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Paralegal

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May 19, 2022

BY OFFICE DELIVERY TO:

Kimber Glidden
Director
Boundary County Free Library District
6370 Kootenai St.
P.O. Box Y
Bonnors Ferry, ID 83805

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

BY EMAIL TO:

Timothy B. Wilson (tbwilson@bonnersferrylaw.com)
Raphael J. Droz (ridroz@bonnersferrylaw.com)
Wilson Law Firm
7174 Main St.
P.O. Box 3009
Bonnors Ferry, ID 83805

Katherine B. Brereton (kbrereton@lclattorneys.com)
Partner
Lake City Law
435 W. Hanley Suite 101
Coeur d' Alene, ID 83815

**Idaho Counties Risk Management Program
(ICRMP)**

Attn: Claims
icrmp@intake.org

BY U.S. MAIL TO:

Craig Anderson
6521 Comanche Street
Bonnors Ferry, ID 83805

Sandra Ashworth
25 Spruce Rd
Bonnors Ferry, ID 83805

Derrick Grow
7024 Funkhouser St
Bonnors Ferry, ID 83805

Amy Maggi
c/o Boundary County Library
6370 Kootenai St.
P.O. Box Y
Bonnors Ferry, ID 83805

NOTICE OF TORT CLAIM

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

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

Dear Ms. Glidden:

Representation

I represent Dana Boiler, Cari Haarstick, Christine “Mac” Withers and Eric Lindenbusch, hereafter referred to collectively as the “Whistleblowers”, in all legal matters relating or pertaining to their present and past employment by the Boundary County Free Library District (hereafter “District”).

The scope of representation includes, without limitation, acting as the Whistleblowers' attorney of record for the purpose of drafting and serving this Notice of Tort Claim to the District or to any other person or party receiving or reviewing this Notice and any supplements to it which may be served, received or reviewed by any interested party hereto, or by any natural person, corporate entity, the State of Idaho or any political subdivision of the State of Idaho, or any authorized representative of the United States, or any duly authorized agent of the United States, at any time.

Notice of Claim

This is to advise you that a claim for damages and injunctive relief is and will be made in a Federal Court of appropriate jurisdiction on behalf of each of my clients identified above, arising out of the facts and circumstances set forth in this Notice and the attachments hereto, which are incorporated fully in this Notice of Claim by this reference. The proposed Complaint will contain claims arising under Federal law with primary Federal jurisdiction, as will include State-law based claims under pendent jurisdiction.

All communications concerning this claim should be directed to me using the contact information provided on the letterhead of this correspondence. If any recipient of this notice is represented by licensed legal counsel, that attorney should be identified to me and thereafter I will communicate with your attorney.

Claimants

This Notice of Tort Claim is made against the Boundary County Free Library District, hereafter referred to as "District", its Trustees, employees and agents as summarized herein. The claims are made on behalf of claimants Dana Boiler, Christine "Mac" Withers, Cari Haarstick and Eric Lindenbusch, hereafter referred to collectively as "Whistleblowers" within the meaning of The Whistleblower Protection Act, Idaho Code Idaho Code 6-2104 et seq. This notice is given and served pursuant to and to the extent required by The Idaho Tort Claims Act, I.C. 6-901--6-926.

No Waiver of Rights of Federal Pre-emption of State Law

The undersigned is hereby designated as the sole representative and attorney of record for the Whistleblowers under applicable provisions of this Act and is licensed to appear before all Federal Courts in the District of Idaho and the 9th U.S. Court of Appeals. No waiver of the doctrine of Federal pre-emption of any conflicting State law, applicable to any right of action arising under Federal rule or statute, or right of action arising pursuant to 42 U.S.C. Sec. 1983-1988, or any other Federal statute or law which creates a private right of Federal action under the facts presented, is intended, or should be inferred, from the giving of this Notice authorized under State law.

Parties and Applicable Law

Boundary County Free Library District is apparently the only legal name of record utilized by the District, which is the political subdivision of the State of Idaho whose acts and omissions are the subject of this Notice. Any reference herein to this District using any other alias or moniker of the District now or at any time in the past in this Notice or in any supplement or addendum hereto,

should be deemed a reference to the Boundary County Free Library District, hereafter referred to as the “District”.

This Notice is directed to you as the current Director of the Boundary County Free Library District (hereafter the “District”), also known at various times and for various purposes as “Boundary County Library”, and on information and belief, other names or aliases. At all times material herein, however, “The Boundary County Free Library District”, is and since 1956 has been a special property taxing District organized under the laws of the State of Idaho. It is not and has never been a private library during that time.

