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September 30, 2022

SUPPLEMENTAL NOTICE OF TORT CLAIM

Insureds:

Board of Trustees
Boundary County Free Library District
Board Chair Bob Blanford, Trustee, Zone 4;
Ken Blockhan, Trustee, Zone 1
Wendy McClintock, Trustee, Zone 2;
Aaron Bohachek, Trustee, Zone 3;
Lee Colson, Trustee, Zone 5
Noticed Officers, Agents, Employees of District
6370 Kootenai St.
Bonnors Ferry, ID 83805

Supplemental Claim Service Routing: BY EMAIL Dated September 30, 2022, to:

Timothy B. Wilson (tbwilson@bonnersferrylaw.com)
Raphael J. Droz (rijdroz@bonnersferrylaw.com)
Wilson Law Firm
7174 Main St.
P.O. Box 3009
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Katherine B. Brereton (kbrereton@lclattorneys.com)
Partner
Lake City Law
435 W. Hanley Suite 101
Coeur d' Alene, ID 83815

Idaho Counties Risk Management Program (ICRMP)
c/o Carl Ericson, Senior Claims Counsel (cericson@icrmp.org)
P.O. Box 15249
Boise, ID 83715

Re: Original Notice of Claim served May 19, 2022

**Claimants: Eric Lindenbusch, Librarian, Boundary County Library;
Dana Boiler, Librarian/Tech Educator, Boundary County Library;
Cari Haarstick, Librarian, Boundary County Library; and
Christine “Mac” Withers, Librarian, Boundary County Library.**

Attorney for Claimants: Jeffrey H. Boiler, Attorney-at-Law, ISB #11476

Dear Ms. Brereton:

Supplemental Notice of Claim

This document supplements our Notice of Tort Claim dated and served in the above-referenced manner required by law on May 19, 2022. The allegations set forth in that original notice and its attachments are also incorporated fully by this reference.

Supplemental Events Bearing on Notice of Claim Since May, 2019

New Adverse Employment Action by Termination of Claimants Boiler and Haarstick

Since the original Notice of Claim was served May 19, Dana Boiler and Cari Haarstick have been unlawfully terminated from their District employment in violation of State law for the protected activity discussed in detail in the original claim. The effective date of their termination is July 29, 2022, with a pretermination hearing date of July 21, 2022. This is their claim of wrongful termination.

The other two employee clients of our office, Ms. Withers and Mr. Lindenbusch, were terminated February 29, 2022 after a February 24, 2022 pretermination hearing, attended by the entire Board of Trustees of the District and counsel Brereton, and their claim of wrongful termination is memorialized in the original Notice of Tort Claim served May 19, which is fully incorporated by this reference.

The pretermination hearings for both Mrs. Boiler and Ms. Haarstick were held by phone and video on July 21, following a last-minute change of venue for the hearing to disallow testimony, presentation of exhibits and other evidence, and to deny in-person defense of the bases given for notice of proposed termination. This was done despite assurance that a venue with due regard for the safety of these two employees was given by counsel prior to hearing, in writing. The last minute change of venue to telephone and video hearing only was made without consent of claimant’s counsel or meaningful notice to counsel or the parties.

Correspondence leading up to this decision is attached in part, along with the claimants’ pretermination memorandum, which outlines arguments against their termination in addition to those which existed on May 19. Attachments including this prehearing memorandum and other

relevant correspondence relating to the true and unlawful reasons and means of termination, all dating after May 19, is attached to this supplemental notice, and fully incorporated by this reference.

In reviewing these attachments, please note that on July 21, Ms. Brereton and Director Glidden appeared only by video and refused to answer any questions in a meaningful manner. They denied the claimants all opportunity to call witnesses, be provided any evidence against them, or be provided an unbiased or meaningful hearing. In the case of Ms. Haarstick, they denied her all opportunity to be heard on the record that day. They charged Mrs. Boiler with violation of a policy that was not in effect, apparent on the face of the charges against her...authored by Sandra Ashworth after a months-long investigation yielded no basis for disciplinary action against any of these claimants.

The July 21 proceedings were videotaped, and any insurer should carefully review this record in assessing any claim for wrongful termination relating to this adverse employment action, as it contains a well-considered presentation by the claimants, all done in the presence of their legal counsel. This record was created only **5 days prior to commencement of ICRMP's Board meetings regarding non-renewal of liability insurance** due to claims activity for this insured, and other stated reasons given in the ICRMP notice of public meeting for July 26 through July 28, 2022. In other words, the District knew they were creating a liability conundrum, they just didn't care, and no one apparently chose to have a public meeting in order to discuss the matter with legal counsel provided by ICRMP before the irreversible decision to terminate was made, nominally at least, by Ms. Glidden.

The record of this notice of meeting and of the proceedings conducted by ICRMP pursuant to that notice on those dates is fully incorporated by this reference as a portion of this supplemental notice of claim.

In review of these proceedings during any investigation, please note the decorum of Director Glidden and the absurdity of it. It will have a bearing on punitive damages, as will many other facts of this summer, discussed in part in this supplemental notice. By way of example, at the hearing she refused to answer questions (or even speak, to the point of being given the option of "blink once for yes, and twice for no"). It wasn't just an insult to due process, it was absurd. Ms. Glidden also refused to provide any evidence in support of any disclosed reason for termination.

Ms. Brereton was present on the record at this pretermination hearing, and any record of her participation in her possession is also fully incorporated by this reference in this supplemental notice of claim.

A notice of termination promptly followed the hearing, effective July 29, 2022. Director Glidden thereafter undertook what appears to be a District-sanctioned campaign of defamation against the whistleblowers and other community members seeking transparency of the District Board in the conduct of public affairs, using the District's own website and social media capabilities, which resulted in direct threats of physical harm against the whistleblowers and others, use of social media and manipulation of public venues to attempt to deny access of the public to Board meetings to object to Board conduct in various ways, and ended with the most outrageous insulting and

untrue statements and characterizations of the actions and motives of anyone daring to question the “exclude the public at all costs” approach this Board has taken throughout these claim proceedings, and to virtually all serious matters of public concern, most of all public safety. The District website was even made available by Ms. Glidden and this Board to post hateful and seriously threatening and defamatory comments authored by Board and Glidden supporters, and they refused to take it down, compounding the damage, until long after Director Glidden resigned.

Please take special note that since our May 19 notice, the Director allowed and the Board of Trustees ratified use of *the District’s own website* and social media to be continuously used for a period of time well after Director Glidden’s resignation, for what can only be characterized accurately as a *hate speech forum* against any individuals or groups questioning District practices. This hate speech was orchestrated by the District and its representatives and supporters, mostly with personal or financial interests involved in avoiding public scrutiny and the examination of my clients’ claims in the full light of litigation. Whether they be concerned community members familiar with the whistleblower claims, recall proponents for two pending recalls (one of the Board of Trustees of the District, and one of the present Boundary County Clerk of the Court, who administers elections in Boundary County), or simply anyone daring to question whether the past performance of District Directors, Trustees or their various agents was questionable, the invited recommendations on the District site contained obscene insults, vulgarity and threats.

These are some of the actions of your insured this summer, during the current policy period, just prior to innocently claiming to the full Board at ICRMP on September 13, 2022, which live-streamed publicly to Boundary County residents, that they were just *amazed* at what all the fuss was about, and needed to “get better communication”. I should hope so, given what transpired after May 19 and prior to the September 13 meeting where such feigned innocence was put before ICRMP in an effort to continue insured operations as usual.

Directors Glidden and others confidently identifying themselves as “agents of ICRMP”, have been reported since May 19 in national media characterizing those attending Board meetings en masse, on a variety of public issues of concern, as “militant, extremist, fundamentalist Christians” by Ms. Glidden. Even a well-known long term self-described “ICRMP agent” and former Mayor stepped forward to apply the term “Nazis” on national television as a description of public opponents of Ms. Glidden. The continuing and clearly defamatory theme of complete mischaracterization of the critics of the District’s closed and secret conduct of its affairs, including this claim, is open falsehood and seems akin to lighting a match in a room full of gasoline fumes. Trustee Colson contributed to this false narrative this summer on national media as well appearing alongside Ms. Glidden in interviews to endorse her defamatory and misleading statements.

In sum, the District Director, a Trustee of the District, and other of its representatives and self-appointed spokesmen have manipulated national and other media this summer with false and defamatory characterizations designed to defend against claims articulated in the notice of claim, as well as other related matters of serious public concern. They have done so in a cynical attempt to garner public sympathy and create a false public impression of District misconduct of many varieties, in serious matters of concern, either for personal gain, to preserve their insurability or simply to harm others. At least one Trustee, Lee Colson, has personally furthered this false narrative in an effort to improperly influence proper adjudication of these claims. Personal malice

by the Chairman of the Board of Trustees is also evident from specific evidence relating to potential resolution of this matter by Board resignation. His subsequent presentations on behalf of the Board September 13 corroborate this evidence of personal malice toward my clients.

This is truly outrageous conduct in the period since May. The District and its agents are not engaged in a political debate with our office, our claim is a matter of serious public concern proven on many levels and with many groups, with evidence, not community name familiarity.

The media record of this summer's comments by the insureds and their various agents is available to you as it has been to us, and I urge you to supplement your investigative records concerning this claim and this insurer prior to making any further decisions in this case, or on the insurability of the District by ICRMP in the future.

Relevance to Claims

We allege all this activity most recently and dramatically illustrated by national media outcry of how the District and its leadership during this summer are hapless "victims" of "extremist, militant, fundamentalist Christians" and "Nazis", is part of a design. It is part of a deliberate and ongoing effort by the District, Glidden and known self-described "agents" of ICRMP in the local community where this District operates, to falsely claim extremism and terrorist motives animate past and current public critics of this District, *including the whistleblowers I represent*, as a tactic of defense and avoidance of accountability.

The actions and remarks by District representatives this summer, culminating in the mock puzzlement over why their insurance was subject to non-renewal and misleading characterizations of their actual knowledge of events, put my clients and this claim clearly among the intended targets of this outrageous and actionable campaign of national and regional media defamation. It is added to existing claims on any and all legal theories.

We allege it is a tactic of defense of these claims, among other things, and it should not be endorsed, furthered or protected by ICRMP through continued insurability which allows the abuse to continue, with a tacet approval creating a false public sense that this is simply a personnel matter. All reading this correspondence with passing familiarity with the facts of the case know quite well it is not only a personnel matter.

Other Post-May 19 Conduct Giving Rise or Relating to Claims

Please note the following arising since the May 19, 2022 notice of tort claim in this matter was served:

- 1) The record of the July 21, 2022 pretermination proceedings and the documents supporting that termination make it clear termination was based on known falsehoods attributed in part to the Boundary County Sheriff's Office by the District in support of termination, and specifically mentioned by Undersheriff Rich Stevens, author, which attributed to Mrs. Boiler an initial complaint of sexual misconduct by a Library employee, Amy Maggi. In fact, I authored that allegation and my wife had nothing to do with it. That appears affirmatively in the record of

hearing. In fact, the initial report was made by me not as a complaint, but pursuant to mandatory child abuse reporting requirements governing my conduct as an attorney, having come into possession of unprivileged evidence of transmission of explicit sexual material to a minor, my daughter. The District just apparently chose not to read what I wrote, which was sent through Library counsel and not to the Sheriff's Office. There is no doubt this was no mistake, for I routed it through then-general counsel for the District, Tim Wilson, by email. This is easily verifiable by time stamps, and is the leading cause for termination of Mrs. Boiler.

There was and is no factual dispute that this is the case, whether at the time of termination or otherwise, and Undersheriff Stevens apparently knows it. Mr. Wilson certainly knows it, but will not communicate with our office. The officer authoring the inaccurate report attributing this child abuse report to my wife has refused to return at least six phone calls from Dana since, designed to ask why he authored an untrue allegation against her. The truth of the matter is simply and deliberately ignored in the record of pretermination proceedings. Retaliation and personal malice are left as the only explanation for her termination.

- 2) Despite demand for post-termination proceedings in February at the time of the two terminations of claimants Withers and Lindenbusch, and immediate demand for post-termination hearings pursuant to existing policy made following notice of termination of claimants Boiler and Haarstick in July, no contact of any kind attempting to schedule any post-termination proceedings for any claimant was made until September, days prior to Director Glidden's announced September 10 resignation date. Six months passed for the February claimants before this attempt, over a month passed before this attempt for the two claimants terminated July 29. During this time, the intervening campaign of defamation was in full force, obviously contributing mightily to the sham of impartiality by the Board in any scheduled post-termination hearing. No post-termination hearings have taken place for any of the claimants. See attached correspondence and pretermination memorandum.
- 3) Since the filing of the initial notice of claim May 19, each paycheck for Ms. Boiler was issued late and without explanation or excuse. During the same period, itemized and continuing specific items of FMLA interference occurred as part of the past ongoing scheme of FMLA retaliation subject to mention in the tort claim notice of May 19. Correspondence memorializes each instance of FMLA interference, in excess of five at the time of filing the initial notice of claim. This suggests the summer interference prior to termination was a deliberate violation, motivated by malice and knowing disregard for applicable law, memorialized in existing correspondence.
- 4) Despite repeated requests to provide a true copy of the Sonyalee Nutsch report of 2021, cited in each claimant's notices of termination, none was ever provided to three of the four claimants without extreme redaction making use in defense of termination impossible. By law, an employee is entitled to provide a rebuttal to each allegation in that report, relied upon for termination, but was refused the opportunity to do so. In addition, at present, a media claimant has pending through counsel (Idaho Press Club and 9B News.com) a request for the same report, which has been denied. Disclosure is imminent in that the Idaho Press Club support of the local 9B News request is supported by controlling case law on the subject.

This report, *authored and delivered* by Ms. Nutsch to the Board in the summer of 2021, over a year ago, was subsequently *altered* by Director Glidden on August 15, 2022, as discerned from our investigative inspection of the properties of the document she herself provided. It is obvious that Ms. Glidden altered this document by redaction to add it to the personnel files of each claimant after they again requested their files post-termination. Claimants have requested that this previously denied report now added to their personnel files in heavily redacted form be given the opportunity for correction or amendment prior to any release to the public. This request has also been ignored and therefore denied.

If this report is provided without the lawful right of employee response to correct the many errors in that report, further and damaging false statements in that report, which is fatally flawed as a matter of demonstrable fact, will be reported to the general public by media sources, thereby furthering the false narrative outlined as part of an ongoing plan of retaliation above. See records request attached for further explanation of why this action by Glidden constitutes a deliberate attempt to alter the personnel files of the claimants after the fact of termination.

- 5) After termination of Claimant Withers, the District and Director Glidden knowingly and deliberately failed to apprise PERSI of her change of employment status, despite repeated requests to do so and attempts by Ms. Withers to obtain PERSI's assistance in doing so by contact with the District to obtain the required forms from the employer. Nevertheless, her status was unchanged with PERSI until early September of this year, thereby rendering her PERSI contributions unavailable to her for day to day living expenses made necessary by her loss of employment in February. The evidence supports the inference this was a deliberate act by Glidden and the Board to further retaliate against the claimant.
- 6) Claimants Lindenbusch and Withers were terminated under a policy not in effect at the time. This appears to be a knowing act, involving concealment. Regardless, of the false allegations of a patron complaint against Lindenbusch and Withers, the policy in effect at the time of the alleged "complaint" was not the policy used to terminate the claimants, and the claimants were never provided with copies of any other policy manual in effect at the time alleged policy violations took place. Furthermore, the alleged written patron complaint used to terminate claimants Withers and Lindenbusch was not provided to the Claimants prior to pretermination and is not contained in their personnel files. When all of this was pointed out by Mrs. Boiler at her pretermination hearing five months later, this same charge was removed from her termination findings. The same removal should apply to the termination findings as to claimants Withers and Lindenbusch. It was not. In context, this omission is deliberate.
- 7) Numerous and focused public records requests from Claimants to Director Glidden and copied to Ms. Brereton during the summer months of 2022 went unanswered. Despite their professional and limited, purposeful content, Director Glidden characterized these requests to national media and others as evidence of "harassment" that made her "fearful". The Board ratified this action and has done nothing to retract the numerous false statements made by Glidden and others in media or on Library controlled websites or social media accounts, throughout the summer of 2022. See public records requests attached.

- 8) Former Director Sandra Ashworth attempted to utilize the Bonners Ferry Police Department to have the claimants or counsel “removed” from a public meeting, despite having no cause to do so, and was overheard by a witness speaking to the Chief of Police seeking “advice” on how to “remove” someone from Library public meetings. Thereafter, an armed police officer of that Department attended the next Board meeting, and the Chief of Police thereafter also personally attended such a meeting, both on duty, in uniform and armed. No weapons of any kind have ever been carried or displayed by the claimants or counsel, nor have any threats of any kind been made. Nevertheless, after Ashworth’s “question on removal”, drive-by visits by marked Bonners Ferry P.D. police vehicles began at the home of Dana and Jeff Boiler in Bonners Ferry, with vehicles openly stopped in the road to directly view the residence at close range. When approached, Officer Johnson of that Department explained in answer to question regarding his presence at their home by Dana Boiler, “We just want to see how you live”. Drive-bys have continued by both BFPD and BCSO marked vehicles, sometimes parked at the residence, two at a time, with no apparent reason for doing so, through summer of 2022. Additionally, unmarked vehicles drive slowly by the home of the Boilers with occupants taking photos and videos. This appears to be an attempt to intimidate the Claimants and their counsel.
- 9) Ongoing failure to address known and reliable reports of armed activity at the Library by Corbin Waltering; ongoing failure to address known and reliable reports of known predatory sexual behavior toward minors, or to explain disappearance of sex offender book from the Library by Ashworth as first order of business April, 2021. Widespread community awareness and outrage over public safety issues and failure to address issues of concern by policy, resulting in ongoing existing independent recall efforts against four of five District Trustees, and Clerk of the District Court of Boundary County. See attached.
- 10) Intimidation of recall proponents, elderly females, in public location, by Trustee Colson. Reported to Deputy Secretary of State with exhibits. No action taken due to “lack of statutory authority to do so” or words to that effect. See attached.
- 11) Recall Petition initiated against Clerk of the District Court, Boundary County, alleging election interference by Clerk to delay or defeat pending recall effort of District Board of Trustees, summer 2022. See attached.
- 12) ICRMP non-renewal decision after hearing by ICRMP Board on July 26-28, 2022: Notice of non-renewal was sent on August 1, 2022. Director Glidden resigns shortly thereafter, with a resignation effective date of September 10, 2022. Shortly thereafter, Ms. Glidden posted her inflammatory resignation statement to Library sanctioned website and social media and began interview campaign on national media to create a false narrative in an attempt to garner public sympathy for both her actions and to relieve the Board of their liability for obvious misconduct. See attached statement.
- 13) Ongoing failure to obey public meetings law, secret meetings, deliberations in furtherance of Board action taking place off record, by phone, otherwise without public notice, including no evidence of any consideration of the claims in this matter by any noticed public meeting of the Board of Trustees, or any meeting with legal counsel to discuss in executive session, at any time reflected in any existing public record. In addition to the triple digit violations contained

in the previous tort claim notice, the Board continues to show blatant disregard for public meetings laws up to the present. By way of example, they are fully aware that an annual meeting to elect officers and set meeting dates should have been held in June, yet they continue to ignore this statutory requirement. They have failed to ever elect a Treasurer and provide the statutory bond for oversight of nearly half million-dollar budget.

- 14) Public Integrity in Elections Complaint filed by third parties in September, 2022.
- 15) Notice of Tort Claim for religious discrimination filed by third parties in September, 2022.
- 16) No child abuse reporting training provided to date, no policy manual adjustments to reflect policy in compliance with law on child abuse reporting to date.
- 17) Former Director Glidden and District representatives have made written threats to destroy the claimant's specifically identified private property wrongfully taken and withheld from my clients by the District, as evidenced in part by the attachments to this supplemental notice, which are fully incorporated by this reference. See attached correspondence to Ms. Brereton.
- 18) Ms. Brereton, identified by ICRMP counsel to me as "point of contact" for the District on this claim, was also personally present by video at the time of the pretermination hearing of Ms. Withers and Mr. Lindenbusch on February 24 of this year. The full Board of Trustees, including Chair Blanford, were also present for the entire February 24 pretermination hearing. Since that time, Mr. Blanford has on September 13 of this year also suggested to the Board of ICRMP that he in effect had no prior knowledge of the reasons for the present claims of my clients, when he and all the other Board members were in fact all personally present with ICRMP-identified legal counsel at the hearing, which resulted in the first terminations, effective February 29. These wrongful terminations and the misconduct of Director Glidden in refusing to answer any questions or conduct any meaningful inquiry, all contrary to law and policy he claims not to understand, were clearly known by both Ms. Ashworth and Mr. Blanford at the time of the District presentation to the ICRMP Board on September 13. These facts and the record of their statements to ICRMP made in any public context will supplement our claims made and summarized on May 19.

Routing of This Supplemental Notice

I am routing this document to both Ms. Brereton, as identified "point of contact" with ICRMP regarding the above-reference Notice of Claim originally served, and on Mr. Ericson, the latter for the obvious reasons outlined in detail above. Because no public notice has acknowledged receipt of this claim by your insured and no notice of public meeting has been published since that time to consider this claim or to meet with legal counsel in executive session to discuss it, I must assume that by "point of contact" in previous communications with my office regarding this claim, you intend to mean "attorney for" the insured District and its various named and unknown-named Defendants named in the Tort Claim Notice of May 19, as well as former Director Kimber Glidden, whose adverse employment actions while director have greatly increased liability

outlined in the original Tort Claim Notice and resulted in the termination of employment of my clients Dana Boiler and Cari Haarstick, after a “pretermination” hearing which you attended and which was recorded on July 21, 2022. However, the District no longer has a Director, the statutory agent for service of any notice of this type, and ICRMP is still the insurer for the District. Therefore, this routing is the most likely means reasonably calculated to result in actual knowledge of the claim by both the insurer and the District. I will route Ms. Glidden a true copy under separate cover, since she is no longer an employee of the District, but should be made aware of the allegations in this document to insure any rights she may have to representation remain protected, and can be timely addressed by her or her legal counsel at present.

I am also routing this supplemental notice to claims counsel identified to me for this file, Carl Ericson, because I have no clear reply from Ms. Brereton regarding who exactly she may have represented or continues to represent, despite repeated requests for her clarification of the scope of representation and client identification. Mr. Ericson has made it clear to me personally that Ms. Brereton is the “point of contact” for this claim, and that he has every confidence in her ability to handle this and any other correspondence or service documents concerning this claim. I also understand from Mr. Ericson that he has no interest in “opening another line of communication” with ICRMP concerning these claims directly, and I will respect those wishes once this service is complete, absent his instructions to the contrary.

However, in the absence of any public notice of meeting to consider this claim with the Board, which has never occurred, I must now *guess* at who Ms. Brereton may consider to be her client(s), and whether that includes ICRMP or the Board and its various insured representatives. Because of failure to conduct a public meeting to even meet with counsel to discuss the claims for which I personally gave notice to the Board (at least to meet to discuss lawfully under public records law) after Mr. Blanford’s remarks on September 13 before the ICRMP board, I don’t even know if the Trustees will admit to *being aware* of the contents of the notice of claim.

My confusion in this regard is compounded by statements of others at the ICRMP appeal hearing regarding non-renewal of the District policy of liability insurance. At that hearing the District’s representatives speaking on the record seemed to want the ICRMP Board to believe that they were completely *unaware* of the detailed facts giving rise to this claim, and the Board itself seemed to want to avoid any reference to it on grounds it would be claim-related. It is, but not for the reasons the Board may have had in mind. It is, because the evidence suggests the Board was being misled into the belief, or into creation of a record which supports the belief, that this Board really was just asleep at the wheel, when the evidence here makes it clear this is an ongoing and very deliberate abuse of ICRMP’s good offices by Library District representatives, who want something from ICRMP based on a shocking lack of candor with the Board present on September 13.

I heard and recorded the hearing with others present on September 13 and attempted to discuss those concerns with Mr. Ericson by phone later the same day, but he has chosen not to return my call. I have since received no indication from you or ICRMP that the rather obvious disconnect between the statements of lack of knowledge of the claim basis by Chairman Blanford, and there is no record of any public hearing noticed by the District to meet with counsel to discuss the claims duly served on May 19. Therefore, my confusion as to who may represent whom, and in what

capacity, makes my service of this supplemental notice of claim on both you and ICRMP counsel necessary.

