP will be considering settlement with each employee on an individual basis. With that said, in order to foster meaningful settlement negotiations, an updated demand which accounts for the individual pay rate of each employee is requested. I kindly ask that you provide this information as soon as possible so that we can keep the negotiations moving forward efficiently and effectively.

With respect to the other conditions of settlement in your letter of December 14, 2021, those terms are under consideration.

Should you have any questions with respect to the contents of this letter, please feel free to contact me. Otherwise, I look forward to hearing a response from you soon.

Sincerely,

LAKE CITY LAW GROUP PLLC

Katharine B. Brereton

Katharine B. Brereton

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February 16, 2022

BY EMAIL

(kbrereton@lclattorneys.com)

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Your Client/Insureds: Boundary County Library
Our Clients: Eric Lindenbusch, Cari Haarstick, Mac Withers, Dana Boiler

**DEMAND FOR HEARING
SETTLEMENT COMMUNICATION**

Dear Ms. Brereton:

Thank you for your email with attached Notices of Hearing for my clients, nominally authored by Director Kimber Glidden and dated February 11, 2022. You actually emailed these documents to me after hours on February 14. This will acknowledge service of each notice on February 14, 2022, at 5:39 p.m.

I note that this action was taken without notice and during specific compromise negotiations which you solicited from my clients and was being "considered" as of your last communication with me on the subject, a letter from you dated January 26. Finally, I note the notices were sent by you, although authored nominally and signed by the present Director of the Library District.

This is my clients' response to your email of February 14, with enclosures:

- The pending offer of compromise is withdrawn in its entirety.

In your January 26 correspondence, you indicated that the offer of compromise which you solicited was under consideration. In the two weeks between that statement and your

service of the notices to my clients sent to me yesterday, you have given no indication that this was not the case. I therefore interpret your choice to give notice of termination hearings with two days notice as deliberate. It seems obviously designed to circumvent the fact that the offered resolution process and offer was initiated at your demand. The notices are indistinguishable from the July 23 notices authored by Sandra Ashworth, who isn't supposed to be an employee anymore, and certainly isn't the Director.

These actions seem to have only one purpose: to unnecessarily delay and to improperly undermine the process of proposed settlement by private mediation, which **you** required to be made and **you** solicited. The artificial deadline of February 17 in this context is clear evidence your insurer is not negotiating in good faith.

These conclusions are reinforced by your obstinate refusal to provide me with a copy of the policy of insurance applicable to these matters, which I have obtained on February 14 from Mr. Wilson's office, a few hours before you sent me the notices of hearing for February 17. You knew ICRMP was "considering" our offer in its specifics and said so by letter to me dated January 26. You knew my assumption for the purpose of the offer made December 14 was that coverages were less than what they actually are in the policy...by a factor of 400 per cent. Your refusal to disclose the policy terms and limits must be viewed in this context.

As I hope is now apparent, withholding documents such as this and the other documents in support of the proposed terminations didn't further your clients' interests. The notices by their terms purport to set a hearing without public notice, and we have previously gone over in detail why this is a public meeting. They ignore the disclosed medical condition, which is continuing, that resulted in the arbitrarily set October "hearings" being postponed. Since you asked for and got an offer of compromise in written form on December 14, you have not complained or indicated that the "consideration" of the offer made was under time constraint. Neither you nor ICRMP asked any questions other than to ask for special damage calculation information, which is premature at best. Similarly, you made no requests for language of the specific disclosures we required to be a part of any settlement, which was the central and express condition of any release.

Instead, you sent on January 26 a template for details of hours worked per client, a matter of special damage which puts the cart several miles before the horse. Still, you gave no indication of impending reinstatement of the termination process, nor stated our response to special damage information was a 'condition' of your clients' consideration of our offer, which was designed to find common ground.

In short, it appears you took careful aim at your foot and pulled the trigger. No settlement practices of the Federal Bar, of which I am aware, reward such duplicity in the process of resolving serious issues of public concern. Let there be no doubt about why this offer of compromise is being withdrawn. The actions of you and your client on February 14 demand it, and my clients are all in agreement on this point.

- We object to any hearing at any time which is not duly noticed and conducted as a public meeting. We have discussed this with you at length and there is no legal doubt that your clients' policy manual—an inoperative copy of which is the only source of authority you have provided for these actions—specifically and in two separate instances require Board attendance at hearing with proposed termination. I informed you in writing you provided an inoperative provision and reiterated my request to you in writing.

You have ignored this request, so you have given notice of proposed termination in a retaliation case while withholding the newly adopted personnel policy which actually applies. You have then allowed your client to characterize these omitted provisions as evidencing “an informal process”, and failed to respond to my written disclosure to you that Sandra Ashworth’s representation that the same policy, now “informal”, was actually a misprint.

I realize the words “informal process” appear in the manual provisions regarding how the process works, but this is followed by several pages of actual, formal process. Hiding behind the general language in this regard does not convert substantive and formal due process requirements written in the policy, magically, into “guidelines” or “an informal process.”

How the withheld basis in policy has morphed from “misprint” to “informal” process is best explained by simple reference to the language of the policy adopted by Board vote (I was there when this happened), not by self-serving mischaracterizations of its contents. I can see why you don’t want to provide me the applicable policy language, and withhold it to this day, because it is clear, specific, formal in fact, and based on ICRMP’s own model provided to its insured. However, you have now chosen to send notices of proposed termination based on a version of that policy which you know is not in force and wasn’t at the time these actions in aid of termination were first taken. Why, if not to conceal the policy adopted itself, and to further its mischaracterization to my clients and the public at large?

I addressed this policy issue and your nonproduction with you in previous correspondence. You have not responded. Sending the notices you have sent therefore makes it clear you see your role as enabling Ms. Ashworth and her allies, who are attempting to conceal the truth about serious issues of public safety at the library from the public. To do so despite knowing or having reason to know they are lying, and you are withholding the actual language of the policy, seems to go beyond advocacy, and I request an explanation in detail. From these facts, it appears from this conduct alone that ICRMP is not negotiating in good faith, nor is this conduct supported in any way I can see as a good faith argument for extension or modification of existing law.

Your chosen course of action as of February 14 has guaranteed that the full story of what your clients have done will be fully disclosed to the public by public record. This is now completely outside your clients’ control, apparently the opposite result of what they most want. The facts will also clearly support their individual exposure to a punitive damage award in a case where special and general damages are already quite high. As you may

know, punitive damages are uninsurable as a matter of law. Your chosen course then hardly serves your clients' interests, or the bottom line for ICRMP.

- Demand is made for hearing by each of my clients at a duly noticed public meeting of the full Library Board. No such notice has been given at the time of this writing.

You and I have previously dealt with this issue in October, when I supplied you with proof of my wife's medical condition, discussed below. When a quorum of the Board of Trustees meets anywhere and the subject of the discussions includes District business, it is a public meeting. If it is a personnel matter or litigation matter, it is noticed as an executive session, but this does not convert it into an "informal" proceeding, or a "misprint" in the policy manual. Whether an "action item" is on their agenda for termination or not, a public notice of such action, particularly in a retaliation case involving public safety and employee safety, seems absolutely necessary.

By your notices of February 14, it appears your position now is that your clients need give no notice at all, for any hearing which involves the proposed terminations of my clients. Are you relying on the "informal process" language in doing so? If so, be advised the specific controls over the general. Characterizations give way to the actual language of the process which is adopted by vote. I have that language, even though you have refused to provide it.

We therefore object on the ground of nonproduction of the actual, applicable policy which controls the proposed adverse action. If you have any authority excusing such an omission, I'd be happy to review it.

Lest I be misunderstood, let me be clear: We—all my clients and myself-- demand the full Board be present at a duly noticed public meeting, for any proposed discussion or hearing regarding their termination from employment—whether you choose to call it "informal" or not. We reiterate that demand here, and reiterate the demand for all documents on which any proposed adverse employment action is taken, along with the adopted policy itself, certified to be a true copy. There are several of these, beginning last summer. If you don't have them and want them, ask me and I'll send you copies of what we have demanded, and to whom.

The same objections and demands set forth in this section of our response applies to any subsequent proposed date for hearings which your client attempts to arbitrarily set, or set without our agreement.

If your position has changed since October on whether the action your clients propose must take place at a duly noticed public meeting, please supply any legal authority that has changed your mind about whether Board participation by written policy would not now constitute a "public meeting". I note no notice of such a meeting exists on the Library website either for February 17 or February 23, despite the representation in the signed notices that the date "will NOT be extended" [emphasis added].

You would do well to comply with our requests for this information, *before* there is no room to interpret your actions as anything other than an attempt to mislead us into the belief that the policy you provided is in force. The same urging applies to our long-pending demands for the factual basis for the claims supporting adverse action. Prudence also now dictates, if you were unaware of any of the facts which suggest intentional withholding of applicable Library personnel policy provisions, that you proceed on the assumption your client has misrepresented to you both the facts of this case and the contents of their own policy manual.

The open door of private mediation to discuss these matters cooperatively has closed, and I am urging your future responsible handling of our demands, requests and objections summarized here by way of consultation, anticipating that Rule 11 sanctions may be sought in the event that this type of behavior persists into the litigation process.

- Demand is specifically therefore made for production of all documents and other tangible things on which your clients rely in any way in proposing to take adverse employment action against my clients. In this connection, be advised Sandra Ashworth inadvertently enclosed, in the notice of ad leave dated July 23, her personal notes evincing intent to retaliate against a family member of one of my clients in this matter. Should you respond that no such documents will be provided, it will be with our full prior knowledge that such a representation is not true.

Please take your positions on what to produce to me accordingly, and consider requiring your clients to disclose what documents they do have which are responsive to our demands for the factual basis for the notices sent this week. We have previously made demand on general counsel for the library to preserve all evidence relating to this matter, and are yet aware that Sandra Ashworth has taken property from the library which pertains to these claims, including outright theft of property of my clients. Although demand has been made, it has not been returned, and the value is in the felony range.

To summarize this section of our response:

Please immediately produce all documents or tangible things on which any proposed disciplinary action may be taken by each of my clients, or any statements contained in the notices you have served are based, in whole or in part. Those start last summer with Tim Wilson's office and continue up to and through your representation of the District in this matter. If you would like full copies of each written demand or request for these documents relied upon, please let me know and I'll provide you with true, correct and complete copies of what we have previously requested. They are not public records requests alone, lest you refer me to your clients to make such a request.

If any document is withheld under any claim of privilege in this legal context, please provide me with the legal basis for your objection. Please be advised that I will view and pursue accordingly any intentional withholding of documents under this request as direct evidence of intent to further known unlawful retaliation by your clients.

All legal posturing aside, you know very well that your clients have made this into a most serious retaliation case, not a good faith proposed termination for cause. I urge you not to further your clients' willful retaliation by deliberately withholding documents which demonstrate the purpose and extent of retaliation against my clients, without firm legal basis for doing so.

- Request is hereby made for family medical leave on the grounds of disabling illness of my wife, Dana Boiler, who is also a material witness in each of the hearings you have noticed for February 17. She is and has been under care of a physician for ongoing illness, and written proof of this was provided to you in October.

Yesterday by email I provided you a copy of this request, made to general counsel Tim Wilson, but he advises his participation is limited to the public records request for the insurance policy, which was made to you but refused. You were also made aware of her disability in October, when similar attempts were made to arbitrarily set a hearing, that she was under a physician's care. A physician's statement was then provided in October, but your client has ignored these facts without further inquiry to her health status, and set these hearings without regard to this known condition.

Lest I seem unclear, let me be specific: my wife requests accommodation for her condition under the ADA, and requests leave under the Family Medical Leave Act. According to policy, the Library is a covered employer and my wife is a qualifying employee. I will supply you with the basis for this legal conclusion under separate cover if this is in dispute. She has over 72 **hours** of earned sick leave from the period of her admin leave alone, so regardless of your response, her pay may not be lawfully interrupted until all paid leave is exhausted. I suggest you get the figures on earned leave from your clients to insure no one is under the impression this request and continued payment to her in full need not continue.

ADA accommodation would also require a similar result. I specifically and formally advise you that her condition has been recognized by the present Federal administration as a qualifying condition for ADA purposes. Please make any recommendations regarding this request with that fact firmly in mind.

Please note that in FMLA cases such as this, the employee has two weeks to provide certification of the claimed disability or condition for which leave is requested, and certification is not required unless requested by the employer. The dates your client has arbitrarily set fall within that two week period, which began with my email to you and Mr. Wilson yesterday.

Therefore, we will assume absent your express representation to the contrary, the notices delivered February 14 by email are of no legal effect. By statute, any action taken on the notices which is not at a duly noticed public meeting is null and void. If you disagree, please confirm by writing with a statement of the law on which you rely for your position.

Mr. Wilson has referred me to you, as to my request for any employer *forms* to verify certification of the condition for which medical leave is requested. Mr. Wilson advises me his involvement in providing me the applicable policy of insurance, which you refused to provide, was only to clear up confusion concerning response to my previous public records requests to his office. My email to him of yesterday was copied to you, and contains this request for medical leave under the FMLA and ADA.

Please consider yesterday's email request to be directed to you now for response, along with response to this correspondence.

- Request is made for any certification or other documents the employer utilizes for FMLA requests. We have researched the issue. It is the employer's duty to deal with the FMLA request lawfully once it is made, and no particular form is required. This request for leave triggers the process and the employer's duties.

Medical leave with pay is required, as there is no question sick leave alone will cover any period of leave, up to several months. My wife has garnered 72 hours of paid sick time during the period of administrative leave alone, and had not used sick time at all in the previous year. This is in addition to all other paid benefits or legal entitlements. Please consult applicable law to insure her paid status continues uninterrupted.

The demand for hearing before the full Board of Trustees at a duly noticed public meeting, set forth above, is not intended to and does not waive the statutory rights of leave under FMLA or ADA, which become operative once this request is made. Our demand is for hearings, duly noticed, which do not violate FMLA protections or rights secured under the ADA. This applies to both the present hearing, and the "name clearing hearing", which is a second and separate right of hearing and appeal before the Board.

Please note that by law, the employee has two weeks to respond to any request for certification of an FMLA request. We will provide proof for certification at the time and in the manner provided by law. Please note it is incumbent on the employer to respond to this request, and certain time limitations apply.

- I thought we had already settled that issue, but from the timing and content of your communication yesterday, it seems plain your new Director is either unaware of how the policy was adopted, the fact that it is based on an ICRMP model policy, or the fact that I have requested from library counsel by writings dated July 5 (Droz), October 1 (Droz and Wilson), December 8 (yourself) and December 14 (yourself).

Summary

This response is designed to notify you of our request for medical leave under FMLA and ADA, to demand hearing, and to specify the areas of disagreement going into any

proposed adverse employment action against any of my clients. It is detailed because your actions of February 14, along with the actions of Kimber Glidden, make it clear our proposed framework for private resolution and cooperative disclosure in the public interest have been met with duplicity and cynical derision of the best employees this public agency ever had.

The blame for the missed opportunity to deal with the necessary disclosures, as though this were an episode of "Let's Make a Deal", lies squarely on your clients. Furthering their demonstrable misconduct by taking unannounced and unnecessary action to intimidate my clients, as you did on February 14, was also an unnecessary choice, with real world consequences not only for my clients, but for yours. As a result of your choices, or those who may have ordered your action, your clients will now face public disclosure of a broad range of serious misconduct, which cannot survive public and legal scrutiny. My clients and I are devoted to it, unified in this response, and prepared by years of on site observation of the alleged misconduct to litigate this matter to conclusion.

That is what the fit of pique that apparently drove Ms. Glidden to sign the notices of proposed disciplinary action has done, nothing more.

I have assigned meaning and intent to the acts and omissions giving rise to this response, because in context these acts and omissions clearly appear to be willful and further known, serious and at times criminal. You seem unwilling to address the truth of the matter, and so you present my clients no choice.

I hope after consideration of this response our collective choice about how to respond to the new notices of proposed adverse action is clear. Please feel free to ask me any specific questions you still may have about it, or any other aspect of this correspondence. ICRMP's undisclosed personnel who may be working on this is invited to do the same.

This is not an invitation to negotiate or reinstate our settlement offer, which is unequivocally withdrawn.

Please direct any communications intended for my clients to me, including any contact you wish to consider routine employment matters or notices. Your clients present a serious and ongoing physical threat to mine, and have sent process servers under false pretenses to their homes in the past to deliver such "routine" notices. None of your clients should be in proximity to any of mine. Please take steps to insure this continues to be the case.

Most Sincerely,

/s/ Jeff Boiler

Jeffrey H. Boiler

ISB #11476

OSB #830219

Attorney for Dana Boiler,
Cari Haarstick,
Mac Withers, and
Eric Lindenbusch

JHB:jb
Cc: Clients

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February 18, 2022

BY EMAIL

(kbrereton@lclattorneys.com)

Katherine B. Brereton
Partner
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Your Client/Insureds:	Boundary County Library District, Trustees, Staff, Volunteer(s)
Our Clients:	Eric Lindenbusch, Cari Haarstick, Mac Withers, Dana Boiler
Re:	Refusal to process FMLA Request for Leave; D.Boiler ADA claim
Reference:	Your email dated February 16, 2022

Dear Ms. Brereton:

This responds to your email of February 16.