As such, also at all times material, the District is and has continuously been a political subdivision of the State of Idaho subject to all applicable laws governing the conduct of public business by political subdivisions of this State, including without limitation the following:

- All State law governing elections of its controlling Board of Trustees;
- All State law governing public records and open meetings within the State of Idaho;
- All State law governing the levying and expenditure of property tax funding levied by or in the possession or control of the District from any other taxing District of this State, or of the United States, including without limitation the imposition of taxes or hidden taxes, fines or assessments on any citizen, recordkeeping with respect to such public activity; withholding and making true and accurate reports of all applicable State and Federal income taxes, retirement contributions, other employee withholdings and credits, and governing the award of public contracts;
- All State law which governs the duties and responsibilities of public entities and their employees, Trustees, agents and representatives designed for the protection of minor children from sexual predation of any kind, and of the general public from physical harm;
- All State laws which govern District employees who participate in the Public Employees’ Retirement System of Idaho established by Idaho Code 59-1301, including without limitation the District’s duty to accurately and timely report any change in the employment status of any employee employed by the District but receiving full PERSI retirement benefits simultaneously;
- All State law providing for the provision of a workplace and public buildings free from violence, threat of violence, or acts in Aid of Terrorism within the meaning of Federal law;
- All State law, including without limitation the provisions of the Idaho Whistleblower Protection Act set forth at Idaho Code 6-2104, which provides for the protection of any public employee “...who reports in good faith the existence of any waste of public funds, property or manpower, or a violation or suspected violation of a law, rule or regulation adopted under the law of this state, a political subdivision of this state or the United States”;

- All State and Federal criminal statutes, including without limitation those statutes criminalizing acts or conspiracies to commit or complete acts which constitute any form of:

Elections fraud or other criminal violation of State law regarding the conduct of District elections;

Retirement fund and related fraud;

Child endangerment of any kind and in any form;

Aiding, abetting, or acting as accessories after the fact of known child sexual abuse and endangerment on library premises;

Unlawful dissemination of sexually explicit material to a minor;

Unlawful transmission of sexually explicit material by means of the internet;

Identity theft;

Theft of entrusted property;

Trespass or other unlawful occupation or use of a public building;

Unsworn falsification;

Crimes relating to official misconduct and self-dealing of public employees;

Crimes relating to assault, battery or disorderly conduct, by whatever name known;

Unlawful alteration, falsification or destruction of public records;

Creating, altering, making, destroying, falsifying, or conspiring to so do, any public record;

Creating, filing, altering, destroying, falsifying or conspiring to so do, any report to any law enforcement agency relating or pertaining to Claimants or their counsel, or relating or pertaining to any claim of sexual misconduct involving a minor child;

Making or attempting to make any other false report to any representative of any law enforcement agency, bureau or department of this State or of the United States, together with any attempt to conceal, aid, abet or assist in any effort or conspiracy to do so;

Unlawful creation, maintenance, destruction, sale or alteration of public records or public property, including without limitation records of all Board proceedings and all other actions of any member of the Board of Trustees of the District undertaken under color and

pretense of law relating or pertaining to any Claimant or attorney for any Claimant, all without limitation;

Crimes relating to the conduct of any District election, or relating to recordkeeping for such elections, at any time;

Creation, alteration, falsification, disclosure or destruction of any personnel records of the District not regarded as public records, including without limitation all records of compliance of the District with all State and Federal laws relating or pertaining to mandatory records of pay and benefits accruing to Claimants, any of them, or any other person named in this Notice of Claim who has been employed by the District at all times material to the facts set forth in this Notice;

Making false police reports and other unsworn falsification in aid of any conspiracy to violate, or to conceal any violation of, any State or Federal law by District employees, Trustees, or other agents of the District;

Conspiring with, attempting or soliciting others to make, any false report to any law enforcement agency of this State, or of the United States;

Misrepresentation of agency, status or professional credentials in aid of any violation of the laws of the State of Idaho or of the United States;

Evidence tampering;

Witness tampering;

Wire fraud;

Mail fraud;

Obstruction of justice;

Assault;

Battery;

Robbery;

Money laundering;

Acts in aid of terrorism;

Extortion; and

Any and all other predicate acts of racketeering which arise or may arise under the facts and circumstances set forth in this Notice of Claim or any of its attachments, as defined by any provision of the Racketeer-Influenced and Corrupt Organizations Act, 11 U.S.C. Sec. 1961-1963; and as defined by

All applicable provisions of the Idaho Racketeering Act, set forth at Idaho Code 18-7804; all without limitation.