There is presently no Director or other agent authorized by the District to accept service of this document, despite public meetings since September 13 being held, so I regretfully route this supplemental to both Ms. Brereton and Mr. Ericson, rather than to the Board, which has provided no methods of service, rather than simply stopping by with a hard copy during business hours. That risks a confrontation under the circumstances, and therefore the email to counsel method is deliberately chosen to facilitate the most likely effective method of service for this supplemental notice of claim.

Suggested Course of Action

I respectfully but strongly suggest you inform your insureds that their conduct in failing to meet with counsel, or even discuss the matter in meetings since the clear guidance given by the ICRMP Board to the District representatives on September 13, is now claimed as part of the ongoing pattern of unlawful activity giving rise to the initial notice of claim dated May 19.

After listening to the curious and generalized statements of the District's representatives regarding their lack of "knowledge" of the reasons for these claims and what ICRMP's concerns seem clearly to be, and upon our continuing detailed observations and investigation of ongoing District activities relating to these claims since May 19's service of Notice of Claim, I believe the District liaisons with ICRMP counsel or personnel during the forthcoming 90-day policy period should be clearly identified for disclosure to our office and to the general public. Attempts by public members to contact ICRMP have been referred to its website, but I have been advised that written communications by others with potential claims or input relating to this District cannot use that site to submit written questions. The lack of public input into this very public matter hinges to some extent on ICRMP's ability to accurately assess the actual facts of the matter, rather than reliance on ideology, character assassination by the insured, or abuse of media for obtaining accurate information necessary to assess and defend this claim.

There is no policy in place to correct any of the defects identified by ICRMP on September 13, which relates to its decision to allow 90 days coverage to the District, and the evidence suggests it will be financially dangerous for both the District, its various agents, and perhaps fiscally for ICRMP itself, to allow broad generalizations from the Board of this District to account for reinstatement decisions to insure an entity whose conduct seems so far from the image it has created for ICRMP. It's fair to say the Board currently lacks the ability to understand clearly what they must do in order to maximize their chances of remaining open after 90 days, and the claimants have no desire to cause that result if it can be responsibly avoided.

We will consider that fact and correspond with Mr. Ericson regarding any proposals we may have for him to consider relating to keeping the Library open, but in the meantime please consider apart from this claim our impression that as presently constituted, policy amendment or personnel corrections alone cannot resolve the problem of coverage presented under the facts, at least not on a long term basis. We are each interested in the long-term solutions, not a quick buck or window

dressings, and will work to our fullest possible extent to help ICRMP continue its valuable and unique service to the public entities of this State which require liability insurance that is affordable.

Our people deserve no less.

Thank you for your careful and thoughtful consideration of these matters. Please contact me if you have any questions.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeffrey Boiler".

Jeffrey H. Boiler

ISB #11476

OSB #830219

Attorney for Dana Boiler, Cari Haarstick,

Eric Lindenbusch, Christine "Mac" Withers

JHB:jb

Cc: Clients

Enclosures

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Paralegal

Dana L. Boiler
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May 31, 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 noncompliance, interference; Ongoing retaliation
Our Clients: Dana Boiler, Cari Haarstick, Christine Withers, Eric Lindenbusch
Demand for back wages due, FMLA clients Boiler, Haarstick
Demand for Reinstatement, all clients, paid Administrative Leave Status
Your Client/Insureds: Boundary County Free Library District

Dear Ms. Brereton:

Purpose

This correspondence is to notify you of further FMLA interference by your clients against mine as set forth below, and to supplement our Notice of Tort Claim dated May 19, 2022, to include these facts in support of the allegations made therein. It is also to demand immediate payment in full of full pay due both clients under the terms of their administrative leave, which is the last paid status from which they entered FMLA protections. A copy of all calculations used by Ms. Glidden in taking any actions regarding the FMLA status or sick leave entitlement of any of my clients is hereby demanded.

Status and Brief Facts

On May 24, I confirmed to you the FMLA end date for Ms. Boiler and Ms. Haarstick. Thereafter, Ms. Haarstick received no paycheck, and my wife received an arbitrary amount approximately 40% of her lawful wages, all without explanation from you or from your client. I also note your client, Kimber Glidden, communicated by letter directly to my client, Ms. Haarstick. In it, she informed her that Ms. Haarstick's paid sick leave had been exhausted, but she provided no proof of this and coyly failed to send any accounting for this conclusion. She sought no "return to work" release, which is the employer's duty to initiate at the time of exhaustion of paid benefits, and supplied no required re-certification form should return to work be rejected. She ignored the fact Ms. Haarstick is represented by counsel and did not copy me with any correspondence to her. She similarly failed to do so with Dana Boiler, but

apparently knew better than to try to contact her ex parte, as she did with Ms. Haarstick, who is not married to a lawyer.

Unlawful Conduct in Furtherance of FMLA Interference

Facts

Ms. Glidden contacted Cari Haarstick by letter and advised her that her sick leave was up, no comment on FMLA recertification, status or ability to return to work. No copy was sent to me. Although only a few days separated my wife's FMLA end time from Ms. Haarstick's, Ms. Glidden sent no notice to her of any kind, individually or through me as her counsel, nor did you. Cari was unpaid entirely after the April check to her. My wife was shorted about \$800 in her check received last week.

No requests for completion of return to work forms has ever been sent to either woman, and no request for recertification.

This technique of pay manipulation is not limited to the present FMLA interference. It is similar to the tactic employed by former and very Interim Director Grow, when in his first two months on duty he chose to short my wife by 16 hours per month, just as arbitrarily, but with the same careful deliberation prior to retaliation now being show by Ms. Glidden. It is obvious they are working from the same playbook. I hope it is equally obvious by now that we've already read it. This type of scheme is just as unlawful for FMLA interference as it is for whistleblower retaliation.

Ms. Glidden took this action knowing it is the employer's duty to seek either recertification or tender a form of authorization to return to work acceptable to the employer and in compliance with FMLA administrative rules, and the statute itself. She simply failed and refused to do so, in the mistaken and pre-pubescent belief that because she has a *title*, what occurs to her when she reads a form magically becomes "the law". This isn't advocacy or speculation.

Perhaps unbeknownst to you, Ms. Glidden has recently shared her opinions on a variety of legal issues bearing on my clients claims, and has done so to individuals unprivileged to receive such statements. She has also made false statements of fact about what she "knows" and is "**110%**" certain of, which includes the statement "***Don't be sucked in by their lies***". This is what her magic title of Director has done for her ego, and is a most serious development in a case which already involves serious threats to public safety caused by your clients as summarized in the Tort Claim Notice incorporated by this reference. These statements evince a lack of judgment which should be considered disqualifying for any conclusion of law or fact which she holds up as justification for this most recent FMLA interference and retaliatory misconduct.

So assured was she that her "title" as Director doing the bidding of the Board of Trustees and Sandra Ashworth gave her special rights to retaliate at will against my clients, that she also assured the citizen bearing witness to her statement above, in the same conversation, that she at least had no doubt "they can't prove anything... the statute of limitations has passed".

I can only hope for counsel's sake that this was not an idea hatched by a lawyer.

How and where she got such specific ideas about my clients' credibility or ability to bring the truth to light due to time constraints can't be explained without reference to the entire sordid record of massive fraud and mismanagement in the affairs of the Boundary County Free Library District. Why the statement was offered to the witness by Ms. Glidden is difficult to know for sure. However, it seems clear enough that she is communicating slanderously about personnel matters of my clients, to the public and not in some privileged context. She does so now in a most serious matter involving public safety and welfare, in flagrant violation of both State law and the policies of the Library her position requires of her as a statutory fiduciary. She withholds paychecks without explanation while holding termination proceedings over the heads of all my clients, all without cause.

Where did she get those ideas, and why now is her legal assessment to be the arbitrary basis for interruption of pay for my clients here and now?

Anyone suggesting this course of action certainly isn't relying on legal principles to do so, or if so, lacks apprehension of the serious nature of this type of public employee and trustee misconduct. Without knowing where Ms. Glidden got such an inflated notion of her own qualifications to act contrary to established law I do not know. However, I can say without fear of contradiction that she has certainly found a home for such practices at the Boundary County Free Library District.

This guiding principle in doing so might be helpful:

“You can fool some of the people, some of the time,
but you can't fool all of the people, all of the time.”

Analysis

FMLA Interference and Retaliation Are Related

Please keep in mind in considering your response that Ms. Glidden has taken the actions requiring this response-- or been counseled to do so-- on a public record of repeated, documented FMLA interference and the clear and now-public factual record which demonstrates a pattern of both racketeering activity, and of plain and across-the-board unlawful statutory and unconstitutional retaliation against all four of my clients. This argues most seriously against enabling unlawful retaliation by petty “calculations” and claims of accurate recordkeeping by an entity whose sole sick pay records have until his retirement been kept on Craig Anderson's iPhone.

It seems equally obvious that the only “duties” which my clients retained, unless and until your client addressed the specific dangers they created and tolerated in this hostile workplace, were to face a firing squad and be terminated. This does not require additional duties or abilities, and no change in those duties has been proposed. The unavoidable conclusion was always retaliation of all four and harassment to the point of criminal activity to enforce this purpose. It has been your client's obvious and stated trajectory ever since whistleblowing activity began against them. That activity is so well documented and collated for you and your clients that any attempt to question it here, and for this petty purpose of adverse financial impact on four families, should shock the conscience of even the most wizened and cynical supporters of this flavor of human resources management.

After May 19, it is now obvious what your clients are attempting to do to mine, so let's agree to put the smoke and mirrors aside: your clients have either been *counseled* to, or have *chosen on their own, to underpay or not pay due wages to two clients clearly subject to administrative leave with pay*, all while running a public agency as their personal fiefdom in the outrageous particulars of the Tort Claim Notice which is incorporated fully by this reference, along with all its attachments.

Elections Fraud and Resulting Lack of Quorum to Act; Other Illegality in Elections; Effect

For special reference to the unlawful character of this particular action by Ms. Glidden, I call your attention to the "Elections" fraud and related sections of the notice of tort claim, with special reference to the portions which demonstrate conclusively that ***not a single member of your insured's Board of Trustees is currently serving lawfully***. No elections have been held. Some have not been duly sworn. False election results have been certified to the Commissioners by Sandra Ashworth, copies are attached. One legal conclusion to be drawn from these materials is unavoidable: The Board that hired Ms. Glidden as Director, giving her the color and pretense of power to take these retaliatory actions, lacks a quorum, as they are all illegitimately serving. The reasons why are detailed in the Notice incorporated by reference. There is a single potential exception of Aaron Bohachek. Moreover, none of their actions taken as a Board against my clients were taken lawfully, since at all times materials to those decisions, they had no quorum.

In short, although some of your clients may look like a Board and talk like a Board, they are truly just a band of individuals who have manipulated the elections system for their respective positions in order to achieve and maintain control over the Library, its personnel and its financial resources—taxpayer dollars. *Kimber Glidden*, the apparent author of the most smug and recent attempt to flex the muscles of this band of lawless individuals, had every reason to know this when she took her most recent and most seriously improvident action, which has resulted in this communication to you.

Therefore, I suggest your office and the insurer make rather more considered and serious decisions about such petty matters as my clients' paychecks and magical changes in their paid leave status on return to work, before reflexively rejecting what I'm trying to tell you here, out of hand. These decisions are now going to have lifelong implications for all the insureds thus far named, and for others, and caution is most certainly indicated lest counsel taking an uninformed position on this serious matter.

The Board's lack of ability to lawfully act cannot be remedied without appointment of members by a duly authorized statutory process, and their resignations are demanded in our Tort Claim Notice. As I hope is now apparent, we made that demand in closing the Tort Claim Notice, for a reason. Without it, both Ms. Glidden's employment, and each and every other official act purportedly taken by this "Board" and previous Board of Trustees over the last 20 years, will likely be seen by a Federal Court as unauthorized by law.

One act thus voided will include this sham termination process, Ms. Glidden's "impartial" hiring, and the long list of Board actions all undertaken without a quorum due to their manipulation of elections and the appointment process for vacancies. The present Board's illegitimacy calls into question even this Board's control of the decisions its insurer must otherwise be legally obligated to make in order to discharge its policy obligations to the District as an insured. Blindly standing by this most recent retaliation event against Ms. Haarstick and my wife, using facile interpretations of the FMLA

requirements by Kimber Glidden, of all people, is the surest way I can think of to ensure proof of ongoing malice, and therefore uninsurable punitive damages, are levied against the insured's employees, Trustees, Director and other agents. What good does blind endorsement of their unlawful action most recently accomplish for them in that regard?

Conclusion

Your client has and has had, for a very long time, no quorum to take the actions which empower Ms. Glidden as Director to take the action she now purports to take, under color and pretense of State and Federal law. The legal and factual basis for this conclusion is laid out in the Claim which is incorporated by this reference. If the Board has no quorum of duly elected or appointed members, it cannot hire her. If it cannot hire her, she has no authority to terminate, and neither does the new HR firm announced by the Board at the same meeting of May 19 at which I served them with the Notice of Tort Claim referred to above.

On this record, to say caution is indicated before your response is a gross understatement.

I hope you can appreciate the seriousness and the professional and evidentiary basis for making these matters clear to you in a comprehensive way. These are serious issues. Please resist the temptation to pass this off as mere advocacy.

It is not.

Short Term Suggested Course of Action

I suggest it is in the best interest of the insureds and all concerned or participating in the activity summarized in our Notice of May 19 to excise this last and most telling act of FMLA interference, and overt retaliation, from the already damning record of that activity against these clients, which now exists. This is therefore to demand their full back pay as per terms of Administrative Leave in effect at the time leave began. To accomplish this, I suggest a simple memorandum from the Director to you acknowledging her intent to do so within the next three working days, communicated to me by your office on receipt (and not by personal contact again between Ms. Glidden and any of my clients), will be sufficient to excuse you from any further need to respond to the issues set forth in this correspondence, once my clients are paid in full.

If this approach is taken, their checks and all calculations in support of them should be in my hands, in the original, by the close of business this Friday, June 3.

If your client wishes to send either a form confirming their ability to perform the duties outlined for administrative leave, or recertification of their eligibility for continued FMLA status, it is solely within the power of the employer to do so. My clients cannot now, and never could, initiate such paperwork, it is the responsibility of the employer. However, if you send me such forms or a request for return to work in a form which complies with FMLA requirements, I will promptly respond.

Hostile and Dangerous Workplace Addressed By Any Proposed Disciplinary Action Hearing or Action

I have already addressed to you in previous communication that this is a hostile and dangerous workplace, and return to work authorization is for FMLA purposes, not a waiver of the right to be free from harm in the workplace. I incorporate fully by this reference the entire contents of our Tort Claim Notice and its attachments in support of the condition that any return to work must not expose my clients to any threat of harm from any of your clients or their agents, while insisting that their rights to due process in any pretermination hearing may not be limited by this condition in any way.

To begin to address these safety concerns for both the public and my clients, I suggest the District place my clients on administrative leave, reinstate the two already terminated with full back pay and benefits, and continue all four on paid administrative leave for a period of time to allow your clients, the insurer and other interested parties to take time to understand the nature of what is now clearly provable and systematic unlawful conduct with real world impacts that aren't subject to speculation any longer.

Summary for Purposes of FMLA Interference and Payment Demand

By taking the action outlined above, your client has presented clear evidence of intent to interfere with both my clients' FMLA rights here, while furthering a systematic plan and scheme of retaliation against all four of them, all designed to conceal and further plainly unlawful activity, over a period of many years. The Tort Claim Notice is incorporated by reference, it's about 300 pages. Please consult it before any response to the positions set forth in this letter which are within the scope of your representation. Any facile or strained interpretation of FMLA requirements in this factual context are so misplaced that any disagreement on this point is apparently pointless. Positive, substantial responses will be considered constructive, non-fact-based responses will not.

In support of this statement, I incorporate fully by this reference the Notice of Tort Claim and attachments to it served on Ms. Glidden and your other various clients, and ICRMP's various insureds, on May 19 of this year. ***This communication is also intended to supplement that Notice and should be treated accordingly as an attorney for the insurer.***

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
Encl 1: FMLA Certification (signed)

JEFFREY H. BOILER

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Dana L. Boiler
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July 15, 2022

BY EMAIL
(kbrereton@lclattorneys.com)

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

Re: Our Clients: Dana Boiler, Cari Haarstick, Christine Withers, Eric Lindenbusch
Your Client/Insureds: Boundary County Free Library District
Pretermination Hearings

Dear Ms. Brereton:

Thank you for your note below. I wanted to get back to you briefly today so there is no misunderstanding about our assumptions for the pretermination hearings scheduled for July 21, and to help us coordinate an orderly presentation of evidence at the pretermination hearing.

First, please understand clearly that we have no intention in reintroducing further bias into the process by making demand for attendance of the Board at the forthcoming pretermination hearings, whether by making "demand" for their attendance or otherwise. We have not previously "demanded" any process other than the process specified in the District's written policies in effect at the time of notice of hearing. You have made it clear, in writing, that your client has knowingly, voluntarily, and intelligently chosen to modify the pretermination hearing policy between the time of the last two improvident pretermination hearings, and the two scheduled now for next week. We have not objected to your choice to change, and you have made it clear, in writing, that you intend to apply the changed policy for the next two hearings. The Board's attendance at the last hearings was required under the then-existing policy, we insisted on it. The Board has changed its policy and we will address all the legal issues presented by these changes, along with the apparently irremediable issue of bias created by this record, in a Pretermination Memorandum which I will forward to you in time for your meaningful review prior to hearings set for next week.

Our only "demand" is that your client's follow their own rules, apply them equally to all those similarly situated, obey the law which applies and which controls in all respects, and provide for an *unbiased* decisionmaker and an unbiased process at a hearing. This will be understandably difficult for you, I realize, but please let me be clear: we are not demanding anything other than

obedience to your client's own rules, and controlling law on the subject. This remains a retaliation case, which makes any pretense of an unbiased hearing essentially transparently biased, but I am taking the time to help break down the legal and factual issues created by the July 6 notices of pretermination hearing by Ms. Glidden in an orderly way, and giving it the full attention and respect the process requires.

In the interim, I only remind you of what has been previously written and disclosed to you in all our communications regarding this matter, and advise you I will be addressing these and all other relevant issues at this juncture in writing, with copy to you prior to the hearing. I remind you of the Constitutional duties discussed previously to provide an unbiased decisionmaker and an unbiased process, with a description of the who, what, where, and when of the broad allegations made to date. We also renew all previous demands for the written evidence, or any other evidence reducible to tangible form, which provides notice of the true reasons for proposed termination, at a meaningful time, and in a meaningful way.

How it will be possible to meet the duty to provide an unbiased decisionmaker, given the facts available, does seem problematic at best, but that is not a result of any demand on our part. It's the result of a conscious choice to go forward with two terminations in a sham context, then choosing to cover that choice while abandoning the ICRMP-supplied policy language with your own by policy amendment for the last two termination hearings. We do not intend to make any demands for changes or to reversion to a process by policy that was already fatally biased, and which cannot be remedied by anything short of a wholesale abandonment of the entire tactic of retaliation. This will require a new Board, and a new Director or designee with no taint of bias. Under the facts, this would seem impossible to achieve absent agreement prior to July 21, and we certainly don't demand that your client do the impossible.

As a courtesy and an aid to both parties to the forthcoming litigation, I expect the Hearing Memorandum and attachments will help explain, amplify and supplement this brief response to your question about our "demands". Because of the serious issues of personal safety and public concern presented by this proposed hearing at this particular time, I will supply you a full copy of what we will be appending to the pretermination hearing record as far in advance of the time set for hearing as possible.

In the interim, I remind you that it is your client's duty to provide a safe environment and an unbiased decisionmaker for my client's attendance at these hearings. I will cooperate with any consultation you may wish to make with me in that regard, beyond your unconstructive suggestion that if they feel they have a right to safety in the workplace, they should, in substance, call a cop. I think we both know from our previous submissions that local police are compromised by both stated conflict of interest, and other evidentiary reasons evidenced in our supplemental chronology to the Tort Claim Notice served May 19. However, I will take your suggestion under serious consideration, thank you for taking the time to reply clearly regarding that "demand".

I respectfully submit and caution you that the duty of an employer in this context goes far beyond the type of dismissive comment in this regard set out in your last email to me. This is not legal maneuvering. This is a serious obligation based on evidence, not allegations, and should be

carefully treated as such by your client and those recommending their course of action for the approaching hearings.

Thank you for your attention to these matters. Please feel free to contact me any time to discuss, by phone, text or email. Please note our local number on letterhead for phone and text contact.

Very Truly Yours,

/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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Dana L. Boiler
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July 18, 2022

BY EMAIL
(kbrereton@lclattorneys.com)

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

Re: Your 071522 Communication
Our Clients: Dana Boiler, Cari Haarstick, Christine Withers, Eric Lindenbusch
Your Client/Insureds: Boundary County Free Library District
Pretermination Hearing Venue, Safety Concerns, Suggestions

Dear Ms. Brereton:

Thank you for your July 15 email regarding policy application, Board Attendance and safety issues addressed in my letter to you of July 15. For the same reasons outlined in my July 15 letter to you and to respond as promptly as possible to your questions of July 15, I wanted to get back to you on just those issues today. The other matters raised in my July 15 correspondence to you, to which you did not respond, we will address both at hearing and in the prehearing submission I mentioned in my last letter.

The Board attendance issue will be addressed in our forthcoming written submission prior to hearing.

The safety issues may present difficulty in compliance for the District, and I note that on Friday the 15th your client's Director cancelled the March 21 Board meeting for vague reasons relating to safety, among other issues. A copy of the cancellation notice, published late Friday afternoon, is attached for your convenience.

Because of its timing and content, the closure of this public meeting without factual explanation to the public, during a recall effort now in progress, may also add to the sense of public indignation which in turn presents further safety issues for our pretermination hearings. Please consider these additional facts along with the contents of our previous correspondence in making any decisions or recommendations regarding safety of a venue for any pretermination or post-termination hearing, involving any of my clients.

In response to your three specific mentioned options, please consider the following:

- The Library property itself is obviously unsafe and cannot be made so in the time left prior to a July 21 hearing.
- Local law enforcement at present cannot make any venue safe by their presence, or otherwise. Evidentiary attachments to the Tort Claim Notice, including the supplemental chronology relating to local law enforcement's role in certain conduct described therein, hopefully demonstrate adequately why my clients cannot be made to "feel safe" by the presence of local law enforcement at any hearing. Such activity also has an obvious chilling effect on the hearing itself and lends armed government authority to public action being taken by another governmental body against my clients.
- The Armory venue for the last Board meeting is unacceptable, because Corbin Waltering has publicly announced his intention to attend the now-cancelled July 21 Board meeting. We have no way of knowing whether he knows or believes this is true, however.
- My clients cannot be put in the vicinity of a noticed public meeting with this man's announced attendance, knowing his history, associates, known propensity for openly carrying assault-style weapons in public as a matter of right, and his specific, written statements of intent to challenge my wife, apparently, for daring to suggest the facts concerning his extremist and predatory past are true, and doing something selfless about it.
- My clients are both recovering from serious illness requiring their FMLA benefit use this year, as you know. They are recovering as indicated by the physician's statements already provided, but they cannot withstand a poorly ventilated or non-air-conditioned venue. The local Guard Armory was used for the last Board meeting, with warm temperatures in the 80s. Many attendees noticed the heat and discomfort, and requested of the Board at that meeting that they provide a larger venue with air conditioning for their next meeting.

The conference room where that meeting was held apparently is neither air-conditioned nor well-ventilated. It will be 91 F. here on Thursday. This venue therefore also should not be considered for any July 21 pretermination hearing.

- My clients do wish to confront and cross-examine their accusers, not by Zoom, but in person. They wish to cross-examine the Director and any other management representative with knowledge of the facts. They wish to see the evidence against them, and ask questions based on it. However, you must decide on your own which version of the various applicable policies governing the pretermination rights of my clients apply at this particular time. That said, we waive no objection to deprivation of all legal rights secured to my clients by operation of Constitution, statute or other source of law.

