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March 8, 2016

VIA EMAIL

(Email: kdavis@bricker.com)

Kathleen V. Davis, Esq.
Bricker & Eckler LLP
9277 Centre Pointe Dr., Suite 100
West Chester, OH 45069

Re: Blanchester Local Schools/Principal Rick Hosler

Dear Kate:

When we met last on January 19, 2016 with your superintendent and my client, Rick Hosler, I asked about my earlier requests for answers to questions and a copy of investigator Collette's report and recommendations. I also reserved Mr. Hosler's right to file a prompt rebuttal to the discipline he received at our meeting of January 19, 2016 and to supplement after Mr. Hosler and I had a chance to review the Investigator's actual report in addition to the verbal summary you provided at the time. You told me that you would respond but not at that meeting. Mr. Hosler reminded your client in his rebuttal to the January 19, 2016 reprimand that we had not yet had a response to those requests and reserved our right to supplement.

It has been approximately six weeks since we were assured we would get our responses and we have received nothing. At this point, I have concluded that your client is uncomfortable with some or all of the questions and the investigator's report and has chosen to ignore the requests. I hope that you will prove me wrong in the near future.

I want to put all of the questions which have been asked previously (and a few more) into this one document. I also believe it necessary to provide a date by which answers can be expected.

The current questions are as follows:

1. In the alleged sexual harassment discipline, who was the victim of sexual harassment?
2. In the incident referred to in number 1, why was the confidentiality requirement of Board Policy ACAA-R violated?
3. Was anyone investigated and/or disciplined for violating that policy, specifically Superintendent Lynch?

John P. Concannon
513-592-2317
jconcannon@fmr.law

4. Will you or your client acknowledge that this incident did not meet the elements of sexual harassment?
5. If your answer to number 4 is “no”, please provide the rationale.
6. Did Superintendent Lynch request a letter from Judge Gano as to the meeting for which Mr. Hosler was reprimanded? If so, when?
7. Did Superintendent Lynch speak with Judge Gano about the incident twice? Once before reprimanding Mr. Hosler? Once after?
8. Does Superintendent Lynch admit that when he spoke with Judge Gano about the August 15, 2014 meeting at Court, the Judge told him that Mr Hosler was passionate, but neither unprofessional nor inappropriate and that Judge Gano saw no behavior meriting discipline?
9. Has your client contacted Regina Partin, Juvenile Court Mediator, who was in attendance at the meeting and who corroborates Judge Gano’s version of events? If not, why not?
10. As to item IV of the rebuttal to the February 13, 2015 letter of reprimand, we (again) ask, did Superintendent Lynch initiate contact with the Goshen principal?
11. As to number 10, did Superintendent Lynch request an e-mail from the Goshen principal?
12. As to the issues Mr. Hosler brought up in his rebuttal to Superintendent Lynch’s January 19, 2016 reprimand, we again want to know:
 - a) When were each of the four incidents relied upon in the February 13, 2015 reprimand brought to Superintendent Lynch’s attention?;
 - b) Which statements were requested by Superintendent Lynch’s initial contact?;
 - c) Why were some witnesses not interviewed?; and
 - d) Why were some witness’s statements not included in the reprimand and others heavily relied upon (e.g., Mr. S in both the “sexual harassment” and the cafeteria issue)?
13. Why does Superintendent Lynch state in his January 19, 2016 Letter of Reprimand that if there were further issues with Mr. Hosler, “The Board will strongly consider recommending termination of your employment?”
14. Will your client Board (or you as counsel) agree that this superintendent does not speak for the Board as to termination and that Superintendent Lynch’s role in any attempt to terminate would only be to make a recommendation to the Board of intent to consider termination (R.C. 3319.16)?
15. In your e-mail to me dated January 6, 2016, you state, among other things that

- a) "The Board met Monday night to review the investigator's report";
- b) "Thus all five Board members believe Mr. Hosler must participate in anger management counseling as a condition of continued employment";
- c) (Board) "would be willing to convert 2 or 3 days of his paid administrative leave to unpaid suspension (already served) and have him come back . . .";

I have reviewed the Board agenda of that Monday, January 4, 2016. There was no indication of a vote to be taken regarding my letters a, b and c above. I have also reviewed the January 19, 2016 agenda which referred to Board minutes of January 4, 2016 (gray attachments) but could not find those minutes on line.

