

Schied's employment, written by Sandra J. Harris, offering reason that Mr. Schied had been convicted for aggravated robbery.

11. The criminal history documents are described as follows:
 - a) The "State" criminal history report was dated 10/6/03 and stamped as received by the assistant superintendent's office on 10/10/03. It reflected a name at the top of the document stated that no criminal history record had been located on Mr. Schied. (Exhibit B)
 - b) The "FBI" criminal history report was dated 10/8/03 and also stamped as received by the assistant superintendent's office on 10/10/03. It reflected that a criminal history record had been located and referenced an attached document. This abbreviated FBI criminal history report contained a notation at the bottom stating, "Since arrests, convictions, or criminal history deletions may occur at anytime, do not reuse this information." (Exhibit C)
 - c) The "attachment" referenced by the FBI criminal history report appears to have been photocopied onto another sheet of paper with information, possibly a date, cut off at the top. This page provided a more detailed FBI criminal history report reflecting "robbery changed to aggravated robbery". The document also depicted a "disposition" of "convicted" and a "status" of "probation". (Exhibit D)
12. I noted right away that at the top of the "detailed" FBI report (Exhibit D) that the following was clearly legible:

"This record is subject to the following use and dissemination restrictions under provisions set forth in Title 28, Code of Federal Regulations (CFR), Section 50.12:

Both governmental and nongovernmental entities authorized to submit fingerprints and receive FBI identification records must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records obtained from the FBI Identification records obtained from the FBI may be used solely (or the purpose requested and may NOT be disseminated outside the receiving department, related agency or other authorized entity.

If the information on the record is used to disqualify an applicant, the official making the determination of suitability for licensing or employment SHALL provide the applicant with the opportunity to complete, or challenge, the accuracy of, the information contained in the FBI identification record. The deciding official should not deny the license or employment based on the information in the record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.... If the applicant wishes to correct the record as it appears in the FBI's CJIS Division Records System, the applicant should be advised that the procedures to change, correct, or update the record are set forth in Title 28, CFR, Section 16.34."

13. By reference to the very Federal statutes provided to me by Lincoln Consolidated Schools' director of business services Cathy Secor, as well as other State and Federal statutes that have come to my attention, I believe that, by my receipt of

- these documents through the U.S. Postal Service, I have been inadvertently involved as a witness to a CRIME against Mr. David Schied as perpetrated by Cathy Secor, acting on behalf of superintendent Lynn Cleary, and the individual school board members of the Lincoln Consolidated School District.
14. As referenced by the FBI report itself, the dissemination of the FBI report is a violation of Mr. Schied's right to privacy and a violation of the school district's "qualifying" status as an institution entitled to gather and process criminal background checks based upon fingerprints.
 15. I have shared the contents of this package with Mr. David Schied as his dependent child is my counseling client; and I am aware that he has named various administrators of the Lincoln Consolidated Schools as having acted maliciously in the past to obstruct him from employment as a schoolteacher. I am also aware of the negative impact that such action has had upon his ability to support his dependent wife and child, and in impeding his ability to provide for the ongoing costs of the counseling services that this family needs in the aftermath of earlier offenses by the Lincoln Consolidated School District administration.
 16. I am aware that due to previous civil litigation between Mr. Schied and the Lincoln Consolidated School District, the administrators of this school district were made amply aware that Mr. Schied's criminal history in Texas was SET ASIDE in 1979. Mr. Schied has explained to me that the "set aside" document is the "Early Termination Order of the Court Dismissing the Cause" sent to me under FOIA request as included in the recent package from Cathy Secor. (Exhibit E)
 17. In reviewing the "Early Termination Order..." (Exhibit E), I see clearly that it shows that on December 20, 1979, a Texas judge had permitted Mr. Schied to "withdraw the plea". That same court Order also "dismissed the indictment" on that date in 1979.
 18. This information sent to me by the LCSD "director of business services" Cathy Secor seemingly demonstrates that the information contained in the FBI criminal history report was erroneous upon delivery to the Lincoln Consolidated Schools in 2003. Clearly, the fact that it depicts a "status" of "probation" was outdated by nearly a quarter-century. In addition, Mr. Schied has provided Texas and Federal case law that clearly describes Mr. Schied's "Early Termination..." document as a "discretionary" type of set aside issued in Texas to indicate that "no conviction exists" beyond the date in which this document was issued by the Texas court. (See Rudy Valentino Cuellar v. Texas", SW3d 815 Tex Crim App 2002; United States of America v. Armando Sauseda, 2000 US Distr Lexis 21323 WD Tex, unpublished 1/10/2000)
 19. Additionally, Mr. Schied has furnished me with even more documents to show that the Lincoln Consolidated School District administration was aware, since prior to terminating Mr. Schied's employment, that he had also been provided with a Texas governor's "FULL" executive "PARDON" in 1983, which also included a "full restoration of civil rights".
 20. The additional documents shown to me by Mr. Schied, also included with this Affidavit by reference to "Exhibit F" are three other sworn Affidavits presented to the Washtenaw County Circuit Court in 2005. Those documents, which even

include meeting "*minutes*", show that Mr. Schied had provided his "*Early Dismissal Order*" and his "*Texas Governor's Pardon*" to the Superintendent of Schools in good faith to demonstrate that the FBI criminal history report was inaccurate and that he "*was no longer considered to have been convicted of a felony*".