ADA issues

1. Scope of Release Sought.

The ADA form you tendered for completion by today includes blanket language of medical records release which are not required by law. The language which actually appears on the form you sent, which we have identified from publicly available sources, contained other language which did not include the terms of blanket release which your client has substituted. We have completed the form with legally appropriate language of release, and the completed form you demanded by today is enclosed.

2. Unreasonable Time for Response.

The time limit you have placed on response is facially unreasonable, and the standard for timely compliance under applicable law and best practices is “within a reasonable time”. There is no emergency here, my client has been on administrative leave with pay for 10 months, and until Monday of this week there was no mention of any deadlines to reinstate the improvident adverse employment action against her. You also made no mention of time limitation on the offer of compromise which you solicited, and was pending until the unannounced reinstatement of the process which your client began Monday of this week.

In this factual context, tendering an altered ADA form with such broad and obviously overreaching language seems to have only an improper purpose, as does your two day demand for its return. Nevertheless, we are providing you that form, with the legally unnecessary language excised and a written release in language which meets statutory requirements for your processing. This accommodation of the artificially short time for response is a courtesy, and this accommodation for unreasonable demands for response, not required by law, will not be repeated. Please make decisions about giving any artificial deadlines for response on this or any other issue in the future with this fact firmly in mind.

The form tendered is otherwise complete and enclosed with legally appropriate release language.

If you have any question or comment on this issue, please consult applicable law on the reasonable time requirement before sending it. The legal requirement and industry best practices seems quite clear: responses to requests for information such as this must be within a reasonable time, not an arbitrarily short time, or time convenient to the employer’s obvious retaliatory purposes in re-initiating disciplinary proceedings while a solicited offer of compromise is pending.

3. As to the form to be completed by the physicians, please be advised it will be supplied to one of the treating physicians at the earliest available appointment date, which is February 22. We will request his prompt compliance and return to you of any responsive information, again within a reasonable time, not on an artificial deadline which is not a matter of agreement. Please note there is only one person, the Director, and not her various designees, volunteers or co-Defendants, who is authorized to receive any information pursuant to the release language in the form enclosed.
4. Reasonable Accommodation

Analysis of your client’s duty of reasonable accommodation will be sent to you under separate cover within a reasonable time. In the interim, please note my clients have been on paid administrative leave for about ten months with the assurance that ‘further investigation by the Wilson Law Firm and their agents’ would be required. We have never been contacted or asked to give further information since that time. Any allegation of undue hardship by continuing the status quo as reasonable accommodation should be addressed by any position taken on the issue of “undue hardship”.

The library has operated normally---according to the glowing reports of your clients at the Board meetings and in public statements since administrative leave began---without her presence during that entire time, so if you now wish to insist upon artificially short times for response in processing this claim and the FMLA matter discussed below, please articulate exactly what undue hardship or statutory noncompliance by my client is evidenced by disregard of such artificially short turnaround times in the future, on any subject.

FMLA Issues

1. Required Statement of Reasons for Refusal

You have responded to this demand that in your view, my client is ineligible under FMLA principles. You are required to provide an explanation with at least one reason in addition to your legal conclusion of ineligibility within five days of receipt of an FMLA claim such as this. Please consult applicable Department of Labor and EEOC rules and guidelines and provide me with the required statement within the time provided by law.

I have received and reviewed your letter of response sent this afternoon, and understand you may now concede certain of the points made in this letter. You may also intend that I consider today's letter to me as the minimum of one reason besides your opinion for the refusal, as discussed above. I will treat your letter for today's purposes as the single stated reason you are required to give within five days, since that time apparently runs today.

The reason you give in your letter today apparently is based on your assumption that paid time off (PTO) may not be counted toward eligibility requirements of 1250 hours, and that paid administrative leave is equivalent to PTO. It is not. Ad leave begun for all library employees in April of last year. Additional conditions for my clients were imposed on my clients by instrument dated July 23, and required my clients to be available at all times for work purposes, including broad availability for "continuing investigation" when your client apparently didn't like the conclusions of their attorney investigator, whose report is in your possession but denied to us.

Paid administrative leave is not 'paid time off' for exclusionary FMLA purposes you invoke in today's letter to me, and seems even more clearly so in this factual setting, See, FMLA Opin.46, Page 1, Paragraph 5, dated October 14, 1994. The specifically cited language at the citation appears to exactly match the factual setting here, and the plain conclusion is stated: the hours on the type of paid ad leave imposed on my *clients is counted for the purposes of the FMLA 1250 hour test*. My clients have been accruing benefits throughout all period of leave since April of last year, and if not, it was kept a secret from them. This obviously presents an entirely new problem for the employer, and we will deal with it accordingly if your stated opinion is not altered by what seems to be clear guidance on this very subject by the agency charged with interpretation of the Federal statutes in question.

You may not have been aware of this opinion, the labyrinth of Federal employment law is often not well-indexed and the principles not always transferable to a given fact setting. However, this opinion and fact setting appears to fit like a glove. If this alters your conclusions, please provide me with notice of acceptance of the claim within the time required by law.

Please advise Ms. Glidden to calculate the eligibility hours with this clear legal principle in mind. My client has many, many hours in excess of 1250. Please ask her to be sure to include the over 300 hours paid and converted to W-2 wages in 2021 for home based work on the new website Ms. Glidden now enjoys, along with the logo she now proudly displays on her notices of proposed termination—designed by my clients.

To summarize on the issue raised by today's letter to me:

- The hours worked under this leave are compensable work hours for FMLA purposes. This issue has been the subject of formal opinion by the agency which interprets the law on the subject.
- PTO is a benefit, and is not regarded as compensable work hours. Administrative leave is not a benefit and contains a duty of availability and response to work demands which make it clear it is not a benefit.
- Hours worked on administrative leave in this fact setting are therefore included in the 1250 hour calculation.
- You have apparently drawn the conclusion that administrative leave with pay under these conditions of employment is not equivalent to “compensable work hours”, and wish to exclude ad leave hours from the calculation. This is contrary to the only express opinion on the subject. This alone seems dispositive of your objection, but the facts themselves make it clear this ad leave was and is not a “benefit” to be excluded from the calculation, and is not co-extensive with “paid leave”, as you assume.

If you still intend to base your refusal on the conclusion you have drawn, please explain. In any such response, please also address your denial given the fact that my client was required as a condition of her employment—during the entire period of paid administrative leave-- to submit to any and all requests for continued investigation, and to be available for this purpose and any other purpose the employer wished. It appears that to do so would convert the notice of administrative leave of July 23 into a *fait accompli*, since denial of the benefit of FMLA during that period would be an actual, completed disciplinary action, all without hearing of any kind.

In any response please also address why denial of hours for FMLA purposes while on paid administrative leave with continuing availability requirements and other duties is not deprivation of a material employment benefit, and why no process for this adverse action was not provided if so.

2. Failure to Address Existing Contrary Federal Circuit Authority.

You are presumably aware that your client's personnel manual contains an express provision extending FMLA benefits to library employees. This provision was re-adopted after consideration and debate by the Board, with public input and employee input, on this issue. The present form of the manual contains the same language extending this right after full vote of the Board. I have pointed this out, you have failed to respond as of the time of this writing.

You have simply stated that in your opinion, she is an ineligible employee, but this very issue has been litigated to conclusion at least twice in the Federal Circuits within the last 12 years, and such a provision in each case has resulted in a finding that FMLA benefits apply notwithstanding any other factor which may result in a determination of ineligibility.

Your simple denial leaves this apparent disregard for existing law and best practices unexplained. Please address this issue, as I have requested you to do so by email earlier this week. If you refuse, in context it will appear and be alleged to constitute a part of an ongoing pattern of willful and unlawful retaliation by your clients for protected activity of a whistleblower under both State and Federal law.

Public Meeting Notice is Required

Today's letter apparently denies that the policy provision requiring Board attendance requires public notice of meeting. I will respond to your arguments and statements in detail under separate cover well in advance of the February 23 date which you have set in your letter for that meeting.

In the interim, please understand clearly that any meeting set or taking place for which notice is not given will be viewed as a nullity in accordance with statutory provisions applicable to meetings which do not conform to statutory requirements. If it does not, the same action of an unnoticed meeting will then constitute violation of the Board of its own policy, in a retaliation case which involves the most serious issues of public safety.

It's obvious your clients wish to avoid public knowledge of their actions, which is already a moot point for the reasons outlined to you in my letter of February 16. This matter will be fully and publicly aired, and their attempts to avoid this result would seem to only prove our point about gross mismanagement and whistleblower protections. I hope you do not take action in reliance on your stated opinion today without having that assurance in the front of your mind.

Most Sincerely,

/s/ Jeff Boiler

Jeffrey H. Boiler

ISB #11476

OSB #830219

Attorney for Dana Boiler, Cari Haarstick, Eric
Lindenbusch, and Mac Withers

Cc: Clients

Encl: ADA form



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Katharine B. Brereton
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February 18, 2022

Sent via email: jboiler@boilerlawfirm.com

Jeffrey H. Boiler
Attorney at Law
P.O. Box 877
Bonners Ferry, Idaho 83805

RE: Boundary County Library | Employees Eric Lindenbusch, Cari Haarstick, Mac Withers, and Dana Boiler
Letter dated February 16, 2022

Dear Mr. Boiler,

The purpose of this letter is to provide a response to your letter of February 16, 2022. There are a number of issues raised in your letter, not all of which require a response. I will respond to only those issues that necessitate a response.

Scope of Representation

Please be advised that I am not and have never been employed by the Boundary County Library District (the "Library"). The numerous claims in your letter directed at me personally or which purport to characterize the Library as my employer require me to reiterate the scope of my representation. As stated in my email of February 4, 2022, I have been appointed by ICRMP as the attorney for the Boundary County Library District for matters pertaining to or relating to the employment of your clients. The scope of my representation as the attorney for the Boundary County Library is in accordance with the terms of the Library's policy with ICRMP and Idaho Code sec. 6-901 *et seq.* Let me be very clear, I do not make decisions for the Library or for ICRMP. I do not take action without prior approval. The insinuations in your letter that I have taken action or made decisions on my own authority and without direction from the client are audacious and meritless.

Hearings

In the hearing notices provided on February 14, 2022, the employees were advised that the hearings had been scheduled for February 17, 2022, or an alternate date of February 23, 2022. From your letter, I understand that each employee demands a hearing, and that hearings on February 17, 2022, was unacceptable. However, you have not requested an alternate date and time. In the Notice of Proposed Personnel Action served last September, each employee was notified that if they were unable to participate at the scheduled hearing, then the employee could request an alternate date and time. In the hearing notices, the employees were again advised of this. Each employee has been notified that the Library has already set aside February 23, 2022, as an alternate date. Since no alternate hearing date has been requested or suggested, the hearings for Ms. Withers, Ms. Haarstick, and Mr. Lindenbusch will proceed on February 23, 2022, commencing at 1 p.m. and continuing thereafter. I will address setting a hearing date for Ms. Boiler separately below.

I understand that your position is that the Board is required to attend the hearings for each employee and that such hearings are public hearings. I do not and have never agreed with your position. In your letter of February 16, 2022, you have demanded a hearing for each of your clients before the full Library Board. The Board will attend the hearings scheduled on February 23, 2022, and the hearing for Ms. Boiler scheduled at a later time. These hearings, however, are not public meetings and will not be noticed as such. Idaho Code § 74-202 defines a “meeting” as “the convening of a governing body of a public agency to *make a decision* or to *deliberate toward a decision* on any matter.” “‘Decision’ means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present...” “‘Deliberation’ means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature that do not specifically relate to a matter then pending before the public agency for decision.”

In accordance with Idaho Code § 33-2721, the Library Director is statutorily delegated the duty to hire, discipline, and discharge any employee of the Boundary County Library District. The personnel policy adopted by the Board on March 31, 2021, cannot supersede Idaho Code § 33-2721. Since the Library Director will be making any decision regarding the discipline or discharge of the employees, the Board will not be making a decision or deliberating towards a decision at the hearings on February 23, 2022, or at the hearing scheduled for Ms. Boiler at a later time. Thus, these hearings are not public meetings and need not be treated as public meetings.

Should any of your clients’ employment be terminated and should they seek a post-termination appeal hearing, you and your clients are advised that, by granting your clients’ request for the Board’s presence at the hearings, the Board will be apprised of each of your clients’ positions and the factual basis for the proposed personnel action prior to any appeal hearing conducted by the Board. Thus, by demanding the presence of the Board at the hearings scheduled for February 23, 2022, and the hearing scheduled for Ms. Boiler at a later time, each employee is

knowingly inviting the possibility that the Board will not be impartial at such post-termination appeal hearing. If after consideration of this information, any of your clients decide that they do not want the Board to be present at the upcoming hearings, please let me know.

As set forth in the Notice of Proposed Personnel Action previously served on each of your clients, the failure of the employee to participate in the opportunity to be heard allowed by the Boundary County Library Personnel Policy, whether by participating in the hearing or by submitting a written response, shall constitute a failure to exhaust administrative remedies under the policy. This means that if Ms. Withers, Ms. Haarstick, and Mr. Lindenbusch refuse to participate at the hearing scheduled on February 23, 2022, or Ms. Boiler refuses to participate at the hearing to be scheduled, then no other hearing will be scheduled and the Library Director will move forward with making a decision.

Demand for Documents

Personnel Policy

On December 13, 2021, I provided a copy of a personnel policy of the Boundary County Library District to you via email. By letter dated December 14, 2021, you stated, "The personnel policy manual you sent me yesterday is not the adopted version, which is materially changed. Please compare the adopted version with the draft dated March 18, which is what you provided." Indeed, the version I provided to you was not the policy adopted on March 31, 2021. I can only surmise that the version I had was mistakenly provided to me instead of the March 31, 2021, version. With that said, it is curious to me how you could possibly know that the personnel policy dated March 18, 2021, was "materially changed" from the adopted March 31, 2021, version if you were not already in possession of the adopted personnel policy. In any event, I provided the personnel policy to you as a courtesy on December 13, 2021, and will provide the adopted personnel policy to you with this letter as a courtesy. By providing the policy as a courtesy, I am in no way agreeing with your claims that I have withheld the policy or refused to provide it. Claims such as this are why all of my communications to you are in writing.

Documents Relied Upon by Library for Proposed Personnel Action

I have already addressed this issue. In my email of November 15, 2021, I specifically advised you:

The Notices of Proposed Personnel Action contain the factual bases for the proposed action of termination. In each Notice, under "Reasons for Proposed Personnel Action" it identifies the specific policy provisions which the employee's conduct has violated, and identifies the conduct which constitutes violations of the Boundary County Library Personnel Policy, see "Action which constitute violations of the Boundary County Library Personnel Policy". For Ms. Boiler, the actions are specified in the paragraphs numbered 1-5; for Ms. Withers, the actions

are specified in the paragraphs numbered 1-3; for Ms. Haarstick, the actions are specified in numbered paragraph 1; and for Mr. Lindenbusch, the actions are specified in numbered paragraph 1. For-cause public employees are entitled to pre-termination notice of the reasons for the employer's proposed disciplinary action, an explanation of the evidence, and an opportunity for the employee to tell their side of the story. Requiring more than this prior to termination intrudes to an unwarranted extent on the government's interest in quickly removing an unsatisfactory employee. For-cause public employees may also receive a comprehensive post-termination hearing. Each of the employees was informed by the respective Notice of Proposed Personnel Action of the reasons for the Library's proposed disciplinary action and an explanation of the Library's evidence; should the parties be unable to resolve this matter, each employee will receive a hearing in which they may tell their side of the story. Applicable and controlling case law does not require the employer to proffer all evidence to the employee[e], but only provide the employee with notice of the evidence. Notably, the pre-termination hearing is not a full evidentiary hearing...Each Notice identifies specific instances of conduct in which the Library deemed such conduct to have violated a specific provision of its current personnel policy. I do not believe the law requires the Library to provide the employees with any additional information than what has already been provided to them.

At this juncture of the proceedings, the Library is not required to provide any documents to you or your clients, except as provided by Idaho Code § 74-101 *et seq.* Your clients have not instituted a suit against the Library or any of its employees and the Library is not legally obligated to respond to a request to produce “all documents and other tangible things on which your clients rely in any way in proposing to take adverse employment action against my clients.” The rules of civil procedure do not apply, and I will not pretend that they do. If there are public records you or your clients wish to have, you may submit a public records request. I am aware that you have submitted public records requests that have been denied, or that you have submitted public records requests to the wrong person or entity and have been informed that the request will not be fulfilled because it was sent to the wrong person or entity. If you believe that your requests were denied for improper reasons, Idaho Code provides you with guidance on how you may address that. If you choose not to avail yourself of the opportunity to obtain a public record through a proper public records request, then that is your choice. In any event, please stop disparaging me with your baseless claims that I have improperly withheld documents from you.

Family Medical Leave

After further review of the adopted personnel policy of March 31, 2021, and in consultation with the Library Director, the Library has determined that the language in the adopted policy could be interpreted to provide employees with leave pursuant to the Family Medical Leave Act. Out of an abundance of caution because of the language in the adopted personnel policy, the Library will seek to determine if Ms. Boiler is an eligible employee and qualifies for leave under the FMLA.

In order to be eligible to take leave under the FMLA, an employee must:

- work for a covered employer;
- have worked 1,250 hours during the 12 months prior to the start of leave;
- work at a location where the employer has 50 or more employees within 75 miles; and
- have worked for the employer for 12 months.