Notice Intended for All Named and Unknown-Named Defendants

Although the claims referenced in this Notice are made against the Boundary County Free Library District, a political subdivision of the State of Idaho, this Notice is also given expressly to provide notice of individual claims against its Trustees, employees acting within or outside the claimed scope of their employment, and any and all agents of the District acting by, through, on behalf of the District, or in active concert or conspiracy with the District, its Trustees, employees or other agents, who are or have been at any time material to this notice, associated in fact though not in law with the District, its Trustees, employees and other agents, all in furtherance of the unlawful activity summarized herein; and regardless of whether such individuals are later claimed to have acted with malice, criminal intent, or in a willful or wanton manner giving rise to any claim or defense of exemption from indemnity for individuals or entities acting with criminal intent, malice, intentionally, knowingly, willfully, wantonly or with gross negligence within the meaning of the Idaho Tort Claims Act.

Claims against such individuals apparently acting within the scope of their employment, or associated with the District in fact if not in law, or in furtherance of a common unlawful purpose or enterprise of the District or its authorized employees, Trustees or other agents, or to unlawfully further, conceal, aid or abet a common course of unlawful activity causing damage to the Whistleblowers, are intended as adverse parties to this Notice, whether identified here by name or not.

Appendices and Attachments Incorporated by Reference

Selected documents relating to certain facts discussed in this claim are attached as Appendices or Attachments to this Notice. These include a selected chronology, partial list of interested parties and witnesses, demonstrative exhibits which summarize information relating to the claims and correspondence records between the parties and their counsel, along with other selected documents submitted as examples of the misconduct summarized in this notice. The appendices are extensive and central to understanding and responsible handling of this claim. All their contents are incorporated fully in this Notice of Claim by this reference.

By incorporating the attached materials by reference as an aid to investigation, **no waiver of attorney-client privilege, work product privilege or privilege against compulsory disclosure of materials created in anticipation of litigation, is intended or should be inferred outside the four corners of the documents attached. All such privileges are otherwise expressly reserved.**

Preservation of Evidence

Multiple previous demands to preserve all evidence relating to this claim have been made and are matters of public record not attached to this notice. They have largely been ignored. Demand for preservation of all evidence relating or pertaining to any aspect of the claims for which this notice is given is hereby renewed.

Ashworth-removed property and evidence.

It is factually established, beyond a reasonable doubt, that former Director Sandra Ashworth has unlawfully removed or caused to be removed from District premises public records and personal property of the claimants subsequent to her appointment as “Librarian Emeritus” by Board action in 2021. See chronology appendices for details of communications concerning this activity. The personal property of my clients which ASHWORTH has claimed as her own by virtue of “abandonment” following employee lockout and emergency closure in April, 2021 is itemized in the correspondence appendix attached. This property is claimed as stolen property and demand for its return and an inventory accounting to be provided is hereby renewed.

If not yet destroyed, all records taken by or on behalf of Sandra Ashworth from Library premises during the period of time from March 17, 2021 to the present should be identified and placed in safekeeping to preserve the chain of evidence. Demand for this action is hereby made. Regardless of description, all property of any kind, including without limitation all records or property she has personally removed from Library premises, should be returned to legal counsel for ICRMP to preserve the chain of evidence, with a descriptive inventory supplied to counsel for the Claimants herein. Any failure to do so will be claimed and treated by Claimants as willful failure to preserve evidence in a Federal matter.

Wilson Law Firm-entrusted property and evidence.

For the purposes of this request, we object to the placement of any property or evidence relating or pertaining to this claim into the custody of the Wilson Law Firm or any of its attorneys, employees or agents. Any attempt to do so will be claimed and treated by Claimants as willful failure to preserve evidence in a Federal matter.

The reason for this portion of our Notice is based on specific facts. After making our last demand for inventory of personal property wrongfully taken by Sandra Ashworth and claimed as “her own” during emergency closure (see Correspondence appendix, attached) Mr. Wilson of that firm informed me in writing that myself and all my clients would be subject to arrest for trespassing should any of us appear at his office for any purpose. I am allowing that this statement may have been ill-considered due to factors unrelated to any actual fact basis for this notice, but unfortunately it threatens criminal arrest of my clients and I for normal business activity, as he has acted as general counsel for the District during many of the events summarized herein.