21. Additionally, Mr. Schied has brought my attention to two significant Texas attorney general opinions that seem to have a direct bearing upon both the meaning of Mr. Texas pardon as well as on the reliability of Texas criminal history records dating as far back as 1983 when Mr. Schied purportedly became "*eligible*" for a Texas governor's "*full*" after receiving a "*set aside*" in 1979.
 - a) Attorney General John Cornyn (JC-0396) explained the meaning of the term "*conviction*" in 2001 as "*not to include an adjudication or guilt or an order or deferred adjudication that has been subsequently (A) expunged; or (B) pardoned under the authority of a state or federal official.*"
 - b) Attorney General Dan Morales (DM-349) even went so far as to explain in 1995 that anyone who has received a "*set*" such as the type received by Mr. Schied in 1979 is not even eligible for a pardon...because there is nothing left to pardon after the withdrawal of plea and dismissal of indictment. Dan Morales stated, "*Because nothing remains to be pardoned after charges are dismissed and the defendant is discharged pursuant to subsection (Article 42.12, Section 5c), we are of the opinion that any purported pardon or an offense issued after dismissal and discharge would be a nullity for lack of an object.... Therefore, a defendant who has been discharged under subsection (c) is NOT ELIGIBLE FOR CONSIDERATION FOR A PARDON... (and therefore) ... is not eligible to apply to the Board of Pardons and Paroles for a pardon for the crime of which the person was found guilty, for such a person has no legal disabilities or disqualifications resulting from the deferred adjudication that are subject to remission by*
22. Adding to my concerns about the apparent discrepancy in the documents released by the LCSD administration, is yet another document that was included in the package that was sent to me by Cathy Secor. This was a letter dated November 6, 2003, written by interim-superintendent SANDRA HARRIS as a notice of employment termination to David Schied. (Exhibit G)
23. That letter ("Exhibit G") seemingly accuses Mr. Schied of being the one to "*misrepresent*" himself when completing his employment paperwork at the school district. The letter accuses him of having "*indeed been convicted of aggravated robbery*". Yet while the FBI report provided Mr. Schied with the right to keep his job while challenging the accuracy of the FBI report, this letter shows that LCSD superintendent Sandra Harris denied Mr. Schied that right to keep his job. She terminated him and wrote this letter calling him a liar and convict instead.
24. An additional document included in the package sent to me by Cathy Secor was a document with the letterhead of the Northville Public Schools showing that on 2/17/04, Mr. Schied had explicitly refused to provide his authorization for Lincoln

- Consolidated Schools to release information related to his employee history under the "Public Act 189 of 1996". (**Exhibit H**)
25. This unsigned document ("Exhibit H"), along with the contents of the sworn affidavits, the "*meeting minutes*", and the "*clemency*" documents themselves, indicates to me that Mr. Schied took proper accountability for all of his past actions and has subsequently taken all the proper steps to maintain and express his rights to "*correct*" his criminal history record, and to maintain confidentiality over any of these records.
 26. Mr. Schied has explained to me that this is not the first occurrence of the Lincoln Consolidated Schools violating his rights to privacy by releasing this erroneous FBI report to the public. Inside of the package sent to me by LCSD business office director Cathy Secor, I also found a copy of another FOIA request that was submitted to the Lincoln Consolidated Schools by Linda Soper. (**Exhibit I**)
 27. I believe that LINDA SOPER could be an additional "*witness*" to the crimes that I have witnessed occurring against Mr. Schied. Mr. Schied has informed me that he has proof that the Michigan State Police and the Washtenaw County Prosecutor have long ignored evidence he submitted to them in 2005 and 2006 showing that Linda Soper had forwarded the material she received to Mr. Schied, inclusive of this very same FBI criminal history report and this very same "Early Termination Order" document.
 28. Mr. Schied has explained that in the civil proceedings against the Lincoln Consolidated Schools that took place between 2004 and 2006, the LCSD administration and school board members were all made aware that Mr. Schied had eventually been afforded a "*correction*" of this erroneous FBI report by means of a Texas court Order of "*expunction*".
 29. I have seen recently the Texas court "Order of Expunction" document. I understand that it allows Mr. Schied to deny everything regarding this 1977 Texas offense. **In** fact, one of the rights provided to Mr. Schied by the decree of this Texas court order is the right to deny even the existence of the "*expunction*" document itself.
 30. It should be noted that nowhere on the document does it state that the records being "*expunged*" are those relating to a "*conviction*"; but instead, the Texas court Order only references the "*expunction*" of all "*remaining*" records that may be associated with the subject's "*arrest*" records.
 31. Mr. Schied has explained that Texas "*expunction*" law similarly only refers to records associated with the subject's "*arrest*" records and never refers to any "*conviction*" existing to be expunged. This would again support Mr. Schied's longstanding claim that the FBI report was "*incorrect*" in depicting a "*disposition*" of "*conviction*"; and that therefore, at the time he had applied for employment at the Lincoln Consolidated Schools there was no "*conviction*" for him to "*admit*" to. As far as I can tell, even his 1977 admission of "*guilt*" had been withdrawn in 1979 as shown by the "Early Termination Order..." that I received in the mail recently from Cathy Secor.
 32. I find it confusing then that this school district should be legally entitled to disseminate information that undermines both Mr. Schied's right to privacy and his legal right to deny the existence of these documents. I am even more