- d) Did the Board vote in public session as to my items a, b and c above?;
 - e) The January 7, 2016 agenda refers, in item XI to an executive session.; and
 - f) Did the discussion in my items a, b and c above, the quotes you provided me, take place in executive session?
16. I made a Public Records request and received what I assume, was a response in full legal compliance. I have learned that others made similar requests as to Superintendent Lynch's file and received fewer than 20 pages. What is Blanchester Schools' process as to filling requests for Public Records?
17. I have seen your client state in writing and I heard Board President Shonkwiler state at the December 18, 2015 Board meeting that employees being investigated are always put on administrative leave while the investigation is pending. I have informed you of citizen concerns of active investigations of Superintendent Lynch by sheriff and/or prosecutors as to District painting contracts and track contracts. I also provided you with supporting documentation as to the Painting Contracts.
- At least once school community member has brought these issues to the Board and provided supporting documentation. Does your client agree?
- Please advise as to why Superintendent Lynch has not been placed on administrative leave.
- Please advise as to whether there has been any internal investigation by the Board as to possible inappropriate/criminal/unethical/unprofessional conduct by Superintendent Lynch.
18. I informed Investigator Collette at Mr. Hosler's interview that the Board had been made aware of concerns regarding Mr. Dan Shell, a teacher in the District, taking expensive Board equipment to his home for apparent personal use and keeping the equipment at his home, making it unavailable for District use.

You and I both know, and the superintendent and the Board should know that such allegations, if true, raise serious ethical and criminal issues.

March 8, 2016

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- a) Did Ms. Collette include reference to our concerns as to possible personal possession and improper use of Board owned equipment by teacher Shell?
 - b) If not, why not?
 - c) If so, is it agreed that Mr. Shell should be investigated?
 - d) If so, is it agreed that Mr. Shell should be on administrative leave during investigation?
19. Does Investigator Collette's report include the concerns I brought to her at Mr. Hosler's interview as to:
- a) Possible illegal interest in painting contracts between his painting business partner and the Blanchester School District?
 - b) Possible illegal failure to enforce liquidated damages and poor performance against the track contractor?
20. Does your client admit that community members have previously brought concerns as to the issues in number 19?
21. Does your client Board admit that it was made aware of pending investigations by the county sheriff and/or prosecutor and/or Ohio Ethics Commission as to superintendent?
22. Does your client Board admit that according to the statement of the Board President Shonkwiler at the Board meeting of December 21, 2015 that employees being investigated are always put on administrative leave?
23. Has Superintendent Lynch ever been placed on administrative leave?
24. If so, when?
25. If not, why not?
26. As to the recent disciplinary issue resulting in the January 19, 2016 letter of reprimand, does your client Board of Education admit that the only eyewitness to the November 13, 2015 incident, who is the alleged victim, stated that the incident was minor?
27. Does your client Board further admit that the record should be corrected to read that Mr. Hosler, by his account, and the only eyewitness account that he threw *a* thing (a piece of paper) and clarify that it was onto a table and clearly not at the "victim"?

Kate, I recognize that this letter contains numerous questions. Moreover, most of the questions have been asked previously and should not require much research. The investigation documents I request should be immediately available. As I told you at our January 19, 2016 meeting, and as Mr Hosler indicated in his rebuttal to the discipline of that day, we have reserved the right to supplement his

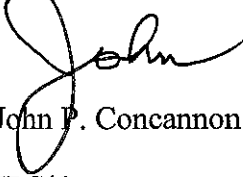
March 8, 2016
Page 5

rebuttal based upon information we do not have now that is contained in that report (and the answers to these questions).

Please provide the requested information as available on an ongoing basis, but at any rate we expect a complete response no later than March 18, 2016.