The only apparent purpose for this action, since it is not fact based, seems to be to gain some unknown advantage in this civil matter. Such action by the firm designated by the District as its

investigator, agent and general counsel in dealing with my clients and I evidences a clear risk of loss of property or evidence directly relevant to serious and ongoing Federal proceedings. Therefore, no documents, property or evidence subject to the demands for preservation of evidence made by our office in this matter should be entrusted to that firm. This request and disclosure is made in preserving the integrity of any and all investigations into this matter.

Derrick Grow-Removed Property and Evidence.

Former Interim Director Derrick Grow has also already admitted to removal of personal property belonging to my clients from Library premises. This action has included personal financial information of Dana Boiler and the undersigned as summarized in detail in this document and its attachments. He has also removed furniture belonging to Claimant Cari Haarstick to his residence, and made statements on its return, summarized herein, which evince an ongoing intent to retaliate unlawfully against the Claimants for any participation in this Notice of Claim or pursuit of legal remedies discussed in this Notice. He has comingled library property with his own in doing so, and is not a trustworthy custodian of any property or evidence which may be relevant to the claims made in this Notice.

Therefore, all property and any computer or other storage media containing any information relating or pertaining to this claim or any of its claimants, or of their legal counsel, should also be removed from his possession immediately and placed in a secure location to preserve the chain of evidence, with an inventory of items thus identified provided to counsel for the Claimants.

Renewal of Demand to Preserve All Evidence

Demand for preservation of all evidence relating or pertaining to the claims described in this Notice is hereby renewed, along with all demands for return of property and records of my clients, or any of them, or any public records or public property which is defined as such by statute as property of the people of the State of Idaho, which remains in the possession or control of the District or any of its agents.

All previous communications and demands for preservation of evidence or return of property made to the District or its agents are by this reference also renewed, along with all public records requests denied to date. Any statements anyone wishes to make in explanation for continued failure to return stolen property or refusal to acknowledge the need to preserve all evidence relating to these claims, should be submitted to me in writing within 30 days of the date of this Notice. Failure to do so will be deemed and treated as a willful refusal to secure evidence in an ongoing Federal matter.

Parties

The right to name or limit named Defendants in the filed Complaint is expressly reserved, but at minimum will include, without limitation:

- The Boundary County Free Library District, as a political subdivision of the State of Idaho, by whatever name or alias known, together with every current or former

employee of the District identified herein acting or purporting to act within the course and scope of their employment by the District;

- Current District Trustees, namely: Ken Blockhan, Wendy McClintock, Bob Blanford, and Aaron Bohachek, both individually and in their official capacities;
- Trustee Lee Colson, in his official capacity as Trustee of the District, *only*;
- Former District Directors, Sandra Ashworth;
- Former District Director Craig Anderson;
- Former District Interim Director and current District employee, Derrick Grow;
- Current District Director Kimber Glidden;
- Current District employee Amy Maggi;
- Unknown-named individuals acting in concert and conspiracy with one or more of the named individuals or entities listed above, to further the unlawful course of action summarized herein, or to aid, abet, encourage, assist, further or conceal the unlawful activity summarized herein;
- Unknown-named agents, employees, volunteers, emeriti, or independent contractors of the District, acting or purporting to act under color and pretense of State law in the name of or by authority of the Boundary County Free Library District, by whatever name known;
- Other agents of the above-named current or former District Directors, employees or Trustees, whether associated in law or in fact, who by act or omission have participated in or attempted to further, aid, abet, encourage, assist or conceal the pattern of unlawful activity summarized herein, or who by act or omission have acted in association with the District or its employees, Trustees or agents in active concert or conspiracy to do so; and
- Any and all *other* individuals or corporate entities acting in concert or conspiracy with the named individuals or corporate entities named or described herein, at any time, to further, aid, abet encourage, assist or conceal the unlawful activity summarized herein, or to act in concert or conspiracy with one of more of the named parties herein to do so.

Overview

This record has been created and is submitted not only for clarity and the purpose of your responsible investigation and handling of the matters summarized here, but in the interest of the entire community, which has been severely and adversely impacted by the District's irresponsible

and pugnacious handling of these serious matters of public interest to date. It is intended to be treated as a public record, and no claim of privacy of the contents of this document on the grounds of personnel privacy exemption or other personal interest of my clients to withhold any portion of this document from public inspection should be assumed or inferred from the fact it concerns any personnel record which may be exempt from disclosure, on receipt of a public records request for it.