perplexed as to why the LCSD administration is continuing to divulge this "nonpublic" information from the district's "public" personnel files and under FOIA request. It is my understanding that the Michigan Court of Appeals had also declared in their ruling of the *Schied v. Lincoln Consolidated Schools* case, that had Mr. Schied received his Texas court Order of Expunction prior to applying for a job at this school district, the district would have had no other grounds for terminating him and characterizing him as a person who had "misrepresented" himself on his job application with that district.

33. I believe that Mr. Schied is a crime victim as based MINIMALLY upon the following statutes:

- a) Under MCL §15.243(1) of Michigan's *Freedom or Information Act (Act 442 of 1976)*, a public body such as a SCHOOL DISTRICT may exempt from disclosure any *information of a personal nature if public . disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy*"; and "(b) Investigating records compiled for law enforcement ; purposes... insofar.... as disclosure as a public record would... (ii) Deprive a person of the right to a fair trial or impartial administrative adjudication... (or) ... (iv) Constitute an unwarranted invasion of personal privacy. "
- b) MCL 380.1230, MCL 380.1230(a) and MCL 380.1230(g) (Revised School Codes) - "*The governing body of a public school... or an employee of a district, public school academy... SHALL NOT DISCLOSE ... a report (containing criminal history information) or divulge its contents to any person who is not directly involved in evaluating the applicant's qualifications for employment or assignment.... A representative of the individual's employer who receives a copy of a report, or receives results of a report from another source... SHALL NOT DISCLOSE the report or its contents or the results of the report to any person outside O/the employer's business or to any of the employer's personnel who are not directly involved in evaluating the individual's qualifications/or employment or assignment. A person who violates this subsection is guilty or a misdemeanor punishable by a fine or not more than \$10,000.00.*"
- c) MCL 380.1230(b) (Revised School Codes) - "*[Criminal history] information ... shall be used by a school district... only for the purpose of evaluating an applicant's qualifications for employment in the position for which he or she has applied. Except as otherwise provided by law, a board member or employee of a school district, local act school district, public school academy, intermediate school district, or nonpublic school SHALL NOT DISCLOSE the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant's qualifications for employment. A person who violates this subsection is guilty or a misdemeanor punishable by a fine o/not more than \$10,000.00.*"
- d) MeL 722.622(g) (Michigan's Child Protection Law) - "'Expunge' means to physically remove or eliminate and destroy a record or report. "

- e) MeL 780.623 (Michigan's Set Aside Law) - "...a person, other than the applicant, who knows or should have known that a conviction was set aside (pardoned or otherwise "expunged")and who divulges, uses, or publishes information concerning a conviction set aside under this section is guilty of a misdemeanor punishable by imprisonment/or not more than 90 days or a fine o/not more than \$500.00, or both."
 - f) Article 60.06(b) (of Texas Code ofCriminal Procedures) - Information on an individual that consists ofan identifiable description and notation ofan arrest, detention, indictment, information, or other formal criminal charge and a disposition ofthe charge, including sentencing, correctional supervision, and release that is collected and compiled by the Department ofPublic Safety and the Texas Department ofCriminal Justicefrom criminaljustice agencies and maintained in a central location is not subject to public disclosure ..."
 - g) Article 55.03 (Tex. Code ofCrim. Proc.) - "When the order of expunction isjinal: (1) the release, **dissemination**, or use ofthe expunged records ... is prohibited..."
 - h) 5 U.S.c. § 5523 (i)(1) (ofthe Privacy Act o(1974)) - "Any officer or employee ofan agency, who by virtue ofhis employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure ofwhich is prohibited and who knowing that disclosure ofthe specific material is so prohibited, willfully discloses the material in any manner to any person or agency not entitled to receive it, **SHALL BE GUILTY OFA MISDEMEANOR** andfined not more than \$5,000."
34. I question the liability that is imposed upon Mr. Schied as the sole provider to his family when, by Texas court Order he is being allowed to deny the existence of this criminal history information, while the Lincoln Consolidated Schools is being allowed to criminally disseminate it to anyone, including prospective employers, under the Freedom ofInformation Act.
- a) In my view, the document being disseminated by Cathy Secor on behalf of the superintendent Lynn Cleary and the school board ofthe Lincoln Consolidated Schools, defies Mr. Schied's right to employment, and thus impedes his ability to provide for his dependent wife and child.
 - b) The document sent to me by the Lincoln Consolidated Schools might also justify what can otherwise be false allegations of "misrepresentation" against David Schied should Mr. Schied attempt to rely upon his right to deny the existence of even the "arrest" for this offense as provided clearly by a Texas court Order that is surely known by the LCSD administration to exist since it was the determining factor in their court case.
35. I therefore submit this Affidavit, under Oath, as witness to crimes I perceive to be occurring against David Eugene Schied.