The 1,250 hours of service requirement includes only those hours actually worked for the employer. Paid leave and unpaid leave are not included.

Pursuant to the FMLA, if Ms. Boiler is determined to be an eligible employee, she will be entitled to 12 workweeks of leave in a 12-month period for one of the following qualifying conditions:

- the birth of a child and to care for the newborn child within one year of birth;
- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty."

Provided with this letter are two forms: the Notice of Eligibility, form WH-381, and the Certification of Health Care Provider, form WH-380-E, both of which are promulgated by the Wage and Hour Division of the U.S. Department of Labor. To expedite this process, Ms. Boiler may have her health care provider complete the certification while the Library determines Ms. Boiler's eligibility. Ms. Boiler has 15 calendar days to return the Certification of Health Care Provider. Upon the Library's determination of whether Ms. Boiler is an eligible employee, the Library will provide Ms. Boiler with the completed Notice of Eligibility. The Library will make this determination by Tuesday, February 22, 2022.

Before Ms. Boiler's hearing can be rescheduled, the Library will need to determine her ADA and FMLA status. At this time, the hearing process will remain on hold for Ms. Boiler. From your prior communications, you have asserted that Ms. Boiler is a key witness for Ms. Withers, Ms. Haarstick, and Mr. Lindenbusch. If Ms. Boiler is unavailable to attend the hearings scheduled on February 23, 2022, in person, then the employees may submit a written witness statement from Ms. Boiler or accommodations can be made for Ms. Boiler to appear at the hearing via Zoom. The hearings for Ms. Withers, Ms. Haarstick, and Mr. Lindenbusch will not be rescheduled if Ms. Boiler is unavailable to attend in person.

I believe I have covered the substantive parts of your letter of February 16, 2022. Should you have any questions with respect to the contents of this letter, please feel free to contact me.

Sincerely,

LAKE CITY LAW GROUP PLLC

Katharine B. Brereton

Katharine B. Brereton

Encl.



435 W. HANLEY AVE. #101 | COEUR D'ALENE, ID 83815
TEL: 208.664.8115 | FAX: 208.664.6338

Katharine B. Brereton
Partner
kbrereton@lclattorneys.com

February 22, 2022

Sent via email: jboiler@boilerlawfirm.com

Jeffrey H. Boiler
Attorney at Law
P.O. Box 877
Bonners Ferry, Idaho 83805

RE: Boundary County Library | Employees Eric Lindenbusch, Cari Haarstick, Mac Withers, and Dana Boiler
Letters dated February 18, 2022, and February 21, 2022

Dear Mr. Boiler,

The purpose of this letter is to provide a response to your letter of February 18, 2022, and provide clarification of apparent misunderstandings on your part. At the outset, I will advise that I will not be providing a corresponding rebuttal to your legal arguments. Since “time is of the essence” and you have requested a response by 5:00 p.m. today, I do not have the time to respond point by point to each of your contentions and arguments or to prepare a legal brief for your sole benefit. In this letter I have addressed the important issues raised in your letters of February 18, 2022, and February 21, 2022.

ADA Request for Accommodation

Thank you for providing the completed ADA request form. This information has been forwarded to the Library Director, Kimber Glidden. I will not get into an argument with you about whether requiring the request form to be submitted by Friday, February 18, 2022, is or was unreasonable. Likewise, I will not argue with you about the Library’s timeframe for Ms. Boiler to provide the medical certification form to substantiate the need for the requested accommodations. Through you, Ms. Boiler raised a need for ADA accommodations on February 15, 2022, and the Library provided her with a week to provide the medical certification form from her medical provider. As part of the interactive process, if Ms. Boiler cannot reasonably return the medical certification form in the time provided, all she needs to do is request more time to do so and inform the Library of a date certain of when she will be able to do so.

As part of the Library's duty to provide reasonable accommodations to an employee with an ADA-qualifying disability, it will certainly take into account Ms. Boiler's current employment status and abide by the law in reaching a decision on the reasonableness of requested accommodations.

Family Medical Leave

As I stated in my letter of February 18, 2022, the Library determined that the language in the adopted personnel policy of March 31, 2021, could be interpreted to provide employees with leave pursuant to the Family Medical Leave Act. In case it was not explicit enough in my letter of February 18, 2022, **please disregard the part of my email of February 16, 2022, that "[Ms. Boiler] is not an eligible employee and so FMLA leave is unavailable to her."**

I want to be very clear about the contents of my letter of February 18, 2022, so that there is no misunderstanding: **The Library is currently determining if Ms. Boiler is an eligible employee under the FMLA and whether she qualifies for leave under the FMLA.** Such a determination on eligibility will be made within the timeframe required by law based on Ms. Boiler's notification on **February 15, 2022**. Please see your email of February 15, 2022, sent to Tim Wilson on which I am cc'd. The Library will follow all provisions of the law in making such determinations.

The information provided in the letter of February 18, 2022, about an employee's eligibility for FMLA is the same information that may be found on the Department of Labor's website available here: <https://www.dol.gov/agencies/whd/fmla>. I believe you misunderstand the substance of my letter and have made numerous unwarranted assumptions. As of February 18, 2022, the initial determination in my email of February 16, 2022, was vacated and no further determination has been made as to Ms. Boiler's eligibility for FMLA leave, specifically because the Library needs to determine whether Ms. Boiler has satisfied the hours worked requirement. Please carefully read my letter of February 18, 2022. No such determination was made therein that the number of hours Ms. Boiler worked or was on paid administrative leave during the twelve (12) month period before her request for FMLA satisfied the hours worked requirement. Again, the statement in my letter of February 18, 2022, that "[t]he 1,250 hours of service requirement includes only those hours actually worked for the employer. Paid leave and unpaid leave are not included", is a general statement of the law which can be found on the above website. With respect to the Notice of Eligibility form provided with my letter of February 18, 2022, this accompanied the letter for informational purposes and because you requested copies of the documents the Library utilizes for FMLA requests. The Certification of Health Care Provider form was provided to expedite the process and because you requested copies of the documents the Library utilizes for FMLA requests.

With respect to Ms. Boiler's attendance at the hearings for other employees, the Library does not require nor directs her attendance at such hearings. Nothing in my correspondence over the last several days can be construed as the Library requiring her attendance at or directing her to

attend the hearing of another employee. If Ms. Withers, Ms. Haarstick, or Mr. Lindenbusch need Ms. Boiler's testimony for the presentation of their respective cases, then that decision is between each of them and Ms. Boiler. Being a witness for the personnel hearings of Ms. Withers, Ms. Haarstick, or Mr. Lindenbusch is not within the scope of Ms. Boiler's job duties and does not constitute the performance of work.

Hearings

In light of your letter of February 21, 2022, regarding whether the Board's attendance at the hearings on February 23, 2022, may legally be construed as "deliberation" under applicable law, **the hearings will now be conducted in an Executive Session**. Included with this letter is the hearing notice and agenda for the Executive Session tomorrow. The Library is conducting the hearings in a duly noticed Executive Session out of an abundance of caution.

With respect to your contention that the Library has implicitly threatened to deny due process, you have plainly misstated and misunderstand my statement in my letter of February 18, 2022. It is your clients who have demanded that the Board be present for the personnel hearings. I advised you previously of the reasons why the Board should not be present; specifically, that, should any of the employees' be terminated, they would be entitled to a post-termination hearing appeal hearing before the Board. The Library's concern all along has been to ensure each employee receives the due process to which they are entitled. In the event that any of the employees are terminated from employment, and they seek a post-termination appeal hearing, and they demand that such hearing be conducted before the Board, then the Board will enter such hearing with the knowledge gained from the hearings conducted prior to any termination. My only purpose in advising you and your clients that they *may be* knowingly inviting the *possibility* that the Board, in such a scenario, may not be impartial, was to again alert you of these due process concerns and to give you an opportunity to rethink the demand for Board attendance at the personnel hearings. In any event, this may be a non-issue and is something that will have to be addressed only if and when the situation arises.

Sufficiency of Notices of Proposed Personnel Action

I have previously addressed this issue. The arguments raised in your letter may certainly be raised by the affected employee at the time of their scheduled personnel hearing.

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Should you have any questions with respect to the contents of this letter, please feel free to contact me.

Sincerely,

LAKE CITY LAW GROUP PLLC

Katharine B. Brereton

Katharine B. Brereton

Encl.

Boundary County Library Board of Trustees Meeting Agenda

Date: Wednesday, February 23, 2022

Time: 1:00 p.m.

Location: Boundary County Library

Special Meeting

Virtual Meeting Information: Topic: Boundary County Library Special Meeting

Time: Feb 23, 2022 01:00 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81347610808?pwd=STZCMFN6S2tnYkVYeR5MVB6Z1JnUT09>

Meeting ID: 813 4761 0808

Passcode: 204999

One tap mobile

+16699009128,,81347610808#,,, *204999# US (San Jose)

+12532158782,,81347610808#,,, *204999# US (Tacoma)

Find your local number: <https://us02web.zoom.us/j/81347610808?pwd=STZCMFN6S2tnYkVYeR5MVB6Z1JnUT09>

Call to Order

Roll Call

1. Executive Session **ACTION ITEM** (Action will be taken to enter and exit Executive Session. **No action will be taken during the Executive Session.**)
 1. Pursuant to Idaho Code 74-206(1)(b). **To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student.**

Adjournment: Executive Session

Adjournment: Special meeting

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February 21, 2022

BY EMAIL

(kbrereton@lclattorneys.com)

Katherine B. Brereton
Partner
Lake City Law
435 W. Hanley
Suite 101
Coeur d' Alene, ID 83815

Your Client/Insureds: Boundary County Library
Our Clients: Eric Lindenbusch, Cari Haarstick, Mac Withers, Dana Boiler

Dear Ms. Brereton:

This letter responds to your letter of February 18. Please respond in writing by 5:00 p.m. tomorrow, February 22.

If I do not receive such a response from you by that time tomorrow, I will assume you intend to go forward with the proposed hearings of Eric Lindenbusch, Mac Withers and Cari Haarstick on Wednesday, and that my wife is required to submit any statements to these hearings in written form or she may attend by Zoom, as your February 18 letter suggests.

Please consider the following carefully before making your decision about what you consider worthy of response and what is not. I note you have ignored several of those issues, and simply state your "belief" that you have responded to all issues that require explanation or response in those communications. You have failed to address apparently dispositive issues of law and fact in coming to your belief, and I wish to afford you the opportunity to reconsider before a record is made which would seem to be indefensible as a matter of law, discussed in part below.

Please address the following in any response:

Client Disparagement and Employee Status Objection

Your letter of February 18 accuses me of disparaging you to your clients. Please state the factual basis for this assertion, I take it very seriously, as I do any alleged violation of the Code of Professional Responsibility which governs us both.

I have had no contact with your clients, directly or indirectly, which disparages you in any way. If you are referring to the language of advocacy in my February 16 letter to you, I was writing to **you**, not your clients. If you choose to provide your clients with copies of my correspondence, I'm sure they are capable of drawing their own conclusions from true facts and accurate statements of the law. I'm equally sure they understand advocacy within the bounds of the law is the standard by which my communications to you are judged. You are familiar with those standards as a condition of admission to the Bar.

If you are suggesting that I have somehow disparaged you unlawfully, or without basis in law or fact, please be more specific and I will respond accordingly. As it stands, I apparently choose my words with you far more carefully than you seem to do with me. "Disparagement" is an accusation, not an opinion of fact, when you put it in letterhead communications. Please be more specific if you wish to continue to give me orders to "stop disparaging [you] to [your] clients."

I am truly sorry if my language of advocacy, which is based entirely on the truth of the matters discussed in my correspondence, caused you to lash out in this way. That was not my intention. My intention was and remains to break through the stone wall of obstinate refusal to look at the facts of the matter without resorting to the standard defense tactic of belittling and attempting to assassinate the character of advocacy which is well-grounded in law, and not based on the almighty buck.

You also seem to imply that I have alleged you are an employee of the District. I can only ask you specifically to what are you referring? I am aware of the nature of the relationship between attorney and client, and that outside in-house or government employment, attorney-client relationships are typically not employer-employee relationships, within the meaning of labor law.

However, that you work for your clients is no mischaracterization of the typical relationship. You are working for your clients, although it is still very unclear to me by your responses to date exactly who those clients may be by name. "Your advocacy efforts are being made for the benefit of your clients" perhaps would be a more precise way of putting it, but I hope you're not truly suggesting that I am claiming that an attorney working for her client is presumably an employee. That is not my clients' claim or my own. Your duty to your client is fiduciary, however, and that duty is higher in the law than the duty of an employee to an employer. So what's the point of your objection, and on what language is it based?

FMLA Interference and Its Effects

On February 14 by email, Dana Boiler requested FMLA leave, for a qualifying reason, The request was sent to General Counsel for the Library, copied to you, on February 14. You denied it summarily by email the next day, as discussed below. Your denial did not contain the required

minimum of at least one reason for the claim of ineligibility. This is a completed act of interference with FMLA leave under applicable law.

- You then chose later in the week to provide among other things a “Notice of Eligibility” FMLA form, in blank without any statement of eligibility, but opined that the accompanying FMLA certification paperwork be completed within the 15 day certification period allowed by law. This is also separate actionable FMLA interference, penalties for which are discussed below.
- You then suggested last week that she attend the hearings which you refuse to postpone by Zoom or written statement. This requires work of the employee during the period you are deciding about “eligibility”, even though this is a simple matter of addition and multiplication. Once invoked, FMLA does not allow an employer to suggest or require that the requesting employee perform further work while the statutory timelines are observed. Imposing such a requirement while refusing to acknowledge that the meeting as scheduled violates both District policy and Open Meetings Law, discussed below, constitutes evidence of a willful violation of FMLA, and a third and separate act of actionable FMLA interference.
- Finally, your communications of last week attempted, after the initial outright denial without the required statement of reason, to manipulate her work hours by characterizing her administrative leave time, beginning in April of 2021 and continuing up to and through the present, as “excluded” hours. She was required by the terms of administrative leave, since July, 2021, to be available at all working hours to her employer for an “ongoing investigation” by “the Wilson Law Firm” and “any of its agents”, presumably because Ms. Ashworth and the Board didn’t get what they had hoped for from the weeklong interview process in June, with which my clients and I cooperated fully.

You were fully aware of these facts when you alleged her hours worked were “paid leave” within the meaning of the Act. Paid leave does not include leave during which the employee has imposed upon her continuing duties of employment. I have outlined the legal basis for this statement to you with no response at the time of this writing.

That notice with employment duties of July, continues to this day. It has not been modified or revoked by the subsequent reiteration of Notice of Proposed Disciplinary action dated February 11 or any other communication. In your letter of February 18 you list these concerns as among those unworthy of your response. Please explain if your failure to address this issue is otherwise. As the record now stands, this is a separate act of interference, by manipulation of hours or delaying the processing of a FMLA leave request.

- Utilizing the most generous rules of calculation for the employer’s time for response to the initial FMLA request sent by email last Monday, today at close of business is the latest time for the employer to attempt to repair the completed act of interference by your denial outright of the claim by email dated February 15, without the required

statement of reason for non-eligibility. Willful refusal to correct a known violation and purporting thereafter to impose time deadlines which do not conform to statutory rights of certification is also a separate act of interference.

. In evaluating these issues of FMLA interference, please take careful note that you have been provided with the legal authority which establishes that your interpretation of “paid leave” is misplaced, and therefore we will allege that continued refusal to cure these violations is willful.

It is against this factual setting that I call your attention to the following further matters of law:

Section 825.300 of the FMLA regulations applicable states:

When an employee requests FMLA leave, or when the employer acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the employer must notify the employee of the employee's eligibility to take FMLA leave within five business days, absent extenuating circumstances.

The eligibility notice must state whether the employee is eligible for FMLA leave as defined in [§ 825.110](#). If the employee is not eligible for FMLA leave, ***the notice must state at least one reason why the employee is not eligible, including as applicable the number of months the employee has been employed by the employer, the hours of service with the employer during the 12-month period.*** [Emphasis added]

Section 105 of the FMLA and section 825.220 of the FMLA regulations prohibit the following actions:

- An employer is prohibited from interfering with, restraining, or denying the exercise of, or the attempt to exercise, any FMLA right.

Examples of prohibited conduct include:

- Refusing to authorize FMLA leave for an eligible employee,
- Manipulating an employee’s work hours to avoid responsibilities under the FMLA

Any violations of the FMLA or the Department’s regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA.

I remind you that on February 18 you state:

“Out of an abundance of caution because of the language in the adopted personnel policy, the Library will seek to determine if Ms. Boiler is an eligible employee and qualifies for leave under the FMLA... Provided with this letter are two forms: the Notice of Eligibility, form WH-381, and the Certification of Health Care Provider, form WH-380-E...”

The Notice of Eligibility form is blank and therefore contains no designation by the employer of eligibility status. Nevertheless, you seek to have my client complete the process as if she were

eligible by applying a 15 day deadline to complete the medical certification form. You direct her to testify by Zoom or in writing as a material witness at the remaining hearings, which you refuse to postpone due to my wife's central role in presenting a full defense of the charges against my other clients. This does not seem to evidence the declared, "abundance of caution".

Your February 18 further states:

"The 1,250 hours of service requirement includes only those hours actually worked for the employer. Paid leave and unpaid leave are not included."