- This cannot be meaningfully done at present without knowing the venue that may meet these requirements long before three days prior to hearing.
- None of my clients feel safe or have proven to be safe in the presence of several of the members of the presently serving Board of Trustees. Details were supplied to ICRMP in this respect beginning with our May 19 submission, which has been supplemented since then. For all the reasons presented there, with attachments, none of my clients “feel” safe or in fact, demonstrably, ARE safe from at least two presently serving members. When time permits, perhaps Ms. Glidden can avail herself of these facts prior to her next proposal for venue on these hearings.
- Exposing my clients to terms of hearing which do not meet these reasonable and objective standards for public and personal safety would itself seem unnecessary, since the nature of the threat is not confined to your client’s concerns as a Board, only, but by implication to all my clients and the general public. It all arises out of your client’s toleration and encouragement of violent, profane and extreme individuals who should never be allowed in the Library in the first place.

Suggested Course of Action

Therefore, I suggest that you advise your client to consider withdrawing the notices of hearing, while the Library takes immediate action to insure that Corbin Waltering is personally barred from the Library premises or loitering within 100 feet of it or any of my clients who may be at the Library for personal or business use. This would provide an enforcement mechanism whereby the Library, not my clients, would be entitled to request local law enforcement assistance to enforce the ban.

In the interim, if we agree to a proposed venue, any rescheduled hearings can likely be set within a short time frame similar to that of the most recent July 6, 2022-dated Notices of Hearing.

There is apparently no compelling interest in time of hearing now set. These employees have been on paid administrative leave for 18 months and there are no facts suggesting immediate removal of “problem employees” can justify forcing hearing at the time set despite the serious safety concerns outlined above.

I do sympathize with the series of dilemmas presented for these hearings as a result of client’s actions, and will do all I can to help this matter go forward without compromising the safety of my clients, the public patrons, and the general public. However, it seems beyond reasonable disagreement that the safety issues presented do not arise out of a band of rogue employees trying to bring the system down. Once your client addresses these concerns, the hearings can be set as outlined above, if that seems advisable at that time.

Until then, it’s difficult to see how my clients can be asked to do more than simply supply facts and outline the necessary requirements for all concerned to continue to do business in safety and free from both online and personal harassment. The suggestions are intended to be reasonable

and don't seem over-inclusive, and I daresay a good deal rides on any summary decision to hold any hearing at an unagreed venue, place, time or circumstance.

Thank you for your attention to these matters. Please feel free to contact me any time to discuss, by phone, text or email. Please note our local number on letterhead for phone and text contact.

Very Truly Yours,

/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

From: jboiler@boilerlawfirm.com
To: dana@boilerlawfirm.com
Subject: FW: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers
Date: Monday, September 5, 2022 10:18:14 AM
Attachments: [image001.png](#)
[BCL_071822_JB to KB; Venue and Safety_pre-termination hearings.pdf](#)

From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>
Sent: Monday, July 18, 2022 5:23 PM
To: 'Katharine Brereton' <kbrereton@lclattorneys.com>
Subject: RE: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers

Dear Ms. Brereton,

Thank you for your email received late Friday afternoon. Please see my letter in response, attached.

Jeffrey H. Boiler
ISB #11476
OSB #830219
jboiler@boilerlawfirm.com
www.boilerlawfirm.com

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From: Katharine Brereton <kbrereton@lclattorneys.com>
Sent: Friday, July 15, 2022 4:31 PM
To: jboiler@boilerlawfirm.com
Subject: RE: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers

Mr. Boiler,

I have reviewed your letter of today. Please review my email sent on June 9, 2022. I have attached it here for your convenience. In that email I advised that the pre-decision hearing procedures adopted in March 2021 will govern any pre-decision hearing for Ms. Boiler and Ms. Haarstick, unless they requested for the recently-amended procedures to apply. This means it is your clients' choice on whether the Board attends their hearings on July 21, 2021. Please advise on your clients' position so that the Library can prepare accordingly.

With respect to the hearings, I have consulted with the Library on measures that can be taken to ensure that Ms. Boiler and Ms. Haarstick can safely attend the hearings. Some options for consideration include holding the hearings at a location other than the Library; holding the hearings via Zoom so that your clients feel safe and comfortable in an environment of their choosing; and requesting assistance from law enforcement. I am advised that should law enforcement assistance be requested, the police department would send an officer to check the area, but an officer would not remain at the hearing to monitor it. Please let me know your thoughts.

Sincerely,

KATHARINE B. BRERETON | *Partner*



435 W. Hanley Ave., Suite 101 | Coeur d'Alene, ID 83815
(208) 664-8115 (office) | (208) 277-9631 (direct) | (208) 664-6338 (fax)
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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Friday, July 15, 2022 2:54 PM

To: Katharine Brereton <kbrereton@lclattorneys.com>

Subject: RE: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers

Counsel:

Thank you for your note below. Please find my initial response attached.

Please feel free to contact me if you have any further questions. Our local number for contact is now 208-946-0095.

/s/ Jeff Boiler

Jeffrey H. Boiler

ISB #11476

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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From: Katharine Brereton <kbrereton@lclattorneys.com>

Sent: Friday, July 15, 2022 10:20 AM

To: jboiler@boilerlawfirm.com

Subject: RE: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers

Mr. Boiler,

I am following up on our email communications regarding the pre-decision hearings for Ms. Boiler and Ms. Haarstick. Will your clients be demanding that the Board attend their hearings in the same manner that the Board was present for the hearings for Ms. Withers and Mr. Lindenbusch?

Please let me know at your earliest convenience.

Sincerely,

KATHARINE B. BRERETON | *Partner*



435 W. Hanley Ave., Suite 101 | Coeur d'Alene, ID 83815
(208) 664-8115 (office) | (208) 277-9631 (direct) | (208) 664-6338 (fax)
<http://www.lclattorneys.com>

From: Katharine Brereton

Sent: Friday, July 8, 2022 4:51 PM

To: jboiler@boilerlawfirm.com

Cc: cericson@icrmp.org

Subject: RE: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers

Mr. Boiler,

I am aware of your outreach to Mr. Ericson at ICRMP earlier today and of Mr. Ericson's advisement to you that I remain the point of contact for matters related to the Boundary County Library District and your clients. Nothing has changed since my correspondence to you earlier this week or earlier today.

Thank you for confirming that July 21, 2022, is acceptable for the hearings for Ms. Boiler and Ms. Haarstick. In light of your stated concerns regarding Mr. Waltering and your previous correspondence that your clients believe the workplace is unsafe, I will discuss with the Library what measures are appropriate to ensure that Ms. Boiler and Ms. Haarstick are able to safely attend the hearings. If you

have suggestions, please advise.

With respect to your email from last week regarding Mr. Waltering, I suggest that if you believe the actions of Mr. Waltering are serious enough to threaten the safety of Ms. Boiler or any of your clients, then you should report those concerns to law enforcement. Neither myself nor ICRMP are the proper entity to which reports of this nature should be made.

KATHARINE B. BRERETON | *Partner*

LAKE CITY LAW GROUP PLLC
435 W. Hanley Ave., Suite 101 | Coeur d'Alene, ID 83815
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From: jboiler@boilerlawfirm.com <jboiler@boilerlawfirm.com>

Sent: Friday, July 8, 2022 2:45 PM

To: Katharine Brereton <kbrereton@lclattorneys.com>

Cc: cericson@icrmp.org

Subject: RE: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers

Counsel,

Thank you for your note and attachments below. I note you have not addressed the primary concerns in my last letter to you, which involve safety of my clients and the general public. Because of the seriousness of the matter, this concerned me, so I have confirmed today by phone with Carl Ericson at ICRMP that you have authority to represent the Library District on all matters that involve my correspondence and representation of Dana Boiler, Eric Lindenbusch, Christine Withers and Cari Haarstick. By copy of this email I am confirming this fact with him. Please inform me promptly if you believe you do not have authority to so act, or have some limitation on your authority to act or to respond to communications from my office which involve my representation of these clients, in any way.

I will correspond with you next week under separate cover on the issues presented by your note below. In the meantime, I note the date on the proposed notice of disciplinary action is July 6, two days ago, although it was served on me only today by email from your office, below. In an abundance of caution, therefore, I have decided to inform you here that July 21 at noon through 2 p.m. is acceptable for the time of any "pretermination" hearing your client wishes to schedule for Dana Boiler and Cari Haarstick. Since you have not addressed your previous admission that safety concerns must be dealt with prior to any attendance at the workplace, and since ICRMP has now confirmed your scope of representation is not limited in the ways suggested by various of your previous correspondence, this is to reiterate our demand that the employer address to our satisfaction the place and circumstances under which the "hearing" is proposed. There are specific and credible threats of serious bodily injury or death from an identified assailant against my clients, and you have chosen to say nothing about these. In the context of America's last few weeks, I am frankly astounded at this lack of concern. I'll address it in detail for you next week.

In the meantime, please consider this our demand for pretermination hearing on the date specified as July 21 in your notice sent today. The failure to provide post-termination hearing within a reasonable time is dealt with in our forthcoming correspondence. All rights to hearing are expressly reserved.

Jeff Boiler

Jeffrey H. Boiler

ISB #11476

OSB #830219

jboiler@boilerlawfirm.com

www.boilerlawfirm.com

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From: Katharine Brereton <kbrereton@lclattorneys.com>

Sent: Friday, July 8, 2022 9:43 AM

To: jboiler@boilerlawfirm.com

Subject: Boundary County Library - Employees Boiler and Haarstick, former employees Lindenbusch and Withers

Mr. Boiler,

Attached to this email are notices that hearings have been scheduled for Ms. Boiler and Ms. Haarstick related to the Proposed Personnel Actions. I have also attached the recently amended Employee Discipline policy for the Boundary County Library District. I previously provided this by email on June 9, 2022, and am including it here again for your convenience.

With respect to post-decision hearings for Mr. Lindenbusch and Ms. Withers, I am assuming that each person still wishes to avail themselves of such a hearing. If this is the case, please advise of availability for the hearings.

I also want to follow up on the status of the fitness for duty certification forms for Ms. Boiler and Ms. Haarstick. Please have the completed forms returned as soon as possible.

KATHARINE B. BRERETON | *Partner*

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July 21, 2022

BY EMAIL
(kbrereton@lclattorneys.com)

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

Our Clients: Dana Boiler, Cari Haarstick, Christine Withers, Eric Lindenbusch
Your Client/Insureds: Boundary County Free Library District, agents, and employees
Submission of Prehearing Memorandum of Law.
Evidence to be Incorporated by Reference.

Re: Pretermination Hearings of Librarians Dana Boiler and Cari Haarstick

Dear Ms. Brereton:

This document is the prehearing submission I mentioned on page 1 of my letter to you in this matter dated July 18. It is tendered into the record as a Pretermination written statement as permitted by policy, and is intended to supplement and not replace the in person right to hearing with a right to examine witnesses and present evidence.

Objection to Summary Change of Time, Place and Rights at Hearing

Your email received late in the day July 19 for the first time purported to summarily alter the time, place, manner of presentation, and format for hearing. all less than 48 hours prior to the hearing set at one of two times and places you yourself suggested to me. We object to your entire action by disregarding the facts and applicable law governing any change in terms or conditions for these pretermination hearings, but will attend by Zoom because you have required it in order to exhaust administrative remedies, an obvious defense that is hereby expressly addressed.

To summarize our objections to your unilateral decision of July 19 relating to these two hearings:

- By email communication dated and received late afternoon July 19, less than two days prior to the hearing your client has previously noticed and confirmed through your office, you have changed the time for commencement of hearings to 1 p.m. on July 21 and have instructed me to join the hearing by Zoom at that time. We will do so under objections summarized in part here. However, this alteration was not discussed nor were we consulted to seek consent in any way prior to your unilateral decision, which you knew had both practical and economic consequences to all parties discussed in my letter to you dated July 18. The actual notice of hearing Ms. Glidden summarily set for my wife, on the day she apparently first learned of the pending recall of her employers, July 6. At that time, she summarily set the time for hearing to commence not at 1 p.m., but at noon for my wife, and 1 p.m. for Ms. Haarstick. Your July 19 communication to me only specifies 1 p.m. as the time for commencement of both hearings.

Therefore, as you have by fiat instructed us, we will use the code you sent to join the Zoom meeting for the purpose of these hearings at 1 p.m. PST, our time zone, on July 21. We consider your email an amendment of the notice of hearing in this regard, which sought no consent nor take into consideration any costs you required to be incurred as a result of this summary alteration in time of hearing.

- We would have offered no objection to the mere time change, as these are business hours. However, first making the presence of witnesses by testimony impossible, then summarily requiring any attendance by Zoom in less than two days, seems designed only to make the presentation of any effective defense more difficult, much more time consuming, and much more expensive. I advised you of these facts by email on July 19 and requested your response to avoid unnecessary cost of recording the adjusted hearings by private means, contrary to your representation that these hearings “would be just like last time”.

“Last time” was February 23, and it involved the presence of the Director and the Board for cross examination, as the version of policy you have chosen to apply specifically provides. You have plenty of notice of the scope and reasons for the scope required for our meaningful defense to sham charges, which essentially involves disproving a negative. Nevertheless, you summarily altered the conditions and time of the hearing, by fiat, without consultation. The bases for our objection seem obvious in light of these irrefutable facts.

- We do not intend to adhere to a rigid two hour limit for presentation of evidence given your deliberate attempt to complicate and necessarily lengthen any presentation of evidence meaningful in defense of charges which have no citation to who, what, when, where or how the offenses specified in the charges against both clients constitute terminable³ offenses. You have chosen a means of hearing that results in the in the most difficult and time consuming method of hearing possible, on less than two day’s notice, and failed to address the inherent unfairness presented by the fact our absence in person is caused not by the false narrative you and your clients have spread during this time of community upheaval as a result of their lawless actions. Rather, you have chosen on your own authority to effectively alter policy by fiat, in order to cause maximum time expenditure and cost in defense. You have done so affirming in writing you will not provide any evidence or other documentation in order to prepare a defense. This is your personal

decision, I conclude, based on my clear and professional communications with you on the subject in the days leading up to your decision.

Any change to remote hearing at this late date is only reaffirming proof of bias and malice, which now extends to your enablement of the systematic and unlawful conduct summarized in our 300 page tort claim notice, replete with exhibits which are not “allegations”, they are facts. You ignore the evidentiary impact of those facts, and the law presented, while affirming with the insurer that you are the sole attorney responsible for defense of these claims. You have now characterized yourself as “point of contact”, rather than attorney for the various parties with obviously conflicting interests, some criminal in nature, but you continue to manipulate the process to the favor of some, but as you can see from our response, to the clear detriment of others. How this approach seems advisable to you is a mystery to me, but you have taken the position you have this authority. Therefore, my clients choose to make you accountable for it in law, as well as in fact and in truth.

Your explanation by email of July 19 is obviously and deliberately cryptic, but it appears to suggest that “my concerns” about the risks of hearing outlined in detail to you on July 18 somehow left you with *no option* but to unilaterally alter the terms of the notice of hearing and to choose the venue which would effectively deny my clients their rights to an unbiased decisionmaker, the rights to call witnesses or to present other evidence at a “meaningful time and in a meaningful way”, as the 14th Amendment requires, and to do so without a biased process or decisionmaker.

Of course, you know this is not true, as my communication clearly made constructive suggestions designed to quickly address the clear safety issue while offering prompt hearing once the right to confront and present witnesses, guaranteed by your client’s own policies and by all applicable law on the subject. You’ve simply chosen to ignore it. That is an evidentiary fact, not an “allegation”.

This decision to alter the hearing and its conduct terms and times, denies my clients:

- Any meaningful right to see any document or other evidence, or summary of it, showing the “who, what, when and where” of the charges which are required at this stage of the *Loudermill* process, a legal memorandum regarding which is set forth below. You have further “ruled” that we already have all the documents you intend to give us to provide any more specificity to the charges, or to allow defense against them at a meaningful time—now—and give no explanation for this compelling District necessity. As you know, you have provided nothing except a heavily redacted report which is demonstrably false in any inference of lack of candor or untruthfulness, and rife with factual errors and assumptions. It is also based on a misrepresentation of the scope of investigation the District’s so-called “independent investigator” was given by the Board, which is contradicted by the Board’s own then-counsel, Rafael Droz, by email dated June 6, 2021. Compare his comments about the number of complaints and the authorship of them, with the actual authorized scope of Ms. Nutsch’s “independent investigation”, which is a single complaint. The authorizing and signed retention agreement reflecting this Board authority is also attached to the TCN record incorporated by reference above.

- Any meaningful right to call witnesses, unless we want to invite them to our home, where any Zoom will need to occur.
- Any meaningful right to present documents, ask questions relating to those documents, or other evidence offered, at a meaningful time or in a meaningful way. This right most certainly would have required Ms. Glidden to do something other than stare at the questioner blankly in response to all questions posed, or to wait for you to again instruct her “you don’t have to answer that”, as you did without citation to legal grounds, at the two other pretermination hearings in this matter already conducted February 23 of this year.
- Any meaningful right to question on the record your instruction to Ms. Glidden that she “doesn’t have to answer that” at any hearing, when the inquiry is a simple name and a single page document containing the complaint and identity of a single complainant alleged. Her obvious conflict of interest with the entity you also represent, alone, would seem to require such an instruction to be made on specific grounds. In context of your actions in this regard, your advice was cover for her to act without legal authority in this procedural setting, under color and pretense of law.

Providing a witness legal cover from such serious public safety questions as presented by her duplicity here endangers people, and emboldens the type of conduct which scoffs at the law governing threats to children and the general public. If this is the “informal process” you describe at this stage, why the formality of an instruction not to answer unless it is to avoid criminal liability, which is alleged in the tort claim notice and attachments which you have had in your possession since May 19.

- Any right to an unbiased process or an unbiased decisionmaker. Your own correspondence has established that this Board is biased because we had the audacity to ask them to be present at a pretermination hearing in February of this year, with the other two whistleblowers. Now you have summarily excused them from this process, even though their presence was previously the very cause you warned, in writing, would trigger bias.

Having chosen the same biased process, by your own admission; having done so *in writing*, on what conceivable basis do you believe that summary alteration of the time, terms and conditions of my clients’ two pretermination hearings you set for July 21, is not a wilful and knowing violation of both whistleblower statutory protections, and Constitutional protections of the 14th Amendment?

We have read every case which applies to this situation. I’m sure you have learned by now that your written suggestion prior to the February 23 hearings that our demand for the presence of the Board, specified by then existing Library policy, would likely result in bias. Knowing this, you then chose *this very same biased Board and tainted process to use again*, and attempted to characterize it as our “demand”.

You have my written responses to this assumption. It is clear from those communications that the decision to take this approach was not our demand, it was clearly and simply your

deliberate choice. You chose a biased process and seemed to hope we would be foolish enough to “demand” that you use it. You were mistaken.

- Any right to examine management level personnel, whether Board members or not, who otherwise may be available to attend the in person hearing contemplated by due process and Library policy. Your decision to conduct the meeting by Zoom insures that the management level individuals with direct testimony to offer, who may also serve on the Board, will not be present, and you have stated this may bias your clients, for the simple act of invoking your own Policy rights.

As a result of this decision to alter the venue and disregard all impacts and violations of law in doing so, you enable your various clients to punish these employees-just as you claimed to fear for the cheek of asking for written rights not subject to legal dispute- at the post-termination hearing. In short, by ignoring the obvious facts showing retaliation is the cause for this proposed adverse employment action, and by summarily altering the time, place and manner of hearing, you have reinforced, aided and provided unwarranted legal cover for an already admittedly biased process and biased decisionmaker to accomplish unlawful retaliation. It also seems this conduct openly encourages known, serious, and systematic disregard for safety of the community, my clients and library patrons and employees, simply to maintain an impossible narrative for just a few more days. I call on you to reconsider and relent before irreparable harm is caused by this decision.

Disregarding these serious issues of public safety and concern in favor of the ideological approach evident in the decisions governing defense of this group of insured Defendantys to date, and altering on short notice the terms of hearing timed to cause maximum exclusion of witnesses and other evidence, and maximum expense and time consumption, is a tactic, not a defense. Taking this position because you control the decisions of your client’s titular representative does not excuse inevitable legal accounting for these actions.

It does however, constitute clear evidence of the mental state of malicious intent, or reckless disregard for the consequences, in a case which directly involves domestic terroristic activities from a known cause against my clients, from a known source: your client’s endorsement and enablement of those activities. In light of my careful and timely disclosures to you of the seriousness of these matters, the deliberate act of altering the hearing to influence the outcome and prejudice the interests of both my clients and public safety by this action, is the most serious matter to be resolved prior to any hearing on the individual interests of these clients. It is inherent in your oath of office to put the interests of that public first, not the interests of the insurer you have described as your “client”.

It seems clear your intent is to continue a course of conduct which has demonstrably endangered this community and my clients, and to do so with as much disregard for my clients and other citizens of Boundary County directly impacted by those actions as possible. Domestic terrorism is directly involved and was fostered by this Library and its leadership, past and present. This activity is not recent or limited to recent events. To characterize them as “concerns raised in my” letter to you of July 18 demonstrates your lack of concern for the

Trustees taking these disastrous decisions on behalf of the Boundary County Free Library District, are serving ***unlawfully as a result of election illegality***. This illegality includes, without limitation, the creation of false election records for Trustee elections by Sandra Ashworth, then Director, and most recently brought back in that capacity for the express purpose of termination of my clients from employment under color and pretense of law. The illegality in the conduct of elections summarized factually and graphically in our notice of tort claim has resulted in complete invalidation of the dates of election, and other various legal requirements.

Before certain of these election records were secreted away from the Library by Board action in a recent “gift”, they were all consulted, along with every record of the County Clerk, private archive libraries retaining copies of relevant documents, and public sources. The tort claim notice is specific, a casual but interested review should make our point clear.

It is our position this Board and its actions are entirely unauthorized by law and have been since at least 20 years ago. This was part of a design facilitated and furthered by Sandra Ashworth and others named in the tort claim notice. The findings are specific and won’t be changed by the Library sending its records to a third party, nor can they be destroyed or interpreted differently. Our investigation and the factual basis for it is already complete. You disregard this illegality defense at your client’s legal peril.

If they serve unlawfully, then obvious all Board action in this matter is void or voidable, with resulting impacts on insurability of the various individuals you all seem to be acting as “point of contact” for. In this connection, I call to your attention your status as sole counsel with authority to act for the District and its various interested parties claiming coverage under the ICRMP policy with the District, and renew my earlier questions regarding client identification, which you have failed to adequately address to date.

- The action to set this hearing by Zoom and deny a meaningful opportunity to present a defense, particularly given the duplicity evident by refusal to provide any documents or specificity to the charges, and reliance on an “independent” investigator without providing any opportunity to cross-examine her on crucial issues of opinion offered without factual support or understanding of the facts on which she opines. The entire process including the “independent investigation” is subject to specific rebuttal which you have made impossible by the changed terms of hearing, and limitations on time.
- This proposed hearing and the changes to its time and manner of occurrence deprives my client of an unbiased venue and decisionmaker, as well as an opportunity to receive a meaningful hearing, at a meaningful time, in a meaningful way. This conduct and the continued attempts of your clients to enlist the intrusion of armed local police into the affairs of this hearing, as your own correspondence this week seemed to suggest was a viable alternative, not only has a chilling effect on the entire process, it invalidates it, under the factual circumstances presented.
- Our position is, was and will remain that the alteration in process discussed above, and the defects deliberately retained by manipulation of the open meetings process to exclude public knowledge or involvement in the adoption of functionally unlawful policies in the name of this

taxing District, is not based on any good faith argument for reversal or extension of existing law, and was and is designed to further known unlawful activity by a public agency clearly in the throes of public controversy as a result of their actions.

- This proceeding is prohibited by whistleblower protections outlined in the Tort Claim Notice incorporated by reference above. You have chosen to ignore this controlling statute in favor of the above course of action. We will characterize any adverse employment action by pleading further investigation accordingly.
- You are furthering a known falsehood by conducting adverse employment action knowing, as a result of the supplemental chronology attached to the tort claim notice of May 19, the false statements perpetrated by your clients, Wilson Law Firm, and others representing to the public the Maggi “complaint”, which I never reported to police but rather to County Prosecutor as a mandatory child abuse reporter, had been adjudicated. As you can see, ISP denies this, BCSO writes the opposite. One is lying. See supplemental chronology, attached top TCN. A client is being terminated in part for a “false” complaint your client falsely has reported was disposed of by local police and the Idaho State Police.
- The supplemental chronology attached to our tort claim notice pertaining specifically to law enforcement involvement in the alleged unlawful activity discussed here establishes, with exhibits from the Idaho State Police corroborating, that in fact there was and has never been an investigation of this matter by ISP, nor there has been *any* Idaho State Police investigation or determination of the Maggi matter on the merits. This false statement is repeated in the charges you, your client and your client’s various agents have ratified, despite two months to digest the facts evident by exhibit in the notice and exhibits served on you May 19.