Thank you for your cooperation and please email or call for any questions.

Sincerely,

A handwritten signature in black ink that reads "John". The signature is written in a cursive style with a large, looping initial "J".

John P. Concannon

JPC/dg

cc: Mr. Rick Hosler (via email)

www.fmr.law

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December 3, 2015

VIA EMAIL

(Email: dlampe@bricker.com)

David J. Lampe, Esq.
Bricker & Eckler LLP
9277 Centre Pointe Dr., Suite 100
West Chester, OH 45069

RE: Rick Hosler and Blanchester Local Schools

Dear David:

I am requesting copies of the following public records which are currently maintained by your client Blanchester Local Schools, pursuant to Ohio Revised Code § 149.43:

1. All documents, recordings, transcripts, etc. related in whole or in part to the District's investigation into the allegations documented in Superintendent Dean Lynch's letter to Principal Rick Hosler dated November 24, 2015, including the identity of the complainant and all persons interviewed on or prior to November 24, 2015.
2. All documents related in whole or in part to the investigations conducted by the District related to incidents described in Dean Lynch's memo dated February 13, 2015 to Rich Hosler including, but not limited to, the identity of all persons who initiated the complaint or were interviewed as to the incidents described therein or referred to as the ones who were subjected to inappropriate comments on the date of or prior to the date of that letter.
3. All emails or other correspondence dated since Dean Lynch has become superintendent of Blanchester Local Schools which reference Rick Hosler other than as an addressee in a group.
4. All correspondence related to the appointment and duties of investigator Janice Collette.

If you believe any part of this request is exempt from R.C. § 149.43, please make available all of the records within this request that are not exempt. Please cite specific statutory justifications for each redaction.

John P. Concannon
513-592-2317
jconcannon@fmr.law

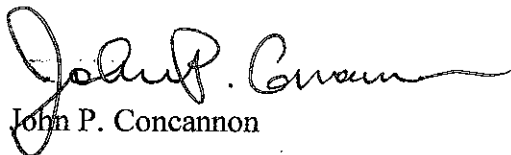
December 3, 2015

Page 2

Please notify me if the cost of producing these public records will exceed \$50.00. Please send all of these records to me at the address above on or before December 10, 2015.

Thanks for your cooperation, Dave.

Sincerely,

A handwritten signature in cursive script that reads "John P. Concannon". The signature is written in black ink and has a long, sweeping tail.

John P. Concannon

JPC/dg

cc: Mr. Rick Hosler (via email)

MEMORANDUM

TO: Superintendent Dean Lynch
FROM: Principal Rick Hosler
DATE:
RE: Rebuttal to Your January 19, 2016 Letter of Reprimand

You handed the attached Letter of Reprimand to me on January 19, 2016. I have reviewed it and determined that a response by rebuttal is necessary. Because my attorney has not had a response to several items requested, I am reserving my right to supplement this rebuttal whenever such items are provided, along with questions posed that have not yet been answered by you, nor by the Board or your attorney.

Because you rely so heavily on the prior "four-in-one" written reprimand of February 13, 2015, I will have to first address that again.

My rebuttal dated December of 2015 deals with those four issues in detail. I will not address that in the same detail now, but I have to express my disappointment that you have failed to back away from several clear problems with that "four-in-one" reprimand, such as:

- The timing of incident reports brought to you, and when they were brought to my attention.
- Your very apparent picking and choosing of witnesses with whom you spoke and whose accounts of incidents upon which you chose to rely despite what other witnesses said.
- Your failure to admit that the alleged failure to report and properly investigate "sexual harassment" has clearly been shown not to fit the definition of sexual harassment nor its reporting procedure.
- Your failure to admit that although you so heavily relied upon the alleged statements of a respected Juvenile Court Judge to reprimand me for unprofessional behavior, the Judge has told you twice that I was not unprofessional, nor inappropriate at the meeting in August 2014 (at which he and I were present and you were not). The first time he told you that there was, in his opinion, no cause for discipline, as I was professional and appropriate was **before** you wrote the reprimand and the second time was afterwards.
- Your failure to recognize that the cafeteria workers incident and the track meet incident were minor.