Further the affiant sayeth not.

Respectfully submitted.

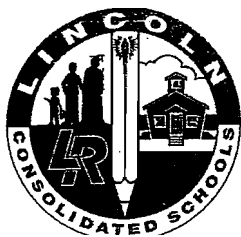
Dated: 4-7-09

By Earl E. Young

Sworn to and subscribed before me this 7th day of April 2008.
Sandra L. Inch
Notary Public, Oakland County, MI acting in Oakland County Michigan.
My Commission Expires: 01-22-15

SANDRA L. INCH
Notary Public, State of Michigan
County of Oakland
My Commission Exp' s J n 22, 2 15
Acting In the County of Oakland

EXHIBIT "A"



LINCOLN CONSOLIDATED SCHOOLS

8970 Whittaker Road, Ypsilanti, MI 48197

PHONE: (734) 484-7000 / FAX: (734) 484-1212

WEBSITE: [wwwJincoln.k12.mi.us](http://www.Jincoln.k12.mi.us)

CENTRAL OFFICE
Superintendent
484-7001

Executive Director
Human Resources
484-7002

Curriculum Director
484-7000, 7658

Business Services Director
484-7042

SCHOOLS
High School
484-7004

Middle School
484-1033

Brick Elementary
484-7031

Redner Elementary
484-7061

Model Elementary
484-7045

childs Elementary
484-7035

Bessie Hoffman Elementary
484-3150

Early Childhood Center
484-7070

DEPARTMENTS
Technology Services
484-7000, Ext. 7274

Special Education
484-7054

Transportation
484-7044

Facilities
484-7037

Food Service
484-7072

Athletics
484-7013

Community Recreation
484-7007

Communications
484-7000, Ext. 7121

Lincoln Senior Program
484-7000, Ext. 7557

March 12, 2009

Mr. Earl Hocquard
140 Bam Ridge
Fenton, MI 48430

RE: FOIA – David Schied

In response to your Michigan Freedom of Information Act request, please find enclosed copies of your request.

The processing fees are as follows:

49 <u>pages@.05</u>	\$ 2.45
Postage	2.19
Processing (1 hr x \$18.64)	<u>18.64</u>
TOTAL	\$23.28

Please make your check payable to the Lincoln Consolidated Schools and mail to the attention of Business Office at the above address.

Should you have any questions, please feel free to contact me at (734) 484-7042.

Sincerely,

Cathy Secor

Director of Business Services

Enclosure

EXHIBIT “B”

FINGERPRINT SEARCH RESPONSE

Requester : LINCOLN CONSOLIDATED SCHOOLS
Reason for FP Search: NCPA/VCA, PL105-243
Subject Printed SCHIELD/DAVID
DOB 08/22/1957
SSN

AS OF 10/06/2003,

A search of Michigan's criminal history record file has not located a criminal record meeting dissemination criteria.

Criminal history record responses are dependent upon Criminal History Record Information (CHRI) being reported to the Criminal Justice Information Center. ~~Users should contact local criminal justice agencies to determine CHRI which could be in local files.~~

RECEIVED

OCT 10 2003

ASST. SUPT. OFFICE

EXHIBIT “C”

10/08/2003

TCN A103040698P03

PAGE 2

FBI FINGERPRINT SEARCH RESPONSE

Requester : LINCOLN CONSOLIDATED SCHOOLS
Reason for FP Search: NCPA/VCA/ PL105-243
Subject Printed SCHIELD/DAVID
DOB 08/22/1957
SSN

AS OF 10/06/2003/

The FBI automated identification process for the above individual has
~~located the attached record matching the data provided.~~ ---
Since arrests/ convictions/ or criminal record deletions may occur at
anytime/ do not reuse this information.