You address in no way the fact that since at least July 23, my client was under written order to cooperate in an "ongoing investigation" of the matters discussed in the June interview statements she was required to give to a third attorney, all as a condition of her employment. There is no legal dispute that such leave is not "paid time off" (PTO) within the meaning of the Act, and constitutes manipulation of her hours in an attempt to delay or deny her rights under FMLA.

By specifically including this language I can only assume that your client intends to deny eligibility under the mistaken assumption that my client does not have 1250 compensable work hours due to her 10 months of paid administrative leave. For what other reason would the library need more time to determine eligibility? It is simple arithmetic. My client has obviously worked more than 12 months, obviously works 144 hours per month, and the policy extending FMLA benefits is enforceable, as we have pointed out to you in previous correspondence.

If your client intends to hide behind the 50-75 Rule, then their "offer" of FMLA benefits adopted again last year after due consideration by the Board, was simply a fraud. If that is your claim to support denial of eligibility, then there would *never* be an eligible employee, for the library will never have that many employees in the given geographic area. That was specifically discussed at the Board meetings where I was present and my clients recorded the minutes as Board secretaries. If the intent was to create a false impression of FMLA coverage for employees and applicants for the position, it is void or voidable, and obviously actionable. Denial would occur in every case and you would need no time to evaluate it. However, you have stated you are taking time, "in an abundance of caution" and "due to the language" of the policy convening FMLA benefits, so denial on grounds of the 50-75 rule as a "gotcha" doesn't seem likely. If not, why the delay?

As lawyers we know that we must interpret the policy provisions to which you refer as though it was intended to be effective, not a sham. Therefore, my client qualifies unless they intend to say that administrative leave with pay does not qualify as "actual hours worked." I have thoroughly addressed this issue in my previous correspondence. This type of administrative leave, with additional duties of availability and investigation, is not "Paid leave" for FMLA purposes, and manipulating her hours to make it appear so is not only actionable under FMLA, it goes precisely to the claim of retaliation, which is the obvious motive behind the posturing by your client to the contrary.

The performance of additional work after an FMLA request and while it is pending, as noted above, is FMLA interference. Holding that fact in mind, please recall your own words of last week: "If Ms. Boiler is unavailable to attend the hearings scheduled on February 23, 2022, in person, *then*

the employees may submit a written witness statement from Ms. Boiler or accommodations can be made for Ms. Boiler to appear at the hearing via Zoom.” [Emphasis Added)

An employer is not permitted to request that an employee perform work related duties after a request for FMLA leave is made for a qualifying reason.

There are many more and serious issues with FMLA compliance, extending back decades and for which there is ample proof, that have not been discussed here. By way of example, consider the following:

Every employer covered by the FMLA is required to post and keep posted on its premises, in conspicuous places where employees are employed, a notice explaining the Act's provisions and providing information concerning the procedures for filing complaints of violations of the Act with the Wage and Hour Division. Covered employers must post this general notice even if no employees are eligible for FMLA leave.

In 2020, my client informed the Director of the Boundary County Library that he was in violation of the FMLA posting requirements and had been in violation for the past four years. This did not come to light in the context of any threat of claim. Rather, it was the result of the tireless efforts of my client—off duty, and for the benefit of each and every Library employee-- to research the law as it changed during the COVID pandemic’s first year, to include ***paid FMLA***. This had the potential to and did in fact benefit the District and their employees during the time of paid leave availability, and is when she learned that Director Anderson had no knowledge whatever of FMLA, what it stood for, its posting requirements, or even what it meant for employers with FMLA policies similar to those in the District policies.

At that time it became apparent that your client had been in violation of the posting requirements under the Act, and had been for decades. FMLA notices of benefits were never posted, and the ‘training’ Ms. Ashworth provided to her selected successor, Director Anderson, also did not include any compliance with Wage and Hour postings. After Ms. Ashworth’s training, Director Anderson even thought federal wage and hour minimums only applied to federal employees, and that a librarian could be fired at will. He had to be informed, after that ‘training’ by “Librarian Emeritus Ashworth”, now “Historian Sandra Ashworth”, by my clients about his minimum posting requirements under the law.

The fine amounts for such casual instances of noncompliance are:

- Family and Medical Leave Act (FMLA): \$178 each;
- Job Safety and Health: It’s the Law (OSHA): \$13,653
- Employee Polygraph Protection Act (EPPA): \$21,663

Specific caselaw suggests that if you even have an outdated FMLA or Wage and Hour Notice poster — or no poster at all — the courts may decide that the statute of limitations doesn’t apply because you didn’t notify employees about their legal rights and responsibilities in the first place. You can’t use it as a defense, and the case may move forward against you. Whether this is true or not, there is no

doubt as a matter of evidence that such conduct will be germane to the State retaliation and many serious Federal civil claims which will be filed unless your client relents and reconsiders immediately.

Another example of ongoing and long term noncompliance with such legal requirements on the employer include the concept of bad faith. Bad faith is another way posting compliance comes into play in this fact pattern. This term refers to an intentional, dishonest act by not fulfilling legal obligations, and is replete with examples in the record of your client's handling of their duties as fiduciaries of public trust and a great deal of public money. A finding of bad faith can directly affect your damages in an employee lawsuit — either by inflating a damage award against you or standing in the way of a good-faith defense that would otherwise reduce or eliminate your damages.

In federal discrimination or harassment lawsuits, this may come into play as contributing to punitive damages, issued in addition to damages for back and front pay, emotional distress and legal fees. They are typically the largest portion of a plaintiff's total settlement. Without good faith, employers may also have to pay "liquidated damages" in suits involving laws such as the FLSA and the Equal Pay Act (EPA). This essentially means damages are doubled. Caselaw confirms this interpretation of the law.

Therefore, be advised that evidence exists your client has FMLA violations that go back decades, and appears to be willful at this point. The violations includes an egregious, well-known, documented and openly admitted case of FMLA retaliation that occurred under the former Director in late 2020. The victim was one of my clients. Your clients have engaged in an ongoing pattern of FMLA interference, retaliation and willful noncompliance with State and Federal law, for many years. Your FMLA interpretations of law must be viewed in that context.

Hearing Notices and Open Meetings Violations

Alternate Date Availability: Misrepresentation

In your letter dated February 18 you state:

From your letter, I understand that each employee demands a hearing, and that hearing on February 17, 2022, was unacceptable. However, you have not requested an alternate date and time. In the Notice of Proposed Personnel Action served last September, each employee was notified that if they were unable to participate at the scheduled hearing, then the employee could request an alternate date and time. **In the hearing notices, the employees were again advised of this.**" [Emphasis Added]

This factual representation is directly contradicted by the language of the February 11 notice to which you refer. You sent those notices to me, they came from your email to me of February 14. In the hearing notices dated February 11, 2022 Director Glidden states:

Please be advised that ***the Library will not grant a request for an alternate date and time occurring after February 23, 2022.*** [Emphasis Added]

There is an obvious contradiction between these two statements. Contrary to your bald assertion, in fact none of my clients were afforded an opportunity to submit an “alternate date and time”, the language is quite the opposite, and quite absolute. Furthermore, the language if now relied upon, directly violates FMLA protections, since she is a material witness in the three impending retaliatory termination hearings. The pretense that it is not seems clear from the evidence from any objective factfinder to see, and in itself now constitutes proof of FMLA interference, corroborated by your own summary refusal of the initial FMLA request February 15.

The disingenuous nature of your assertion is underscored by complete omission to mention that the Board has in fact treated pretermination hearings as noticed public hearings under the policy provisions we have invoked, which are public meetings, as discussed in detail below. It is not merely the policy itself which they disobey by refusal to give notice of meeting in this case. It is the actual and recent past, actual *practice* of your client’s Board under this policy, in the recent past, with one of the clients they now seek to deny that very same process.

This is a retaliation case. There is no obvious reason, other than concealment, for omitting mention of this recent past practice and its obvious applicability to your assertions. There are similarly no obvious reasons for *this* omission, other than knowing and willful obstruction and denial of my clients’ policy and Constitutional rights to a meaningful hearing and opportunity to defend prior to adverse employment action.

Implicit Threat To Deny Due Process

Even if this were not the case, your argument takes away all doubt by suggesting that by simply invoking the known right to Board attendance, my clients will be responsible for the Board lacking impartiality when they do meet at the second stage hearing set forth in the policy manual. The language you have used seems particularly threatening and is consistent with our assertion that your clients’ actions in refusing to follow past practice and the controlling opinions of the Idaho Attorney General, I quote it from your letter of February 18:

“Thus, by demanding the presence of the Board at the hearings scheduled for February 23, 2022, and the hearing scheduled for Ms. Boiler at a later time, each employee is knowingly inviting the possibility that the Board may not be impartial at such post-termination appeal hearing.”
[Emphasis Added]

You then suggest they *withdraw* their undisputed right to that attendance under both policy and past practice if they wish to avoid risking “lack of impartiality” by the Board. This is best interpreted with common sense, in context: It is a clear threat to deny a meaningful hearing at the second Board hearing post-termination, which is a foregone conclusion given the retaliatory nature of the sham allegations set forth in the notices of proposed action your client has now reaffirmed.

You have by this statement in essence confirmed what we allege: the Board may be reasonably expected to retaliate by lack of impartiality, *simply because my clients have invoked the policy right to Board attendance at their termination hearings*. You do so knowing the Board has the ability to vote to overturn any termination decision by the Director, and therefore with full knowledge that your claim that the required meetings do lead to a potential vote of the Board.

Even so, you continue to refuse to give notice of public meeting, or provide even a single document on which the allegations are based: no names of complainants, no places, no times, and nothing that would allow any of my clients an opportunity to frame a defense. In substance, your statement tells my clients they may expect the Board not to be impartial.

You base this warning on the mere fact of *invoking* the policy provision creating this due process right...not because of any compelling government interest to “quickly rid the workplace of unacceptable employees.” Your client has had mine on administrative leave with pay and with affirmative duties of cooperation with investigation, there is no compelling interest in quick hearing as you suggest.

To treat such a serious public matter so dismissively seems arbitrary and capricious at best. Several courts have spoken to such arbitrary abandonment of past practice, so please keep in mind that your client has in fact given notice of public meeting for such hearings in the past, applying this very policy provision. There is no excuse for its abandonment just for my clients, without the obvious goal of retaliation for protected whistleblowing activity.

The most recent example is the noticed meeting of December 20, 2020. At that time, the Board gave notice of public meeting for that date and included in it the specific line item for executive session to consider Mac Withers’ termination, under pretext. After several hours of deliberation in closed executive session with the Board, she was not terminated. In fact, shortly thereafter she received a letter memorializing her library service then to date as “exemplary”, and this was not the result of representation, I was not her attorney at the time, this was not a negotiated memorandum.

In short, your Board client and its former Director followed the policy we invoke as it should have been and gave public notice of meeting for the most recent termination attempted under this policy provision. They now wish to forget that, and it is nowhere mentioned in your correspondence.

In doing so, they seem to have abandoned both the language of the policy and the opinion of the Attorney General discussed in this correspondence. They refuse to give notice of meeting. You threaten lack of impartiality if they are required to comply with their own policies, and suggest they surrender their rights to such a meeting—if they know what is good for them. This is consistent with the constructive suggestion made to my clients by staff of your client’s CPA when he mischaracterized their employment status, who stated in substance “If you don’t like it, why don’t you just quit”.

I hope this correspondence now makes the answer to that question a little clearer than it might have been when they made that statement.

Hiding behind contorted interpretations of clear law is the practice of scofflaws, not public servants. Threatening unfair consideration to avoid public scrutiny on matters of child and employee safety, with a myriad of issues of other serious public concern for Board administration of this Library District, has only one word I can think of to accurately describe it: extortion.

Notice of a Public Meeting

Your response of February 18 also ignores the controlling opinions of the Idaho Attorney General on the same subject. You state in your letter of February 18:

These hearings, however, are not public meetings and will not be noticed as such. Idaho Code § 74-202 defines a “meeting” as “the convening of a governing body of a public agency to *make a decision* or to *deliberate toward a decision* on any matter.” “‘Decision’ means any determination, action, vote or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present...” “‘Deliberation’ means the receipt or exchange of information or opinion relating to a decision, but shall not include informal or impromptu discussions of a general nature that do not specifically relate to a matter then pending before the public agency for decision.”

Your personal conclusion that the employee’s right to Board attendance at both this hearing and any subsequent “name clearing hearing”, as you have called it, hinges entirely on your interpretation of what constitutes “deliberation” by the Board. You simply state your conclusion that it is not.

Unfortunately, your opinion seems directly opposite of what the Idaho Attorney General has advised the entire State in his current handbook on Open Meetings Law. I noticed your argument pointedly omits all reference to this document, even though it speaks precisely to what you claim, and disagrees completely with you.

You write on this subject, in part:

“...the Board will not be making a decision or ***deliberating*** towards a decision at the hearings on February 23, 2022, or at the hearing scheduled for Ms. Boiler at a later time. Thus, these hearings are not public meetings and need not be treated as public meetings.”

However, in his currently published Attorney General’s Handbook on Open Meetings Law, Frequently Asked Questions, page 6, the AG has directly addressed your claimed statutory interpretation, and rejected it. In that section plainly entitled “What Constitutes a Meeting Under Open Meetings Law”, p. 6,--our subject here-- the Attorney General writes:

“The term ‘deliberation’ is also a *defined* term and means ‘the receipt or exchange of information or opinion leading to a decision...***Note this does not require any discussion or preliminary decision making. Even receipt of information relating to a decision,, amounts to “deliberation”...***’ [Emphasis Added]

I note you did not mention this portion of the statute on which you rely in making the bald assertion that no deliberation is to occur at any hearing, pre-or post-termination, and why you did not do so seems obvious in light of the opinion of the Attorney General cited immediately above.

In any event, the Board will ultimately make a decision at the post termination hearing, the second part of the Loudermill process. By attending the first hearing, which the Board must do

according to policy, they will have “deliberated” or be in “receipt or exchange of information or opinion relating to that ultimate decision that specifically relates to the matter then pending before the public agency.” The definition of deliberation in the AG Handbook seems to make that clear enough. This deliberation will lead to a future action at a second Loudermill, or post-termination hearing. At this second hearing, one outcome is a vote to reverse the termination decision...otherwise the policy provision is a sham. These hearings receive information, defined as ‘deliberation’ in the statute and interpreted as such by the Attorney General. That information is used at a second hearing which can result in a vote to reverse or affirm the underlying decision. That is ultimate decision, and there is no way around it. Your client acted as though they understood this when they conducted their last termination in 2020, which did in fact not result in termination. Therefore, the right to hearing is not a formality. It is a substantial right.

As a result, there is no reasonable conclusion except that this process with Board receipt of information, whether they act on it or not, are public meetings and subject to public notice. No public notice has been given. Therefore, your claimed right to conduct a hearing of any kind involving my clients on February 23 is illusory.

This Board hired an attorney **specifically** for the purpose of advising them on procedural matters during such public meetings. They retained Tim Wilson at \$1000 per meeting in March, 2021. By that time, this Board had committed at least 30 open meetings violations including at least three years of failure to properly give notice to the public of all meetings, failure to provide timely notice, failure to amend the agenda, failure to take roll call votes, failure to prepare minutes, failure to properly enter executive sessions, failure to designate action items, failure to adjourn meetings, failure to call meetings to order, failure to sign minutes, alteration of minutes, etc.

Your clients continued with this pattern even after hiring an attorney. **My clients** had to inform them it was a violation to not have a representative present in the room with the public. The Board would only show up through Zoom and the Director would hide behind locked doors away from the public. When informed of this, Ms. Ashworth smugly disagreed and she had to call their attorney who also was not showing up in person for the meetings. Two of my clients were the Board secretaries during this time. They have never taken the minutes of a meeting where there was not a known violation. This became such a problem that in late 2020, this Board was informed and is therefore currently aware of the following statutory provisions:

“If an action, or any deliberation or decision making that leads to an action, occurs at any meeting that fails to comply with the provisions of the Open Meeting Law, such an action may be declared null and void by a court. Any member of the governing body taking such an action, who participates in any such deliberation, decision making, or meeting, is subject to a civil penalty not to exceed two hundred fifty dollars (\$250). The maximum civil penalty for a subsequent violation is two thousand five hundred dollars (\$2,500). Any governing body member who knowingly violates a provision of the Open Meeting Law is subject to a civil penalty of not more than one thousand five hundred dollars (\$1,500). It is the opinion of the Attorney General that the Idaho Legislature intended that such fines be paid by the individual member of the governing body, not the governing body itself.”

I know you are aware of the public meeting issues plaguing this Board. You have personally attended the Zoom meetings during the summer of 2021 and could be seen by the Zoom public on

camera trying to contain your laughter along with everyone else at the obvious absurdity of it. You know very well that until very recently, it was a great accomplishment if this Board could even bring a meeting to completion. That particular meeting which you attended couldn't even be completed due to technical difficulties and other mishaps such as the executive session being broadcast openly to some members of the public.

If the Board chooses to not give the required notice to the public of these hearings and thereby knowingly violates open meeting laws again, the entire, tragic tale of their open disregard of virtually all public meeting requirements, over a period of many years, will be relevant to our claim of ongoing disregard in the present violation. The Board is personally responsible for such penalties, as you well know.

