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## SWORN AFFIDAVIT OF EARL HOCQUARD

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STATE OF MICHIGAN        )  
                                          ) SS  
COUNTY OF LIVINGSTON )

EARL HOCQUARD, being first duly sworn, states that:

1. I have personal knowledge of the facts contained herein.
2. If sworn as a witness, I can testify completely to the facts contained in this Affidavit.
3. I was born in the United States and, as a person, I have resided here my whole life as a citizen of this country.
4. I hold a Master of Arts degree in Counseling Psychology. I am also an ordained nondenominational Christian minister.
5. In mid-to-late December 2008, I sent a letter to the Lincoln Consolidated School District (LCSD) requesting a copy of David Schied's public personnel file under the *Freedom of Information Act*.
6. I never received a response back from the school district; therefore in early March 2009, I sent a FAX to the administration office at the Lincoln Consolidated Schools reminding them of my initial FOIA request.
7. On or about 3/12/09, the LCSD director of business services CATHY SECOR sent back a package (measuring about 3/16" thick), addressed to me at my home in Genesee County. The package contained the employment records of Michigan schoolteacher David Schied.
  - a) The package I received was clearly a response to my FOIA request. There was a cover letter dated March 12, 2009 clearly stating "FOIA – David Schied" in the subject line. The letter was signed by Cathy Secor.
  - b) I have attached the cover letter that was enclosed along with the employment records in that postal package. **(Exhibit A)**
8. I inspected the contents of the envelope for the first time at my office in Wayne County; and I have maintained all documents in the envelope, in the order in which I had found them packaged together and forwarded to me by the Lincoln Consolidated Schools administrative offices.
9. I have maintained that package in my own possession and the contents of that envelope have never been left outside of my own personal possession at my professional counseling office.
10. **Upon inspection of the envelope contents, I found copies of the results of both State and Federal criminal history reports, along with a copy of a document marked "Confidential" and identified as an "Early Termination Order of the Court Dismissing the Cause". I also found a letter of termination of Mr.**

**Schied's employment, written by Sandra J. Harris, offering reason that Mr. Schied had been convicted for [REDACTED].**

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 [REDACTED]. 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 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 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. Schied’s 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 pardon” 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 of guilt or an order of 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 aside” 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 of 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 pardon.”
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 [REDACTED] [REDACTED]”. 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 of Information Act (Act 442 of 1976)**, a public body such as a SCHOOL DISTRICT may exempt from disclosure any “(a) *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 of the employer’s business or to any of the employer’s personnel who are not directly involved in evaluating the individual’s qualifications for employment or assignment. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of 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 of a misdemeanor punishable by a fine of not more than \$10,000.00.”
- d) **MCL 722.622(g)** (Michigan’s *Child Protection Law*) – “‘**Expunge**’ means to physically remove or eliminate and destroy a record or report.”

- e) **MCL 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 for not more than 90 days or a fine of not more than \$500.00, or both."
  - f) **Article 60.06(b)** (of *Texas Code of Criminal Procedures*) – **Information on an individual that consists of an identifiable description and notation of an arrest, detention, indictment, information, or other formal criminal charge and a disposition of the charge, including sentencing, correctional supervision, and release that is collected and compiled by the Department of Public Safety and the Texas Department of Criminal Justice from criminal justice agencies and maintained in a central location is not subject to public disclosure...**"
  - g) **Article 55.03** (Tex. Code of Crim. Proc.) – "**When the order of expunction is final: (1) the release, dissemination, or use of the expunged records ... is prohibited...**"
  - h) **5 U.S.C. § 552a (i)(1)** (of the *Privacy Act of 1974*) – "**Any officer or employee of an agency, who by virtue of his employment or official position, has possession of, or access to, agency records which contain individually identifiable information the disclosure of which is prohibited .... and who knowing that disclosure of the 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 OF A MISDEMEANOR and fined 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 of Information Act*.
- a) In my view, the document being disseminated by Cathy Secor on behalf of the superintendent Lynn Cleary and the school board of the 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

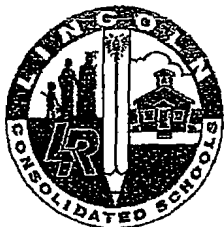
By *Earl E. Z...*

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 Expires Jan. 22, 2015  
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: [www.lincoln.k12.mi.us](http://www.lincoln.k12.mi.us)

CENTRAL OFFICE  
Superintendent  
484-7001

Executive Director  
Human Resources  
484-7002

Curriculum Director  
484-7000, Ext. 7658

Business Services Director  
484-7042

SCHOOLS  
High School  
484-7004

Middle School  
484-7033

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 Barn 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 pages@.05	\$ 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

~~November 2008~~

**Present:**

D. Reeves, D. Scheid, S. Harris, C. Gutierrez, L. Soper, M. Goodman

**Reeves:** "Let's cut to the chase...."

**Harris:** Reads letter.

**Scheid:** Challenges statement of "you would not let me see papers...." as stated in the letter.

**Harris:** Discussion then "...will send corrected copies..."

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

**Harris:** "Have you been convicted of a crime?"

**Scheid:** "No. You were being accusatory.....I was that person... To answer, I requested to include an addendum. I asked you not to take that information as sole determination....Yes or no was not a clear question.

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

**Harris:** "I understand. I will forward information...I will consult with 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 (earlier) meeting."