Your client has nevertheless smugly and deliberately repeated them *as grounds for termination*, and you have summarily changed the conditions for a hearing designed in part to determine the truth or falsity of these allegations. Sonyalee Nutsch has relied on this omission in part for her apparent misstatements of fact, thus compounding the effect and creating the clear impression that her statements based on these charges is based on a demonstrable falsehood provided by your clients, and their former legal counsel.

- By participating in and repeating this false statement concerning law enforcement ratification of your client’s claim of “no unlawful conduct”, you are not zealously representing your client. You are actively causing the spread of false information in a serious matter with Federal jurisdiction that involves known risk of violence and abuse to my clients and the general public. Your client’s actions create a completely false impression there is no cause for concern. This falsehood is cited in pretermination charges and knowingly withholding evidence of their falsehood in an effort to avoid the law. It is our independent investigation which has yielded these facts, not the \$20,000 “independent” investigation commissioned and paid for by the Board of Trustees. *This conduct will be of particular relevance to subsequent review, and is noted here for emphasis in support of our contention of unlawful retaliation and malice which taints this hearing and any conclusion arising from it as presently being conducted.*

The cynical use of denied opportunity to specific charges and the evidence on which it is based, in this context, and particularly given the impeachment discussed below already evident, should give any reasonable person pause in reliance your client places on the “independent” investigator Ms. Nutsch. However, she cannot be effectively called as a witness, as you have altered the process to exclude that possibility. We cannot see most of what she has written, but that is the point, isn’t it?

You have also refused to respond to the legal issues presented in detail to you which clearly shows this hearing is conducted in blatant and wilful violation of State law pertaining to retaliation against public employee whistle blowers in this fact pattern. This is not zeal at this stage, it is clear evidence of malice. Ignoring statutory protections of whistleblowers as if this were a game isn’t the only problem with this approach.

Malice is also evident from the setting of this matter by fiat despite the *crucial issues of public safety and national security* which have been presented to you in detail, without comment or response to suggestions for resolution I have made, or by consideration of a procedure that preserves my clients’ rights to hearing *at a meaningful time, in a meaningful way, by an unbiased decisionmaker.*

Record of Proceedings

A true copy of all proceedings in this matter is expressly requested by my clients.

Some of the legal bases for our objections are summarized briefly below for the benefit of subsequent review. Please review our correspondence to date and the other documents expressly incorporated by reference as part of this submission to the record.

To clarify what this express incorporation by reference is intended to include for subsequent review as a portion of the pretermination hearing record in these matters:

This is to advise you that all correspondence between myself and: your office, the law offices of Timothy Wilson, Raphael Droz, the law offices of Sonyalee Nutsch, and all employees, insurers, attorneys and agents of the Library County Free Library District, is fully incorporated by this reference, as is the Notice of Tort Claim dated May 19, 2022, all attachments thereto, and all supplements to it, which have previously been served on you by email beginning May 19, 2022, continuing up to and through the present. The correspondence and evidence record thereby incorporated includes the issues of denial of rights of free speech under the First Amendment to the U.S. Constitution, the 14th Amendment, Federal statute relating to FMLA interference during the period of time relevant to these terminations, and open, wilful violation of whistleblower protections under Idaho state statute summarized in the incorporated records above.

Testimony of Ms. Boiler and Ms. Haarstick is submitted by Zoom in addition to this submission as a portion of each employee’s pretermination response. That testimony is also fully incorporated in this Memorandum by this reference, together with all exhibits referenced therein.

Due Process Considerations

1. Evidence of Impermissible Bias

The process chosen by the employer here is impermissibly biased. Counsel for the employer herself has opined in correspondence appended to this record that seeking only the rights specified by written policy to Board attendance at the pretermination hearing could bias their decision. The employer then refused to require their attendance at the instant hearings, despite being informed of the right to call witnesses, including management level witnesses with knowledge of the matter, without Board attendance, contrary to the very policy she chose to apply to this hearing. The circumstances of this late decision to alter the terms of hearing and deny witness attendance for this very purpose alone demonstrates impermissible bias at this state of the Loudermill process, discussed below.

Additionally, this “pretermination hearing” is being conducted by Kimber Glidden, who is a named Defendant in a 300 page tort claim notice served on her personally May 19 by hand delivery. She has violated law and policy by making statements of fact relating to her findings of guilt already, to a member of the public whose statement we have obtained. That statement, summarized in part below, demonstrates without doubt completely impermissible bias under applicable law.

She has thereafter nevertheless chosen to sit in judgement as “impartial factfinder” making this termination decision, while *secretly* and deceitfully discussing with a member of the public, the substance of which will be summarized by Zoom today and will appear in the record of these proceedings. Her statements and actions in dealing secretly with this citizen demonstrate she has already decided the matter, and has done so based on her own pecuniary interests, along with other impermissible reasons.

As summarized below, she has disclosed mysteriously that she is “110 per cent sure” that the represented employees here are “...liars...don’t be sucked in by their lies.” This is obvious bias in fact, in addition to the bias inherent in being named as a Defendant in a major Federal claim outlined in detail in a claim notice served on Glidden personally, with all exhibits, May 19.

The hypocrisy evident by this open discussion of supposed “confidential” personnel matters, the pious pronouncements of counsel refusing to provide any specifics of charges, or afford any opportunity to be meaningfully heard, with last minute process changes to insure a biased result, defies description.

This open admission of bias alone, together with the duplicity evident from it and from the latest manipulation of the time and place for hearing, alone demonstrates why bias in the decisionmaker is not tolerated even at this stage of the Loudermill process. To do so, as the court observes below, converts the entire process into a sham.

The substance of factual statements the “impartial factfinder” chosen by this employer to a member of the general public is set forth as follows and is appended here to this record also as an offer of proof:

VERIFIED STATEMENTS OF “IMPARTIAL FACTFINDER” (GLIDDEN) PRIOR TO HEARING, Offer of Proof

If allowed to be present and call witnesses, a known witness and member of the general public, whose statements have been verified prior to this writing by counsel, would testify at hearing that after May 19, 2022, Kimber Glidden made the following statements to her personally and in person, regarding my clients and the facts summarized in the Notice of Tort Claim, to the exact effect as follows:

- “I am 110% sure they cannot prove anything.
- *I don't need to talk to them. I am 110% sure they are lying.*
- **Do not get sucked in by their lies.**
- **If they bring up the stripper video it will blow up in their face because...**
- **Dana Boiler and Mac Withers filmed the video.**
- **These items [indicating employees' claimed stolen property stored in a locked room inside an agricultural building near Sandra Ashworth's residence] belong to my problem employees.**
- **It's a reverse hostage situation where they refuse to pick their stuff up.**
- **I am not worried about the payroll budget because I am wrapping up that ongoing “personnel matter” soon.”**

These statements were all made long before the time set for these hearings, and *after* the tort claim notice was served on Ms. Glidden personally on May 19. The notice creates also an obvious pecuniary interest in the outcome of her “impartial investigation” and the termination decision proposed, another form of impermissible bias discussed below. It also evidences and corroborates the whistleblowers' claims of mismanagement and other activity protected from retaliation by both State statute and the 14th and 1st Amendments, made actionable by operation of 42 U.S.C. Sec. 1983 et seq.

I daresay it is also evidence of impermissible “bashing” of Library employees, and complaint for this misconduct is hereby made, since Ms. Glidden is familiar with that offense as a result of her allegations in these proceedings.

2. Bias Defeats the Purpose of the Loudermill Hearing

The purpose of the pretermination hearing is to provide an "initial check" against erroneous discharge. While a post-termination hearing reviews the merits of the termination, it cannot cure defects in the pretermination hearing itself." **When impermissible bias infects the pretermination hearing, it becomes a "sham process paying lip service to**

federal law." [citations omitted]

In examining the validity of pretermination hearings, courts should focus on the decisionmaker's involvement in the discharge process and determine whether the employee was afforded a fair hearing. A common problem is the decisionmaker's familiarity with the employee's case. While a decisionmaker is generally familiar with the facts in dispute, his decision to terminate should not be made before the hearing. Such a prior determination renders the hearing meaningless. The hearing is also suspect when a decisionmaker's prior public statements commit him to a position beforehand. In these situations, the employee's right to a meaningful hearing is lost.

Pretermination hearings conducted by individuals who have investigated the employee's case have also been held invalid." A grievance procedure that requires an employee to appear before administrators who have investigated his case is inherently unfair, regardless of the existence of post-termination relief in state court. As an investigator, the decisionmaker will have already reached a factual determination before the hearing. Where the employee disputes the facts, the decisionmaker's predisposition against the employee's version of the facts renders the hearing meaningless.

Personal animosity also renders a pretermination hearing meaningless. Dismissal for cause can involve "fabrications born of personal antagonisms" that may undermine the accuracy of factual determinations. This form of bias occurs where the employee's public criticism of his employer leads to dismissal. In these situations, the decisionmaker's bias can so taint the pretermination hearing that due process guarantees become illusory." [citations omitted]

In rejecting bias claims, courts have cited the existence of a post-termination hearing as an adequate remedy.' These courts reason that the post-termination hearing serves to "ferret out bias" in the pretermination hearing." ° However, this reasoning ignores the procedural protection compromised by the decisionmaker's bias. Where the decisionmaker is impermissibly biased against the employee, both the initial review of factual conclusions and the opportunity to invoke the employer's discretion are lost. Consequently, where impermissible bias is present, the employee so discharged is without the protection of a fair *Loudermill* hearing.

3. Denial of meaningful notice and opportunity to be heard

"The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Wooten v. Pleasant Hope R-VI Sch. Dist.*, 270 F.3d 549, 551 (8th Cir. 2001) (quoting *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)).

At some point, a delay in the post-termination hearing also becomes a constitutional violation. See, e.g., *Barry v. Barchi*, 443 U.S. at 66.

In this factual context, due process requires that a hearing be held, not just "in a meaningful manner", but also at a "meaningful time". With each passing month, employees may suffer increased financial privation and social stigma. In this case, the evidence shows it was the express, personally interested and biased employer agents who chose to deny both meaningful manner and meaningful time.

To date, more than four full months have elapsed since the first two terminations of whistleblowing clients represented by the same counsel in the same filed tort claim matter alleging protected whistleblowing activities under Idaho statute, with no communication regarding the post-termination hearings they timely requested, while the rights secured for *pretermination* hearings of the remaining two whistleblowers has been deliberately, and less than two days prior to a hearing pending for over a year, substantially prejudiced and lessened by alteration of the time and manner of hearing. Clear, unlawful and deceitful statements of fact have been secretly made by the 'impartial factfinder' to a member of the general public without motive to falsify and no axe to grind.

Without providing a single item of evidence and relying on "media reports" and nearly completely redacted "independent investigator" reports of "investigation"-- which are unstated except in particulars which requires guesswork to prepare any defense--and altering the process days prior to hearing to make difficult or impossible the ability to ask questions, receive any specific evidence in order to put up an effective defense, or to call witnesses, the pattern of retaliation outlined in detail in the tort claim notice, incorporated by reference, the employer has assured both violation of due process and of obvious whistleblower protections. **Intent**, and not mistake, is the only reasonable explanation for this open disregard for all applicable law on the subject. This would alone seem dispositive of any claimed basis of termination for "just cause" in the present case.

It is important for later arbiters of the conduct complained of in these cases that the last minute alteration in the terms and methods of hearing, and manipulation of the methods and means of exercising the rights of pretermination hearing guaranteed by law, policy, practice and custom of the employer, comes by fiat and has but one designed effect: denial of the ability to ask questions, expose the Directors duplicity and unlawful disclosures and misconduct in this "investigation", and hide the truth for as long as possible.

It denies the effective ability to present evidence and learn of the actual factual basis for the various claims set forth in the pretermination notices, denies access to those manipulating and directing the misrepresentation of facts to the public and does so for impermissible reasons, both pecuniary and otherwise. This decision was taken and conveyed by fiat through legal counsel email, with no amended notice of hearing reflecting the change and the serious circumstances giving rise to this action summarized in this record, **less than two days** prior to a hearing which is based on alleged misconduct investigated for over a year, according to the employer.

It is now clear, with admissions of Board member Bohachek in the presence of witnesses, that the purpose of the so-called “independent investigation” was to find a basis to terminate, not investigate the truth of the matters the whistleblowers alleged. It is an approach suggested by the Wilson Law Firm, it appears from evidence of the Board’s hearings in this matter. It is *calculated* to cause maximum denial of effective right to meaningful and unbiased process guaranteed by law, and to ignore the effect of Idaho statute which expressly forbids any form of retaliation for matters called complained of by these employees.

This process manipulation was furthered by the last minute alteration of terms and time for hearing July 19, less than two days prior to the time set for hearing by written notice. It was without employee consent and by the only attorney for the employer’s interests, Ms. Brereton, with the express, acknowledged *sole* authority to speak for all named Defendants on any issue arising out of misconduct by the employer.

This is not routine defense of a ho-hum personnel matter with “problem employees”, as the “impartial factfinder” has stated. It is not “same ol’ same ol’” as Ms. Glidden happily reported the status of ongoing Library operations to the Board at their last public meeting, failing to mention to the public then present her decision to contract for about \$9,000 per year with an out of area HR Company to handle problems of this type. It is a systematic, cynical and direct attack on the rights guaranteed by the 14th Amendment discussed in part herein, and Idaho protective statute.

This action alone effectively denies meaningful ability to know of and defend any charges, now or later. It is a calculated act which culminates in the direct retaliation by complete denial of an unbiased forum, and the denial of the right to hearing prior to termination and thereafter, “in a meaningful way and at a meaningful time.” It is conduct which fits perfectly the characterization of Ms. Glidden and her various co-conspirators as racketeering activity as defined by Federal statute.

No adverse employment action can withstand the scrutiny of this damning record, nor should the people who have paid mightily for their trust of this public agency to individuals whose conduct demonstrates beyond doubt that the reported mismanagement and other misconduct giving rise to the tort claim notice referenced herein is the true retaliatory cause for this proceeding.

No adverse disciplinary action should result to Ms. Boiler or Ms. Haarstick, and applying the standards of proof used by Ms. Glidden in this case, her disclosures and falsehoods regarding Library operations and employees should be the subject of proceedings designed to result in termination for cause, regardless of the action chosen by the employer in response to these hearings.

DATED this 21st day of July, 2022.

JEFFREY H. BOILER

/s/ Jeff Boiler

Jeffrey H. Boiler

ISB #11476

OSB #830219

Attorney for Dana Boiler, Cari Haarstick,
Mac Withers, and Eric Lindenbusch

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cc: Clients

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August 2, 2022

BY EMAIL
(kbrereton@lclattorneys.com)

Katherine B. Brereton
Partner
Lake City Law
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Coeur d' Alene, ID 83815

Our Clients: Dana Boiler, Cari Haarstick, Christine Withers, Eric Lindenbusch
Your Client/Insureds: Boundary County Free Library District, agents, and employees

Re: Proposed Disposition of Claimed Stolen Property

Ms. Brereton:

I have received and reviewed your July 29 email with enclosures and notified my clients of their contents. A number of issues are presented by these documents which I will address with you in detail in further correspondence under separate cover. This is to address post-termination hearing demand, and to outline our response to your client's notice of July 29 which threatens immediate destruction of their personal property at that location, known to exist, unless my clients obtain it by August 5, this Friday, without inventory or other accounting.

Summary of Correspondence Content

- My wife and Ms. Haarstick each demand a full evidentiary post-termination hearing before the entire Board of Trustees, in person. Please comply with your duties to provide the basis for termination in accordance with applicable policy.
- Your client's July 29 notice of proposed destruction of their property violates Idaho Code both criminally and civilly, and furthers other unlawful activity itemized in the Notice of Tort Claim served on you and your clients, with attachments, on May 19, 2022.

Post-Termination Hearing Demand

We have timely demanded post-termination hearing before the full Board for previously terminated clients Withers and Lindenbusch. This is to demand post-termination hearings before the full Board, in person, for the newly terminated clients Boiler and Haarstick.

Since that demand for clients Withers and Haarstick was ignored for more than four months, I don't anticipate scheduling requests for the two new post-termination hearings before the Board will receive any more timely consideration. However, this is to memorialize the demand, and to begin the process of discussion on the practical problems of scheduling that will need to be resolved before any meaningful post-termination hearings can be held.

This is also to insure you understand clearly that *post-termination hearings for each client before the entire Board, in person, are demanded*. I will address in following correspondence your recent suggestion that we consider scheduling discussions for the hearings of clients Withers and Lindenbusch, along with suggestions for the other two, separate hearings for my wife and Ms. Haarstick.

Stolen Property: Threat of Destruction of Employee Property after August 5, 2022

The termination notices of July 29 referenced above state that the stolen property itemized in my previous correspondence to you and other Library counsel will be disposed of unlawfully after August 5, this Friday, if my clients do not pick it up. I can only hope this action was not at the direction or with the blessing of legal counsel.

The theft of property issue ignored by your clients for over a year, and trying resolution by "destruction" of their property known to be in their wrongful possession one week after a retaliatory termination might be the most ill-advised course of action possible given the known and proven facts to date. This edict ignores Idaho statutes which govern disposition of public property (May 10, 2021, Sandra Ashworth, "It's mine now"), Idaho Code which governs disposition of unclaimed property by escheat or otherwise, and the simple elements of First Degree Theft. Why it must be addressed in an obvious retaliation termination case, with a threat in furtherance of already demonstrable unlawful activity by your client to date, can only be explained as deliberate and knowing violation of clearly applicable law.

By giving this deadline of August 5 under threat of property destruction Ms. Glidden has apparently decided to openly defy Idaho Code regulating the disposition of public property, Idaho Code which governs the disposition of unclaimed property by escheat or otherwise, and the obvious application of the Idaho Criminal Code to any open seizure of the property of another with the intent to permanently deprive the owner of the use and benefit of that property. If she does not through counsel immediately retract this portion of the notice sent July 29, she will be engaging in what appears to be deliberate violation of law in order to gain an advantage in a civil matter. Using property destruction as a threat insures the matter will also necessarily become criminal in scope.

- Ms. Glidden has advised the public that she is “out of the office” August 3-4, making time quite of the essence in your consultation with her on this matter.
- She has now furthered known misconduct also by ignoring the duty to preserve evidence, the statutory duties of State agencies and local government entities in disposition of public or private property in their possession or control, and the statutory procedures for escheat and other disposition of public property.
- We also now have direct evidence of her malicious intent in doing so, by witness statement. The statement is not from any Library employee. The witness has been in the facility where at least some of my client’s property has been stored, observing what is there, and speaking with Ms. Glidden about it. Sadly, Ms. Glidden at that time chose to characterize her role in keeping the property in a remote facility far away from the Library (and police presence) as “kind of a reverse hostage situation”. In context of the known safety concerns which you have acknowledged in altering the manner of pretermination hearings last week, you directly acknowledged, her choice of the term “reverse hostage situation” to describe my clients’ inability to recover their own property from a public entity seems both telling, and chilling.
- She has further ignored the evidentiary basis for my client’s claim of theft set forth in detail in our notice of claim with attachments, and failed to address the statutory duty to inventory any public property proposed for destruction or other permanent disposition. Inventory is required. Multiple witnesses not limited to my clients observed the wrongful taking on May 10, 2021. To threaten destruction of that property one week after an obviously retaliatory termination leaves little doubt as to her intent, so let us speak freely.
- This will become a criminal matter if Ms. Glidden by August 5 does not clearly and unequivocally recant this stated intent and provide an inventory of the itemized property which has been located. She must bring it all back from the pig farm/storage facility out of town. If she refuses to inventory it, she must secure it for trial. Anything else is just smoke and mirrors. She is fooling no one.

If neither you nor your client(s) choose to accept this reasonable suggestion to unwind Ms. Glidden from the consequences of her fit of pique in making this threat at the very point of termination, then and in that event I ask that you also carefully consider and address the following facts. Please discuss any explanation of these facts with me in any reply correspondence you wish to send:

- One week ago you and your client claimed no safe place could be found to address my clients valid safety concerns, and therefore completely altered the terms of the pretermination hearing, contrary to law and policy, solely on this basis. Why, one week later, is travel to an unlit, uncooled, sparsely populated vacant area of what appears to be a rural pig barn in the northern Rockies a perfectly safe place for my clients to travel to meet and deal with your clients over claimed stolen property that could put someone in jail for years, given the circumstances? Do you truly see no contradiction between this demand/threat, and your stated “safety” concerns justifying last minute change of such an important evidentiary hearing as pretermination proceedings? Your claimed safety

concerns to date would seem alone to make such a suggestion truly ludicrous, yet Ms. Glidden has not made a “suggestion”. She has issued a threat of destruction of property, in furtherance of known and identified unlawful taking, with the intent to permanently deprive my clients of their property. As I believe you know, that is the textbook definition of theft, a crime.

- This written threat also violates several Idaho statutory provisions governing the identification and distribution of unclaimed property, whether by a public entity or otherwise, and separate statutory provisions for disposition of property which govern any public property, or property in the custody of any State actor in custody of property. Public property may not be destroyed in the manner noticed in these termination documents, nor may private unclaimed property be so treated under Idaho law.
- The termination notice states the property claimed and itemized as stolen must be picked up by this Friday, one week after termination exactly, although it has languished in your client’s care for over a year, despite simple demands for inventory as a condition of recovery. It’s obvious why there is no inventory, it is because the property was taken with the intent to permanently deprive my clients of its use and benefit on May 10, 2021, and your client Sandra Ashworth simply got caught stealing. It is obvious why she threatens to destroy what is known to be in her possession of my client’s property, it is to make inventory impossible. Unfortunately, it is equally obvious that destroying what remains of my clients’ property violates an interesting and comprehensive statutory scheme which governs threatened action of this sort, making the “deadline” of August 5 one that Ms. Glidden should pay attention to, but my clients should not. Is a rape victim required to pick up the clothes torn from her by her attacker if she doesn’t respond to his demand to stop by and pick them up? At an arbitrary time and remote place of his choosing? That in substance is the argument you must defend if you choose to characterize this arrogant threat of unlawful government action if evidence of all prior crimes is not compromised or abandoned by the victims.
- Ms. Glidden giving a threat of destruction of this itemized, stolen property has the practical effect of luring my clients into a remote and rural area of Boundary County a dark unheated, uncooled, unlit, spare area of what looks like a barn, in what appears to be a pig farm barn or outbuilding. It is not a storage facility, it is or once was apparently a pig farm located near residential property owned by Sandra Ashworth. It is unlit, unpowered, dark and inherently dangerous place to have a situation like the one your client has created unfold. I have been there. Given the circumstances and conditions of this “facility”, and the fact it is miles from the Library itself, I can’t think of a more remote or potentially dangerous place one could choose for a hostile situation of your client’s own making. Where is all the stated safety concern of just last week now?

I suggest someone with authority to control Ms. Glidden’s zeal speak with her about the contents of that notice, its implications for her should she follow through on her threat of destruction of property, and its implications for the underlying Federal matter outlined broadly in our Notice of Claim served May 19. In this connection, please understand very clearly that contrary to your recent assertions of merely acting as “point of contact” for the Library District and its various

players identified in the Tort Claim Notice, you have been identified to me by ICRMP as the sole and only attorney representing these insureds. You are their attorney, not their “point of contact”. Even these people have rights of defense. If you don’t think as “point of contact” you can or should discuss the seriousness of this matter and of any one particular insured’s potential liability, then I most strongly suggest you recommend they obtain independent counsel before taking any position on these matters. I don’t consider them trivial and the facts don’t suggest anyone who claims to serve the law should, either.

Thank you for your careful consideration of these matters.

JEFFREY H. BOILER

/s/ Jeff Boiler

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ISB #11476
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Attorney for Dana Boiler, Cari Haarstick,
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August 5, 2022

BY EMAIL (chad.houck@sos.idaho.gov)

Mr. Chad Houck
Chief Deputy Secretary of State
700 W. Jefferson St., Room E205
Boise, ID 83702

Re: Proposed Petition for Recall of Clerk of the District Court
County of Boundary, State of Idaho
Time Sensitive Request for SOS Oversight of Clerk Recall

Our Client: Proposed Recall Petitioner Lee Haarstick

Dear Mr. Houck:

I represent Lee Haarstick, proposed Petitioner for recall of Boundary County Clerk Glenda Poston. A copy of his proposed Petition for Recall of this County Clerk is attached for your review. It is being provided to you in advance of its filing with the Clerk to request assistance by the Office of the Secretary of State in supervising the recall process for Ms. Poston, whose conduct summarized in part below suggests the Clerk's office may not be appropriate under existing law and facts, and may not be also in the public interest. The conduct for which we ask your oversight involves her handling of a series of ballot matters in the last year involving serious issues of public concern.