This document may contain information pertaining to personnel of the Library, in fact, several. However, the serious issues of public safety, child endangerment, elections fraud and the systematic creation and tolerance of a culture of lawlessness and secrecy in the administration of this public agency demands public disclosure. No employee or agent of government is above the law. It is the District's arrogant refusal to acknowledge this fundamental concept which has made creation of this public document necessary. With that must follow a full and public examination of past practices designed to wink at public endangerment of children and others, consolidate power in a select few unaccountable to the taxpaying public, and intimidate those who learn of these practices by any means at their disposal.

Because of the systematic conduct of District affairs in secrecy, and contrary to virtually all State and Federal law designed to provide transparency and the conduct of public business in public, the claimants here have come together with one voice to say "Enough. This far, and no farther."

This is their story.

This document, which will begin to tell that story for the entire community to see and to weigh, is not intended for harm, but for the shining of light in dark places. It is intended to be an aid to responsible investigation by any responsible individuals or public agencies of matters bearing on public acts by the District and its Directors and agents, summarized in part here, many of which constitute wilful exposure of children to child sexual abuse with District sanction and concealment, acts in furtherance of terrorism, gross waste and self-dealing with millions of dollars in public funds over decades of District mismanagement, all carefully concealed by long time Director Sandra Ashworth and her hand-picked successors. This notice is in substance not only to satisfy a legal obligation of notice, but to begin to expose a culture of lawlessness bordering on criminal conduct in the administration of the Boundary County Free Library District over a period of many years.

Summary

This matter began as a case of unlawful retaliation under Idaho law and the First Amendment to the U.S. Constitution. The latter are civilly actionable by operation of a Federal statute, 42 U.S.C. Sections 1983-1988, and cannot be limited by any provision of State law to the contrary. This includes notice of claim provisions such as the Idaho Tort Claims Act. The former are civilly actionable by operation of Idaho Code 6-2101 et seq.

A portion of that statute, I.C. 6-2104(1) protects the claimants here against all the adverse employment action they have identified here and in the attachments. It reads:

“An employer may not take adverse action against an employee because the employee, or a person authorized to act on behalf of the employee, communicates in good faith the existence of any waste of public funds, property or manpower, or a violation or suspected violation of a law, rule or regulation adopted under the law of this state, a political subdivision of this state or the United States. Such communication shall be made at a time and in a manner which gives the employer reasonable opportunity to correct the waste or violation.
(b) For purposes of subsection (1)(a) of this section, an employee communicates in good faith if there is a reasonable basis in fact for the communication. Good faith is lacking where the employee knew or reasonably ought to have known that the report is malicious, false or frivolous.

An employer may not take adverse action against an employee because an employee participates or gives information in an investigation, hearing, court proceeding, legislative or other inquiry, or other form of administrative review.

An employer may not take adverse action against an employee because the employee has objected to or refused to carry out a directive that the employee reasonably believes violates a law or a rule or regulation adopted under the authority of the laws of this state, political subdivision of this state or the United States.

An employer may not implement rules or policies that unreasonably restrict an employee’s ability to document the existence of any waste of public funds, property or manpower, or a violation, or suspected violation of any laws, rules or regulations.”

Federal law provides additional and similar protections for public employees by operation of the First Amendment to the U.S. Constitution, in matters involving issues of public concern.

From the outset, the reason given for the many instances of retaliation has been to silence the claimants both at work and outside of work for expressing serious concerns involving child endangerment and public safety, along with systematic unlawful activity to conceal fraud and mismanagement by the District over a period of many years. The facts leading to this unavoidable conclusion are summarized in detail in a chronology prepared for the purpose of this Notice of Claim. It should be carefully read and understood as a guide to understanding the full nature and extent of the facts giving rise to this notice of claim.

By way of summary of *all* the attachments, which show the full correspondence record on the subject between claimants, District personnel, their various attorneys, the prime actors charged with silencing any public disclosure of the true nature and scope of mismanagement, public endangerment, fraud, waste, abuse, self-dealing and violence encouraged and engaged in by District personnel toward my clients, the following facts are established beyond a reasonable doubt:

I. The District Manipulated Elections to Conceal Violations of Idaho Election Law

- The library was run by Sandra Ashworth for about 20 years, from approximately 1997 through her full PERSI retirement in about 2017. During this time, she presided over an election process for Trustees of the District, who stand for election at statutorily set

intervals of 5 or 6 years, given statutory changes to the process made in 2011. After 2011, the County Clerk presided over these elections. Prior to that, the Director of the library did. Ashworth was the Director for a period spanning application of both statutory schemes.