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

**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..."

**Harris:** "I told them a meeting was taking place about the information I have here"

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

**Harris:** "Did you ask for a copy? I presented a copy 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."

**STATE OF MICHIGAN  
IN THE WASHTENAW COUNTY CIRCUIT COURT**

**DAVID SCHIED,**

**Plaintiff**

**Case No. 04-577-CL  
Hon. Melinda Morris**

**v**

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

**Defendants.**

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

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


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**AFFIDAVIT OF DONNIE REEVES**

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

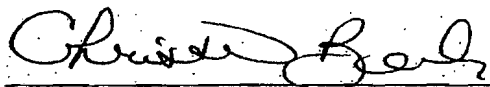
1. I am the UniServ Director for the Washtenaw-Livingston Education Association.
2. My responsibilities include serving the Lincoln Education Association in matters of contract administration and grievance processing.
3. As the bargaining representative for the Lincoln Education Association members, 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 the 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 L. Berkley 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-CL  
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**

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

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**AFFIDAVIT OF LINDA SOPER**

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

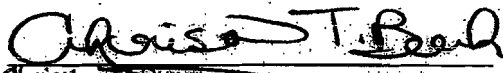
1. I am a teacher in the Lincoln Consolidated Schools and an officer of the Lincoln Education Association.
2. As an officer for the Lincoln Education Association, I attended a meeting on November 6, 2003 for the purpose of discussing David Schied's employment with the Lincoln Consolidated Schools.
3. 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 terminated the meeting abruptly by walking out of her office.
- Further the affiant sayeth not.

  
\_\_\_\_\_  
Linda Soper

Subscribed and sworn before me  
this October 17, 2005.

  
\_\_\_\_\_  
Christine T. Beck, Notary Public  
Washtenaw County, Michigan  
My commission expires: 4-11-2008

# **EXHIBIT “G”**

# LINCOLN CONSOLIDATED SCHOOLS

8970 Whittaker Road, Ypsilanti, MI 48197

FAX: (734) 484-1212

## CENTRAL OFFICE

Superintendent

Al Widner

484-7001

Assistant Superintendent

Sandra J. 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

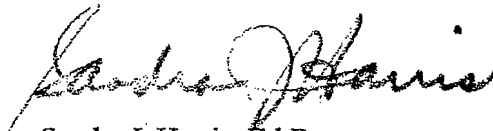
Mr. David Schied  
229 Brookwood Dr., #8  
South Lyon, MI 48178

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 [REDACTED]. 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  
Personnel File

LINCOLN . . . . AN OASIS OF LEARNING!

# **EXHIBIT "H"**



RE EIVE

MAR 11 2004

ASST. SUPT. OFFICE

Authorization for Release of Information and Employee History  
In Accordance with Public Act 189 of 1996

Applicant Name David Schied Social Security # 455-94-7754  
Position Applied For Supervisor  
Previous Employer Northville Public Schools

Pursuant to MCL 380.1230(b) and MCL 423.506, the undersigned hereby authorized my current and/or former employer(s) to disclose to the Northville Public School District information contained within my personnel record, including but not limited to information concerning unprofessional conduct by me as that term is defined in MCL 380.1230(b)-misconduct of any kind; any acts of immorality, moral turpitude or inappropriate behavior involving a minor; commission of a crime involving a minor.

I further authorize Northville Public Schools to obtain disciplinary reports; letters of reprimand; records of disciplinary action; evaluations; placement on any-program of improvement; and any other documents, records or information contained within my personnel record.

I hereby give my current and/or former employer(s), including agents and individuals thereof, my permission to release the above identified personnel record information without requiring my current and/or former employer to contact me or to give me written notice before disclosing the information to the requesting school district, currently required by MCL 423.506.

Pursuant to MCL 380.1230(b), and common law, I hereby release for myself, and my family, heirs, successors, and assigns, my current and/or former employer(s), including but not limited to board members, superintendents, administrators, personnel directors, officers, agents and attorneys; successors, and assigns thereof of and from any and all claims, demands, causes of action, suits, and any liability whatsoever, including but not limited to claims for slander, defamation, libel, negligence, invasion of privacy, interference with contractual relations, breach of contract, discrimination claims, intentional infliction of emotional distress and/or any other statutory, governmental or common law claim that I may have as a result of my current and/or former employer(s) disclosure of personnel record information to the requesting school district to which I have applied for employment, including but not limited to, personnel record information concerning any unprofessional conduct.

*Handwritten notes:*  
I understand  
I agree  
I have enclosed  
personnel records

I understand and agree that if I refuse to sign this Authorization and Release of Information regarding unprofessional conduct by me in my current and/or former employment, the school district is prohibited by law from hiring me, pursuant to MCL 380.1230(b).

I further understand that my employment with Northville Public Schools is conditioned upon the school district's receipt and review of the personnel record information herein provided for and the school district's determination that nothing therein constitutes a sufficient basis to deny my employment. The school district has the sole authority and discretion to determine if employment shall be denied.

Applicant's Signature

Date

NOTE TO CURRENT/PREVIOUS EMPLOYER: Public Act 189 of 1996 requires you to provide Northville Public Schools copies of any and all information relating to unprofessional conduct contained within the above named person's personnel file within 20 days of receipt of this request.

I certify that no documentation of unprofessional conduct exists within the above person's personnel file.

I have enclosed \_\_\_\_\_ relating to unprofessional conduct.

Human Resources Director or Designee Signature

Date

RETURN: Northville Public Schools, Dept, 501 W. Main Street, Northville, MI 48167 (248-344-8451) or FAX 248-347-6918

# 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)**

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Dear Ms. Goodman:

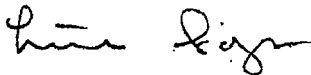
This is a request for information made under the Michigan Freedom of Information Act.

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  
[initials]