As to the November 13, 2015 incident for discipline, which is the subject for this current reprimand, when you found I did "yell and/or raise your voice" and "threw things," you neglect to mention that your investigation has produced clear evidence, as I wrote you earlier, that I threw a thing, a wadded up piece of paper onto a table. You also failed to mention that the alleged victim provided you with

the attached emails obtained by my attorney through a public records request, which should make it clear that the incident does not merit this discipline and the fifty days of administrative leave, during which I was the subject of public speculation of much more serious behavior and the students were deprived of their Principal.

You end your letter by stating that if you have further issues with me “the Board will strongly consider termination of your employment.” Would you agree that because you can’t speak for the Board, that would be better said as, “The Superintendent will strongly consider recommending termination of your employment to the Board for a public vote at a Board meeting.”

Superintendent Lynch, I have agreed to continue to act professionally and appropriately, because the Board, you, the students, their parents, the staff and our community have every right to expect that of me in the performance of my duties in this important position as Blanchester High School Principal. As you know, I am complying with your order to participate in anger management counseling, because that is your right to order me to do so. I further understand that I report to you and must follow your reasonable directives.

I feel this rebuttal is necessary because if you do intend to “consider termination” in the future, I want the record to be clear as to what has (and has not) occurred as to these two reprimands you would rely upon for a termination foundation.

On a positive note, it is good to be back on the job. I feel so fortunate to be the Blanchester High School Principal and I continue to be humbled by the support of this fabulous school community. I look forward to faithfully serving this School District.

Message

From: chris branson [bransonc@blan.org]
Sent: 12/1/2015 7:20:01 PM
To: [REDACTED]
Subject: Fwd:

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

From: chris branson <bransonc@blan.org>
Date: Monday, November 30, 2015
Subject:
To: "Dean D. Lynch" <lynchd@blan.org>

Mr Lynch,

I hope that you did not use our discussion about Rick, which was a concern about a misunderstanding, and call it a complaint. If my concern is the basis for what you are calling a complaint, I am extremely upset.

I would like to see if what you read to me was corrected as per our discussion-ex: I told you he did not throw anything at me, he crumpled up paper and threw it on the floor.

I also told you and sent you an e-mail, that I did not consider this bullying in any way.

If this is what you consider helping, we have very different interpretations of that word

--
Chris Branson
Student Services Coordinator
Blanchester Local Schools

--
Chris Branson
Student Services Coordinator
Blanchester Local Schools

Message

From: robin bolin [bolinr@blan.org]
Sent: 12/7/2015 11:29:01 AM
To: kari
Subject: Fwd:

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

From: **chris branson** <bransonc@blan.org>
Date: Wed, Dec 2, 2015 at 1:20 PM
Subject:
To: robin bolin <bolinr@blan.org>

In the spring of 2013 after discussions with the principals and DOI, I wrote a grant through the Ohio Board of Regents for Achieve 3000. We chose this program for 3 reasons: 1. It allowed students, especially those with disabilities to access the computer accommodations they could utilize on the online tests, 2. It gave teachers access to thousands of up to date AP articles written at all lexile levels so all students could read them at their own level, which would allow all students to discuss and learn key information, and 3. It was research based and shown to improve reading and writing skills.

On Nov. 10th we had a trainer from Achieve 3000 come as part of the grant. We all, principals and teachers, received e-mails from Jill the trainer, and Bridgid the DOI about the meetings. That morning at the HS Jill, myself, Bridgid, and the HS intervention specialists met in the conference room.

I left and came back to Putman. Jill came over at noon and asked to speak to me. She said she felt that she had upset the principal. I told her not to worry about it. That afternoon I was back at another meeting at the HS in the conference room. Mr. Hosler asked to talk to me in his office. He was upset that he did not know about the meeting. I assured him he had received e-mails, but he had not read them. He did not feel that the board office should be providing in-services for his building, that they could do their own. He felt his teachers were being forced to do something they did not want to do. I told him that was not the feeling I had gotten from them and I would talk to them. He told me I did not need to talk to his teachers. He crumpled up some paper on his desk and threw it on the floor. His voice was raised, but I did not feel bullied or threatened. I felt he was extremely stressed out. When leaving the meeting I told one teacher sitting in the front office that Mr. Hosler needs to calm down.