RECEIVED

OCT 10 2003

ASST. SUPT. OFFICE

EXHIBIT "D"

ATN/RPU

THIS RECORD IS BASED ONLY ON THE FBI NUMBER IN YOUR REQUEST-731547R11. BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

THIS RECORD IS SUBJECT TO THE FOLLOWING USE AND DISSEMINATION RESTRICTIONS

UNDER PROVISIONS SET FORTH IN TITLE 28, CODE OF FEDERAL REGULATIONS (CFR), SECTION 50.12, BOTH GOVERNMENTAL AND NONGOVERNMENTAL ENTITIES AUTHORIZED TO SUBMIT FINGERPRINTS AND RECEIVE FBI IDENTIFICATION

RECORDS MUST NOTIFY THE INDIVIDUALS FINGERPRINTED THAT THE FINGERPRINTS WILL BE USED TO CHECK THE CRIMINAL HISTORY RECORDS OF THE FBI. IDENTIFICATION RECORDS OBTAINED FROM THE FBI MAY BE USED SOLELY FOR THE PURPOSE REQUESTED AND MAY NOT BE DISSEMINATED OUTSIDE THE RECEIVING DEPARTMENT, RELATED AGENCY OR OTHER AUTHORIZED ENTITY. IF THE INFORMATION

ON THE RECORD IS USED TO DISQUALIFY AN APPLICANT, THE OFFICIAL MAKING THE DETERMINATION OF SUITABILITY FOR LICENSING OR EMPLOYMENT SHALL PROVIDE THE APPLICANT THE OPPORTUNITY TO COMPLETE, OR CHALLENGE THE ACCURACY OF, THE INFORMATION CONTAINED IN THE FBI IDENTIFICATION RECORD. THE DECIDING OFFICIAL SHOULD NOT DENY THE LICENSE OR EMPLOYMENT BASED ON THE INFORMATION IN THE RECORD UNTIL THE APPLICANT HAS BEEN AFFORDED A REASONABLE TIME TO CORRECT OR COMPLETE THE INFORMATION, OR HAS DECLINED TO DO SO. AN INDIVIDUAL SHOULD BE PRESUMED NOT GUILTY OF ANY CHARGE/ARREST FOR WHICH THERE IS NO FINAL DISPOSITION STATED ON THE RECORD OR OTHERWISE DETERMINED. IF THE APPLICANT WISHES TO CORRECT THE RECORD AS IT APPEARS IN THE FBI'S CJIS DIVISION RECORDS SYSTEM, THE APPLICANT SHOULD BE ADVISED THAT THE PROCEDURES TO CHANGE, CORRECT OR UPDATE THE RECORD ARE SET FORTH IN TITLE 28, CFR, SECTION 16.34.

- FBI IDENTIFICATION RECORD -

WHEN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE FBI.

NAME	FBI NO.	DATE REQUESTED
SCHIED, DAVID EUGENE	731547R11	2003/10/08
SEX RACE BIRTH DATE HEIGHT WEIGHT EYES HAIR BIRTH PLACE		
M W 1957/08/22 507 135 BLU BLN MONTANA		
FINGERPRINT CLASS PATTERN CLASS		CITIZENSHIP
CO 63 10 17 11 UC LS RS RS RS LS LS LS LS LS		UNITED STATES
12 53 12 17 12 WU WU RS WU		
	AU	

1-ARRESTED OR RECEIVED 1977/07/20
 AGENCY-POLICE DEPARTMENT HOUSTON (TXHPD0000)
 AGENCY CASE-293158
 CHARGE 1-ROBBERY
 COURT-
 1977/12/15 DISPOSITION-CONVICTED-
 CHARGE-ROBBERY CHNGD TO AGGRAVATED ROBBERY
 SENTENCE-10Y PROBATION
 SUPERVISION OR CUSTODY-
 AGENCY-COUNTY PROBATION HOUSTON (TX1010136)

19

77/12/15 STATUS-PROBATION- THIS RECORD MUST BE USED ONLY IN CONJUNCTION WITH THE CURRENT APPLICATION - A NEW RECORD MUST BE REQUESTED FOR FUTURE USE.

ALL ARREST ENTRIES CONTAINED IN THIS FBI RECORD 'BASED ON FINGERPRINT COMPARISONS AND PERTAIN TO THE SAME INDIVIDUAL. THE USE OF THIS RECORD IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE ONLY AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED. END OF RECORD

EXHIBIT "E"

Confidential

ORDER OF THE COURT DISMISSING THE CAUSE

THE STATE OF TEXAS
VS. NO. 266491
SCHIED, David Eugene

17/185

IN CRIMINAL DISTRICT COURT NO. 183rd
OF HARRIS COUNTY, TEXAS

It appears to the Court, after considering the recommendation of the defendant's probation officer, and other matters and evidence to the effect that the defendant has satisfactorily fulfilled the conditions of probation during a period of over one third of the original probationary period to which he was sentenced. Therefore, the period of probation is terminated.