- During her tenure as Director, public records attached prove that not a single election was actually held for any position held by a Trustee. A plan was developed and implemented by Ashworth and others during her directorship, whereby the public was not given lawful or meaningful notice of vacancy or that Trustee positions were up for election. Instead, Ashworth selected people from the community who would allow her to control all aspects of library operations without any public accountability. During this time, estimates from available budget records suggest Ashworth controlled about \$10.5 million in public funds made available from property taxes levied by the County and provided to the District in a lump sum. She also urged and unsuccessfully attempted to pass a public bond issue for creation of a “People’s University” building facility for her library legacy. Public records show the bond election for this proposal was soundly defeated, but would have given her control over another \$8 million in public property tax money to spend in furtherance of her legacy.
- As the attached election records and graphs produced for assisting public understanding of how this principle worked clearly show, all Trustees serving during her tenure actually did not stand for election. Instead, typically the records inspected show that, usually with one day of the deadline for public declaration of candidacy, a chosen ally of Ashworth, or someone acceptable to her, was urged to file a notice of candidacy. One day later, applications would close. The statutorily required notices of vacancy were typically never posted as required by law, a criminal violation under Idaho Code. Under that Code, if only one person filed (and typically no one was given public notice of any vacancy to insure this would be the case), Ashworth would advise the Commissioners a week prior to the scheduled election that under another Code provision, no election need be held, and the sole candidate would be sworn in for a five or six year term without any public knowledge or input.
- This plan worked well, and was used to such effect she apparently grew overconfident in her ability to dupe the public using this method of control of public funding. In 2010 she wrote the Commissioners that an actual election was held (see Election summaries attached) and she even named the winner. In fact, it appears this was a complete fabrication. No election in fact occurred, no certification of election was made by the Commissioners, and no one said anything about it.
- As a result, this practice continued long after the statutory amendments to the elections law of Idaho, which were substantially revised to prevent such manipulation of the process by small Districts, which were until that time not under County Clerk supervision. In fact, Ashworth so completely ignored the statutory scheme instituted by the Legislature that virtually all elections that are memorialized by any records whatsoever (see charts and public records of election, attached) were “held” in the wrong year. In the alternative, she installed ineligible candidates without being sworn in, so as to make their participation at

least outwardly lawful; she altered Zone maps to allow individuals not eligible for the position due to their place of residence to sit as Board members for others outside their District; she threatened one whistleblower with termination if her father, intending to run for Trustee, in fact served, stating “it’s him or you”; she used physical force on the same whistleblower with concealed, painful arm holds to make her point sincerely.

In short, she ran the library as though it were an organized criminal enterprise, violating elections laws subject to criminal sanction, and did so for an extensive period of time.

Perhaps worst of all to a community so rich in faith, she concealed all these actions under the meek clerical garb of a devout Mennonite Christian, while her conduct summarized in the attachment is better described as the activity of a ravenous wolf.

When she returned to “save” the library as a “humanitarian” in 2021, her hypocrisy continued and grew with open encouragement from a Board of Trustees who show by the evidence attached perhaps the most grossly mismanaged and arrogantly lawless, in virtually all respects, of any reported case on the subject in the history of the State of Idaho. Examples abound, see attached.

- The elections summaries attached clearly establish beyond doubt also, that as a result of these practices, virtually no Trustee of the District has served lawfully during their tenure, having been installed by manipulation of the process, having applied for sole candidacy in the wrong year, serving from the wrong District, or having never been sworn in as required by law. Taxpayers of the county were deliberately kept unaware of this situation, which was tolerated by the County Clerk even after the statutory changes. The excuse given by the clerk to date on investigation: “Nobody cares about the library, anyway.”

The facts attached and discussed in part above establish that the District, while under the control of Sandra Ashworth’s Directorship, has violated Idaho Criminal Code 18-23, relating to elections, in the following ways:

- Served longer terms than designated by statute
- Failed to hold a scheduled and notified election
- Failed to run elections in their proper years
- Failed to give statutory notice to the public of elections
- Failed to give statutory notice to the public of filing deadlines
- Failed to give statutory notice to the public of trustee vacancies
- Failed to notify the Clerk of trustee appointments
- Knowingly installed Trustees to allow their service outside their voting zone
- Failed to notify the Commissioners and properly certify elections
- Falsely represent to Commissioners that elections held, and reported false results
- Engaged in practices designed to avoid holding free elections under Code
- Failed to swear in trustees according to statute
- Falsified election results when the Library District ran their own election prior to 2011

- Engaged in intimidation tactics to deter potential candidates from running for office, including use of physical force and unlawful retaliation against Cari Haarstick for her father's participation as candidate for Trustee office
- Actively encouraged District employees from public participation in elections process or public meetings on own time, punished employees for exercise of rights of free speech outside the workplace on matters of public concern summarized in part above.