In my review of elections law and extensive review of past elections data for my client here, Petitioner Lee Haarstick, I have learned that your office is notified in the event of any filing of a Petition to recall a Clerk of the District Court, but I note the website of this Clerk identifies her not only by that title, but also by a variety of other titles, such as Auditor. Some of those titles and functions are not identified in the statutory scheme that I have advised my client are subject to the recall process, such as Clerk of the District Court, but it appears all of them may flow from the authority given by that title as an elected position. Therefore, the enclosed Draft Petition for Recall should be interpreted as a Petition for Recall of the Clerk of the District Court, along with any other office which she claims to hold by virtue of any election.

My reading of the law which applies to recall of a Clerk of the District Court suggests a Clerk, when recalled, is the very person who initially has the ability to deny certification of the Petition against her. This has already occurred in a current recall effort of a local group involving members of the Board of Trustees of the Boundary County Free Library District, which is briefly summarized for your consideration below.

In substance, the situation is this: multiple serious issues of public concern have been voiced by a substantial portion of the Boundary County voting community over the last year involving the discharge of fiduciary duties of the Board of Trustees of the Boundary County Free Library District, and over what appears to be ongoing and systematic violation of election law by the District, apparently tolerated or purposefully concealed by the Clerk's office, over a period of more than two decades. It appears from voting records and other public records my office has obtained prior to the current representation of Mr. Haarstick in his Proposed Petition, enclosed, that at most, only two Trustees serving on the Board of Trustees of the District over more than the last 20 years has actually stood for election. It further appears that one District Director falsely certified that an election for Board Trustee was held, when it actually was not, and that she memorialized this falsehood in writing, which is in my possession. We have verified with the County Commissioners office through public records requests that this alleged election was never canvassed, and no record of a valid election taking place exists.

These and other election records for a period covering the last 40+ years involving this Clerk's office and this special taxing District have been carefully obtained, reviewed, and confirmed through all available archival sources, including private archives and media archives, along with the official records of the Boundary County Clerk's Office and the Boundary County Commissioners.

It appears a method of avoiding elections for these Trustees, whose budget is supplied by County taxes without further County oversight, has been devised, implemented and concealed from the public over an extended period of time, such that at most one, single election has actually been held in more than two decades of Board action. The Clerk's role in furthering this situation is summarized in part below. However, this correspondence is simply to call to your attention the practice currently in use by the Clerk of the County in what appears to be an overt attempt to impair or interfere with the statutory recall process which governs a pending recall effort by others, concerning this particular Board of Trustees. I do not represent that group and do not take this action on their behalf.

Rather, I represent a new Petitioner for a new recall effort, which is against the County Clerk whose activities appear to be designed to further a pattern of activity over time, which both undermines the statutory elections process as it applies to this special taxing District, and appears to be using contacts with your office to justify repeated delays in the recall process for the currently pending recall effort. You will recall last year's effort by another group to recall this Board resulted in your Office identifying a statutory oversight involving recall tallies by Zones, rather than by the entire County voting base, a difference that had the practical effect of making the recall effort at that time much more difficult in terms of required signatures, than the current statutory scheme, which took effect July 1 of this year.

My client's concern and reason for initiating a recall of this Clerk relates directly to what appears from last year's activities, the research over the last several decades of electoral activity by this Clerk's office, which we have now completed, and the now rather open efforts of the Clerk's office, summarized below, which seem clearly to be designed to further a conscious attempt to undermine the pending Library District Trustee recall petitions, and defeat the time sensitive nature of the signature verification process for any recall matter.

In sum, the evidence discussed in part below, and referenced in the draft Petition enclosed for your review, involves a pattern of misleading the recall effort organizers by first discouraging their filing at all; then by imposing what appear to be unlawful conditions to any such filing; then by multiple actions first certifying, decertifying, adding requirements not in the statute; and imposing delays which she attributes to your Office and its consultations with her. This in turn has resulted in multiple petitions

first being certified and circulated thereafter for signature, then “decertifying” them by email or other communication due to technical issues which I assume the 15 day period allowed for Clerk approval is for. In this case, what you see is a repeated pattern involving several recall petitions for specific Trustees being first certified, then “decertified”. Thereafter, if the same signatures are sought on the “new” Petitions using the previously certified language, those signing seem to expose themselves to criminal liability for multiple signatures on a recall petition.

This has already occurred multiple times in the current Trustee recall campaign, which I do not represent. However, this activity and the other questionable practices summarized in this correspondence match quite well the findings summarized in a separate but related matter which has been the subject of investigation and Notice of Claim on behalf of multiple former employees of the Boundary County Free Library District, discussed below. This notice summarizes prominently and in first position the subject of ongoing elections law violations by the District and others over the last three decades, and includes a comprehensive summary, with demonstrative exhibits and other evidence attached showing detail of those violations in particulars, which has been ignored entirely by the District and its representatives, and is soon to be the subject of a comprehensive Federal Complaint filed by my office which will allege elections law violations as part of an ongoing and longstanding policy and practice of this taxing District, and others, to circumvent not only elections law, in a systematic way identified in the Notice, but a wide variety of other State and Federal Law, including violations which have resulted in closure of the Library for safety reasons based in part on tolerated acts in furtherance of terrorism, and concealment of known dangers to children in the Library from sexual predation.

This activity has been analyzed by my office over a period of about two years, culminating in a Notice of Claim served on the District in the manner required by law on May 19 of this year. It contains a narrative of 25 pages, and approximately 265 pages of detailed chronologies of unlawful activity, including in first position unlawful conduct of elections over time, all of which necessarily also could involve the Clerk’s office, but which our Notice did not do, and did not anticipate. However, it now appears from Mr. Haarstick’s desire to file a Petition to Recall the Clerk and the reasons given, that this pattern of ongoing activity designed to improperly influence the outcome of elections for this taxing District includes the Clerk’s office.

Because from my review of elections statutes which your office administers, it appears that notice of the filing of any petition to recall a County Clerk in this position is given to your office, this is in part to satisfy that requirement, although my client will duly provide notice to your office of the actual, filed copy of the completed Petition to Recall Clerk of the Court Glenda Poston once it is filed in the near future.

However, pending that notice, I respectfully request your office to review this correspondence and attachments carefully, along with the narrative of the Notice of Claim referenced above, enclosed without the evidentiary attachments of 265 pages, in order to clarify to this Petitioner and the general public of Boundary County whether the Secretary of State’s office will *actually oversee* the electoral process for recall of any County Clerk, and particularly this one, given what appears to be a statutory provision which seems to intend a Clerk cannot oversee her own recall without creating, in these factual circumstances, both the appearance of impropriety, and actual conflict of personal interest with her public duties.

The evidence summarized herein seems clear enough in several particulars to invoke any jurisdiction the Secretary of State may have by statute or as an inherent governmental power in matters

such as this to simply oversee and promptly intervene in the tactics of delay and decertification employed by this Clerk in the pending recalls to date. The Notice of Claim and the evidence attached to it make the matter yet clearer. All my client and the people attempting to voice their concerns by recall wish to do is have a fair process free from the type of ongoing interference which seems apparent from the Clerk's record in the conduct of pending and past recall efforts of the Board of Trustees accused of wrongdoing in our Notice to date.

No Pecuniary or Personal Interest

I have been asked to undertake this representation of Mr. Haarstick and others supporting his decision to pursue the attached recall of the Clerk due to my familiarity with the personnel and evidence compiled in our investigation of the underlying legal issues outlined in a Notice of Claim served on representatives of the Boundary County Free Library District over the last year. My representation of the complaining parties in that matter, resulting in my authorship of the attached Notice of Claim served May 19 of this year, was also undertaken *pro bono*, because it involved specific and credible threats of harm to children and to the general public, and what the evidence suggests is a pattern of unlawful activity by the Boundary County Free Library District in several particulars, all supported by direct evidence summarized in detail with the Notice of Claim itself. This was done to provide the public direct notice of specific activity which had and has a direct impact on first their safety, and second, their extensive taxation for a District whose administration has in substance engaged in gross mismanagement of elections and other public trust, for a very long time.

This is to say: my client's interest, and my own, is not about money or power, or partisan politics. It is simply a cry for State assistance by oversight of an electoral process in Boundary County which the evidence suggests is in dire need of oversight. I mention my *pro bono* status only to demonstrate that this is a serious matter of public concern, not just a spat in a small town between competing groups. This is serious, and the jurisdiction of your office can help mightily by simply injecting a mandatory oversight component into the "notification" requirements for Petitions to Recall County officers of this type.

No Court Filed Related Matters

There are currently no filed court proceedings involving the issues set forth in the enclosed draft Petition or the above-referenced Notice of Claim, and none are foreseen in connection with this request for your office to assume supervision of any proposed recall of Clerk Poston.

Specific Conduct for Consideration: Chronology of Events

The following is a chronological summary of events giving rise to Mr. Haarstick's decision to seek immediate recall of the County Clerk. It pertains *only* to events summarized in the verbatim Petition statement below. The succinct following statements of the Clerk, which were obtained prior to these chronological events summarized below, are perhaps the most telling, however.

In response to my office's contacts with the Clerk in conducting the underlying investigation of election irregularities evidenced by the attached Notice of Claim and exhibits, in my presence and the presence of a second witness, the Clerk uttered these exact statements in response to our lawful requests:

"What does it matter? Nobody cares about the Library anyway."

This statement was uttered this year, before the filing of any recall petition. *Last year* the Library was closed for never-disclosed reasons for nearly 3 months due to emergency public safety concerns. These concerns were never disclosed to the public, but closed the facility for three months, when it was reopened, and miraculously, the Petitions to Recall were all immediately lifted. No public scrutiny in fact occurred by election, although hundreds of signatories had signed the recall petitions by that time. Therefore, the Clerk's good offices were not necessary in order to delay or obfuscate the orderly collection of signatures, as is the case this year.

The following is a chronological summary of events giving rise to Mr. Haarstick's decision to seek immediate recall of the County Clerk:

- On June 28, 2022, five members of the community met with the Clerk at the Armory to initiate the process of recalling the Library Board.
- At that meeting the Clerk was unable to answer the simple questions posed, provided them with misleading information and actively discouraged the group from starting the recall. She would only allow one of the members of the group to speak. They were informed that she would contact the Secretary of State's office for clarification and she would get back to them.
- The group went ahead with the Intent to Recall Petitions while they awaited a response. On July 11, 2022, the petitioner's attempted to turn in the Intent to Recall Petitions for three of the four zones that were completed for approval. ***The Clerk would not allow them to turn in the Petitions, stating that she needed to have all the zones at the same time.*** There is no such provision in any statute I can discern which may apply to this statement. The group asked for legal authority and she could not provide any.
- At some time thereafter, they received a phone call from the Clerk's office stating they could turn in the zones that were ready, a complete abandonment of the earlier declaration of the Clerk. The basis for this false declaration is unknown.
- The Clerk did not thereafter provide the Petitioners with any response to their questions from the Secretary of State's office until **July 12, 2022**, about two weeks after the initial meeting where recall was openly discouraged by the Clerk, ***even though*** she had received a response from the Secretary of State's office on **July 5, 2022**. Time was of the essence and the Clerk knew it, if the recall were to be on the November ballot.
- After the Petitions were received by the Clerk for Zones 1, 2 and 5, thereafter the Clerk advised the recall petitioners that the *names* needed to be changed to include *aliases*, even though past filings of the named Trustees from previous elections records reflect no such requirement to their previous "elections".
- At the same time, the Clerk advised the group to *redo* the Petitions and gather signatures again. They did that and resubmitted *the same day*.
- The Clerk then certified the Petitions and issued approval letters for zones 1, 2 and 5 on July 12, 2022. ***Volunteers were provided the certified and approved Petitions and began collecting signatures at a meeting that evening.***
- The following day, July 13, 2022, the Clerk contacted the recall group and told them she found "errors" in the Petitions she had already certified and approved the previous day, suggesting she certified the Petitions either very casually, or for the express purpose of again causing a stop and start of the entire process. This tactic is also suggested by the subsequent actions of the Clerk, below. Since such a requirement could clearly have been addressed in the initial June 28 meeting with the recallers and the Clerk, her use of it here strongly argues for intent to delay as the purpose for raising this issue more than two weeks into the process she knew was taking place.

- At that time, the Petitioners were advised they would need to redo all the Petitions. On July 14, 2022, the Clerk certified and approved the Intent to Recall Petition for Zone 4 and gave the approval letter, however, **that approval letter contained the wrong date** for the deadline to submit the final Petitions—making the deadline earlier than it actually was by statute.
- On July 15, 2022, the recall group resubmitted the Petitions for Zones 1, 2 and 5 with the 20 signatures **again**.
- On July 18, 2022, the Clerk’s office called and told the recall group that she found **errors in the certified and approved Petition for Zone 4** and it would need to be resubmitted with the 20 signatures again. She had certified the Petition she now “decertified”, without apparent statutory authority to do so.
- On July 19, 2022, the Clerk sent a new approval letter for Zone 4.
- On July 22, 2022, the Clerk called and said she found **errors in Zones 4 and 5 and they would need to be resubmitted with 20 signatures again. By this time there have been at least four instances of certifying and approving Petitions, issuing approval letters and then decertifying the Petitions.** During that time, volunteers had already gathered signatures, gone back to voters sometimes three times asking them to resign Petitions that were approved and then decertified, thereby potentially exposing each voter signing twice, even in good faith, to criminal liability under the Idaho Elections Code.
- There is no longer a comprehensive list of volunteers circulating Petitions and therefore no way to call back all the decertified Petitions, making this exposure to multiple signing criminal liability permanent and ongoing.
- Currently, there are volunteers circulating decertified Petitions, and volunteers going back to community members asking to sign new Petitions up to three separate times.
- Permanent harm to the recall effort and to those supporting it, or signing a Petition in support of it, has now therefore been created by the Clerk charged by statute with administration of recall elections of this character. As a practical matter, with the last set of “de-certifications”, a practice nowhere apparently discussed in statute, there is therefore now a hesitancy for voters to sign new Intent to Recall Petitions because some have already signed them three times. Voters have expressed public concern that because of these either negligent or deliberately obstructive acts and omissions by the Clerk in the administration of the current pending recall election for the Board of Trustees of the Library District, they may be committing a felony if they sign. It is a textbook example of how to deprive the people of the use of the recall remedy to effect change when elected officials engage in behavior that animates recall from a sizeable public plurality.
- The Petitioners, volunteers and signers of the Petitions for Recall have been subjected to numerous threats of violence, intimidation and slander. For example, here is the verbatim account from two elderly women collecting signatures on a Saturday morning:

On July 16th, in mid-morning of getting petitions signed in the foyer of Super 1, Lee Colson (Library Trustee subject to current recall effort) came in the door of the store and came directly to me, and began hassling me. He asked me if I knew who he was. Even though he was unshaven, had what looked like an old tee shirt on and a baseball cap, I said that you are Colson, and blamed me for trying to recall him from his Zone 5 position. I reminded him that he said at the June 16th Trustee board meeting that children should have access to all information in the library including pornography and inappropriate books for those children. I let him rant on and basically told him that he had a right to his opinion and “We the People” have the right to disagree with him and to recall him from his position. He

continued to rant on for about 10 minutes and I advised him that people were trying to sign petitions and to please leave. He continued for a few more minutes. He went inside the store and had two other men with him when he reentered the foyer and stayed in front of me about 2 feet away from the table for quite some time, interfering with the public trying to get to the table where we were getting signatures. He was confrontational during this incident but not aggressive enough for me to worry about him causing me any danger. With my prior law enforcement training, if he had threatened my or Fay's life, I had my cell phone and would have called 9-1-1. If he had posed a deadly threat, I was armed and ready to protect both my and Fay's lives if necessary. Luckily his angst towards me in particular did not cause me any issue that I did not feel I could handle even though I will be 75 years old on August 5, 2022. However, if his behavior continues when and where we are getting signatures I will get a restraining order against him, especially since he was interfering with our recall effort. Actually, I believe that Fay was much more worried about Colson than I was. He finally left the foyer and I have not seen Colson since.

Although this chronology is by no means exhaustive of the reasons why this election requires supervision by your office it is a representative sample of conduct far worse involving public officials outlined in the Notice of Claim referenced above.

Draft Petition Language Verbatim

For ease of reference in your review of this correspondence, the following is the verbatim 200-word statement proposed by the Petitioner in the enclosed draft Petition:

As Chief Elections Officer for Boundary County, Glenda Poston failed to notify the public of vacancies in Library District seats allowing incumbents to unlawfully remain in office, failed to hold elections for the Library District, failed to maintain an accurate election calendar, withheld and concealed non-exempt public records that evidence wrongdoing, failed to verify Library Trustees' authority to serve, and in response made statements that disregard the public interest such as "Nobody cares about the Library anyway" and "I need to protect my employees." Due to these conflicts of interest that implicate her in the crimes of election fraud as it pertains to the Library District, it appears the Clerk may have intentionally interfered with and obstructed the Library recall process by discouraging Petitioners from conducting a recall, falsely certifying Petitions and decertifying approved Petitions multiple times, providing inaccurate, misleading information to Petitioners on timing deadlines, all in an attempt to delay the process and further aid and abet the Library District's previously documented acts of election law violations. In so doing, she has caused voters to sign multiple versions of Petitions, exposing them to criminal liability, and thereby prejudicing the entire recall effort. Specific evidence suggests this is a deliberate course of action.

Action Requested

Because of this appearance of impropriety in the conduct of the Board Recall Petitions by Clerk Poston. I respectfully request on behalf of my client, Lee Haarstick, that you consider exercising any lawful discretionary oversight of the Petition process involving the recall of both Glenda Poston and any

member of the Board of Trustees of the Boundary County Free Library District, at any time, and similarly exercise oversight over any decisions by the Clerk, in addition to those summarized above, which may result in further prejudice to the recallers' ability to obtain signatures without exposing the public to criminal liability. Clerk Poston has already certified then decertified the current recallers Petitions multiple times, without any apparent statutory authority to do so, resulting in loss of weeks of signature gathering efforts and exposure of members of the public to criminal charges for signing a recall petition multiple times. I therefore appeal to you to most carefully review and consider all the facts and circumstances giving rise to this request for oversight of Clerk recall, before making any final decisions.

Proposed Clerk Recall: Status and Timing

The Petition for Recall of Clerk Poston will be filed with the Clerk by August 8. It will be copied to your office next week as statute requires, but your guidance on what to expect under your interpretation of applicable law with regard to supervision of this new Petition will be very helpful to the public interest my client here represents. More importantly, such action would be in the clear public interest.

Therefore, Mr. Haarstick respectfully requests your personal review of and response to this document and the issues thereby presented at your earliest convenience. My contact information is set forth in the letterhead above, and I will put you in touch with Mr. Haarstick directly if you believe that would be helpful to your initial analysis of this matter.

The matter is very time sensitive for a variety of reasons, so I am therefore writing to you in advance of the actual new Petition filing for guidance on how the "notification" requirement for service on your office of the attached Petition will be interpreted, once the fully executed Petition is filed. This is the reason I am sending you this unfiled but completed Petition at this time, in the form which it will appear next week when tendered for filing with Clerk Poston.

A copy of the entire Notice of Tort Claim document with all exhibits discussed above can and will also be provided to you immediately by my office email upon request. A copy of the narrative 25-page statement of Claim is enclosed for your consideration.

Thank you for your service to the people of the State of Idaho, and for your earliest convenient attention to this matter. Please feel free to contact me if you have any questions.

JEFFREY H. BOILER`

/s/ Jeff Boiler

Jeffrey H. Boiler

ISB #11476

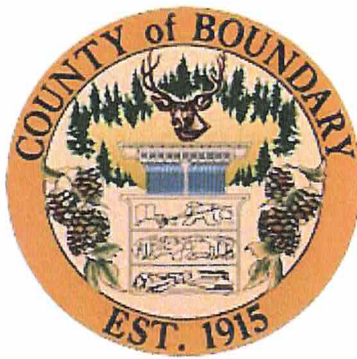
OSB #830219

Attorney for Proposed Petitioner,

Lee Haarstick

JHB:jb
cc: Client
Enclosures

Glenda Poston
Clerk/Auditor/Recorder
Boundary County Courthouse
E-mail: gposton@boundarycountyid.org



Court 208-267-5504
Auditor 208-267-2242
Fax 208-267-7814

BOUNDARY COUNTY
P. O. Box 419
Bonners Ferry, ID 83805

September 6, 2022

Lee Haarstick
552 Goat Mountain Road
Bonners Ferry, Idaho 83805

Dear Mr. Haarstick,

I have attached my approval of the presented forms for the recall petition for the Boundary County Clerk of the District Court.

The approved petition for recall must be perfected with the required number of signatures within 75 days of this date or 11-21-2022.

Things to remember:

1. Approval from the County clerk's office of the recall petition date of 9-6-2022.
2. Signatures necessary for the recall of the Clerk of the District Court for Boundary County-1287
3. The Boundary County Clerk's office has up to 15 business days to verify petitions.
4. In the event that a petition filed with the County Clerk's office is found to contain the required number of certified signatures, the County Clerk's office shall promptly provide written notice to the officer being recalled, and the petitioner, informing them that the recall petition is in proper form.
 - a. If the officer being recalled resigns their office within 5 business days after the notice from the county clerk's office, their resignation shall take effect on the day it is offered, and the vacancy shall be filled as provided by law.
 - b. If the officer being recalled does not resign their office within 5 business days after notice from the county clerk's office, a special election must be held on the date prescribed in section 34-106. The special election shall be conducted county wide.

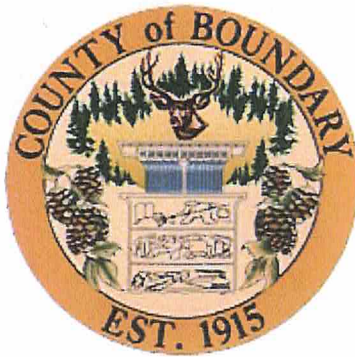
Respectfully,



Cherry Grainger

Boundary County Deputy Clerk & Elections Director for Glenda Poston, Clerk of the District Court

Glenda Poston
Clerk/Auditor/Recorder
Boundary County Courthouse
E-mail: gposton@boundarycountyid.org



Court 208-267-5504
Auditor 208-267-2242
Fax 208-267-7814

BOUNDARY COUNTY
P. O. Box 419
Bonners Ferry, ID 83805

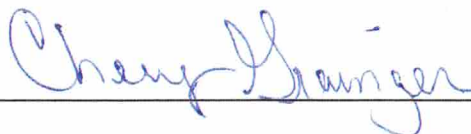
September 6, 2022

I, Cherry Grainger, Deputy Clerk and Elections Director, for Glenda Poston, Clerk of the District Court of Boundary County, Idaho, do certify and approve the recall petition form submitted to me for:

Glenda Mary Poston

Boundary County Clerk of the District Court

The attached petition for recall must be perfected with the required number of signatures within seventy-five (75) day following the date of my signature below.

 September 6, 2022

Cherry Grainger, Deputy Clerk and Elections Director for Glenda Poston, Clerk of the District Court, Boundary County, Idaho

RECALL PETITION: To the Honorable Glenda Mary Poston, County Clerk for the County of Boundary, Idaho: We, the undersigned citizens and registered electors of Boundary County, respectfully demand that Glenda Mary Poston, holding the office of County Clerk, of the County of Boundary, be recalled by the registered electors of the County of Boundary for the following reasons:

As Chief Elections Officer for Boundary County, Glenda Poston failed to notify the public of vacancies in Library District seats allowing incumbents to unlawfully remain in office, failed to hold elections for the Library District, failed to maintain an accurate election calendar, withheld and concealed non-exempt public records that evidence wrongdoing, failed to verify Library Trustees' authority to serve, and in response made statements that disregard the public interest such as "Nobody cares about the Library anyway" and "I need to protect my employees." Due to these conflicts of interest that implicate her in the crimes of election fraud as it pertains to the Library District, the Clerk has interfered with and obstructed the Library recall process by discouraging Petitioners from conducting a recall, falsely certifying Petitions and decertifying approved Petitions multiple times, providing inaccurate, misleading information to Petitioners on timing deadlines, all in an attempt to delay the process and further aid and abet the Library District's previously documented acts of election law violations. In so doing, she has caused voters to sign multiple versions of Petitions, exposing them to criminal liability, and thereby prejudicing the entire recall effort. Specific evidence suggests this is a deliberate course of action.