It is therefore the order of the Court that the defendant be and he is hereby permitted to withdraw his plea of guilty, the indictment against defendant be and the same is hereby dismissed and the Judgment of Conviction be hereby set aside as provided by law.

Probation Officer: [Signature]

Entered this 22 day of December, A.D. 1979

day of

A.D.

[Signature] Judge Presiding

11733 2376

NMA 01708000

NOV 20 1979

CLERK

RECEIVED
CLERK

STATE OF TEXAS
COUNTY OF HARRIS

I, Ray Hardy, District Clerk of Harris County, Texas, do hereby certify that the foregoing is a true and correct copy of the original record, now in my lawful custody and possession, as appears of record in Vol. 17, Page 185, Minutes of said court on file in my office.

Witness my official hand and seal of office, this

3-7-83

RAY HARDY, DISTRICT CLERK
Harris County, Texas

By G. S. Kester Deputy

EXHIBIT "F"

OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

DAVID SCHIED,

Plaintiff

Case No. 04-577-eL
Hon. Melinda Morris

v

LINCOLN CONSOLIDATED SCHOOLS,
LINCOLN CONSOLIDATED SCHOOLS BOARD
OF EDUCATION and DR. SANDRA HARRIS,

Defendants.

Joseph H. Firestone (P39130)
THE FIRESTONE LAW FIRM, P.C.
Attorneys for Plaintiff
30555 Southfield Road, Ste. 530
Southfield, MI 48076
(248) 540-2701

Michael D. Weaver (P43985)
PLUNKETT & COONEY, P.C.
Attorneys for Defendants
38505 Woodward Ave., Ste. 2000
Bloomfield Hills, MI 48034
(248) 901-4025

AFFIDAVIT OF LINDA SOPER

Linda Soper, being first duly sworn, deposes and says,

1. I am a teacher in the Lincoln Consolidated Schools and an officer of the Lincoln Education Association.
2. As an officer for the Lincoln Education Association, I attended a meeting on November 6, 2003 for the purpose of discussing David Schied's employment with the Lincoln Consolidated Schools.
3. To the best of my recollection, at that meeting after Donnie Reeves presented the Early Dismissal Order and Texas Governor's Pardon to the Superintendent of Schools, I took one or both of the documents to be copied so that the Superintendent would have clearly legible copies in her possession.

4. After the Superintendent possessed the documents. Mr. Schied attempted to explain what each document meant.
 5. The Superintendent tenninated the meeting abruptly by walking out of her office.
- Further the affiant sayeth not.

Rich Sayer
er

Subscribed and sworn before me
this October 17,2005.

Christine T. Becky
~~Christine T. Becky~~, Notary Public
Washtenaw County, Michigan
My commission expires: 4-1-2008

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

DAVID SCHIED,

Plaintiff

Case No. 04-577-eL
Hon. Melinda Morris

v

LINCOLN CONSOLIDATED SCHOOLS,
LINCOLN CONSOLIDATED SCHOOLS BOARD
OF EDUCATION and DR. SANDRA HARRIS,

.Defendants.

Joseph H. Firestone (P39130)
THE FIRESTONE LAW FIRM, P.C.
Attorneys for Plaintiff
30555 Southfield Road, Ste. 530
Southfield, MI 48076
(248) 540-2701

Michael D. Weaver (P43985)
PLUNKETT & COONEY, P.C.
Attorneys for Defendants
38505 Woodward Ave., Ste. 2000
Bloomfield Hills, MI 48034
(248) 901-4025

AFFIDAVIT OF DONNIE REEVES

Donnie Reeves, being first duly sworn, deposes and says,

1. I the UniServ Director for the Washtenaw-Livingston Education Association.
2. My responsibilities include serving the Lincoln Education Association in matters of contract administration and grievance processing.
3. As the bargaining representative for the Lincoln Education Association members, I attended a meeting on November 6, 2003 for the purpose of discussing David Schied's employment with the Lincoln Consolidated Schools.
4. To the best of my recollection, at that meeting I, along with the local leadership of the Association, presented the Superintendent of Schools with two documents intended to demonstrate that Mr. Schied was no longer considered to have been convicted of a felony.

5. To best of my recollection, the documents presented to the Superintendent were an Early Dismissal Order and a Texas Governor's Pardon.

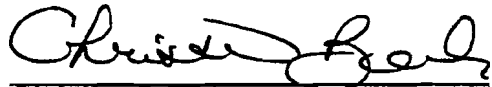
6. After the Superintendent possessed the documents, Mr. Schied attempted to explain what each document meant.