By operation of Idaho Criminal Code 18-23 discussed above, each of the listed acts or omissions constitutes a felony punishable by up to 5 years in prison, among other things.

The attachments relating to elections are particularly helpful in understanding the nature, scope and subsequent impacts caused by this pattern of unlawful activity. It directly relates to the retaliation against the Claimants herein, and provides motive and context for the relentless and unexplained hostility of the District, and virtually all its representatives mentioned specifically in the attachments to this Notice.

The short conclusion to be drawn from all the evidence attached is simply this: Sandra Ashworth and other representatives of the District named in this Notice have presided over a deliberate and concealed abuse of public trust involving manipulation and control of millions of dollars of taxpayer money, over a period of decades. As a result, a culture of lawlessness and concealment of all forms of wrongdoing complained of in this Notice and evidenced in part by the extensive evidence summarized in the attachments and discussed here, has flourished and grown.

It is that culture of lawlessness and concealment that has created the dangerous atmosphere itemized in this Notice, including danger to children, and acts in aid of terrorism summarized in the attachments. The retaliation against the four employees giving this notice of claim is a reflex reaction to protect all involved against public disclosure of what has truly developed into an ongoing lawless enterprise, using taxpayer money to fund its purposes and goals, while concealing the truth from the taxpaying public.

That this is the case is reinforced by the deliberate and systematic disregard of public records and open meetings laws of the State of Idaho, summarized below.

II. Deliberate, Wilful and Systematic violation of Open Meetings Laws To Conceal Fraud, Waste and Mismanagement

There are known and documented open meeting law violations in the triple digits, many are itemized in the attachments to this notice. The Board was nearly recalled when the public finally began to witness the violations for themselves for the first time in 2021, hundreds of voters signed the petition circulated (with no assistance or participation by any of the whistleblowers here, or their counsel), but the recall petitions were pulled when the Board agreed to reopen the Library after an extensive and unexplained "emergency closure" on April 15. During the interim, the District and its agents actively engaged in a campaign of defamation, using social media and other means, designed to suggest the "emergency" was somehow caused by the whistleblowers themselves. Evidence of these actions also abound, as the District is well aware.

Typically, violations of Open Meetings Law may be pursued by the County Prosecutor. In this case, however, that person is a former attorney for one of the named Defendants in this notice, according to his own statements. She has also demonstrated on social media clear lack of concern or understanding of the depth or breadth of the legal violations caused by the District in this factual context, and her knowledge of the truth of the matter can only be sourced by the District itself.

Despite what would seem to be a disqualifying conflict of interest in taking positions on this aspect of District fraud, abuse and mismanagement, she has not recommended special counsel be appointed and even opined any challenge using the facts summarized here on the open meetings issues presented are “time barred”. Such casual disregard for the wilful noncompliance with open meetings law evident in the facts summarized herein strikes at the heart of community health, safety and welfare. Even allowing for the nature of a small community and its way of doing things, deliberate indifference to these violations is difficult to explain. However, in context of what has become common practice in matters pertaining to the District and its illegal activities over a period of decades, it seems easy to understand.

Letters have been written by concerned members of the public to the Governor, Lt. Governor, State Representatives and the Attorney General. There has been no response by any of these individuals and no action has been taken to correct the systemic abuse of open meeting laws that continue to the present. It has fallen to selfless public employees, these four Claimants, to bring the entire matter to light using the power of the Federal Court. This is not a preferred venue for a community that values self-determination and independent State’s rights over Federal. In effect, such neglect only serves to insure that outside forces which may not have this community’s best interests and values at heart will take notice, and perhaps, take action based on such a blatant disregard for the rights of the community to be safe from this home-grown form of autocracy.

It cannot be left up to the whistleblowers to fund the prosecution of each and every continuing violation and also be subjected to further retaliation by this Board because of it. The whistleblowers were retaliated against by the Board and its Director in 2020-2021 for attempts to report approximately 25 provable open meeting violations. Will this community tolerate yet more?