I am therefore copying Mr. Wilson with this correspondence, since this is clearly within the scope of his representation as disclosed to the public when he was retained in March, 2021.

Finally, with respect to failure to give notice of meeting, you wrote me the following:

“In accordance with Idaho Code § 33-2721, the Library Director is statutorily delegated the duty to hire, discipline, and discharge any employee of the Boundary County Library District. The personnel policy adopted by the Board on March 31, 2021, cannot supersede Idaho Code § 33-2721.”

I'm not sure where you got the idea that Board action by vote was required in order to render the meeting a “public” meeting, but we don't disagree that policy doesn't trump statute. No one suggested it did. The personnel policy cannot and does not supersede Idaho Code § 33-2721, which does not expressly forbid the Board from being present at any hearing. The Director will make the ultimate decision regarding termination according to Idaho Code.

The Board's presence at the hearing will be for the purposes of receiving information that will lead to a decision at a future meeting and to oversee due process. Additionally, the policy states that the Board will be allowed to ask questions of the employees. This participation in the process does not supersede the statutory responsibilities delegated to Ms. Glidden. As stated before, the Board has previously been involved in this process with other employees.

In the same missive, you also state:

“...by demanding the presence of the Board at the hearings scheduled for February 23, 2022, and the hearing scheduled for Ms. Boiler at a later time, each employee is knowingly inviting the possibility that the Board will not be impartial at such post-termination appeal hearing. If after consideration of this information, any of your clients decide that they do not want the Board to be present at the upcoming hearings, please let me know.”

The implicit threat to deny due process secured to my clients by Loudermill and its progeny is obvious, and it's legal effect will be discussed with you in detail should you choose to stand by it.

Fatal Insufficiency of Notices of Proposed Action: Due Process Violations

In your letter dated February 18, 2022 you state, “Applicable and controlling case law does not require the employer to proffer all evidence to the employe[e], but only provide the employee with notice of the evidence.” You cite none of that controlling case law thereafter, only *Loudermill*, and well you should not. Even a casual review of cases citing and interpreting *Loudermill* shows State and Federal Courts alike have interpreted the notice requirement so as to require at least several basic pieces of information you refuse to acknowledge must be given to satisfy Constitutional requirements. Hiding behind generalities now is impossible, you need to address those “controlling case law” citations and make them known if you wish to avoid liability for your clients on this point, for the law seems clearly not to support your personal interpretation of *Loudermill*.

Here are some of the cases, which you did not cite, which speak to the question of what constitutes adequate notice of the charges during the *Loudermill* process and have been clarified by the following cases:

Gniotek v. City of Philadelphia was heard before the 3rd Circuit Court of Appeals and holds that “before appellants were suspended with intent to dismiss they were entitled to whatever pretermination procedures the Constitution mandates prior to actual dismissal.” The Court stated that, “Pretermination notice of the charges and evidence against an employee need not be in great detail as long as it allows the employee ‘the opportunity to determine what facts, if any, within his knowledge might be presented in mitigation of or in denial of the charges.’” *Gniotek*, 808 F.2d at 244.

The court reviewed the content of the pretermination notices provided to the appellants and determined that they satisfied the requirement that it “apprises the vulnerable party of the nature of the charges and general evidence against him.” The reason the Court did so was that the notices included the following language:

“We are questioning you concerning testimony presented in Federal Court under oath by Eugene Boris an admitted number writer, that he paid you \$60 per month for an extended period beginning in 1982 for protection of his illegal activities.” *Gniotek*, 808 F.2d at 244

This [emphasis added] statement, clearly gave *Gniotek* notice of the charges and nature of evidence against him. It was of such specificity to allow *Gniotek* the opportunity to determine what facts, if any within his knowledge might be presented in mitigation of or in denial of the charges. We find that under the standards enunciated in *Loudermill*, this notice satisfied the demands of due process.” *Gniotek*, 808 F.2d at 244

Please note that *Gniotek* at minimum received: the ***name, date, place, and specifics of the allegations*** against him, which the Court has held is required to satisfy the demands of adequate notice and due process. You are correct that “Applicable and controlling case law does not require the employer to proffer **all** evidence to the employe[e]”, however it does require the employer to proffer **some** of the evidence, and the Oregon Supreme Court below has been cited many times in our region, and by Federal Courts for its articulation of just how much notice is required.

In substance, it's "...enough to prepare a meaningful defense." How you can "believe" that is it is possible to do that when no name, date, place or circumstances, including **no** evidence after ten months of administrative leave and "ongoing investigation", is simply alarming.

In *State ex rel Currin v. Commission on Judicial Fitness*, 311 Or. 530, 815 P.2d 212 (Or.1991) the Oregon Supreme Court held that the Plaintiff was denied his due process right of adequate notice of the charges as he is entitled to more than he had received. While providing all the discovery requested by the Plaintiff was not required, (in this case it was over 300 pages) at minimum the Plaintiff was "entitled to the names of the Complainants, the places where and dates when the pertinent event allegedly occurred."

With this caselaw in mind, please examine more closely Eric Lindenbusch's notice which states:

"A patron provided the Library with a written complaint about discussions the patron had overheard while they were at the Library. The patron reported that they had overheard you and two other employees "bashing" other employees and encouraging other patrons to contact a Board member to complain about conditions at the Library. Another employee also reported that they observed you provide a patron with a Board member's contact information for the purpose of encouraging the patron to complaint about conditions at the Library."

This does not meet the standard of adequate notice since it does not provide the name of the Complainant, the date the alleged incident occurred, or any specifics regarding the allegations other than he was "bashing employees," which is wholly subjective.

Additionally, it does not include the name of the employee who has complained that Mr. Lindenbusch allegedly provided a patron with Board contact information, nor does it include a date or location of this allegation. It is also unclear about which policy in particular providing Board contact information violates, since it is available on the Library's website and it is the *statutory* duty of an elected public official---and specifically a Board Trustee-- to be accessible to the public he or she serves. Mr. Lindenbusch has not been afforded any opportunity to determine what facts, if any, within his knowledge might be presented in mitigation of or in denial of the charges.

Similarly, it is completely unclear as to why providing a patron contact information on request is a violation of any kind and for any purpose. Why no disclosure of the Complainant: is it the convicted child molester who regularly weighs in on library issues at public meetings? I daresay his reliability as a witness is subject to considerable impeachment.

While it is not required that my clients receive a copy of the alleged complaint, in a matter of public safety and other serious issues of public concern, these circumstances would seem reasonable to provide given the clear disobedience to constitutional standards of due process discussed by the Court in *Currin.*, above.

You state that to require more than what you have provided would "***intrude to an unwarranted extent on the government's interest in quickly removing an unsatisfactory employee.***" If so, please identify that compelling interest. These charges must be over ten months old, since my clients went on administrative leave in April of 2021 and have not been back since.

This “unsatisfactory employee” who needs “immediate removal for public protection”, has 33 years of exemplary performance as a librarian in a significant public library in another State. He holds the degree of Master of Library Science, and has been an exemplary employee here since being hired. There are no good faith complaints against him. They are made, particularly in his case, for the sole and exclusive reason that he joins with the other three whistleblowers I represent, for the safety and welfare of the patrons, their children, the community as a whole, and his fellow employees. He can’t be neatly dealt with by slander, he is a noble and resolute man. His true crime is standing with my other three clients to put an end to years of corrupt and lawless practice by your client’s administration, overseers and employees. That is his true crime, and your client’s refusal to even give the complainant a name, clearly required by the progeny of *Loudermill* you ignore, will become obvious when this matter reaches a Federal forum.

He has been on paid administrative leave for seven months for a single patron complaint. There is nothing that has been quick about his removal, and it is disingenuous to suggest the language you cite in any way relates to the real world, particularly this client. He is requesting only one document, which is the same document being used to terminate two other exemplary employees. Under these circumstances, to withhold this information, or even allow him the opportunity to see it at all after ten months of leave prior to any pretermination hearing, is to deny him his due process rights of adequate notice of the evidence against him and is obviously being done to further retaliation and continue to deny him his protections as a whistleblower.

This is only one example. There are similar deficiencies across all four notices provided to my clients by Ms. Ashworth. For example, Cari Haarstick’s notice states, “You were asked on numerous occasions directly and through your attorney to provide the needed information for the Library to control the website.” According to “applicable and controlling case law” this is not specific enough to fulfill adequate notice requirements. What are the nature of the charges? When exactly were these numerous occasions? Who asked Cari for the needed information? Was it Craig Anderson, because that was Cari’s supervisor at the time the transfer of the website actually took place. How was she asked? Was it by phone, email, text message and most importantly how does merely asking someone to provide information violate a policy?

Are you implying that Ms. Haarstick did not respond, because she did respond in great detail, and I wrote responses to District counsel which ended the matter without further objection, but Sandra Ashworth apparently didn’t care about that, and now your current Director is taking the lead from her. It’s up to you to stop it, it is a gross injustice and this notice is premised on a simple lie by the employer’s representative, not a mistake.

To demonstrate why this is true, please just note the charge: she was asked to provide information. It doesn’t say that she didn’t respond. It doesn’t say she responded inappropriately. It doesn’t say what information, and this was the subject of a similar mistake by Mr. Droz of the Wilson office at the time, who threatened immediate legal action for failure to surrender the website she co-designed for the library. In fact she had, I supplied Mr. Droz with the transfer documents, and the matter was closed. Who resurrected it? On what evidence? What compelling State interest now requires that you conceal the subject matter of the “information”? Is she being terminated for not responding, or not responding in the way Sandra Ashworth wanted?

You are also incorrect in your “belief” that enough information by way of evidence has been provided to my clients. My clients cannot possibly prepare an adequate defense against such vague charges that don’t even include the most basic and necessary information to satisfy adequate notice. Tossing off “make a public records request” might be emotionally satisfying to you, but I hope it’s plain that it does not further the interests of your client, because in context it is unreasonable, and this is a retaliation case.

You have avoided discussion of the Constitutional standards which do apply to these notices, and this correspondence is to afford you one final opportunity to rethink that approach. I hope you can see it will have serious legal consequences if not responsibly addressed immediately.

Suggested Course of Action

If your client goes forward with these notices and continues the disciplinary process in any way, including any attempt to conduct a hearing on February 23 as threatened, all these matters will be the subject of public record to be filed in ways appropriate in the circumstances within a short time after adverse employment action is taken. Your client must obey Federal law cited above and provide a meaningful process, not a sham process, if they wish to use “good faith” as any part of their defense at any level this matter will go once their decision is locked in stone.

Your client can avoid the immediate consequences of the legal violations and principles outlined above by first immediately withdrawing the present notices of proposed disciplinary action, in favor of this timeline of proposed action:

- Provide me by the close of business tomorrow, Tuesday February 22, with written notice of withdrawal of Notices of Proposed Disciplinary Action now pending against each of my clients.
- If you do so, I will provide you within ten days as calculated by the Federal Rules of Civil Procedure, a written list of public disclosures of fact which will be based on the truth of the matters outlined. The goal is public safety and welfare, and for that there is a true need for the District to act quickly, for they have created a hostile and dangerous workplace for employees and patrons alike.
- Based on your response to that list, we will consider the delay of filing a series of administrative and judicial complaints against your clients and many of the employees and Board members individually named. Pleading and proof of punitive damages under the remedies sought is appropriate and will expose your insureds to substantial personal liability if this final opportunity to educate the public cooperatively is rejected.

This is not an offer of compromise.

Time is of the essence in this matter.

Please respond to me in writing by 5:00 p.m. Tuesday, February 22, 2022.

Sincerely,

/s/ Jeff Boiler

Jeffrey H. Boiler
ISB #11476
OSB #830219
Attorney for Dana Boiler,
Cari Haarstick,
Mac Withers, and
Eric Lindenbusch

JHB:jb
Cc: Clients



PERSONAL AND CONFIDENTIAL

TO: Christine Withers

FROM: Kimber Glidden, Library Director

DATE: February 25, 2022

RE: NOTICE OF TERMINATION

Pursuant to the Boundary County Library District Personnel Policy, you were notified on or about September 28, 2021, that the Boundary County Library District (the "Library") intended to seek your dismissal from employment and you were provided written notice of the reasons the Library sought your dismissal. The written notice advised you of your right to exercise your right to be heard, and a hearing was held on February 23, 2022, wherein you and your counsel presented a response to the bases for proposed termination.

The Library has found that you have acted, omitted acts, or otherwise performed in ways which are contrary to the expectations and standards of conduct of the Library. **You are hereby notified that your employment with the Boundary County Library District is terminated, effective February 28, 2022.** The reason for your termination is based on the specific factors as outlined in the Notice of Proposed Personnel Action dated September 28, 2021:

Violations of the following provisions of the Library's Personnel Policy:

III: Employee Conduct. A. Expected Conduct. Each Employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and members of the public.

III. Employee Conduct. B. Prohibited Conduct. Employees are expected to refrain from behaviors that reflect adversely upon the District, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord or lack of harmony, or that willfully interferes with another employee's ability to do his/her job.
2. Not engage in abusive conduct or language, including profanity and loud, threatening or harassing speech, toward or in the presence of, fellow employees or the public.
- ...
9. Not knowingly make any false report or complaint regarding behavior of others, or participate in, such report or complaint.

After careful consideration of your responses at the hearing and those presented on your behalf, the following actions were found to constitute violations of the Library's Personnel Policy and are the basis for your termination:

- A patron provided the Library with a written complaint about discussions the patron had overheard while they were at the Library. The patron reported that they had overheard you and two other employees "bashing" other employees and encouraging other patrons to contact a Board member to complain about conditions at the Library. Another employee also reported that they observed you encouraging a patron to contact a Board member to complain about conditions at the Library.
- You have engaged in disrespectful and unprofessional conduct. After Derrick Grow was appointed as Interim Director and Sandra Ashworth was engaged as a consultant for the Library, on or about March 31, 2021, employees were provided with a memorandum regarding forthcoming changes at the Library. When Sandra Ashworth returned to the Library as a consultant you refused to speak to her.
- On or about April 9, 2021, you became involved in an argument with Sandra Ashworth, Mr. Grow, and Dana Boiler. In the midst of the argument, you assisted Ms. Boiler in summoning her husband to join the argument, and you proceeded to yell at Sandra Ashworth and Mr. Grow during this argument.

Because you have engaged in conduct that constitutes violations of the above-identified policies, the Library is terminating your employment.

To the extent you have not already done so, you are directed to return all Library property and equipment you may have in your possession or control, including any identification cards, business cards, any materials which identify you as an employee of the Library, all keys to Library facilities, and any other Library property, upon the effective date of termination. Your paycheck for all services rendered will be mailed to you within twenty-four (24) hours of service of this notice upon you.

Please be advised that as a public employee you are subject to the Name-Clearing Hearing policy contained in the Library's Personnel Policy. This policy establishes an opportunity for a hearing in the event of a discharge when the employee asserts that the discharge is based upon allegations of dishonesty, immorality, or criminal misconduct. In such event, the employee is entitled to a "Name-Clearing" hearing. Issues of job performance or employee attitude are not the proper subject of this hearing procedure and will not be heard. Should you believe your termination is based upon allegations of dishonesty, immorality, or criminal misconduct, you may submit a request for a hearing within fourteen (14) days of your termination to the Library Director and the request must identify the particular basis for the hearing. An untimely request for a hearing will be denied.

You are further advised that as a for-cause employee public employee, you have the right to a post-termination appeal hearing. A request for a post-termination appeal hearing must be made to the Library Director within fourteen (14) days of your termination. Should you request a post-termination appeal hearing, further information about the pre-hearing and hearing process will be promptly provided to you.

Please contact the Library Director with any questions. If your address has changed, please advise the Library Director promptly to ensure that you timely receive your final paycheck.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Kimber Glidden', written over a horizontal line.

Kimber Glidden,
Library Director



PERSONAL AND CONFIDENTIAL

TO: Eric Lindenbusch

FROM: Kimber Glidden, Library Director

DATE: February 25, 2022

RE: NOTICE OF TERMINATION

Pursuant to the Boundary County Library District Personnel Policy, you were notified on or about September 28, 2021, that the Boundary County Library District (the "Library") intended to seek your dismissal from employment and you were provided written notice of the reasons the Library sought your dismissal. The written notice advised you of your right to exercise your right to be heard, and a hearing was held on February 23, 2022, wherein you and your counsel presented a response to the bases for proposed termination.

The Library has found that you have acted, omitted acts, or otherwise performed in ways which are contrary to the expectations and standards of conduct of the Library. **You are hereby notified that your employment with the Boundary County Library District is terminated, effective February 28, 2022.** The reason for your termination is based on the specific factors as outlined in the Notice of Proposed Personnel Action dated September 28, 2021:

Violations of the following provisions of the Boundary County Library Personnel Policy:

III: Employee Conduct. A. Expected Conduct. Each Employee is expected to conduct himself/herself in a professional manner. In order to accomplish this, each employee must:

1. Be respectful, courteous and professional. Work cooperatively and constructively with fellow workers and member of the public.

III. Employee Conduct. B. Prohibited Conduct. Employees are expected to refrain from behaviors that reflect adversely up the District, including:

1. Not initiate or participate, or encourage others, in acts or threats of violence, bullying, malicious gossip, spreading of rumors, or any other behavior designed to create discord or lack of harmony, or that willfully interferes with another employee's ability to do his/her job.