That a special election therefor be called; that we, each for himself say: I am a registered elector of the County of Boundary, my residence, address including county, and the date I signed this petition are correctly written after my name.

	Signature	Printed Name	Residence (Street and Number)	County	Date
1					
2					
3					
4					
5					
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7					
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9					
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State of Idaho)
) ss.
 County of Boundary)

I, _____, swear or affirm, under penalty of perjury, that I am a resident of the State of Idaho and at least eighteen (18) years of age; and that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signature sheet correctly, and that the person was eligible to sign the petition.

(Signature) _____ Address _____

Subscribed and sworn to before me this ____ day of _____, 2022.

 Notary Public, State of Idaho
 My Commission Expires: _____

JEFFREY H. BOILER

Attorney-at-Law

A Sole Proprietorship

*Licensed in Idaho and Oregon

P.O. Box 877

Bonnors Ferry, ID 83805

Phone Contact: 1-208-946-0095

Website: www.boilerlawfirm.com

Attorney

Jeffrey H. Boiler*
jboiler@boilerlawfirm.com

Paralegal

Dana L. Boiler
dana@boilerlawfirm.com

September 12, 2022

BY EMAIL (cericson@icrmp.org)

**Carl Ericson
Senior Legal Counsel
Idaho Counties Risk Management Program
PO Box 15249
Boise, ID 83715**

**Subject: Boundary Free Library Appeal of Notice of Non-Renewal
Effective October 1, 2022
Objections to Appeal and Proposed Extension of Coverage Dates**

Related Claim: Notice of Tort Claim of Objectors dated May 19, 2022

**Objectors: Eric Lindenbusch, Cari Haarstick, Christine “Mac” Withers,
Dana Boiler, Jeffrey H. Boiler**

Dear Mr. Erickson:

This correspondence is to memorialize citizen objections of Eric Lindenbusch, Cari Haarstick, Christine “Mac” Withers, Dana Boiler and myself, to any accommodation of the appeal of the Boundary County Free Library District (hereafter “District”) relating to ICRMP’s notice of non-renewal of liability coverage served on the District in early August of this year. The information contained in this correspondence and all attachments tendered with it is factual and bears directly on any representations offered by the District in support of their appeal, which at public meeting of the District was announced as taking place tomorrow, September 13.

Public and Private Interest Identified

In both public and private interest, the Objectors as citizens and taxpayers of this taxing District object to any decision revoking, modifying or extending the time for expiration of ICRMP liability coverage for this insured, on grounds of serious and ongoing adverse claim developments since the Objectors served a Notice of Tort Claim on the District and its legal representatives on May 19 of this year. **This is not intended only as claim correspondence**, we do not surrender our

rights under the First Amendment by calling attention to the serious matters of public concern set forth in our Tort Claim Notice of May 19, which I authored.

Therefore, as Objectors and not merely claimants in the underlying matters, the Objectors identified above respectfully request that ICRMP consider this correspondence, the attachments to it transmitted herewith, and the entire record of Notice of Claim in the above-referenced related claim served May 19 on your insured, before taking any final decision relating to this appeal by the District. Any accommodation of the appeal by the District of the decision to non-renew will have long-ranging and very expensive impacts, which demands attention to the truth of the matters touched on here. We suggest and request that ICRMP manage this correspondence and its disclosures in a way most calculated to result in full public knowledge of all the statements contained or incorporated by reference in this document.

Objectors also request and strongly suggest that ICRMP supply a full and complete copy of this correspondence and all attachments to it to any ICRMP file relating or pertaining to the claims of Objectors against the District, at any time. We further so suggest such copies be supplied in response to any inquiry by a potential liability insurer other than ICRMP for information relevant to any application for liability insurance by the District, or its successor(s) agencies, and any underwriting decision made or to be made by any potential insurer of the District, by whatever name known, at any time.

Incorporation by Reference

All the matters of fact alleged in the above-referenced materials are fully incorporated to these objections, by this reference. These include, without limitation, the Tort Claim Notice of May 19, 2022, the attached digital files discussed in part below, the record of all correspondence and pretermination hearings or other proceedings relating to the Objectors herein arising out of their former employment by the District, and any supplemental or related other notice of claim the Objectors may make at any time in the future against any ICRMP-insured individual or agency which is or may become insured by ICRMP or its agents.

Adverse Claim Developments as Matters of Serious and Widespread Public Concern; Impact on Other ICRMP Insureds

The appeal of the District to ICRMP set for September 13 clearly appears to be a matter of serious public interest and concern, and has been the subject of noticed public meetings of the Board, which many attended and have been recorded. However, the District's Trustees have not yet disclosed to the public the true reasons for ICRMP's decision to non-renew, and in fact have misled them by both word and action between May 19 and the present. The District through its various agents have minimized, misrepresented or mischaracterized the potential availability of replacement insurance and the viability of this appeal, and have not disclosed to the public the fact that ICRMP's decision to non-renew the District's policy was the subject of careful consideration by the ICRMP Board on July 26, 27 and 28 of this year. The known adverse claim developments as a result of the District's actions prior to those dates in July was necessarily considered by the ICRMP Board at that time. It obviously resulted in the initial decision to non-

renew the District's liability policy expiring at midnight September 30.

The evidence available to these Objectors, who are also claimants in their capacities outlined in the May 19 Tort Claim Notice, now goes *far beyond* the concerns already articulated by the May 19 tort claim notice. Some of that evidence is summarized in part below because it is a false narrative designed to mislead not only the patrons of the District and the taxpaying public, but also because it is in part designed to conceal from ICRMP itself the nature and extent of the ongoing and deliberate misconduct and unlawful action that now gives rise to new claims, and a supplemental notice of claim to be served prior to October 1.

The evidence of District misconduct and actionable behavior exposing the insurer to both triple damages under RICO claims and involvement of other ICRMP-insured Defendants also now supports a second and supplementary Tort Claim Notice by the Objectors as claimants, which will be served on the insurer and the District in the manner provided by law prior to October 1, 2022.

This evidence, discussed in part below, further supports *new* ICRMP-insured agencies being joined in the action outlined broadly in our Notice of Claim served May 19. Initial Claims Notices against the Boundary County Sheriff's Office and Clerk of the Boundary County District Court have now been investigated, and the evidence in support of them, discussed only in passing and by way of example below, as a result of this ongoing District misconduct will be the subject of a separate and additional Tort Claim Notice against those agencies and certain other ICRMP-insured individuals acting in active concert and conspiracy with the District and its agents to further and conceal the unlawful conduct giving rise to the initial notice of claim. Thus, between May 19 and the present appeal hearing date of September 13, the same District which now seeks to minimize its initial misconduct by seeking "appeal" of non-renewal by ICRMP, has undermined ICRMP's own bottom line and exposed it to further claims which seem destined to be stated in the millions of dollars, not thousands.

These actions may well give rise to ICRMP's need to review of the role of those agencies and their indemnifiable individual insureds due to adverse claim development involving their role in furthering the District's unlawful conduct complained of thus far. All of this has occurred as a result of monstrous mismanagement and substitution of prideful and personal interests of those responsible to the public as Board Trustees and Director of the Boundary County Free Library District.

Therefore, any representations by District personnel at any appeal of non-renewal should be weighed by ICRMP against the immediate adverse claims development which will result from that reliance on the District's version of "the facts" they may offer in support at any appeal hearing regarding the non-renewal decision.

Additional Facts for Consideration on Appeal of Non-Renewal

Evidence obtained by my office as a result of our ongoing investigation into the misconduct of the District, its employees, Trustees and other agents, is summarized in part below, and is only by way of example. Evidence in support of each and every allegation, as ICRMP has apparently concluded by its decision following consideration of these matters July 26, 27 and 28, is neither spurious nor

frivolous, and the lawlessness evident in the Notice of Claim considered by ICRMP at that meeting has compounded itself in both quantity and gravity of the harm being cause. This is something to carefully note before taking any final action in favor of an appeal of the non-renewal decision by the ICRMP Board as a result of its July deliberations.

The evidence of ongoing and seriously damaging misconduct by the District, its Board and its now-former Director Glidden, will be the subject of a detailed Supplemental Tort Claim Notice I will serve on behalf of the Objectors prior to October 1 of this year. That evidence, summarized only in part below, demonstrates beyond any reasonable doubt that since May 19, your insureds have openly defied the law and the valid interests of ICRMP, as its primary liability insurer. They appear before you on September 13 in an effort to minimize a truly disastrous liability picture they have painted for ICRMP to handle, even making publicly cynical statements that they had as a Board nothing to worry about, since “insurance would pay”. That, in a nutshell, describes why granting any appeal of the non-renewal decision is not only not indicated, it could well spell financial disaster on a variety of levels, and have lasting effects far beyond Boundary County.

Summary of Post-Tort Claim Misconduct by the Insured District

All since May 19, 2022, the District, its Director, Kimber Glidden, former Director, Sandra Ashworth, and members of the Board of Trustees (see summary of Trustee Lee Colson misconduct, attached) have, using verbal harassment, hate speech, physical intimidation in public places, unlawful recall elections interference and open abuse of official Library District social media, acted in furtherance of an ongoing conspiracy to violate both Idaho and Federal law, in all the particulars outlined in detail in our Notice of Claim served May 19, 2022. In doing so, they have used overt physical threats and intimidation, and have utilized the lowest forms of misrepresentation, concealment, cynical manipulation of facts, and false statements to national media (CNN; MSNBC, among others, see attached digital files), all in an effort to continue without interruption the unlawful activity outlined in detail in the Notice of Claim of May 19. The conduct has worsened and expanded into active use of other agencies to assist in their unlawful activities, which in turn has led us to evidence which shows clearly that several vital government agencies of the County who are ICRMP-insured are, in some way complicit in the initial and ongoing, worsening climate of fear and falsehood which best characterizes the discharge of public trust for each of the involved agencies.

A brief summary follows on this point, which will be supplemented by this office prior to the present deadline for expiration of coverage at midnight on September 30.

Given this ongoing penchant to “double down” on an already indefensible position by the District gives rise to serious public questions about why ICRMP can or should provide liability insurance to any agencies participating in this serious and ongoing breach of trust. This is not a personnel matter, as the District is wont to represent through its minions and even in official communications. It is unlawful conduct of the most serious order that can be found in any governmental agency, anywhere.

This is not a case of “we just don’t do things like that ‘round here, savvy?” ICRMP has been insuring a rogue agency with many tendrils, also ICRMP insured, and the time for a factual accounting as to why has come by virtue of the District’s appeal of non-renewal.

Any denials of this fact by District representatives behind closed doors should be viewed with distrust and not accepted as factual absent clear and convincing, specific and direct evidence to the contrary admissible in a Federal civil proceeding.

Without fear of contradiction the Objectors say in one voice, there is no such evidence. There is only deceit, generalization and an ongoing pride so deeply rooted that it will not even attempt to save itself for fear of loss of face. Now is the time for ICRMP Directors to ask District representatives, plainly and without reference to family or personal loyalties: Why?

Supplemental Notices of Claim

The Supplemental Tort Claim Notice referenced above will also add further misconduct in support of these post-May 19 actions by the Board of Trustees, by and through the agency of ICRMP-insured agencies including, without limitation, the Boundary County Sheriff’s Office and Clerk of the District Court of Boundary County. These ICRMP-insured agencies are therefore necessarily involved in assessment by ICRMP of any appeal of non-renewal of the District due to adverse claim development. They are, in fact, in part responsible for that adverse claim development. A separate initial Notice of Tort Claim against those agencies and certain of their representatives, employees, officials and agents will be served under separate cover from the Supplemental Notice of Claim referenced above, within the time provided by law, and to the extent required by law. It will be similar in form and attention to detail as the Notice of Claim served on behalf of the Objectors on May 19 of this year.

For the purposes of these objections to appeal by the District of the decision to non-renew, however, please be advised that the Clerk of the District Court for Boundary County is currently under recall acknowledged and duly issued for signatures as of September 6, 2022. Review of the 200-word statement setting forth reasons for the recall of the Clerk may be instructive during ICRMP’s deliberations on the District’s appeal scheduled for September 13, since elections fraud is the first issue discussed in the Tort Claim Notice against the District served May 19. It shows an ongoing and specific effort to unlawfully conceal and manipulate the statutory recall process, another aspect of elections fraud not discussed in the Tort Claim Notice. It has been deliberately initiated since late June of this year by the Office of the Clerk, in order to aid and assist in the misconduct giving rise to some of the liabilities of the District outlined in the Tort Claim Notice of May 19. Please take this newly initiated recall and the reasons for it in your deliberations over any attempted appeal by the District of ICRMP’s decision to non-renew.

A true and correct copy of the filed Petition for recall of the Boundary County Clerk of the Court of Boundary County is attached hereto, and fully incorporated by this reference. The 200-word statement of the Petitioner in that matter, who is not a tort claimant or an Objector identified in this correspondence, may also provide additional insight to ICRMP in its assessment of any representations of the District concerning a separate recall of four members of the Board of Trustees of the Library District. That recall was initiated and is maintained by separate Petitioners

whose issues and identities are completely separate from those of the Petitioner for Clerk Recall, and shows how the District and Clerk worked together to achieve delay of recall efforts against the Board of Trustees. The Clerk recall statement is related to the activities of the District complained of relating to elections fraud, the first issue discussed in the Tort Claim Notice of May 19, and shows an ongoing effort after May 19 to violate elections law in an effort to conceal the wrongdoing specified in the original May 19 election fraud Notice of Claim allegations.

Facts Supporting Bad Faith Toward ICRMP Contractual Obligations as Basis for Appeal

Any relief ICRMP may consider on appeal by the District of the decision to non-renew should also be weighed for factual accuracy and credibility given the actions of the District in conduct of its Director, Kimber Glidden, its I.T. staff, including former Interim Director Derrick Grow, and other known agents of the Board and former Director Sandra Ashworth in its dealings with local, regional and national media since service of the initial Tort Claim Notice of May 19, 2022, and as recently as last week. Examples include:

- Since May 19 and as recently as the last two weeks prior to this appeal hearing by the District, Director Glidden has maintained the District's Facebook website containing a wide variety of hate speech, threats, including threats of physical violence against recall proponents seeking Board of Trustee recall, all of which is under investigation by the Idaho State Police.
- This hate speech and overt threatening behavior was encouraged by Glidden to reinforce a false narrative by Glidden, reported nationally on CNN, MSNBC and other media, that she was threatened by "militant, extremist, Christian fundamentalists", who threatened her by blowing a shofar prior to two Board meetings, outside the venue, and by quoting Scripture verbatim at one Board meeting. I was present personally at each. To say her characterization of these events was a deliberate falsehood designed to cynically manipulate public opinion by means of deceit is no overstatement. Links to some of her most interesting and revealing statements in this regard are attached for your consideration. She announced in advance her intent to resign September 10 and take "four of six" remaining Library employees with her. No one knows for sure how many did leave with her, because one of them was the I.T. "manager", and no one is apparently left to try to retrieve and undo the destruction or concealment of misconduct by inexplicably closing the official Library Facebook page. The public also has no way to know of changes in meeting or other public notices via the official website, formerly maintained by my clients, and now maintained by Derrick Grow, former Interim Director, who walked off the job Saturday by pre-planned arrangement with Glidden, announced in media days before, "in solidarity" with her "victim" status...
- Fortunately, screen shot copies of most of the salient records showing malice and encouragement of threats and violence against the recall proponents and those who sympathize with them were carefully obtained in advance of her unexplained destruction and concealment of these public records.

- The threats were actually encouraged by Glidden on the official District Facebook page, used for years for public notices of all kinds, not as a gabfest location for anyone to use to lend credibility to their own points of view. It was an official Library District site, yet on demand former Director Glidden specifically and with Board support and ratification refused to take down the written threats, while providing no proof of “threats” she managed to tear up over on command while enjoying her five minutes of fame on CNN and MSNBC recently. The cynicism and hypocrisy of her actions, and the actions of those “walking” with her, with Board approval, is there on tape for all to see. Please take whatever denials are offered in this regard with that factual representation firmly in mind.
- The hate speech and specific threats against her opponents seeking Board recall to be was deliberately and *continuously* posted up to and through September 10, her last day of work. She announced publicly in advance of her impending resignation, and a copy of her discussion of her intent on national media, at that time to take four of six Library employees “with her”, is available on request. One of the Objectors identified here was even invited to have her ears cut off and shown the door to our fair State...all as former Director Glidden cheered it all on. It was an insurable Defendant at the absolute worst case scenario moment, and no one from the Board cared or objected. It was shameful.
- Perhaps more shameful and telling of abject disinterest in the public welfare as well as the welfare of employees, this leaves the Library Tuesday morning September 13 with only three part-time employees, none supervisors, and no Director. There is irony in the notion that as the doors open (or remain closed) on September 13, Chairman of the Board Blanford should be proudly presenting his case for appeal.
- On September 10, three former employees, all named or specifically referenced as named Defendants in the Tort Claim Notice of May 19, all of whom had engaged in hostile or violent speech and conduct against both my clients in that matter, and against all seeking recall of District Board members, walked out with Glidden. On leaving, the years-long site was taken down without public notice or explanation. In short, three days prior to the ICRMP Board’s consideration of the District’s appeal of the Notice of Non-renewal, she intentionally destroyed evidence, using already named individuals in the Tort Claim Notice to help her accomplish this. *She planned this*. While of course we had screen shots of those portions of that record most demonstrative of her intent to use Library resources for her own personal and private gain and protection, the conduct should be quite relevant to ICRMP’s consideration of any reasons given why the District “deserves another chance”.
- They do not. They are scofflaws and have endangered individuals seeking lawful redress, deliberately misrepresenting facts suggesting she was a “victim”, but knowing she has not and took no action consistent with this stated “victim”: status at any time...until CNN and MSNBC gave her 5 minutes of fame.
- Glidden’s statements on national media have been carefully preserved and copies will be provided to ICRMP of the most salient quotes by Glidden, showing the District’s ongoing scheme and plan to continue its unlawful conduct as alleged in the May 19 Tort Claim Notice, for the purposes of any appeal of non-renewal, on request.

- Those national media statements of Glidden made within the last few weeks are trumped in both hypocrisy and desperation only by those national media comments of one identifying himself during our investigation as “an agent of ICRMP”, a former Mayor, who characterized the hundreds in support of the current Board recall as “Nazis”, among other things. Our factual investigation confirms that this outspoken and self-styled “agent of ICRMP” isn’t a stranger to attempts at discouraging the truth coming out, even with local media, but we have confirmed he reports failure to the Board of any attempt to secure other insurance, despite his well-known familiarity with such issues by virtue of his longstanding career as a local broker.

The obvious intent of the Board through its former Director to tamper with evidence and to destroy years of public records accessible through the site mysteriously taken down by Glidden and her henchmen on her last day of work, September 10, seems clear.

This conduct giving rise to further and most serious adverse claim development by the District is only a few days old.

Conclusion

The evidence available to us strongly suggests that the ICRMP-insured agencies and individuals whose conduct is described above and in our previous submissions are, have been, and will continue to be, acting in active concert and conspiracy with the District in undermining ICRMP’s interests, the fiduciary obligations of ICRMP and those agencies to the public, and in undermining the District’s contractual obligations to their insureds. It is the type of conduct of which first party claims by insureds desperate for legal representation and indemnity for their own misconduct are made.

Granting relief to the District on appeal will only worsen this situation and deepen the already-serious adverse claims activity identified by ICRMP following its initial consideration of the District’s actions, at ICRMP Board meeting held July 26, 27 and 28 of this year.

This correspondence, its attachments and the materials incorporated by reference above constitute only a portion of the evidence garnered during our continuing investigation into the matters alleged in the May 19 Notice of Claim and attachments. The facts continue to show a worsening adverse claim history, which we advise ICRMP has already resulted in a second and further Supplemental Notice of Tort Claim relating to the District, which will be served prior to October 1. It has also resulted in our investigation into the role of law enforcement and the Clerk of the District Court in most serious aspects of breach of public trust, and deliberate attempts to cause personal damage to both the Objectors and others, while subverting meaningful investigation by others less able to investigate, articulate and pursue those insured officials of ICRMP who have to date escaped meaningful and comprehensive scrutiny.

However, evil done to children in the name of any government of the people has proven to be one bridge too far for those insured responsible for the shameful and continuing course of conduct this Library District and its Board of Trustees exemplify. The Objectors encourage ICRMP to

recognize this fact and to deny any relief to the District whatsoever, including refusal to grant appellate relief or any possibility of future re-insurance, unless and until all insureds responsible for the culture of lawlessness that has resulted from their actions is fully and fairly addressed in the manner provided by law.

The people of this County deserve no less. The District and their henchmen deserve no more.