On the following Friday after an administrators meeting I was asked by Mr. Lynch to stay and discuss something with him. I relayed the disagreement to him as it happened. I was urged to write a statement which I refused to do. I was urged to attend the board meeting on Monday which I told him I could not do. I was told what I had said would remain confidential.

He called me in again the following week and told me he felt it was bullying. He read me a statement he had written and I corrected it in several places. I assured him it was not bullying and later sent him an email emphasizing my position. I told him I did not want him to use this in any way to help get rid of Rick, and that he did not need to investigate it because I'm sure if asked Rick would admit to it. I suggested we just talk it over in his office.

Rick did see me the following day and apologized. He was upset that he had done it. Dean called me in again and I told him Rick had apologized to me and would to Jill and as far as I was concerned the incident was finished.

BLSD-PRR000972

I knew nothing more until Tuesday when, while at the HS in a meeting I heard the announcement. I feel the emphasis place on this incident is overblown, and I was used as a pawn. Mr. Hosler is a good man who sometimes gets emotional in defense of his teachers. The incident should not have happened, but the resulting chaos that has followed should definitely never have happened. I totally disagree with calling the paper. I feel this should have been handled internally, with just Dean, Rick, and myself.

Chris Branson
Student Services Coordinator
Blanchester Local Schools.

Robin Bolin, Case Manager
Special Education Services
Blanchester Local Schools
937-783-2681 x2083

BLANCHESTER LOCAL SCHOOLS

951 Cherry Street, Blanchester, Ohio 45107

937-783-3523 Fax 937-783-2990

January 19, 2016

To: Rick Hosler
From: Dean D. Lynch
Re: Second Letter of Reprimand

Mr. Hosler:

As you know, you received a written reprimand from me dated February 13, 2015 for the following misconduct:

- Responding inappropriately to a report of sexual harassment during the 2014-2015 school year;
- Intimidating the Blanchester High School kitchen staff after the Clinton Massie game in the fall of 2014;
- Behaving inappropriately and unprofessionally at a Clinton County Juvenile Probation Administrators meeting in August of 2014; and
- Behaving inappropriately and unprofessionally at a spring track meet at another school district during the 2013-2014 school year by taking a scoring clipboard from student judges and heckling the building principal and student judges on their ability to measure the distance of the shot.

Then in November of 2015, I received a report from the Director of Student Services regarding your conduct. The report included allegations that you had a "meltdown," during which time you allegedly threw things, screamed/yelled, and made statements (to the Director of Student Services) such as "no one is running my building or telling my teachers what to do, I'm the principal. Don't you dare talk to my teachers. Dean and Bridgid are trying to run my building; I'm the principal of this building!"

A third-party investigator conducted the investigation regarding the above complaint and found the following:

1. You did engage in the misconduct summarized above and described in the reprimand from February 13, 2015. The investigator independently confirmed the misconduct as documented in the February 13 reprimand.
2. You did yell and/or raise your voice while with the Student Services Director on November 10, 2015. Multiple witnesses confirmed that on November 10, 2015, you called the Student Services Director into your office and shouted at her loudly enough for people in the adjoining meeting rooms and offices to hear. You disclosed that another staff member stepped into the doorway of his office to ask if everything was "alright" after hearing the shouts. You admitted that you used

the phrase, "I'm the principal of this building, and no one is going to tell me how to run it." You confirmed your apology to the Student Services Director a day or two after the incident. You told another administrator how you treated the Student Services Coordinator was wrong, and if you had done it to anyone else you would be fired.