After careful consideration of your responses at the hearing and those presented on your behalf, the following actions were found to constitute violations of the Library's Personnel Policy and are the basis for your termination:

- A patron provided the Library with a written complaint about discussions the patron had overheard while they were at the Library. The patron reported that they had overheard you and two other employees "bashing" other employees and encouraging other patrons to contact a Board member to complain about conditions at the Library. Another employee also reported that they observed you provide a patron with a Board member's contact information for the purpose of encouraging the patron to complain about conditions at the Library.

Because you have engaged in behavior that constitutes violations of the above-identified policies, the Library is terminating your employment.

To the extent you have not already done so, you are directed to return all Library property and equipment you may have in your possession or control, including any identification cards, business cards, any materials which identify you as an employee of the Library, all keys to Library facilities, and any other Library property, upon the effective date of termination. Your paycheck for all services rendered will be mailed to you within twenty-four (24) hours of service of this notice upon you.

Please be advised that as a public employee you are subject to the Name-Clearing Hearing policy contained in the Library's Personnel Policy. This policy establishes an opportunity for a hearing in the event of a discharge when the employee asserts that the discharge is based upon allegations of dishonesty, immorality, or criminal misconduct. In such event, the employee is entitled to a "Name-Clearing" hearing. Issues of job performance or employee attitude are not the proper subject of this hearing procedure and will not be heard. Should you believe your termination is based upon allegations of dishonesty, immorality, or criminal misconduct, you may submit a request for a hearing within fourteen (14) days of your termination to the Library Director and the request must identify the particular basis for the hearing. An untimely request for a hearing will be denied.

You are further advised that as a for-cause employee public employee, you have the right to a post-termination appeal hearing. A request for a post-termination appeal hearing must be made to the Library Director within fourteen (14) days of your termination. Should you request a post-termination appeal hearing, further information about the pre-hearing and hearing process will be promptly provided to you.

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Please contact the Library Director with any questions. If your address has changed, please advise the Library Director promptly to ensure that you timely receive your final paycheck.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kimber Glidden".

Kimber Glidden,
Library Director

JEFFREY H. BOILER

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February 28, 2022

BY EMAIL

(kbrereton@lclattorneys.com)

Katherine B. Brereton
Partner
Lake City Law
435 W. Hanley, Suite 101
Coeur d' Alene, ID 83815

Your Client/Insureds:	Boundary County Library District, Trustees, Staff, Volunteer(s)
Our Clients:	Eric Lindenbusch, Cari Haarstick, Mac Withers, Dana Boiler
Re:	Stolen Property
Reference:	Your email dtd February 25, 2022

Dear Ms. Brereton:

Attached at your request is a list of personal property owned by my clients and identified by Sandra Ashworth as now her own personal property. She made the statement that these items were hers, personally, on May 10, 2021. Three witnesses whose testimony we have in hand corroborate all details referenced at the events of May 10.

At that time at the downstairs of the Boundary County Library, all located in the U.S. District of Idaho, Ms. Ashworth claimed ownership of any and all property my clients claimed to own, by virtue of my clients "leaving it" in the library after an emergency closure, which was without notice and only to last two weeks. This encounter occurred after the two week period had passed, and the library remained closed. My clients were not restricted from being on library property at the time.

At that time my wife and Mac Withers were allowed to return to the library to obtain their personal property. There are and were no property control numbers on any of these items, nor was there an inventory being taken or other record being maintained. It was obvious in context that what had been interrupted inadvertently was in fact an attempt to spirit away my clients' property and any information in their possession that could be used to gain information to use against my clients. As the two month hiatus between their administrative leave in July and the intervening two months indicate, she found

nothing. The evidence simply suggests she got caught helping herself to my clients' property and now attempts to characterize it as property you suggest was "left", without any ill motive by your client.

By happy coincidence, my clients simply walked in on this charade on May 10 in search of a summer hat, nothing more. Those are the facts that are provable, and they do not suggest my clients "left" anything, or had any intent to contribute to Ashworth's already considerable cache of documents and other desk contents which she obtained from a similar "decluttering party" involving the work area of Craig Anderson, the former Director.

The claim she was the owner of the items listed was made by Ashworth directly, and in the presence of a third party witness as well as my clients Mac Withers and Dana Boiler. At that time, Ms. Ashworth was interrupted by fortuitous circumstance, by both my clients, and the third party witness summoned during this meeting to remove a refrigerator belonging to Ms. Withers. This listed item was of considerable value, large and heavy, and long been in use by library staff and Ms. Withers, prior to May 10. There was no suggestion that any "delay" in obtaining these items was the reason for their forfeiture, my clients had only been told the library would be closed for about two weeks, and no one was told or given opportunity to retrieve personal property prior to the emergency closure.

Ashworth was observed on May 10 personally supervising the systematic removal of these items, except for the personal information taken by Grow to his home as discussed below, and dumping them on the floor throughout the downstairs of the library. At that time, my wife challenged her by stating in substance that having left the items due to emergency closure does not mean they are "bequeathed" to her. In the presence of witnesses, Ashworth then stated, "Yes it does, they're mine".

Immediately prior to making this statement, Ashworth attempted to wrap her arms around the third party witness from behind, Mac Withers' adult son. When he felt her touch from behind, he stepped away, and said "don't ever touch me again" or words to that exact effect. The context suggests her actions were for pure intimidation, which suggests the elements of the crime of robbery, not mere theft. In assessing this evidence, be advised the witnesses I have interviewed all agree on these facts, and the witness was there simply to move a heavy refrigerator, which Ashworth demanded be removed immediately.

As noted, in context this conduct reflects elements of both theft and robbery, given the attempted use of physical force by Ashworth in furtherance of her unlawful claim to own property she clearly did not and does not own. She has retained everything but the refrigerator, until your recent comment that these items were "left" by my client. They were not, they were taken and kept by force and intimidation. They were similarly not "misplaced", any more than the policy provision conveying the right to a public hearing for my clients, with Board notice, was a "misprint".

She was also apparently not a lawful library employee at the time, and theft is not covered conduct under ICRMP's "duty to defend" under the applicable policy--yet is being provided with a defense by the same firm representing the District along with Grow and others whose conduct is and remains clearly intentional, and clearly in violation of law in several respects. From this I can only assume the District and insurer ratifies her actions, furthers them, and considers it all in service to its "duty to defend." Why you and the insurer have reached this conclusion is simply unclear given these facts.

She has been conveyed a variety of honorary titles in the record and correspondence, yet at the time and place of the actions summarized in this letter, was by all accounts acting while receiving her full retirement benefits, unlawfully, as an “unpaid volunteer consultant”, at the same job from which she had retired. She has done this far in excess of 20 hours per week, requiring her and her employer to notify PERSI of the change, so her benefits would stop as the law requires during the period of her “philanthropic” service to the library in 2021. She misrepresented that this was lawful, and that PERSI had ratified her “arrangement” with the District, when it seems clear from the evidence we have analyzed for the last year that would be impossible if the true facts were known by the State. We will make them aware of those facts.

The simple truth is she was hired as a “fixer”, and that is what she was doing when she was observed on May 10. All her actions toward my clients since then have been entirely consistent with this purpose, and no good faith or “humanitarian” motive. She has been misleading the State of Idaho and taxpayers of this county by retaining her full retirement benefits during the period she was “Librarian Emeritus, Volunteer, or whatever beneficent title she chooses for herself for any given purpose. It is smoke and mirrors. She is doing the same work at the same job at the same place she retired from, has been for a considerable period of time, and shifts her characterization of her actions, as counsel does, to fit the situation: today I am the Director, tomorrow I am the Historian, yesterday I was the Humanitarian whose selfless contributions made “Operation Reset” a resounding success.

Except when it didn’t.

In any event, regardless of her status, Ashworth was and is in no way authorized to seize property of employees, including my clients. She has repeated this course of conduct with the contents of the former Director Craig Anderson’s work space, for which we have several pictures showing her method of operation. We also have witnesses who put her removing evidence from the library prior to the closure period, including materials from Anderson’s work space which were bagged by Ashworth personally. Some of the contents were visible, she was in fact removing evidence and taking it to her home. A preservation of evidence letter has been in place with the Wilson Law Firm throughout this period of time.

Therefore, her behavior must not have been at the advice of counsel Wilson, who has acknowledged to me personally that he has received and remains very aware of the various requests to preserve evidence. It must therefore be that what is reported here did in fact occur, however improbable you may feel it to be. However, you and the investigator tasked with “a full investigation of the whistleblowers’ complaints”, along with Mr. Droz by correspondence exchanged with me last summer, apparently didn’t and don’t deem it worthy of even a perfunctory response. I hope it is now apparent that this slight regard for what is a most serious matter involving an ongoing and dangerous course of conduct, like Ashworth’s behavior, is completely unwarranted by the actual facts of the matter.

Her spiriting away of evidence and stealing client property in her care as fiduciary is also consistent with her claim of forfeiture of my client’s property. The property stolen and benefits fraudulently obtained during the period of District possession of our personal information, has considerable dollar value apart from the fact of malice and concealment of the activity giving rise to this demand. Simply put, Ashworth can put on the mantle of a cleric when it suits her, but it is a costume, not a reflection of

goodwill and humanitarianism. For this conclusion we state these as evidentiary facts, not allegations or mere conclusions.

Please account for these facts in detail, if you don't return every item of property listed on the enclosure. The simple truth is that Ashworth is in the habit of stretching or breaking the law when it suits her, as Amy Maggi's statement about her proclivities in this regard suggest, which I read to you and the entire Board at the February 23 Board meeting to "carefully consider" the terminations of my clients Lindenbusch and Withers.

I hope this clarifies why we dispute any characterization that this is a simple return of "personal items left at the Library." I told you previously in writing that Ashworth was "a liar and a thief", and now you know a small part of why that characterization was and is not an overstatement. In truth, it is merely the tip of the iceberg which your clients' actions have now guaranteed will become public, as they evidence in truth most "serious matters of public concern". As long as Ashworth, Grow and Maggi remain employed there, those issues of concern will grow and continue.

Please feel free to contact me about arrangements to pick up the stolen property, or issues to discuss regarding insulation your corporate client District from the individual acts of its employees and agents involved in these thefts.

Demand has been previously made for return of these items, it was repeatedly ignored. Demand is renewed in each and every particular set forth in or memorialized in any way by this correspondence. You indicated in your note on this subject that the items could be picked up at Tim Wilson's office. I will do so, but not on a deadline you set and not piecemeal. Any heavy items should be delivered by appointment at library expense. Any electronics should be boxed and locked for safekeeping until delivery.

Please inform me if and when your client actually intends to return these stolen items. Time is of the essence in this matter.

Most Sincerely,

/s/ Jeff Boiler

Jeffrey H. Boiler

ISB #11476

OSB #830219

Attorney for Dana Boiler, Cari Haarstick, Eric Lindenbusch, and Mac Withers

Cc: Clients

Enclosure: List of Stolen Property

From: jboiler@boilerlawfirm.com
To: "Dana Boiler"
Subject: FW: Final Demand for Return of All Stolen Property: My clients: Eric Lindenbusch, Mac Withers, Czai Haarstick
Date: Tuesday, March 15, 2022 6:47:28 PM

From: Timothy Wilson <tbwilson@bonnersferrylaw.com>
Sent: Tuesday, March 15, 2022 3:25 PM
To: jboiler@boilerlawfirm.com
Cc: 'Katharine Brereton' <kbrereton@lclattorneys.com>; kimber@boundarycountylibrary.org; Rafael Droz <rjdroz@bonnersferrylaw.com>
Subject: Re: Final Demand for Return of All Stolen Property: My clients: Eric Lindenbusch, Mac Withers, Czai Haarstick

Mr. Boiler,

I have informed you previously of the chain of communication for you and your clients concerning library employment issues to avoid confusion. To be clear, I simply agreed to allow you to come to my office and retrieve certain items in the library's possession that may have belonged to one or more of your clients; you were given a deadline to retrieve them and you did not. The items were then retrieved by the library and are in storage. I would note that although you may have claimed certain items were "stolen" in May 2021, it is only now that anyone has seen an after the fact inventory of purportedly "stolen" items. It would seem the burden was on you and your clients to provide a contemporaneous inventory of their personal items they "allegedly" brought to the library. In any event, at this point, if you believe a crime has been committed, then you should report the crime. In order to avoid any future unfounded fears you may have about my office, or my staff, I will take them out of the equation. You, and as their agent, your current clients are trespassed from my office and notice is hereby provided in accordance with Idaho Code §18-7008. Good day.

Tim Wilson

** Notification * *

This e-mail transmission and its attachments contain information which may be legally protected as confidential and/or privileged.

Any unauthorized disclosure, copying, use, or distribution of the information contained in this transmission is prohibited. Misuse of the information may subject you to any and all remedies available under applicable laws, including but not limited to, the laws governing copyright, trademark, trade secret, privacy and unfair competition. If you have received this transmission by mistake or error, please notify Timothy Wilson at the law office of Timothy B. Wilson in Bonners Ferry, Idaho immediately, and then delete the transmission. You can make the notification by telephone at 208-267-1777, or by e-mail to tbwilson@bonnersferrylaw.com. Thank you.

From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Date: Friday, March 11, 2022 at 1:07 PM

To: Timothy Wilson <tbwilson@bonnersferrylaw.com>

Cc: 'Katharine Brereton' <kbrereton@lclattorneys.com>

Subject: FW: Final Demand for Return of All Stolen Property: My clients: Eric Lindenbusch, Mac Withers, Czai Haarstick

Tim,

I'm sorry to have to involve you, but I have been told by Ms. Brereton that you may be in possession or property belonging to my clients. I have informed her that the conduct of Library employees and other agents of the Library on May 10, 2021, will be the subject of a criminal complaint by my clients if not returned by yesterday at 5 p.m., together with an inventory so that we are not required to remove property which requires a chain of evidence to be used in that proceeding. I have received no inventory and no explanation for the missing items, other than counsel's opinion that the new Director has made "a good faith effort" to locate it, and provided your office what could be found.

She also advised me that you have some of the property which appears on the list of stolen items attached above at your office, but will only keep it there until today.

I am writing to you as early as possible today, therefore, because failure to preserve the chain of evidence and a detailed inventory for any materials provided to you by the Library pursuant our attached demand for return of property has no basis in law and risks serious after-the-fact liability for any who participate or materially aid in the criminal conduct alleged. We have summarized the proof in details elsewhere, but some is discussed below to assist you in verifying our demand that includes preservation of evidence now for both criminal and civil court purposes.

We have made repeated demands for return of property stolen from my clients Dana Boiler and Cari Haarstick for ten months, and my clients are still employees of the Library without discipline to date. Why their property is being treated in this way certainly doesn't include "de-cluttering". It is, quite obviously from the evidence, a theft in progress that was interrupted on May 10 by sheer Providence, discussed in part below and in the enclosures. Your clients have ignored and obstructed all attempts to recover it by other means, so a criminal complaint is apparently necessary. I will handle its submission, together with the evidence relevant to any investigating agency's investigation.

Having waited ten months and awaiting what has proven to be a sham process designed to accomplish an unlawful retaliatory purpose against my clients, on February 28 I provided a final written demand for return of the stolen items to Ms. Brereton. Ten days were provided for response, she has chosen to interpret the demand as a surprise and a misunderstanding. It is neither, and I urge you to review this carefully before deciding what action to take.

The time for return of the property passed yesterday at five p.m., with only the attached email strings above, from FebruaRY 28 and March 7-8 to explain why. Please see attached. In

substance, we have been told your office has some of the identified property, but won't keep it past today. We have been denied any inventory. We have been refused a chain of evidence. Today's date seems to be mentioned as an implicit threat that any property you have been given will disappear if not picked up today. It's important you make any decision in this regard with the facts outlined here and in the attachments firmly in mind.

This is to renew our earlier repeated requests for preservation of evidence for all matters relating to my clients, which now specifically includes whatever any representative or agent of the Boundary Library District may have provided your office to respond to our demands. I would not bother you with this matter, given the scope of representation you have outlined, but for counsel's direction to your office, and the purported limits and conditions your office has allegedly placed on return of these items. I can only caution you that multiple witnesses witnessed this theft in progress, and they are not limited to my clients or librarians.

I would also point out the theft occurred on May 10, 2022, at which time Sandra Ashworth was not a lawful employee of the Library District. She apparently was not hired as the actual Director until July 22, ten weeks later. She had no business seizing property or doing anything other than the "humanitarian consulting" your clients represented was her purpose in published sources. She was actually present as a fixer, and used force to attempt to reinforce an unlawful claim of property owned by my clients, after an emergency closure that gave no one notice or an opportunity to recover their property.

We now know this was by design, since a Board member has now openly stated the closure was designed to find reasons to fire the whistle blowers I represent, and that attorneys were specifically hired to do that job. However, the same member reports they could find no such reason. The theft of my client's property on May 10 was being undertaken personally by Sandra Ashworth, and three witnesses saw and heard what she was doing that day when seizing the property. She used force to reinforce her threat, and was told by the patron involved never to touch him again. It was clearly an interrupted moment, and clear Providence that caused the timing. The evidence thus yielded is very damning and shows criminal intent.