7. The Superintendent terminated the meeting abruptly by walking out of her office. Further the affiant sayeth not.



Donnie Reeves

Subscribed and sworn before me
this October 17, 2005.



Christine I. Berk Notary Public

Washtenaw County, Michigan

My commission expires: 4-11-2008

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

DAVID SCHIED,

Plaintiff

Case No. 04-577-eL
Hon. Melinda Morris

v

LINCOLN CONSOLIDATED SCHOOLS,
LINCOLN CONSOLIDATED SCHOOLS BOARD
OF EDUCATION and DR. SANDRA HARRIS,

Defendants.

Joseph H. Firestone (P39130)
THE FIRESTONE LAW FIRM, P.C.
Attorneys for Plaintiff
Southfield Road, Ste. 530
Southfield, MI 48076
(248) 540-2701

Michael D. Weaver (P43985)
PLUNKETT & COONEY, P.C.
Attorneys for Defendants
38505 Woodward Ave., Ste. 2000
Bloomfield Hills, MI 48034
(248)

AFFIDAVIT OF CLAUDIA GUTIERREZ

Claudia Gutierrez, being first duly sworn, deposes and says,


1. I am a teacher in the Lincoln Consolidated Schools and an officer of the Lincoln Education Association.
2. As an officer for the Lincoln Education Association, I attended meetings on November 3 and 6, 2003 for the purpose of discussing David Schied's employment with the Lincoln Consolidated Schools.
3. As is our practice, I was asked and did take notes of the meetings.
4. The attached notes are the notes that I took at the meetings.

5. I affirm that the notes accurately reflect what occurred at the meetings to the best of my recollection.

Further the affiant sayeth not.


Claudia Gutierrez

Subscribed and sworn before me
this October 17, 2005.


Christa Perry, Notary Public
Washtenaw County, Michigan
My commission expires: 4-11-2008

Notes taken by Claudia Gutierrez at Pre-termination Meeting of David Scheid

November 3, 2003

In attendance: D. J. C. Gutierrez, Dr. Harris, M.

H. In ref. to Public Act 68-83, we a release for police check. You signed a form you were not convicted of felonies or crimes.
(Harris then of D. w/ birth date...stated he was charged robbery, aggravated robbery)

H. you arrested for robbery?"

D. "Yes."

H. you and sentenced to 10 years probation?"

D. "Yes, it was overturned."

D. the doc. he had referring to Early Determination.

H. "Would you describe the around the robbery?"

D. "I do not recall them."

H. "I have asked about the conditions that caused the to be added in robbery. It could be a weapon...serious req. med. attention." When kids do things you were not a teenager. A crime was committed. You served part of the condition. After 1/3 of the time was up, things were going well, but...

1. The crime occurred.

2. You don't remember the conditions as to how it occurred.

3. You did not that you were You could have you were convicted and then provided conditions ...we would be dealing w/ this form different angle.

R. Asked for copy of Order Of Dismissal.

D. Will refer to legal counsel and will not give copies at this

J. What is purpose of meeting?

H. Pre-termination Hearing.

J. Asked for copy of doc. that Harris had. J. stated that CA has gone process of investigating and has issued D. a Cert.



H. Different **places** handle thingsThe **paper work** you **is a** concern for me. Violent **crimes, weapons, drugs** •DO matter what puts a slant on **things**. I'm going to have a call pm in to TX to get their **def.** of "aggravated robbery".

Jackie. Please give 24-48 hours notice of next meeting. Donnie **wants** to be involved.

D. Re info: will **not** share **and** allow **gander** at the originals. **Read** letter **he** presented to **State** of CA.

H. Asked for copy of Order Of Dismissal

D. Requested legal Rep. prior to **giving** documents to anyone.

H. "Due to nature of **simination** and circumstances;"

- suspended D. w/o pay
- if legal reps say to **reinstate**, **he** will get back pay
- as a rule, **if there** are circumstances where **we** are unsure of guilt, susp. **would** be **w/ pay** but **"I have the information that** you were not **truthful**. I have **grounds** for fraudulent **here**." (in ref. to his application)

. D. **"In my view there was no deception."**

H. "Have **you ever been** convicted of a felony? Yes you were. You should have **yes** and then explained. "I have **never been** convicted" **is not** a true statement It concerns me you can't remember the circumstances of the event."

Jackie: The documents **we** have will go to MEA with regard to the suspension

D. I have some questions ••concern for my students, **grades**, IEPs...am. I allowed to continue with those things **today**?

H. You need to go home. •. A **sub** will be provided for tomorrow. Turn in your **grades**.

C. at high School ...

Current address and phone numbers exchanged wi administration.