Very Truly Yours,



Jeffrey H. Boiler

ISB #11476

OSB #830219

JHB:jb

Enclosures: Letter to Chief Deputy Secretary of State
Approval Letter from Clerk and Petition for Recall
Relevant Media Articles, Podcasts, and Interview Links

cc: Objectors
Katherine Brereton

Boundary County Library: Media Articles, Interviews and Podcasts

March 31, 2021: 9B News - [Library director Craig Anderson retiring](#)
March 31, 2021: The Herald - [Library Director Craig Anderson Announces Retirement](#)
April 15, 2021: 9B News - [Library board declares emergency; shutting doors for two weeks](#)
April 15, 2021: 9B News - [Boundary County Library going into dry dock, Ashworth says](#)
April 25, 2021: 9B News - [Allegations against library far reaching](#)
April 28, 2021: 9B News - [Clear answers elusive in library controversy](#)
May 1, 2021: 9B News - [Library video case may not be as closed as it seemed to be](#)
May 5, 2021: 9B News - [Library board mum, employees side with whistle blower](#)
May 5, 2021: 9B News - [Library board issues statement](#)
July 7, 2021: The Herald - [Library Board Hires Former Mayor to Director Position](#)
July 13, 2021: 9B News - [Proper notice lacking for library annual meeting](#)
July 14, 2021: 9B News - [Library board has chance to rebuild trust](#)
July 15, 2021: 9B News - [Petitioners seek to unseat entire library board](#)
July 15, 2021: 9B News - ['Whistleblower' lauds library board recall effort](#)
July 16, 2021: 9B News - [That an important thing needing fixed will have been set aright](#)
July 21, 2021: 9B News - [Library board to hold special meeting Thursday](#)
July 22, 2021: 9B News - [After over three months closed, library to open Tuesday](#)
July 24, 2021: 9B News - [Library releases proposed FY 2021-22 budget](#)
July 24, 2021: 9B News - [Hiring Sandy Ashworth may have unintended consequences](#)
July 27, 2021: 9B News - [Library whistle blowers put on leave, asked to help build their own scaffolds](#)
August 2, 2021: 9B News - [Library board opts to keep report from public view](#)
August 10, 2021: 9B News - [Former library board member questions proposed budget](#)
August 18, 2021: The Herald - [Residents Suspend Efforts to Recall Library Board](#)
August 19, 2021: 9B News - [Library budget approved amid chaos](#)
August 20, 2021: 9B News - [Library board recall drive ends](#)
August 26, 2021: The Herald - [Why All the Secrecy on the Library?](#)
August 27, 2021: 9B News - [Library board owes community honesty, transparency](#)
October 26, 2021: 9B News - [Library seeking board member to fill Judith Mace's shoes](#)
October 28, 2021: The Herald - [Library Board Declares Trustee Vacancy](#)
October 29, 2021: 9B News - [Library names new director](#)
December 3, 2021: 9B News - [Library board set to fill vacant seat](#)
December 10, 2021: 9B News - [Lee Colson appointed to library board](#)
December 23, 2021: The Herald - [Colson Sworn in for Library District Board](#)
February 12, 2022: 9B News - [Library board meets in executive session to discuss whistleblowers](#)
February 24, 2022: The Herald - [Going Fine Free Proves Popular at Library / Library Board Update](#)
March 24, 2022: The Herald - [HB666 Prompt Debate at Library Meeting](#)
March 25, 2022: The Herald - [Library Collections Decided by Patron Interest](#)
March 26, 2022: 9B News - [Take steps to protect our kids from eyebrow-raising library materials](#)
March 31, 2022: 9B News - [Selective legislative outrage costs us all](#)
May 19, 2022: 9B News - [Library's Woes Not Over Yet](#)
June 3, 2022: 9B News - [Library board releases investigative report ... not](#)
June 9, 2022: The Herald - [BCL Making Updates 'with best practices in mind'](#)
June 14, 2022: 9B News - [Library director explains redaction](#)

June 17, 2022: 9B News - [Library board adopts material selection policy](#)

June 23, 2022: The Herald - [Library Board Updates Collections Policy](#)

June 22, 2022: 9B News - [We adults need refresher course in respect](#)

July 10, 2022: 9B News - [Capurso's Redoubt seeks library board recall to protect kids](#)

July 14, 2022: The Herald - [Group starts recall for library board](#)

July 17, 2022: [Shawn Vestal: The war on libraries roils "the best small library in America"](#)

July 18, 2022: 9B News - [Say no to modern day prohibitionists](#)

July 19, 2022: 9B News - [Library book allegedly tossed to protect children, but they got the wrong book](#)

July 20, 2022: 9B News - [Library staff grateful for community's show of support](#)

July 20, 2022: 9B News - [Who needs a library? Let's just close it](#)

August 4, 2022: 9B News - [Strengthening a kind and respectful community](#)

August 5, 2022: 9B News - ['Read-In' of controversial books held to protest library board recall](#)

August 9, 2022: 9B News - [ICRMP refuses to renew library's policy](#)

August 11, 2022: The Herald - [Library Board Supposed to Support Majority](#)

August 16, 2022: 9B News - [If this was about book bans, wouldn't the library need to have the books?](#)

August 18, 2022: The Herald - [Library director announces resignation](#)

August 18, 2022: [KXLY Boundary County Library Director Shares Fears of Extremism](#)

August 18, 2022: The Herald - [Boundary County Library's future in question](#)

August 18, 2022: [North Idaho library director receives backlash on social media after announcing resignation](#)

August 18, 2022: [Boundary County Library director to resign, citing 'extremism' in community](#)

August 18, 2022: [Boundary County Library director to resign, citing 'extremism' in community](#)

August 18, 2022: [North Idaho library director resigning, citing 'extremism', 'threatening behavior'](#)

August 19, 2022: 9B News - [Ban the books, sound the shofar](#)

August 20, 2022: 9B News - [Recall petition to be filed against county clerk for alleged library election fraud](#)

August 22, 2022: [Idaho librarian resigns over political climate of 'extremism' and 'militant Christian fundamentalism'](#)

August 22, 2021: 9B News - [We are strong and we hold fast to hope](#)

August 23, 2022: [Conservative activists want to ban 400 books from a library — but they aren't even on shelves](#)

August 23, 2022: [Conservative activists want to ban 400 books from a library — but they aren't even on shelves](#)

August 23, 2022: [Idaho conservatives target 400 library books, but the library didn't own them](#)

August 24, 2022: The Sandpoint Reader - [Director steps down amid political pressure on Boundary Co. Library](#)

August 24, 2022: [Idaho librarian resigns over 'atmosphere of extremism' and 'intimidation tactics'](#)

August 24, 2022: [Bonners Ferry, Idaho: Activists Attempt to Recall Library Trustees for Refusing to Ban Books the Library Doesn't Carry](#)

August 25, 2022: [Boundary County Idaho Librarian Resigns Amid Allegations of "Library Strippers" — Tort Claim Alleges Sex Offenders Using Library Computers "Watching Pornography"](#)

August 25, 2022: [BREAKING: 40 Years of Election Deceit](#)

August 28, 2022: [Library director resigns after months of 'intimidation tactics and threats' from conservative activists](#)

August 28, 2022: 9B News - [An inquiring mind](#)

August 30, 2022: 9B News - [Your library needs your support](#)

August 30, 2022: 9B News - [Stand up for our community's public library](#)

September 1, 2022: [A Library Struck by Controversy That Began Over a Book It Didn't Own](#)

September 2, 2022: 9B News - [Adrienne Norris seeks investigation of corrupt library](#)

September 5, 2022: On the Ground Podcast - [Library Mobsters Get Caught](#)

September 5, 2022: CNN - [Conservatives join liberals in 'quiet and polite' Idaho protest to protect their library from book-banners](#)

September 5, 2022: [Christian nationalism goes to the local library](#)

September 6, 2022: [Why Christian extremists are menacing an Idaho library](#)

September 7, 2022: [Shawn Vestal: A book banner tried a book burglary, and it misfired](#)

September 8, 2022: On Point Podcast - [Censorship wars: Why have several communities voted to defund their public libraries?](#)

September 8, 2022: The Herald - [Library Board Adopts Budgets](#)

September 8, 2022: Heather Scott Town Hall Meeting in Boundary County – [Hometown Idaho PAC - The Engaged Citizen](#)

September 10, 2022: The NY Post - [Librarians go radical as new woke policies take over: experts](#)

September 10, 2022: 9B News - [Women claim \\$5M in reputational damage in new library tort](#)

September 11, 2022: 9B News - [Time for all who cherish equal rights to take the tiller](#)

From: dana@boilerlawfirm.com
To:
Bcc: "jboiler@boilerlawfirm.com"
Subject: FW: Public Records Request - Property Report
Date: Sunday, August 14, 2022 10:33:00 AM

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Tuesday, August 9, 2022 11:44 AM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: Public Records Request - Property Report

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide a complete inventory of all unclaimed property held by the Boundary County Free Library District and a complete inventory and report of all property destroyed and/or disposed of by the Boundary County Free Library District since April 15, 2021. This is a continuing request.

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request by August 12, 2022.

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler
P.O. Box 877
Bonners Ferry, ID 83805
541-520-2522

From: dana@boilerlawfirm.com
To:
Bcc: "jboiler@boilerlawfirm.com"
Subject: RE: Response - Public Records Request - Property Report 08/09/22
Date: Sunday, August 14, 2022 10:33:00 AM

From: Kimber Glidden <kimber@boundarycountylibrary.org>
Sent: Thursday, August 11, 2022 10:54 AM
To: dana@boilerlawfirm.com
Cc: Timothy Wilson <tbwilson@bonnersferrylaw.com>; Katharine Brereton <kbrereton@lclattorneys.com>
Subject: Response - Public Records Request - Property Report 08/09/22

This request is denied. No requirement to create a record.

Kimber Glidden, Director

she/her/hers

Boundary County Library

6370 Kootenai St., Bonners Ferry, ID 83805

208.267.3750

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: Public Records Request - Commissioners
Date: Monday, August 15, 2022 10:30:04 AM

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide all documents or other tangible things reduced or reducible to tangible form reflecting:

- All communications between the Boundary County Free Library District and the Boundary County Commissioner's office, including without limitation any such email communication between any employee or other authorized representative or employee of either legal entity, further including, without limitation, all email communications, texts, correspondence, notices, declarations, phone records or other evidence of communication between these two public offices subject to the Public Records laws of the State of Idaho, for the period from March 1, 2021 to July 30, 2022.
- This request includes communications from and to any and all employees or other representatives in fact, whether employees or not, of the Boundary County Free Library District and its Trustees, and further includes, but is not limited to, any and all such communications by or between former Library Director Craig Anderson, former Interim Director Derrick Grow, former Director Sandra Ashworth, Director Kimber Glidden, former Trustee Judith Mace, Trustees Bob Blanford, Ken Blockhan, Aaron Bohachek, Wendy McClintock and Lee Colson, and ANY representative or claimed representative of the Boundary County Commissioner's office.

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request by August 18, 2022.

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler

P.O. Box 877

Bonnars Ferry, ID 83805

541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: Public Records Request - Boundary County Sheriff's Office and Bonners Ferry Police Department
Date: Monday, August 15, 2022 10:52:02 AM

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide all documents or other tangible things reduced or reducible to tangible form reflecting:

- All communications between the Boundary County Free Library District and the Boundary County Sheriff's office, including without limitation any such email communication between any employee or other authorized representative or employee of either legal entity, further including, without limitation, all email communications, texts, correspondence, reports, phone records or other evidence of communication between these two public offices subject to the Public Records laws of the State of Idaho, for the period from March 1, 2021 to August 16, 2022.
- This request includes communications from and to any and all employees or other representatives in fact, whether employees or not, of the Boundary County Free Library District and its Trustees, and further includes, but is not limited to, any and all such communications by or between former Library Director Craig Anderson, former Interim Director Derrick Grow, former Director Sandra Ashworth, Director Kimber Glidden, late Trustee Judith Mace, Trustees Bob Blanford, Ken Blockhan, Aaron Bohachek, Wendy McClintock and Lee Colson, and ANY representative or claimed representative of the Boundary County Sheriff's office.
- All communications between the Boundary County Free Library District and the Bonners Ferry Police Department, including without limitation any such email communication between any employee or other authorized representative or employee of either legal entity, further including, without limitation, all email communications, texts, correspondence, reports, phone records or other evidence of communication between these two public offices subject to the Public Records laws of the State of Idaho, for the period from March 1, 2021 to August 16, 2022.
- This request includes communications from and to any and all employees or other representatives in fact, whether employees or not, of the Boundary County Free Library District and its Trustees, and further includes, but is not limited to, any and all such communications by or between former Library Director Craig Anderson, former Interim Director Derrick Grow, former Director Sandra Ashworth, Director Kimber Glidden, late Trustee Judith Mace, Trustees Bob Blanford, Ken Blockhan, Aaron Bohachek, Wendy McClintock and Lee Colson, and ANY representative or claimed representative of the Bonners Ferry Police Department.
- All records of the Boundary County Library District evidencing "harassing behavior, derogative accusations and purported threats of violence" resulting in the cancelation of the regular meeting in July.

- All records reflecting that “it has been determined that in-person meetings can resume safely.”

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library’s response no later than (3) working days from the date of this request by August 18, 2022.

The response to this request may be sent electronically to the requestor’s email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler

P.O. Box 877

Bonnars Ferry, ID 83805

541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: RE: Request for Personnel Files
Date: Monday, August 15, 2022 10:57:01 AM

Kimber,

This is a reminder that it has been more than 10 working days since I requested the personnel files. Please let me know when you intend to respond to this request.

Sincerely,
Dana

From: Kimber Glidden <kimber@boundarycountylibrary.org>
Sent: Tuesday, August 2, 2022 3:15 PM
To: dana@boilerlawfirm.com
Subject: Re: Request for Personnel Files

Dana,
I will be out of the office Wednesday and Thursday of this week and will require additional time to locate or retrieve the requested records. The records should be produced within 10 working days.

Kimber Glidden, Director

she/her/hers
Boundary County Library
6370 Kootenai St., Bonners Ferry, ID 83805
208.267.3750

On Mon, Aug 1, 2022 at 2:43 PM <dana@boilerlawfirm.com> wrote:

Kimber,

Pursuant to Idaho Code 74-106 and 33-518, this is a request for copies of all materials contained in my personnel and medical files. As the designated representative for Cari Haarstick, Christine Withers and Eric Lindenbusch, this is also a request for copies of all materials contained in their personnel and medical files. Please make the files available as soon as possible in accordance with Idaho Code.

Additionally, you might want to be aware that for the third month in a row my paycheck has failed to arrive on time. If you have any explanation you would like to provide, please let me know. I will also be taking this up with your legal counsel.

Thanks,
Dana Boiler

From: [Kimber Glidden](#)
To: dana@boilerlawfirm.com
Cc: [Katharine Brereton](#); [Timothy Wilson](#); [Rafael Droz](#)
Subject: Re: FW: Public Records Request - Attorney Fees
Date: Tuesday, August 16, 2022 8:28:16 AM

These documents are currently being compiled to fill your request. Once completed, they will be forwarded to you.

Kimber Glidden, Director

she/her/hers
Boundary County Library
6370 Kootenai St., Bonners Ferry, ID 83805
208.267.3750

On Mon, Aug 15, 2022 at 11:01 AM <dana@boilerlawfirm.com> wrote:

Kimber,

This is a reminder that it has been more than 3 working days since I made this request. Please let me know when you intend to respond.

Sincerely,

Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Wednesday, August 10, 2022 3:58 PM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: Public Records Request - Attorney Fees

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide the following:

- All cancelled checks, receipts and invoices reflecting the total amounts paid to **ALL** attorneys by the Boundary County Free Library District including but not limited to Andrakay Pluid, Tim Wilson, Raphael Droz, Sonyalee Nutsch and

Katherine Brereton for the last (5) five years.

- All invoices or statements provided to the Boundary County Free Library District paid by ICRMP for services provided by Katherine Brereton to date. This excludes all attorney/client privileged information contained in the description of services. To be clear, this request is for the amounts only.
- All contracts and/or fee agreements between the Boundary County Free Library District and any legal counsel for the past (5) five years.
- Any itemization to indicate which budget category is being used to pay attorney fees for the budget years 2021 and 2022. For example, are attorney fees budgeted under the line item "Professional Fees"?

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request by August 13, 2022.

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler

P.O. Box 877

Bonnors Ferry, ID 83805

541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: RE: FW: Public Records Request - Insurance
Date: Tuesday, August 16, 2022 12:06:08 PM

Kimber,

Thank you. I will calendar a response due within 10 days of making the request, which will be this Saturday, August 20.

Sincerely,

Dana

From: Kimber Glidden <kimber@boundarycountylibrary.org>
Sent: Tuesday, August 16, 2022 8:28 AM
To: dana@boilerlawfirm.com
Cc: Katharine Brereton <kbrereton@lclattorneys.com>; Timothy Wilson <tbwilson@bonnersferrylaw.com>; Rafael Droz <rjdroz@bonnersferrylaw.com>
Subject: Re: FW: Public Records Request - Insurance

These documents are currently being compiled to fill your request. Once completed, they will be forwarded to you.

Kimber Glidden, Director

she/her/hers

Boundary County Library

6370 Kootenai St., Bonners Ferry, ID 83805

208.267.3750

On Mon, Aug 15, 2022 at 10:59 AM <dana@boilerlawfirm.com> wrote:

Kimber,

This is a reminder that it has been more than 3 working days since I made this request. Please let me know when you intend to respond.

Sincerely,

Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Tuesday, August 9, 2022 11:37 AM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: Public Records Request - Insurance

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide all documents or other tangible things reduced or reducible to tangible form reflecting:

- Notice of nonrenewal letter from ICRMP to the Boundary County Free Library District (hereafter “the District”, by whatever name, moniker or alias known) and any attachments to that letter.
- Copies of all adverse claims cited by ICRMP against the District, together with true, correct and complete copies of all Notices of Tort Claim served on the Boundary County Free Library District, by whatever name or alias then used, at any time within the last five calendar years from today’s date. This request excludes the notice of tort claim and all attachments served on you personally on May 19, 2022, whether regarded as “published but not filed” by Library personnel or not.
- All documents evidencing the factual basis for the statement by Library personnel that any notice of tort claim served upon the Library District at any time has been “published, but not filed”, together with all statements to this effect made to any person or posted for public consumption.
- All materials contained in the Board of Trustees packet used in preparation for the special meeting held on August 9, 2022, exclusive of any written communications between the actual attorney for the Library District and Board members, as clients.
- All communications between the Boundary County Free Library District and any insurer, potential insurer or broker for which you are seeking coverage to replace coverage withdrawn by notice which was the subject matter of the agenda for Special Meeting of the Board conducted August 9, 2022, including but not limited to Arthur Gallagher Insurance.
- All applications for insurance coverage submitted to any potential insurer or broker for which the Boundary County Free Library District is seeking coverage and any denial or approval letters.
- All communications from and to any and all employees or other representatives in fact, whether employees or not, of the Boundary County Free Library District and its Trustees, regarding the non-renewal of ICRMP coverage and options for alternative coverage, together with all documents evidencing any competitive or comparative bid sought for replacement coverage, including without limitation the name, address, phone number and email address of any and all such potential replacement insurers.
- All documents or communications regarding any appeal to ICRMP for reconsideration of coverage or requests for extension of coverage, including without limitation all written submissions to ICRMP from the District at any time given in preparation for the appeal hearing which was authorized by Board of Trustees vote on August 9, 2022.

- Copies of all cancelled checks or receipts showing payment of ICRMP premiums over the last fiscal year, and all estimates received for any such coverage from other insurers, whether by competitive bid process or otherwise, at any time in the last five years.
- All communications from and to the Library District to and from Canyon County, North Idaho College or any other entity the Library District has been in contact with regarding alternative coverage options, including the content of all such communications.
- This request includes ALL communications, including but not limited to, emails, correspondence, notices, receipts, notes, text messages, handwritten notes and phone records reflecting such communications, or other records reducible to tangible form reflecting such communications, whether records of personal phone calls, emails or texts, or official phone records of calls, emails or texts, to the extent they relate or pertain in any way to public business of any kind proposed or conducted by either the Boundary County Free Library District.

This is a continuing request until production is made in full in all particulars.

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request, which in this case expires at the close of business, August 12, 2022.

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler
P.O. Box 877
Bonners Ferry, ID 83805
541-520-2522

From: [Carl H](#)
To: macwithers@gmail.com; [Eric L](#); dana@boilerlawfirm.com
Subject: resign - Kimber on fb
Date: Tuesday, August 16, 2022 6:32:22 PM
Attachments: [B7ABE079227B4C5892ED45CE9618983D.png](#)



Boundary County Library

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I want to thank the Boundary County Library Board of Trustees for providing me the opportunity to serve as Director of the Boundary County Library. My experience and skill set made me a good fit to help the district move toward a more current and relevant business model and to implement updated policy and best practices. However nothing in my background could have prepared me for the political atmosphere of extremism, militant Christian fundamentalism, intimidation tactics, and threatening behavior currently being employed in the community. Therefore it is with deepest regret that I tendering my resignation effective September 10, 2022.

Kimber Glidden, Director

13

3 Comments

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From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Bcc: "eric9b@protonmail.com"; "[Cari H](#)"; "macwithers@gmail.com"; "dana@boilerlawfirm.com"; "jboiler@boilerlawfirm.com"
Subject: Public Records Request - Threats
Date: Wednesday, August 17, 2022 10:32:00 AM

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request for all reports, notes, correspondence, emails, texts, phone calls or any other record reducible to tangible form evidencing "intimidation tactics" and "threats" made by "extremist militant fundamentalist Christians" against you (Director), the staff, or Trustees of the Boundary County Free Library District from January, 2022 to the present.

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request, which in this case expires at the close of business, August 19, 2022. **As a matter of public concern and public safety, please prioritize this request above all other public requests and respond immediately if you are aware at the time you receive this that there are no records responsive to this request.**

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler
P.O. Box 877
Bonners Ferry, ID 83805
541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: FW: Public Records Request - Clerk
Date: Friday, August 26, 2022 1:27:32 PM

Kimber,

It has been 20 working days since I made this simple public records request. Please respond or state the reasons for not providing a timely response.

Sincerely,

Dana

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

Sent: Friday, August 19, 2022 4:08 PM

To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>

Subject: FW: Public Records Request - Clerk

Kimber,

I made the same public records request below to the Clerk's office after receiving your response. The Clerk responded to that request today. It appears that the Clerk has fully responded to the request, and you have only partially responded.

This is to renew the request below for all communications between the Library District and the Clerk's office by **ALL** of the individuals mentioned below. This is not a request for you to send me emails between you and the Clerk, which you also need to review again as the Clerk provided me with far more emails between the two of you than you provided to me.

While this doesn't surprise me because at this point I consider your "lack of candor" to be intentional, I ask that in the future you respond in full to any pending requests.

Sincerely,

Dana Boiler

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

Sent: Saturday, July 30, 2022 3:28 PM

To: kimber@boundarycountylibrary.org

Subject: Public Records Request

Custodian of Records:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide all documents or other tangible things reduced or reducible to tangible form reflecting:

- All communications between the Boundary County Free Library District and the Boundary County Clerk's office, including without limitation any such email communication between any employee or other authorized representative or employee of either legal entity, further including, without limitation, all email communications, texts, phone records or other evidence of communication between these two public offices subject to the Public Records

laws of the State of Idaho, for the period from March 1, 2021 to July 30, 2022.

- This request includes communications from and to any and all employees or other representatives in fact, whether employees or not, of the Boundary County Free Library District and its Trustees, and further includes, but is not limited to, any and all such communications by or between former Library Director Craig Anderson, former Interim Director Derrick Grow, former Director Sandra Ashworth, Director Kimber Glidden, former Trustee Judith Mace, Trustees Bob Blanford, Ken Blockhan, Aaron Bohachek, Wendy McClintock and Lee Colson, and ANY representative or claimed representative of the Boundary County Clerk's office, or of the Clerk herself, Glenda Poston.
- This request includes ALL communications, including but not limited to, emails, correspondence, notices, receipts, notes, declarations, affidavits, certificates and text messages, handwritten notes, phone records reflecting such communications, or other records reducible to tangible form reflecting such communications, whether records of personal phone calls, emails or texts, or official phone records of calls, emails or texts, to the extent they relate or pertain in any way to public business of any kind proposed or conducted by either the Boundary County Free Library District or the Boundary County Clerk or anyone acting on her behalf, or on behalf of her office, under color or pretense of State law.

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request by August 3, 2022.

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler

P.O. Box 877
Bonners Ferry, ID 83805
541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: FW: FW: Public Records Request - Insurance
Date: Friday, August 26, 2022 1:30:07 PM

Kimber,

It has been 14 working days since I made this public records request. Please respond or state the reasons for not providing a timely response.

Sincerely,
Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Tuesday, August 16, 2022 12:06 PM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: RE: FW: Public Records Request - Insurance

Kimber,

Thank you. I will calendar a response due within 10 days of making the request, which will be this Saturday, August 20.

Sincerely,

Dana

From: Kimber Glidden <kimber@boundarycountylibrary.org>
Sent: Tuesday, August 16, 2022 8:28 AM
To: dana@boilerlawfirm.com
Cc: Katharine Brereton <kbrereton@lclattorneys.com>; Timothy Wilson <tbwilson@bonnersferrylaw.com>; Rafael Droz <rjdroz@bonnersferrylaw.com>
Subject: Re: FW: Public Records Request - Insurance

These documents are currently being compiled to fill your request. Once completed, they will be forwarded to you.

Kimber Glidden, Director

she/her/hers

Boundary County Library

6370 Kootenai St., Bonners Ferry, ID 83805

208.267.3750

On Mon, Aug 15, 2022 at 10:59 AM <dana@boilerlawfirm.com> wrote:

Kimber,

This is a reminder that it has been more than 3 working days since I made this request. Please let me know when you intend to respond.

Sincerely,
Dana

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

Sent: Tuesday, August 9, 2022 11:37 AM

To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>

Subject: Public Records Request - Insurance

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide all documents or other tangible things reduced or reducible to tangible form reflecting:

- Notice of nonrenewal letter from ICRMP to the Boundary County Free Library District (hereafter “the District”, by whatever name, moniker or alias known) and any attachments to that letter.
- Copies of all adverse claims cited by ICRMP against the District, together with true, correct and complete copies of all Notices of Tort Claim served on the Boundary County Free Library District, by whatever name or alias then used, at any time within the last five calendar years from today’s date. This request excludes the notice of tort claim and all attachments served on you personally on May 19, 2022, whether regarded as “published but not filed” by Library personnel or not.
- All documents evidencing the factual basis for the statement by Library personnel that any notice of tort claim served upon the Library District at any time has been “published, but not filed”, together with all statements to this effect made to any person or posted for public consumption.
- All materials contained in the Board of Trustees packet used in preparation for the special meeting held on August 9, 2022, exclusive of any written communications between the actual attorney for the Library District and Board members, as clients.
- All communications between the Boundary County Free Library District and any insurer, potential insurer or broker for which you are seeking coverage to replace coverage withdrawn by notice which was the subject matter of the agenda for Special Meeting of the Board conducted August 9, 2022, including but not limited to Arthur Gallagher Insurance.
- All applications for insurance coverage submitted to any potential insurer or broker

for which the Boundary County Free Library District is seeking coverage and any denial or approval letters.