Ms. Brereton has advised me that you have been provided some of stolen items described in the attached above, but won't say which, other than a water cooler. I have advised her I will not accept return without an inventory of items provided in advance, but she has refused any inventory or other accounting. She has also stated you will not keep the property past today, Friday the 11th, even though it is clearly within our previous demands to preserve evidence, and clearly has been identified as evidence of criminal activity by individuals purporting to act as lawful agents of the Library District, when in fact, they were and are not. This does seem to be within the scope of representation, since it involves Sandra Ashworth taking unlawful action, using force to take and retain possession of my client's property, then later claiming to have acted with authority of the District in doing so. I think we agree this alone has most serious consequences for the Board of Trustees, if her agency did include this action, but at minimum, this fact pattern calls for careful preservation of this evidence, which Ms. Brereton says you now have.

I'm afraid we cannot agree to your simply disposing of it, that would be plainly unlawful under the

circumstances. However, since that is the implication I have taken from Ms. Brereton's terse final email reply this week, attached, it is necessary to clearly inform you that we are not arranging to pick up any property you may have, because we cannot preserve the chain of evidence in doing so, without considerable time in your office. We are unwilling to do so simply to recover what is ours, particularly under the circumstances involving your office personnel's characterization of confidential information and evidence provided to you last year with my initial mandatory child abuse report to your office, and the likelihood of mischaracterization or misrepresentation of evidence taken, or actions undertaken while doing so. In short, Ms. Brereton's fit of pique has apparently put you in a bad position, that I had hoped to avoid. I must now as a result, however, insist that the property delivered to you or in your possession pursuant to our demand for return of property above be carefully retained, by you personally, as counsel for the Library District in any capacity. I believe the evidence strongly suggests that your staff should not be entrusted with creating or maintaining any chain of evidence for such property, or maintaining or accessing it in any way. Finally, I must insist regardless of those issues, that you direct your staff to hold anything they hear or see at your office as confidential. Their objectivity is already unreliable, and their treatment of serious sexual matters by public comments, attributed to your office, demonstrates they cannot be relied upon to comment upon or have any duties whatsoever that would give them access to whatever property from the library is provided to you pursuant to our demand.

Regardless of the Friday deadline to remove property, referenced by Ms. Brereton in her last, this is to remind you of my previous requests for preservation of all evidence relating or pertaining to my clients which is or has been in the possession or control of any of your office or your clients acting for or in the name of the Library District at any time, including without limitation the Library District as an entity. You and I recently discussed this at a Board meeting and I understood you to say you were very aware of the preservation of evidence requests we had made.

Those request nows include, without limitation, the preservation of all evidence and property which may have been delivered to you pursuant to the demand to Ms. Brereton of February 28, 2022. The inventory provided to her February 28 is also attached for comparison purposes with any property provided to you by the Library which you may have. In implementing this request, please be aware that on May 10, 2022 at the Boundary County Library, Sandra Ashworth and certain employees of the Boundary County Library, purporting to act under authority of the Library District you represent, took the itemized property known to be property of my clients. My clients were under no disciplinary notice or order forbidding their presence to recover their property, denied by emergency closure at that time for nearly a month.

At that time and place, in my clients' presence and the presence of other witnesses, Sandra Ashworth asserted her right to sole ownership of all my clients' personal property "left" on premises at the emergency closure, knowing the Library had been locked for "cleaning", but truly due to safety concerns caused by complaints of criminal conduct—conduct not limited to Amy Maggi's actions and designed to cover and conceal an ongoing pattern of criminal activity being furthered by Ashworth and her actions in seizing personal property of my clients.

The evidence shows she engaged in those actions with the express intent to permanently deprive my

clients of the use and benefit of that property. She utilized force against a third party present in an attempt to retain it. We have his statement, it is clear and unambiguous, and supports the testimony of my clients.

Ashworth was not a lawful Library employee at that time, but was effectively acting during closure of the Library as its Director, without legal authority to do so, and supervising the criminal conduct of which this theft complaint is only a part.

I note here also that my clients, Dana Boiler and Cari Haarstick, are still employees of the District, and advise you that we view this sham treatment of a clear theft at the hands of the Board's chosen representative, Ashworth, as clear disciplinary action, without notice, arbitrary and capricious in character, and designed in part to further abuse official position to benefit Ashworth and other Library representative and employees, and to harm others, including my clients. Any disappearance or mishandling of evidence of theft in this matter will be viewed as deliberate, and as intentionally furthering unlawful whistle blower retaliation.

Since they are employees still, I must also ask why my clients, who remain employed, are being subjected to the need to accept the Library's terms for returning stolen property? The only obvious design is to impair pursuit of a criminal complaint, which I will not be doing by taking property sight unseen and without chain of evidence. The simpler and better way to deal with this is viewing Ms. Ashworth's actions as unauthorized, for it will certainly appear as though your clients authorize it if they allow their attorney to ignore preservation of evidence demands in serious matters of public concern.

If you choose to refuse to preserve evidence and provide a chain of custody for each item returned, by what right does your client do so? Is a theft victim typically required to ask the thief's attorney, nicely, if they may please have some of their property back? Must the victim respond within 24 hours or else lose his status as a crime victim? Library staff may have some reason to feel protected from local courts, but as you well know, this matter is going to be a Federal forum. The questions I ask here are not rhetorical; they are questions that will be raised in Federal Court, and the issues presented go far beyond this single act of robbery or theft.

It's important to note our position in this regard carefully: the property described in the attached list captioned "List of Stolen Property" is evidence of criminal conduct by one or more employees, officers or agents of the Boundary County Library, specifically including but not limited to Sandra Ashworth, acting under the direction of or with the aid, encouragement and assistance of other Library employees, Trustees, and other officers or agents of the Library.

I do not attribute this purpose to you personally, but I do have serious concerns about the security of evidence in this case with certain members of your staff. Therefore, I will not be picking up whatever may be in your possession today. ***I advise you of this because Ms. Brereton has written that you will only retain the property, if any, actually provided to you, through today.*** It is not my desire to unduly involve you personally, but I must communicate these facts to you given Ms. Brereton's stated position. It risks serious legal consequences for all involved in hiding the ball on this matter, and by this communication to you now, I am trying to avoid unintended collateral damage. Please accept my statements here in that spirit.

In deciding how to handle this matter, please be aware that this is not a dispute over property left by a terminated employee. The owners of the listed property are my wife and Cari Haarstick. They are still employees and have FMLA requests pending. At the time of the theft, May 10, they were also employees, and no one was 'forbidden' from coming to the library at that time. They entered with permission to retrieve an item of clothing left when emergency closure occurred without any notice to them, so their property was at the library lawfully. Their entrance was lawful, and they were under no order to avoid the library at the time. It is quite simply Providential that on May 10 my wife stopped by to pick up a summer hat. She and the witness with her found their items being strewn about on the floor indiscriminately, and when they tried to recover them, were told by Ashworth, "they belong to me now". She even attempted to grab a helper who came to the location to move a refrigerator when told it was being claimed as Ashworth's property, suggesting strongly the elements of robbery, not just theft.

The point of this detail is to demonstrate to you the evidence does not show this is removal of a terminated employees' property. No disciplinary action was pending at that time, and my clients still are library employees. Their property may not be dumped out on the street or given back to the perpetrators simply because the victim won't accept the terms of its return, without inventory. A crime victim similarly can't be expected to pick up un-itemized stolen property without chain of evidence attached, at an office where evidence in this case has been ***previously and publicly mischaracterized*** in order to gain an advantage in public opinion.

What you have apparently been given is a small part of a long list of stolen property, which was stolen under threat of force, at the Library, on May 10. The circumstances are set forth in the forwarded email below and the attachments. **PLEASE DO NOT DESTROY OR REMOVE ANY MATERIALS PROVIDED TO YOU IN RESPONSE TO THE DEMANDS FOR RETURN,** I have previously made it clear to Ms. Brereton that what is in your possession is to be preserved as evidence of criminal conduct in furtherance of other unlawful activity by the Library District and its employees, officers and agents. We have recently discussed the preservation of evidence in this case and you have recently acknowledged to me your receipt of those previous demands and your awareness of them.

Because Ms. Brereton's last communication with me by email, attached, seems to suggest you only intend to preserve this evidence through today, and [she] "doesn't know what hours your are open on Friday", I am writing to you today as soon as possible and with as much specificity as possible, to avoid any break in the chain of evidence, or any treatment of what may be in your possession as trash, or otherwise not as evidence in any court proceeding. What has been delivered to you, if anything, ***is*** evidence in administrative proceedings, and will soon be evidence in court proceedings, which we allege to include claims which are both criminal and civil in character, and will be the subject of a reported crime to an agency of appropriate jurisdiction. Therefore, please preserve it and please advise me if for any reason you intend to dispose of such property in any manner inconsistent with the request for preservation of evidence made previously, and reiterated in this correspondence.

If one can set aside the gratifying penchant to dictate terms and deadlines, which seems to recur

with counsel representing the Library in other proceedings, it would seem obvious to me that with an inventory which you and I sign and date, which exactly matches what it is in your possession as provided by Library representatives to you, ***you and I personally can arrange a return of what may be in your possession, but we will need to discuss preserving the chain of evidence if you wish to do so, and at a mutually agreeable date and time.*** I advised Ms. Brereton that an inventory addressing these issues and the security issues concerning commentary on evidence originating from your office last summer would be necessary for pick up of what may be in your possession, but she has summarily refused. She has also advised me ***you*** will not retain the property provided to you, if any, past today. This seems in context to suggest the evidence, which belongs to present library employees, not terminated ones, which was taken ten months ago, nevertheless belongs to the library or its agents, after today. I hope the lack of legal reasoning behind this decision by counsel is apparent to you.

I can only as a result, ask ***you*** for any legal authority for this proposition, since the facts seem to clearly show a crime has been committed, and the quality and quantity of evidence to prove it is unambiguous, and stolen property may not be held hostage on a clock in order to insure any use of the evidence in a criminal proceeding later is compromised. This implicit threat seems to suggest that further crimes will be committed—such as loss, damage or unlawful disposition of property not belonging to your clients— if my clients won't accept the property at your office sight unseen, and without a chain of evidence and inventory.

To conceal the actions of Sandra Ashworth and others in this matter, which would include evidence tampering and destruction if the property which may have been given to you by the Library District is not carefully preserved as evidence, is not within our charge as attorneys. The Library is your client, as I understand it, not Ashworth. Just as we know that evidence of a crime must ultimately be surrendered to the police, without violation of the attorney-client privilege when doing so, so must evidence of the crime of theft or robbery be surrendered to them, or to the victims, who have an ability to preserve the chain of evidence once the property is properly identified. Where it has been since May 10, 2021, is required to allow for a chain of evidence to be proven. Your client has had exclusive possession and control of the Library, where the property was last seen, and a known actor, Ashworth, admits taking it with the intent to keep it. Now much of it has apparently disappeared. This is why an inventory and chain of evidence for the items in your possession are required as a condition of our re-taking possession.

Threatening to dispose of stolen property if you're not fast enough to solve these problems, all at the thief's convenience, certainly appears to be either accessory liability or other after-the-fact furtherance of known criminal conduct by one who even lacked legal authority at the time to act in any supervisory capacity. It also furthers the criminal conduct already apparent. I therefore suggest you revisit Ms. Brereton's handling of this property return matter, with the benefit of knowing the facts, rather than simply assuming a posture that ignores the evidentiary facts, as she has done. That posture can have real consequences in a real courtroom on real clients, with very real and serious outcomes. There is no need to worsen the situation for her clients by simply returning the property to their tender mercies, now that you know what doing so may well represent.

I don't wish to seem unduly harsh or over-inclusive. I am not here suggesting the criminal conduct

complained of above of Library employees, volunteers, agents, or Board members identified to date necessarily should or may extend personally to you. However, I hope you and I can agree that under the circumstances presented, casual treatment of the items you may have been provided, **knowing** I have provided evidence that the itemized property above was taken by Sandra Ashworth with the intent to permanently deprive my clients of the use and benefit of all such items, would seem most improper. I am not inclined to believe that you would in fact dispose of what may be in your possession knowing these facts, but I am required to remind you that preservation of evidence in this context can carry particularly harsh penalties for all involved. Your staff **has** mischaracterized evidence from my office in this matter, in a very serious way, and has an obvious motive to repeat such indiscretions given the family and personal connections to one of the individuals who will be a named Defendant in forthcoming Federal proceedings. If the property itself is not returned with a signed and dated inventory, signed by you and approved by me, with a chain of evidence attached, then please keep and store it in a way which preserves its evidentiary value for later examination by the courts, and provides no access to your staff to review or otherwise deal with it in any way.

The reason is that from your office last year, came the false characterization that the evidence I provided to you was “manufactured evidence”. I am aware you did not see the evidence for a time due to spam filter issues, but someone in your office clearly did view it and named the source as your office, when sending family members out to spread the word that our evidence was “manufactured”. This falsehood was deliberately spread throughout the community, and we can prove it with witness statements.

I am aware of the friendship between your assistant, Teresa, and the named suspect, Amy Maggi, which makes this false characterization and campaign to deliberately spread it (by your staff and a family member of your staff) seemingly purposeful, calculated to obstruct justice, and having the result of painting my clients in a false light, in furtherance of commission of a crime. At this time, I attribute this conduct as employee misconduct, undertaken for personal reasons of staff which I believe do not reflect your personal knowledge in advance of what was transpiring. Your staff’s actions and those of family members also apparently predate in time your review of that email reporting Maggi’s conduct and satisfying our mutual reporting requirements, and therefore may well predate your actual knowledge of my confidential email characterized as “manufactured evidence”.

Therefore, someone other than yourself, with access to the confidential communication I sent to your email address clearly labeled as confidential, not only read it. They told others about it, apparently attributed it to the inside knowledge they had as your assistant(s), and recited these untruths, or aided and assisted others in doing so, publicly and as part of a deliberate plan to obstruct justice with falsehood. This was apparently done to create and reinforce the impression created that a statement by your assistant, or her family member based on information obtained from her, was based on your statements, personally. I certainly hope this is not the case, and at present am not inclined to believe that it was. It looks bad, however. Such a statement from your assistant implies your assessment based on inside knowledge, which I did send you, which you did not immediately see, but which hit the street immediately with this false narrative.

I hope you can then understand why my position was and remains that I will not accept property from your office without an inventory and chain of evidence, and I’ve offered a way for us to do that

together, to circumvent the staff problem summarized above. Please let me know if you wish to pursue it.

In doing so please consider that there is no doubt the statement came from your office, so I hope you can understand my reluctance to accept **any** terms for return of my client's property from **anyone** at your office, **except yourself, personally**. Please handle the property you have been provided for return to my clients, if any, in such a way as to preserve its evidentiary value. Wherever it is stored, it should be segregated from other property and treated as evidence in a criminal case, to insure the integrity of any investigation. I'll be happy to discuss preservation of evidence and chain of evidence issues with you at any time, on reasonable notice. Email is the best way to set things like that up with me.

If you'd like to personally discuss or correspond on how best to maintain this property until a proper chain of evidence and inventory is provided, please let me know. Failing that, please permanently secure the materials provided to you, if any, for later subpoena. Demand for immediate return is reiterated, together with itemized, signed and dated inventory of all items which the Library proposed to return through your office this week.

Respects,

Jeff

Jeffrey H. Boiler
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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Monday, February 28, 2022 7:01 PM

To: 'Dana Boiler' <dana@boilerlawfirm.com>

Subject: Final Demand for Return of All Stolen Property: My clients: Eric Lindenbusch, Mac Withers, Czai Haarstick

Counsel,

Attached at your request is a list of personal property owned by my clients and identified by Sandra Ashworth as now her own personal property. She made the statement that these items were hers, personally, on May 10, 2021. Three witnesses whose testimony we have in hand corroborate all

details referenced at the events of May 10.

At that time at the downstairs of the Boundary County Library, all located in the U.S. District of Idaho. At that time and place, Ashworth claimed ownership of any and all property my clients claimed to own left in the library, by virtue of my clients "leaving it" in the library on emergency closure, which was without notice and only to last two weeks. This encounter occurred after the two week period had passed, and the library remained closed. My clients were not restricted from being on library property at the time.

At that time my wife and Cari Haarstick were allowed to return to the library to obtain their personal property. There are and were no property control numbers on any of these items, nor was there an inventory being taken or other record being maintained. It was obvious in context that what had been interrupted inadvertently was in fact an attempt to spirit away my clients' property and any information in their possession that could be used to gain information to use against my clients. As the two month hiatus between their administrative leave in July and the intervening two months indicate, she found nothing. The evidence simply suggests she got caught helping herself to my clients' property and now attempts to characterize it as property you suggest was "left", presumably by an Act of God, and certainly no ill motive by your client.

By happy coincidence, my clients simply walked in on this charade on May 10 in search of a summer hat, nothing more. Those are the facts that are provable, and they do not suggest my clients "left" anything, or had any intent to contribute to Ashworth's already considerable cache of documents and other desk contents which she obtained from a similar "decluttering party" involving the work area of Craig Anderson, the former Director. The simple truth is she was hired as a "fixer", and that is what she was doing when she was observed on May 10. All her actions toward my clients since then have been entirely consistent with this purpose, and no good faith or "humanitarian" motive. This is all without reference to her misleading of the State of Idaho and taxpayers of this county by retaining her full retirement benefits during the period she was "Librarian Emeritus, Volunteer"... doing the same work at the same job at the same place she retired from. I leave to you to do the research on whether her claim that "PERSI" said this was acceptable conduct and did not constitute fraud on the State by both Ashworth and the District who knowingly assisted her in failing to report these facts to PERSI, which does not pay full retirement benefits to workers who go back to the same job after retirement, and work as this person has in the same capacity—with even greater power to do harm than her previous tenure afforded.