488-7075
CAguteing 27244

~~November 28, 2008~~

Present:

D. Reeves, D. Scheid., S. Harris, C.

L. Soper, M. Goodsman

"Let's cut to the"

Harris:

Scheid: Challenges statement of "I would not see papers...." as stated in the letter.

Discussion thenwill send copies..."

Refers to documents "Early Term Order" copy to Dr. Harris. Reeves
document **demonstrates** .. "he is **justified** in making that he did" ...on application that
he did not lie.

"Have you **been** convicted of a crime?" .

Shied: You being accusatory.....! was that person...To I requested to include
an **addendum**. I **asked** you not to **take** that information as sole detennination....Yes or no was not
a clear

Reeves: Requests documents **be** forwarded to Board's it for consideration for the
district".

Harris: "I I will forward information..I will our **attorney**...I will
follow **up** in **writing**." you will **remain** on **suspension w/o pay**."

Reeves: ...this **remains** in conflict w/ **statements made** at

Harris: "I remain convinced he made fraudulent ...until I am advised ... "

Soper:this is a serious **matter**..."

Reeves: "...He is experiencing an **increase** in anxiety..."

Scheid: "...I can have people testify that you (Harris) told Lisa or Lonnie about this situation...and
you told them about the meeting..."

"I told them a meeting was taking place about the information I have

Scheid: "You did not provide me with a **copy** of the meeting."

Harris: "Did you ask for a copy? I a to J. Schock."

Soper: ...will pay be restored in the event....?"

Harris: "If counsel agrees that everything is on the up and up, yes, income will **be** restored."

EXHIBIT “G”

LINCOLN CONSOLIDATED SCHOOLS

8970

Road, Ypsilanti, MI 48197

FAX: (734) 484-1212

CENTRAL OFFICE

Superintendent
Al Widner
484-7001

Assistant Superintendent
Sandra I. Harris, Ed.D.
484-7002

Curriculum Director
Casey Reason, Ph.D.
484-7000, Ext. 7658

Accounting Supervisor
Maureen Adams
484-7042

SCHOOLS

High School
484-7004

Middle School
484-7033

Brick Elementary
484-7031

Redner Elementary
484-7061

Model Elementary
484-7045

Bessie Hoffman Elementary
484-3150

Early Childhood Center
484-7000, Ext. 7220

DEPARTMENTS

Technology Services
484-7000, Ext. 7274

Special Education
484-7054

Facilities and Planning
484-7037

Transportation
484-7044

Food Service
484-7072

Athletics
484-7013

Community Recreation
484-7007

Communications
484-7017"

Lincoln Senior Program
483-8366

November 6, 2003


Mr. David Schied
229 Brookwood Dr., #8
South Lyon, MI 48178

Dear Mr. Schied: -'-'

This letter is a follow up to the meeting that was held on November 6, 2003. First, I would like to indicate that you stated that you would let me "take a gander" at the documents that you had in your possession at the November 3 Pre-Termination Hearing. Neither Marilyn Goodsman or I heard you make that statement; however, Claudia Gutierrez did have that information in her meeting notes.

Upon advice from our legal counsel, we hold the stance that you misrepresented yourself when completing the employment paperwork for our school district. Although your criminal record may have been cleared, you have indeed been convicted of aggravated robbery! Therefore, your employment with Lincoln Consolidated Schools is terminated, effectively immediately! Please make arrangements with Lonnie Proffitt to get any personal items that you may have left at the High School.

Sincerely,



Sandra J. Harris, Ed.D.
Interim Superintendent

cc: Marilyn Goodsman, Interim Assistant Superintendent
Lonnie Proffitt, Lincoln High School Principal
Lisa Desnoyer, Director of Special Education
Donnie Reeves, MEA Uniserv Director
Jackie Shock, LEA President
Linda Soper, LEA Contract Administrator
Claudia Gutierrez, LEA Building Representative
File

AN OASIS **OF** LEARNING!

EXHIBIT "H"

EXHIBIT “I”

December 5, 2003

Lincoln Consolidated Schools
8970 Whittaker Road
Ypsilanti, MI 48197

Re: Request for Information Pursuant to the Michigan Freedom of Information Act (FOIA)

Dear Ms. Goodman:

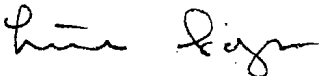
This is a request for information made under the Michigan Freedom of Information Act.

I wish to obtain a copy of the following documents:

Complete personnel file of David Schied

As provided by Section 5 of the Act, I expect to receive these copies as soon as possible, but at the latest within five (5) working days of your receipt of this request. If I deny this request in or in part, I expect to receive written notification of this decision as provided in Section 5 (4) (a) – (d).

Sincerely,



Linda Soper, LEA Contract administrator
Lincoln Middle School

Cc: Donnie Reeves, MEA Uniserv Director
Jackie Shock, President Lincoln EA
David Member

Done
1-7-04
JK