3. Of the twenty-nine (29) total witnesses interviewed by the investigator, eighteen (18) stated they had witnessed or had been the recipient of your anger, which you defined as "sternness." For example, a former student stated that you yelled at him and "went off" in your office. A parent reported that you slammed your hands on the desk in your office when talking with him about his son. A staff member reported that you "yell and pace and then apologize." Another staff member stated that you get "excited and loud" and pace and wave your arms. An administrator reported that you threw a wad of paper on the floor when you were angry. Another administrator said you get angry at least once a week. This same administrator stated that you wave your arms, use a commanding voice, and that "everyone can hear him yelling." This administrator also reported that you threw a newspaper across the desk at the administrator once because you were angry.

Of the total witnesses interviewed, nine (9) stated that you need help managing your anger. A pattern of behavior for you is to become "stern" (lose your temper as described by several of the Blanchester High School staff members and others) and either apologize or avoid the person for a few days, then act as if nothing had previously occurred. These witnesses' descriptions of your behaviors are in line with the behaviors outlined in the charges brought against you in the Leave of Absence Letter and the Letter of Reprimand.

4. You violated my directive to refrain from communicating with any witnesses or potential witnesses during your period of administrative leave.
5. You violated the District's chain of command in your dealings with personnel matters described in the Administrative Leave Letter and in the Letter of Reprimand. Specifically, you failed to follow the appropriate chain of command when dealing with: (1) the Director of Student Services/Achieve 3000 Program; (2) the Supervisor of Buildings/Grounds/HVAC and the sexual harassment complaint; and (3) the Cafeteria Supervisor who wanted to talk about the cooks.

In each of these aforementioned situations, you neglected to contact me. Instead you took matters into your own hands and behaved unprofessionally (yelling at staff, using a "stern" voice, and displaying agitation) in dealing with these staff members.

Board Policy GBD specifically states, "*The Board wishes to maintain open channels of communication with staff. The basic line of communication between the Board and the staff is through the Superintendent. Staff members should utilize the Superintendent to communicate to the Board or its subcommittees. All official communications, policies and directives of staff interest and concern are communicated to staff members through*

the Superintendent. The Superintendent develops appropriate methods to keep staff members informed of the Board's issues, concerns and actions."

Thus, based on all of the foregoing, I currently cannot trust your ability to handle yourself in a professional manner at school. In the future, the Board fully expects you to act in a professional and appropriate manner at all times. You are further directed:

1. Your communications with all staff members/administrators should be in professional words and tone.
2. During a decision-making process, opposing points of view should be raised in a professional and respectful manner.
3. Avoid contact that could give offense to others or have the appearance of being defiant, insubordinate or disrespectful of the administration.
4. You are to follow the District chain of command when addressing any personnel matters.
5. You must complete a licensed anger management program and present the Board with written evidence of completion by the end of April, 2016.

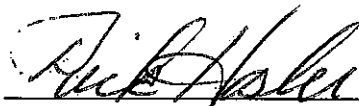
Finally, I recommend that you review the mandates of Board policy GBCB, Staff Conduct, enclosed, regarding the Board's expectations of all staff. I remind you, too, of the principles set forth in the Licensure Code of Professional Conduct for Ohio Educators, which I am also enclosing. Principle I of the Code states the expectation that: "Educators behave in a professional manner, realizing that one's actions reflect directly on the status and substance of the profession."

Any recurrence of the type of behavior that led to this reprimand, violation of any of the above directives or any other future misconduct will result in further discipline, and the Board will strongly consider termination of your employment.

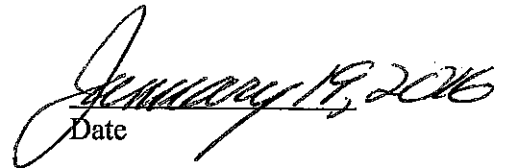
Sincerely,



Dean D. Lynch, Superintendent Blanchester Local Schools



Employee Signature



Date

The signature of the staff member does not necessarily indicate agreement with the expectations and disciplinary rulings listed above but rather indicates that a conference was held and that the staff member received a copy of same.

Encl: Board Policy GBCB
Licensure Code of Conduct
Cc: Board of Education (w/ encls.)
Personnel file