The claim was made Ashworth directly, and in the presence of a third party witness as well as my clients Mac Withers and Dana Boiler. At that time, Ms. Ashworth was interrupted by fortuitous circumstance, by both my clients, and the third party witness was summoned during this meeting on that date to remove a refrigerator belonging to Ms. Withers. This listed item was of considerable value, large and heavy, and long in use by library staff and Ms. Withers, prior to May 10. There was no suggestion that any "delay" in obtaining these items was the reason for their forfeiture, my clients had only been told the library would be closed for about two weeks, and no one was told or given opportunity to retrieve personal property prior to the emergency closure.

Ashworth was observed on May 10 personally supervising the systematic removal of these items,

except for the personal information taken by Grove to his home as discussed below, and dumping them on the floor throughout the downstairs of the library. At that time, my wife challenged her by stating in substance that having left the items due to emergency closure did not mean they are "bequeathed" to her. In the presence of witnesses, Ashworth then stated "Yes it does, they're mine".

Immediately prior to making this statement, Ashworth attempted to wrap her arms around the third party witness from behind, Mac Withers' adult son. When he felt her touch, he stepped away, and said "don't ever touch me again" or words to that exact effect. The context suggests her actions were for pure intimidation, which suggests the elements of the crime of robbery, not mere theft. In assessing this evidence, be advised the witnesses I have interviewed all agree on these facts, and the fact that the witness was there simply to move a heavy refrigerator, which Ashworth demanded be removed immediately.

As noted, in context this conduct reflects elements of both theft and robbery, given the attempted use of physical force by Ashworth in furtherance of her unlawful claim to own property she clearly did not and does not own. She has retained it until now, and it was not "misplaced", any more than the policy provision she wishes now to avoid was a "misprint".

She was also not apparently a lawful library employee at the time, yet is being provided with a defense by the same firm representing the District. From this I can only assume the District ratifies her actions.

She was in fact not a lawful employee at the time, she was variously described with various honoraria, and was supposedly acting while receiving her full retirement benefits from the same position, unlawfully, an "unpaid volunteer consultant". She misrepresented that this was lawful, and that PERSI had ratified her "arrangement" with the District, when it seems clear from the evidence we have analyzed for the last year that would be impossible if the true facts were known by the State. We will make them aware of those facts.

In any event, regardless of her status, Ashworth was and is in no way authorized to seize property of employees, including my clients. She has repeated this course of conduct with the contents of the former Director Craig Anderson's work space, for which we have several pictures showing her method of operation. We also have witnesses who put her removing evidence from the library during the closure period, including materials from Anderson's work space which were bagged by Ashworth personally. Some of the contents were visible, she was in fact removing evidence and taking it to her home. A preservation of evidence letter has been in place with the Wilson Law Firm throughout this period of time.

Therefore, her behavior must not have been at the advice of counsel Wilson, who has acknowledged to me personally that he has received and remains very aware of the various requests to preserve evidence, and why it is in place. It must therefore be that what is reported here did in fact occur, but you and the investigator tasked with "a full investigation of the whistle-blowers' complaints", along with Mr. Droz by correspondence exchanged with me last summer, don't deem it worthy of even a response. I hope it is now apparent that this slight regard for what is a most serious

matter involving an ongoing and dangerous course of conduct, like Ashworth's behavior, is completely unwarranted by the actual facts of the matter.

Her spiriting away of evidence and stealing client property in her care as fiduciary is also consistent with her claim of forfeiture of my client's property. The property stolen and benefits fraudulently obtained during the period of District possession of our personal information, has considerable dollar value apart from the fact of malice and concealment of the activity giving rise to this demand. Simply put, Ashworth can put on the mantle of a cleric when it suits her, but these are facts, not allegations. Please account for them if you don't return every item of property listed on the enclosure. The simple truth is that Ashworth is in the habit of stretching or breaking the law when it suits her, as Amy Maggi's statement about her proclivities in this regard I read to you and the entire Board on February 23 Board meeting to "carefully consider" the terminations of my clients Lindenbusch and Withers.

Like the "misprint" of the due process provisions in the Personnel Policy manual which she attempted to convince you was a mistake, her conduct is never a mistake when she's acting as a fixer. These thefts are not isolated incidents or misunderstandings, so please take care in characterizing them to me as such if each and every item demanded for return in this correspondence is not promptly returned, at Library expense.

I understand both you and Mr. Droz may deem these matters among the many "not worthy of response", or for which "you don't have time", as you said last week of similarly serious matters, but these thefts have been reported previously, including to Ms. Nutsch. We have obtained no response whatever, save sputtering outrage at the *very thought*. Unfortunately, the evidence is clear and convincing, and unambiguous. These items are stolen items and evidence in part of a federal crime. Please tell your clients to return them immediately.

I hope this clarifies why we dispute any characterization that this is a simple return of a leaving employee of personal belongings "left" at work. I told you previously in writing that Ashworth was "a liar and a thief", and now you know a small part of why that characterization was and is not an overstatement. In truth, it is merely the tip of the iceberg which your clients' actions have now guaranteed will become public, as they evidence in truth most "serious matters of public concern". As long as Ashworth, Grow and Maggi remain employed there those issues of concern will continue, and will continue to be revealed to you and your client as the situation dictates.

Please feel free to contact me about arrangements to pick up the stolen property, or issues to discuss regarding insulation your corporate client District from the individual acts of its employees and agents involved in these thefts.

Demand has been previously made for return of these items, it was repeatedly ignored. Demand is renewed in each and every particular set forth in or memorialized in any way by this correspondence. Here is a summary, I put it in writing since you have recently informed me in writing that you believe you have cause to insist that anything of import I have to tell you be said in writing. Here you go:

“On May 10, Mac Withers and my wife went to the library to recover a summer hat left the day of emergency closure, when access was denied to all my clients. They obtained permission from Derick Grow to go downstairs to recover a summer hat left with all other belongings when the library closed on an emergency basis without notice to my clients. When they arrived, they observed the contents of their work areas, including the items listed in the attachment above [except for stolen personal tax and related information of my wife and myself] , being gathered and dumped on the floor at different areas throughout the downstairs of the library, away from view of anyone upstairs. Sandra Ashworth was doing the work, other library staff were present. There was no inventory being taken and my clients’ property from desk and work station was strewn about the floor. Ashworth looked very surprised to see them. When asked why she was removing the property and placing it elsewhere around the library, Ashworth advised the property was “left” (when the building was locked and all access denied, on no notice to my clients). When challenged, she openly and simply stated, “they’re mine now”. Three witnesses have attested to this summary of facts.

A table belonging to Cari Haarstick too large to move was thereafter taken by Derick Grow to his home, where the personal information listed on the enclosure was also taken. That personal information of ours was used in the commission of a federal crime, when a false tax return in our name was filed shortly after he took that information to his house. He kept that personal information there, by his own admission, for three months. It was also contained in a hard drive for a library computer, and therefore was available to others at work., Others did in fact access that information and printed some of its contents. This act has been confirmed.

He claimed months later to have deleted it...three months later. He admits it stayed at his house for three months. “

Your client is unwilling to provide any proof explaining this conduct in any context other than as part of what became a completed federal crime by the filing of a false tax return shortly after he obtained the information and stored it at his home. You and other counsel have deemed this matter not worthy of response, for though it has been repeatedly raised, “unworthy of response” is the only response on the merits we have yet received in writing, from Mr. Droz acting as attorney for your District client.

Similarly, there is no doubt or that theft and abuse of our information was not in fact a deliberate act in furtherance of the retaliation which is now so evident, given your client’s unexplained actions of last week. I call on you to do so with any return of information you propose, for its return will be argued as evidence that crimes have been committed by library staff and Sandra Ashworth, among others, in an attempt to conceal this ongoing pattern of similar unlawful behavior, over a period of decades. How the treatment of this stolen property, aside from theft, is not obstruction of justice by a public body, in an effort to benefit itself or to harm others, is unclear to me, and I will be pursuing it regardless of your response. Please decide whether this correspondence is worthy of your time in response before making any decisions not to do so.

Here is an explanation designed to help you ask questions of your client about this matter. You will

likely be misled, and I want you to have the information necessary to get at the truth a little better than repeating your clients' various indefensible legal positions to date:

The information was placed onto an external hard drive maintained by Grow at his home. It was there for at least three months: October, November and December, 2020.

The same information was also contained on a library owned hard drive, which was NOT maintained at his home. Your client has never claimed the stolen information giving rise to the fraudulent return I have reported to you is gone from **both**, and have failed to give any explanation as to why. I caution you to make any representations about the taking, use and location of this information carefully, for Grow's actions in that regard do not bear close examination.

When learning of this, Ms. Haarstick made arrangements for her father, a former (elected) District Board of Trustees member, to retrieve it. Grow at that time suggested it would be a good idea for my client, Cari Haarstick, not to align herself with the other three whistleblowers I represent. That particular item, a table of considerable value, was returned. No other items mentioned in this correspondence have been, nor has any attorney or other representative of the library attempted to explain why these items were taken, or why this urging took place by Grow. It should be noted that Grow at that time was asked by my client if she could retrieve her things at the library. He said no, but she could retrieve her table, which he had taken for himself and was in fact at his house. He used that opportunity to attempt to dissuade her from making the good faith statements regarding abuses and unlawful conduct at the library. As Interim Director at the time, Grow was aware the interviews with an 'independent investigator' would be taking place, and in fact gave the order to my clients to testify before her under penalty of adverse employment action,

That is what happened. I invite you to interview your clients with a view toward taking their exculpatory assertions about these facts with a railroad car full of salt.

Demand is made for return of each and every item listed on the attachment hereto, which is fully incorporated by this reference.

You indicated in your note on this subject that the items could be picked up at Tim Wilson's office. I will do so, but not on a deadline you set and not piecemeal. Any heavy items should be delivered by appointment at library expense. Any electronics should be boxed and locked for safekeeping until delivery. No one should be allowed to inspect them other than counsel, and that for the purpose of representation, not the spreading of the word that we've yet again "manufactured evidence". We know where that public statement originated, please suggest to Tim Wilson that he not allow such an error in judgment happen again.

Please inform me if and when your client actually intends to return these stolen items. Time is of the essence in this matter.

/s/ Jeff Boiler

Jeffrey H. Boiler

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March 16, 2022

BY EMAIL

(kbrereton@lclattorneys.com)

Katherine B. Brereton
Partner
Lake City Law
435 W. Hanley
Suite 101
Coeur d' Alene, ID 83815

Re: FMLA certification, Dana Boiler; Property Return
Your Client/Insureds: Boundary County Library
Our Clients: Eric Lindenbusch, Cari Haarstick, Mac Withers, Dana Boiler

Dear Ms. Brereton:

FMLA Certification

Please find attached my wife's completed FMLA certification statement from her treating physician.

Property Return

I note you have been copied with Mr. Wilson's email to me of yesterday. It suggests the claim of theft is disingenuous, apparently because he chooses to represent in his writing that it is a recent construct. As you know, it is not. Because he states the property has been returned to the Library, this is to renew our demand for its return and an itemized inventory of all items on our list provided to you, which are in your client's possession.

A partial summary of the prior notices of claim of theft is as follows:

May 10, 2021:

My clients Dana Boiler and Mac Withers are denied personal property as outlined to you in previous correspondence. The place of occurrence was the basement of the Library. Both clients are told by Sandra Ashworth that all property left at the time of the emergency closure belonged to her. Four witnesses are present, two are my clients.

June 6, 2021:

My client, Cari Haarstick, requests entry into the Library to retrieve her belongings. Access is denied and she is told she may only pick up her table, which had already been removed and taken to the home of Derrick Grow. Her father went to the home of Mr. Grow where he retrieved the table and was told to pass a threat on to Ms. Haarstick that she better distance herself from the other whistleblowers.

June 10, 2021:

During recorded interviews with retained attorney for the Library, Sonyalee Nutsch, my client informs Ms. Nutsch of the stolen property. Her testimony can be heard on our internal audio index of her testimony at 2 hours and 22 minutes, and continues to 2 hours and 27 minutes. Her statements track precisely the factual summary of events of May 10, which are and have been in possession of the Library and their agent, Sonyalee Nutsch, since that time.

June 21, 2021:

A copy of the journal entry made into Dana's iphone notes from that day dated May 10, 2021, which also summarized the details of the theft, were provided to Ms. Nutsch as supplemental documents along with several hundred pages at the close of testimony.

All these documents are generally indexed in the Nutsch report, as miscellaneous correspondence. They are not labeled by topic or mentioned in any way in the readable portion of her report provided to my wife with her notice of proposed disciplinary action.

September, 2021:

My clients were denied access to the Nutsch report, thus unable to determine the disposition of the theft reported on June 10. The Board does nothing about the report of theft by Sandra Ashworth who was subsequently made Director and ultimately served notices of termination on my four clients in September.

October 11, 2021:

On page 4 of my letter to Tim Wilson dated October 11, 2021, again you will find reports of the theft and demands that the items be returned. This is more than five months before yesterday's suggestion that the theft report is a sham. Wilson never responds.

The letter is hand-delivered by me at his office, to him personally. The reason for delivery is that Mr. Wilson claimed some of our initial communications with his office by email were not seen promptly because of his email spam filter. There were not nor have there been any angry words or exchanges between us, nor caution that my clients and I would be subject to arrest for trespass for the crime of conducting business in a law office in a professional manner.

October 14, 2021:

Letter reporting theft copied to you. This is **five months** prior to your characterization of the property taken as “property left” by my clients at the Library. This is the first time any representative of the Library made any such suggestion. No investigation of the report made in June apparently takes place, and my clients are not contacted or questioned in any way during the period from July 23 to the present. The July 23 amended administrative leave notice obligates them to cooperate in any investigation of the Wilson Law Firm or any of their agents, or other investigators. No one ever makes an attempt to contact any of my clients for that purpose, and the Nutsch testimony and documentation is never mentioned. You also do not respond to the theft reported in my October 11th letter.

This is only a partial list of the various attempts made to report this theft, and to show the total absence of any good faith investigation of any kind. My clients were never interviewed about the theft, even though at the time of testimony my clients insisted there was theft and gave specifics, along with hundreds of pages of corroboration of workplace harassment in violation of whistle-blower protection clearly applicable in the circumstances, and the availability of the actual recording, which refutes conclusively the entire notice this claim is a construct. We have a copy of the entire recording.

You may not be aware of the contents of the actual audio record available with Ms. Nutsch. I would suggest you listen to it before adopting Mr. Wilson’s position in this matter, or persisting in creating an impression that the property not picked up by Friday would be forfeit if not accepted sight unseen and without inventory or explanation. Such a position will only serve to guarantee an expanded investigation and expanded claims against your clients, who appear now to be acting in concert in this attempt to further an obvious and open theft of property, along with other unlawful action itemized to date. The narrative of Mr. Wilson and friends has sailed so far from the shore of reality that it will take a careful approach to avoid even more serious legal consequences than your clients apparently foresee at present. You should be afforded the opportunity to decide your position on this property matter based on the facts, not on a version of fact that doesn’t match the actual written and audio records already in our possession. Please take advantage of this opportunity.

We both know that your clients’ narrative is belied by the written record in ways that are completely undeniable, and certainly don’t evidence good faith in the handling of any of my clients’ personal property.

Because you inherited this mess and may not have been aware of what was done prior to your retention, I would like to provide you a reasonable time to ask questions and get straight answers from your clients and their various agents, employees and other representatives, before you respond further to the demands we have made. Please ask if you wish to avail yourself of this opportunity. Time remains of the essence unless we can agree on additional time for you to get some questions answered.

Please understand clearly, however, that I view Mr. Wilson’s disingenuous and provocative comments of yesterday, which he chose to copy to you, as a very serious matter. There can be no more playing fast and loose with the truth of these matters, or threatening arrest, unless courtrooms are places your clients enjoy. I consider this a final opportunity for your corporate client to assume the unfamiliar mantle of humility, to simply admit what was done, and that it was wrong. Return the property and provide a complete and truthful inventory summarizing what happened to the property not provided. A

wave of the hand and the imperious comment that “there is no property”, or “your remaining comments are unworthy of response”, will only insure your clients are lawfully pursued to account for all they have done, to the fullest extent of the law.

After considering Mr. Wilson’s entertaining choice of tactics in handling the true facts of the matter, I hope you will choose the truthful and more constructive path. The clock is ticking, but if you want time to consider the true facts I’ll help you obtain them promptly, before you take further action or make further statements to worsen a factually indefensible position. We aren’t going away. Please make your choices about how to respond accordingly.

I will wait to hear from you until Monday the 21st, and provide you further factual information in support of our position within a reasonable time, on request. The alternative is to push your client’s agenda forward continuing to be unaware of the true facts of a very serious and longstanding problem with your clients’ discharge of their public trust.

Sincerely,

/s/ Jeff Boiler

Jeffrey H. Boiler
ISB #11476
OSB #830219
Attorney for Dana Boiler,
Cari Haarstick,
Mac Withers, and
Eric Lindenbusch

JHB:jb

cc: Clients

Enclosure: FMLA Certification (signed)