- All communications from and to any and all employees or other representatives in fact, whether employees or not, of the Boundary County Free Library District and its Trustees, regarding the non-renewal of ICRMP coverage and options for alternative coverage, together with all documents evidencing any competitive or comparative bid sought for replacement coverage, including without limitation the name, address, phone number and email address of any and all such potential replacement insurers.
- All documents or communications regarding any appeal to ICRMP for reconsideration of coverage or requests for extension of coverage, including without limitation all written submissions to ICRMP from the District at any time given in preparation for the appeal hearing which was authorized by Board of Trustees vote on August 9, 2022.
- Copies of all cancelled checks or receipts showing payment of ICRMP premiums over the last fiscal year, and all estimates received for any such coverage from other insurers, whether by competitive bid process or otherwise, at any time in the last five years.
- All communications from and to the Library District to and from Canyon County, North Idaho College or any other entity the Library District has been in contact with regarding alternative coverage options, including the content of all such communications.
- This request includes ALL communications, including but not limited to, emails, correspondence, notices, receipts, notes, text messages, handwritten notes and phone records reflecting such communications, or other records reducible to tangible form reflecting such communications, whether records of personal phone calls, emails or texts, or official phone records of calls, emails or texts, to the extent they relate or pertain in any way to public business of any kind proposed or conducted by either the Boundary County Free Library District.

This is a continuing request until production is made in full in all particulars.

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request, which in this case expires at the close of business, August 12, 2022.

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler
P.O. Box 877
Bonners Ferry, ID 83805
541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: FW: Public Records Request - Manuals
Date: Friday, August 26, 2022 1:31:46 PM

Kimber,

It has been 13 working days since I made this simple public records request. Please respond or state the reasons for not providing a timely response.

Sincerely,
Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Tuesday, August 16, 2022 12:03 PM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: RE: Public Records Request - Manuals

Kimber,

Thank you, but I am already aware of that and the information I am asking for is not contained on the website. I am asking for any revisions made to the May 21, 2007 policy manual prior to the adoption of the entirely new March 31, 2021 policy manual. Just a suggestion, but this may require you asking someone who has worked there longer than 8 months about where that information is stored.

Sincerely,
Dana

From: Kimber Glidden <kimber@boundarycountylibrary.org>
Sent: Tuesday, August 16, 2022 10:46 AM
To: dana@boilerlawfirm.com
Cc: Katharine Brereton <kbrereton@lclattorneys.com>; Timothy Wilson <tbwilson@bonnersferrylaw.com>; Rafael Droz <rjdroz@bonnersferrylaw.com>
Subject: Re: Public Records Request - Manuals

All current manuals, revisions and amendments are available on the library website:
boundarycountylibrary.com

Kimber Glidden, Director
she/her/hers
Boundary County Library
6370 Kootenai St., Bonners Ferry, ID 83805
208.267.3750

On Sat, Aug 13, 2022 at 2:19 PM <dana@boilerlawfirm.com> wrote:

Kimber,

Thank you for your response to my request. Please provide me with any revisions or amendments made to the Personnel Policy Manual after May 21, 2007.

Sincerely,

Dana Boiler

From: Kimber Glidden <kimber@boundarycountylibrary.org>

Sent: Friday, August 12, 2022 10:07 AM

To: dana@boilerlawfirm.com

Cc: Timothy Wilson <tbwilson@bonnersferrylaw.com>; Katharine Brereton <kbrereton@lclattorneys.com>

Subject: Re: Public Records Request - Manuals

Please see attached files in response to your request.

Kimber Glidden, Director

she/her/hers

Boundary County Library

6370 Kootenai St., Bonners Ferry, ID 83805

208.267.3750

On Wed, Aug 10, 2022 at 4:03 PM <dana@boilerlawfirm.com> wrote:

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.

Please provide the following documents:

- Trustee Bylaws in effect prior to March 17, 2022.
 - Personnel Policy Manual in effect prior to March 31, 2021.

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request by August 13, 2022.

The response to this request may be sent electronically to the requestor's email address:

dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler
P.O. Box 877
Bonners Ferry, ID 83805
541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: FW: Public Records Request - Attorney Fees
Date: Friday, August 26, 2022 1:33:06 PM

Kimber,

It has been 13 working days since I made this public records request. Please respond or state the reasons for not providing a timely response.

Sincerely,
Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Monday, August 15, 2022 11:02 AM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: FW: Public Records Request - Attorney Fees

Kimber,

This is a reminder that it has been more than 3 working days since I made this request. Please let me know when you intend to respond.

Sincerely,
Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Wednesday, August 10, 2022 3:58 PM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: Public Records Request - Attorney Fees

Kimber:

Pursuant to Idaho Code 74-202, this is a public records request.
Please provide the following:

- All cancelled checks, receipts and invoices reflecting the total amounts paid to **ALL** attorneys by the Boundary County Free Library District including but not limited to Andrakay Pluid, Tim Wilson, Raphael Droz, Sonyalee Nutsch and Katherine Brereton for the last (5) five years.
- All invoices or statements provided to the Boundary County Free Library District paid by ICRMP for services provided by Katherine Brereton to date. This excludes all attorney/client privileged information contained in the description of services. To be clear, this request is for the amounts only.

- All contracts and/or fee agreements between the Boundary County Free Library District and any legal counsel for the past (5) five years.
- Any itemization to indicate which budget category is being used to pay attorney fees for the budget years 2021 and 2022. For example, are attorney fees budgeted under the line item “Professional Fees”?

If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance.

Pursuant to Idaho Code 74-202, please provide me with the Library’s response no later than (3) working days from the date of this request by August 13, 2022.

The response to this request may be sent electronically to the requestor’s email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler
P.O. Box 877
Bonners Ferry, ID 83805
541-520-2522

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: FW: Response - Continuing Public Records Request - Treasurer
Date: Friday, August 26, 2022 1:36:09 PM

Kimber,

It has been 19 working days since I made this public records request. Please respond or state the reasons for not providing a timely response.

Sincerely,
Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Thursday, August 11, 2022 11:22 AM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: RE: Response - Continuing Public Records Request - Treasurer

Kimber,

This is a continuing request pursuant to Idaho Code 74-202 for any cancelled checks, receipts and surety bond certificates for the Treasurer of the Boundary County Library District reflecting compliance with the following legal requirement:

“33-2722. Treasurer — Clerk. The board of trustees of each library district shall appoint some qualified person, who may or may not be a member of the board of trustees, to act as treasurer of the library district. This person shall, on taking office, give bond to the library district, with sureties approved by the board of trustees, in the amount of at least five thousand dollars (\$5,000), which bond shall be paid for by the district and shall be conditioned upon faithful performance of the duties of his office and his accounting for all moneys of the library district received by him or under his control. The treasurer shall supervise all moneys raised for the library district by taxation or received by the district from any other sources and shall supervise all disbursements of funds of the district by order of the board of trustees.

Under the direction of the board of trustees, the treasurer shall have all moneys of the district deposited in accordance with the public depository law and other applicable state and federal laws.”

I have read your response to my previous request. Are you attempting to convey to me that no bond certificate exists after a reasonable inquiry, and that there are no records of payment of any bond as an expense of the District as provided by the statute above? A simple yes or no will do.

If no other documents responsive to this entire request exists, please provide an explanation for non-compliance or a specific exemption for non-production.

Sincerely,

Dana Boiler

From: Kimber Glidden <kimber@boundarycountylibrary.org>
Sent: Thursday, August 11, 2022 10:55 AM
To: dana@boilerlawfirm.com
Cc: Timothy Wilson <tbwilson@bonnersferrylaw.com>; Katharine Brereton <kbrereton@lclattorneys.com>
Subject: Re: Response - Public Records Request - Treasurer 08/01/22

There are no records to fulfill the request - " **Please provide all documents or other tangible things reduced or reducible to tangible form identifying the name of the Treasurer of the Board of Trustees from 2020 to the present.**"

Kimber Glidden, Director

she/her/hers
Boundary County Library
6370 Kootenai St., Bonners Ferry, ID 83805
208.267.3750

On Wed, Aug 10, 2022 at 3:29 PM <dana@boilerlawfirm.com> wrote:

Kimber,
The public records request below has not been fulfilled. To be clear, I am not requesting documents that **do not** identify the Treasurer of the Board. The meeting minutes you attached **do not** contain the information I am requesting. Furthermore, if the June, 2022 minutes do not identify the Treasurer you do not need to provide those either. Please read the original request below and respond within the time provided by Idaho Code:
Custodian of Records:
Pursuant to Idaho Code 74-202, this is a public records request.
Please provide all documents or other tangible things reduced or reducible to tangible form identifying the name of the Treasurer of the Board of Trustees from 2020 to the present. This includes without limitation any Board meeting minutes reflecting the appointment of any Treasurer.
To assist you in narrowing your search through the Board meeting minutes, please note the following from Idaho Code 33-219:
"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."
Therefore, according to Idaho Code, the annual meeting held in June to elect such officers should be contained in the June minutes for 2020, 2021 and 2022. If they are not, please include any record which explains this discrepancy.
If the above request is more than 100 pages or otherwise requires a fee, please notify me of the cost in advance. Please provide a detailed explanation of why compliance with this or any other

public records request made by me will require more than 100 pages to meaningfully respond. Pursuant to Idaho Code 74-202, please provide me with the Library's response no later than (3) working days from the date of this request. Three working days from this request is August 4, 2022.

The response to this request may be sent electronically to the requestor's email address: dana@boilerlawfirm.com. If you have any questions, or require additional information, please contact me by email.

Sincerely,

Dana Boiler

P.O. Box 877

Bonnors Ferry, ID 83805

541-520-2522

From: Kimber Glidden <kimber@boundarycountylibrary.org>

Sent: Wednesday, August 10, 2022 10:11 AM

To: dana@boilerlawfirm.com

Cc: Timothy Wilson <tbwilson@bonnersferrylaw.com>; Katharine Brereton <kbrereton@lclattorneys.com>

Subject: Response - Public Records Request - Treasurer 08/01/22

The meeting minutes from June 2022 have not yet been approved; once approved they will be available on the library website.

Attached below are the meeting minutes for June 2020.

There was no meeting in June 2021

Kimber Glidden, Director

she/her/hers

Boundary County Library

6370 Kootenai St., Bonnors Ferry, ID 83805

208.267.3750

From: dana@boilerlawfirm.com
To: "Kimber Glidden"
Subject: FW: Personnel Records
Date: Friday, August 26, 2022 1:42:32 PM

Kimber,

It has been over a week since I sent you the request below. I understand that the Idaho Press Club and 9B News through their legal counsel intend to file a Complaint in District Court next week in an effort to obtain the Nutsch report. Therefore, a timely response to this request is necessary.

Sincerely,
Dana

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Friday, August 19, 2022 11:34 AM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: FW: Personnel Records

Kimber,

Upon further review of the personnel files you sent yesterday, noticeably absent from all the personnel files is the patron complaint that was used as grounds for termination for myself, Mac Withers, and Eric Lindenbusch, despite Mac's personnel file containing ALL other patron complaints. The termination letters reference a written complaint, not a verbal complaint. Why have you withheld this critical complaint, which you deemed worthy of termination, but provided all others? On what legal authority are you relying for picking and choosing which patron complaints are contained in the personnel files and are exempt from disclosure? As discussed below, we have the legal right to see all documents pertaining to us in our personnel files and elsewhere, with the exception of recommendation letters, which I note that you do provide those.

As you are aware, this alleged complaint has been requested multiple times, and all requests have been denied. Additionally, in my personnel file is a document presumably authored by Sandra Ashworth titled "Cause For Dismissal". Again, the patron complaint is not mentioned in this document, despite it being the cause for three terminations. As discussed below, I am to be provided timely notice of all materials placed in my personnel file. This document contains information that was requested multiple times in preparation for pretermination hearings, and was denied. On what legal authority are you relying to deny me access to materials contained in my personnel file? I am asking this as an employee entitled to the contents of my personnel file and not as a representative of anyone, but myself. The same principle applies to the other terminated employees. It appears you have unlawfully withheld specific evidence which was contained in our personnel files.

Because it was undeniable that this evidence was deliberately withheld, and is in your possession immediately, an immediate response to this correspondence is appropriate. You do not need 3 days or 10 days to think about it.

I reiterate my previous request for the complete contents of our personnel files under applicable law.

Sincerely,
Dana Boiler

From: dana@boilerlawfirm.com <dana@boilerlawfirm.com>
Sent: Thursday, August 18, 2022 6:17 PM
To: 'Kimber Glidden' <kimber@boundarycountylibrary.org>
Subject: RE: Personnel Records

Kimber,

The Idaho Public Records Manual states, "All information in an employee's file is accessible to the employee or a designated representative, except "material used to screen and test for employment"...Inspection and copying of records pertaining to oneself is permitted, "even if the record is otherwise exempt from public disclosure."

The Nutsch report was placed in the personnel files of Eric Lindenbusch, Cari Haarstick, Mac Withers and Dana Boiler. They all previously requested copies multiple times and were denied. It is not lawful to deny any of us the contents of our personnel file with the exception of recommendation letters.

Furthermore, Mac Withers requested a copy of her personnel file prior to your employment with the Boundary County Library District and it appears that she was not provided with all the contents she was entitled to at that time, and to make it even worse the documents that were withheld from here contain false and defamatory statements.

Idaho Code states that "the employee shall be provided timely notice of all materials placed in the personnel file and shall be afforded the opportunity to attach a rebuttal to any such materials...An individual can make a written request to correct or amend any record maintained by a public agency about that person. Within ten (10) days of the request, the public agency must make the correction, or explain in writing why the request is not granted."

This is a written request to correct or amend the Nutsch report contained in the files of the four employees mentioned above and the previously and unlawfully withheld records contained in Mac Wither's personnel file. There is specific evidence in the form of audio testimonies and other records to show that there are numerous inaccuracies and false statements regarding the four employees that require correction if the Nutsch report is to remain in our personnel files, or is to later become a public record via the legal efforts of 9B News and the Idaho Press Club. If there are statements made by other individuals interviewed by Sonyalee Nutsch then the affected employees have the legal right to view those portions of the report and we are to be provided with the opportunity for rebuttal, correction and amendment.

Please keep in mind that the unredacted report will be made available in its entirety through discovery in Court. If at that time it is discovered that the redacted portions pertained in any way to any of the four employees bringing that suit, you will have to explain to a Court why you unlawfully withheld it. There is no doubt that you have been hiding behind the false assertion that this report contains only personnel information in an effort to deceive the public. Similarly, in an effort to conceal its contents from employees you have been hiding behind the assertion that this report was being compiled for use in anticipation of litigation. That exemption only applies if it would not otherwise be discoverable in litigation, and I find no such exemption in the rules of discovery nor do you cite any yourself. The investigator did not state that she was compiling a report to be used in anticipation of litigation. In her engagement agreement she stated she was investigating complaints made by us in our letters to the Board. Why would we speak to someone whose sole purpose is to compile a report that is to be used in anticipation of litigation that we would be filing? That sounds a lot like taking a deposition without a subpoena. It doesn't make any sense, unless you consider that we were threatened with termination if we didn't speak to her.

Either Sonyalee Nutsch lied to us about the purpose of her investigation on recording and in writing, or you are lying about the reason for exemption. You can't have it both ways. If it's the former, the entire report should be tossed out as it was obtained under false pretense. If it's the latter, you should provide the unredacted report.

In the meeting held today you stated that there was only one claim against the Library in the last five years, however, I am personally aware that on August 9th or shortly thereafter you received another potential claim from the Idaho Press Club. Unless you intend to provide the Nutsch report to 9b News, a complaint will be brought in District Court. If you do intend to provide the report to 9B News, we expect to be afforded the opportunity for rebuttal as discussed above prior to any release of the report.

Please promptly respond to this request to correct or amend the contents of our personnel file. If for some reason you are no longer in a position to do so, please pass this request along to any successor.

Sincerely,

Dana Boiler

From: Kimber Glidden <kimber@boundarycountylibrary.org>

Sent: Thursday, August 18, 2022 8:32 AM

To: dana@boilerlawfirm.com

Subject: Personnel Records

Personnel records request from 8/1/22 (11 of 11)

Kimber Glidden, Director

she/her/hers

Boundary County Library

6370 Kootenai St., Bonners Ferry, ID 83805
208.267.3750



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Famous Potatoes



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Library's future rests where it belongs; on the board

September 14, 2022

While the Boundary County Library Board got a reprieve from Idaho Counties Risk Management Program (ICRMP) at their Tuesday board meeting, being granted a new 90-day policy that goes into effect when the one now in force expires September 31, chair Bob Blanford and former interim director Sandy Ashworth did not leave Boise unscathed, as the ICRMP board gave harsh review of the library board's laissez-faire management practices and gave until the next ICRMP board meeting in October to see progress or face losing its liability policy December 31.

It wasn't the tort claims or the controversies now surrounding the library that prompted ICRMP to file notice of non-renewal of the library's policy, but an unacceptable loss ratio in library claims, attributed, for the most part, to the library board, all volunteers, not effectively doing the work it owed the public. Of concern, a lack of personnel and risk management policies, employee job descriptions operating procedures and other essential documentation. Of not knowing what was going on until too late, of not seeking ICRMP counsel and services when it should, of not heeding that counsel when it did.

When asked what the library was doing to remedy the shortcomings, Blanford explained that a Coeur d'Alene human resources firm was contracted three months ago to develop those documents and keep the library up to speed. Beyond saying some policies had been adopted, he

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couldn't say which. The former director, Kimber Glidden, had been tasked to handle that, nor could he give a timeline or terms of the contract, those details, too, had been delegated to Glidden, who signed the contract on behalf of the board.

"Why doesn't anyone on the board know what was going on?" one member of the ICRMP board asked. "The board should have been more involved in communication with the director and staff."

When asked if an attempt had yet been made to find a new director following Glidden's notice of resignation, Blanford said that the board had one candidate for interim director, but was just beginning its search to fill the position, \$50,000 per year, depending on experience.

Another member of the ICRMP board recommended that the library board hold off on hiring a director until it figured out its policies and procedures, lest it bring someone else on board without clear policies or guidance. To hire before, he said, "was setting that person up for failure."

"The library worked well until 2016," one ICRMP board member said, "and now we have this unacceptably high loss ratio. We need to get it back as it was from 1995 to 2016. We need to see a commitment from the board that it won't delegate."

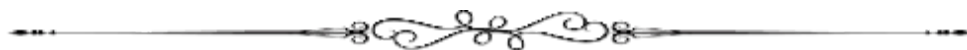
Blanford, who only recently became chair following the death of Judith Mace, admitted he has a lot to learn and said he is willing to do what is necessary to keep the Boundary County Library open.

"The board doesn't know what's going on and hasn't known what's going on," an ICRMP board member said. "They hired an HR firm months ago and have no idea what they're doing. They have a contract they haven't seen."

ICRMP has given the Boundary County Library Board a once in a lifetime chance. It will require honesty and openness, attributes denied the community so far.

"God bless you for being a volunteer," Blanford was told. "This is not personal, but a matter of public trust."

[Questions or Comments? Send us an email!](#)



BOUNDARY COUNTY LIBRARY
6370 KOOTENAI ST
BONNERS FERRY, ID 83805

PERSONAL AND CONFIDENTIAL

TO: Dana Boiler

FROM: Kimber Glidden, Library Director

DATE: July 29, 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 July 21, 2022, wherein you and your counsel presented a response to the bases for proposed termination. Your counsel also provided additional documentation to the Library after the hearing in support of your response.

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 July 29, 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 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.
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.

...

14. Not provide false or misleading information on employment applications, job performance reports or any other related personnel documents or papers.

...

17. Not engage in criminal conduct of any kind while on or off duty.

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:

- In or about April 2021, you reported to the Kootenai Valley Times that a library employee had posted videos of herself dancing on a stripper pole to Facebook and that such videos had been uploaded from a Library computer. This information was also reported by the Kootenai Valley Times on April 25, 2021. In the investigation completed by Clements, Brown and McNichols, the investigator, Sonyalee Nutsch, was unable to find any evidence that any video posted to Facebook was uploaded from a Library computer.

With respect to the allegations that Ms. Maggi had sent sexually explicit videos of herself pole dancing in a Facebook messenger group, which was reported to the Boundary County Sheriff's Office and forwarded to the Idaho State Police, you were aware as of May 2021 that ISP had determined that the incidents depicted in the videos were not criminal in nature and that no further investigation would follow. At the hearing on July 21, 2022, you, and through counsel, continued to assert that the video of Ms. Maggi was criminal in nature.

- In the investigation completed by Clements, Brown and McNichols, the investigator, Ms. Nutsch, was informed by you that on or about March 26, 2021, you were counseled by Sandra Ashworth and Derrick Grow to refrain from telling Library patrons to contact Board members to complain about conditions at the Library. Ms. Maggi was present for this meeting along with Ken Vlockhan. After this meeting, you then began looking on your phone for anything that was related to the Library. You informed Ms. Nutsch that this was when you found a Facebook messenger chat group started by Ms. Maggi. You later realized that the group's initial name 'Library Strippers' had been changed to 'Library Fun' which was why you did not recognize the group. You told Ms. Nutsch that when you received a notification from the group chat, you would ignore it. You informed Ms. Nutsch that after the March 26, 2021, meeting, you decided to go back through the group chat and read what had been said, and it was only then that you found that your teenage daughter was also included in the group. You stated that you were shocked and greatly disturbed by what the videos you saw in the group chat.

You reported to Ms. Nutsch that you had been to Ms. Maggi's home in August 2020 and had observed a room that only contained a pole. You stated that you peeked into the room

and saw the pole, and never allowed your daughter to go into the room with the “stripper pole”. Amy, Cari Haarstick, a former employee, and other individuals were also present at Ms. Maggi’s home. As part of the investigation, Ms. Nutsch learned that the visit to Ms. Maggi’s home occurred on June 9, 2020, which was confirmed by video evidence. Ms. Nutsch also viewed a video taken on that day in which your daughter is depicted in the room with the pole.

The next day, June 10, 2021, Ms. Maggi created the Facebook messenger group chat and only invited the girls and women who had been at her home the previous day and had expressed an interest in seeing her pole dancing abilities. On October 17, 2020, Ms. Maggi posted a video to the group chat of her updated pole workout. On October 23, 2020, you commented in the group chat, “I missed this. Didn’t see it til zoeys comment. I’ll have to watch it later.” Ms. Nutsch’s investigation revealed that you were not candid with Ms. Nutsch about the nature of your involvement in the Facebook messenger group chat or your knowledge about the substance of the group chat prior to your alleged discovery on or about March 27, 2021.

- In the investigation completed by Clements, Brown and McNichols, the investigator, Ms. Nutsch, was informed by you that you accessed Amy Maggi’s personal flash drive when you found it in the Fab Lab. You took the flash drive, gave it to your husband, and reported to Ms. Nutsch that you did not know where the flash drive was currently located.
- You have exhibited a pattern of disrespectful and unprofessional conduct. In February of 2021, when your schedule was changed by the former Library Director Craig Anderson, you demanded that Mr. Anderson change the schedule back, and then went to another employee and demanded that the schedule be changed. You grew increasingly upset, raised your voice, and declared that you were not going to be micromanaged anymore. You then proceeded to text Mr. Anderson, again demanding for your schedule to be changed.
- On or about April 9, 2021, you became involved in an argument with Sandra Ashworth, Mr. Grow, and Mac Withers. In the midst of the argument, you summoned your husband to join the argument, and you proceeded to yell at Ms. Ashworth and Mr. Grow during this argument.

In the aggregate, such conduct fails to meet the reasonable expectations the Library has of its employees. 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.

Finally, the Library is still storing property which has been identified as belonging to you. Please make arrangements to have this property collected by August 5, 2022. If the property is not collected by August 5, 2022, it will be considered abandoned and the Library will dispose of it.

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 black ink, appearing to read 'Kimber Glidden', written in a cursive style.

Kimber Glidden,
Library Director

BOUNDARY COUNTY LIBRARY
6370 KOOTENAI ST
BONNERS FERRY, ID 83805

PERSONAL AND CONFIDENTIAL

TO: Cari Haarstick
FROM: Kimber Glidden, Library Director
DATE: July 29, 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 July 21, 2022, wherein you and your counsel presented a response to the bases for proposed termination. Your counsel also provided additional documentation to the Library after the hearing in support of your response.

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...

4. Abide by all departmental rules and direction of a supervisor whether written or oral. No employee will be required to follow the directive of a supervisor that violates the laws of the local jurisdiction, state or nation.

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:

- After you completed the update of the Library's website, Interim Director Derrick Grow requested that you provide him with control of the Library's website. You were asked on numerous occasions directly and through your attorney to provide the needed information for the Library to control the website. Ultimately, Mr. Grow had to go to the website hosting platform to obtain control of the website.

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.

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Sincerely,



Kimber Glidden,
Library Director