The answer to this question is best given by simple reference to what the people of the State of Idaho have already declared on the subject, whether “we don’t do things like that ‘round here”, or not. Idaho Code provides in part as follows:

“74-201. Formation of public policy at open meetings. The people of the state of Idaho in creating the instruments of government that serve them, do not yield their sovereignty to the agencies so created. Therefore, the legislature finds and declares that it is the policy of this state that the formation of public policy is public business and shall not be conducted in secret.”

Claimants allege the systematic fraud, abuse and mismanagement for which they have been punished includes the following, without limitation:

74-206 Executive Sessions

- Improper entry into executive sessions (did not state reason)
- Failure to stay on topic stated during executive sessions
- Impromptu executive sessions without notice to the public
- Refusal to notify public of executive session meeting regarding pretermination
- Excusing member Trustees then taking action to avoid his participation in official action

74-204 Notice of Meetings and Agenda

- 74-204 Failed to give notice of public meetings for years – 20+ violations
- 74-204 Failure to give timely notice of annual meeting
- Failure to hold a timely annual meeting (4 months late)
- 74-204 Change agenda without voting or notice
- 74-204 Board members purposely excluded at impromptu meetings without notice to the public
- 74-204 Board members discuss Board business outside of public meetings
Use of Director as “go between” to avoid notice of meeting, build consensus outside public knowledge
- 74-203 Chairman and Director Ashworth take official action outside meetings, make other Board decisions outside of meetings
- 74-203 Board members conduct votes over the phone without notice to the public
- Refusal to change meeting times to be more accessible to public
- 74-202(4) Failure to conduct committee meetings in public
- Failure to designate action items on the agenda

Conduct at Meetings

- Director votes when there is a tie
- Refusal to allow public comment or input “Judy Mace, December, 2020, to the public prior to executive session in open meeting, polite question from audience: “MUTE HER! MUTE HER NOW!”
- Continued to hold zoom meetings after the Governor issued a directive saying it was no longer allowed
- 74-204 and 74-203(5) Failure to facilitate meetings with a representative
- 74-203 & 74-204 Conducted meetings behind locked doors (Noble v. Kootenai County, 148 Idaho 937, 943, 231 P.3d 1034, 1040 (2010))
- Failure to make meetings audible (Noble v. Kootenai County, 148 Idaho 937, 943, 231 P.3d 1034, 1040 (2010))
- Failure to appoint a treasurer or a clerk of the Board
- Allowed Director to run meetings instead of Chair
- Unethical patron reinstatement practices
- Failure to discuss elections, vacancies at meetings
- Failure to timely swear in officers
- Developing election fraud schemes

- Failure to adjourn meetings
- No roll call votes
- Board actions without Board votes
- Intimidation against attending meetings by Director, Board and law enforcement
- Smoking during meetings, eating during meetings regarding serious matters
- Chair shouting at public, ICFL consultant and general hostility toward anyone who attends meetings
- Board lawyer threatens to sue members of the public for speaking up after the meeting
- No discussions after motions
- Inaudible votes by Board members, votes changed by Chair

Public Records

- 74-205 Altered minutes after submission by secretaries, material alterations giving false report of contents of meeting
- 74-205 Missing minutes
- Refusal to accept minutes with no stated reason
- 74-205 Majority of the minutes for the past two years are unsigned
- Refusal to release public records on request
- 74-205 Poor/nonexistent record keeping on fiscal matters in particular: “petty” cash unsecured in the hundreds, routinely; expenditure actions not explained; failure to entertain bids for public work; failure to comply with wage and hour laws, FMLA interference, manipulation of benefits by deliberate failure to keep benefit records, failure to advise PERSI of change in employee/retiree status, other violations
- Published executive session minutes to website – shows Board members spoke about business outside of meeting

Trustee Duties

- No accessibility to public – fraudulent email addresses demanded during website construction by whistleblowers
- Chair doesn’t have active library card
- Board members do not/rarely seen at library or use library or its services
- Board does not know employees or even what they look like
- Failure to evaluate directors (see chronology, ANDERSON)
- No policies or training regarding sexual predators and mandatory reporting, “enforcer” role of BLOCKHAN, concealment of conviction record of known patron sex offenders, favorable treatment of convicted sex offender in public meeting, use of convicted sexual predator as source for proposed “patron complain” to terminate whistleblower
- No working understanding of library laws, policies, ethics, trustee duties, conduct of meetings and refusal to learn, refusal to budget training. (“I’m too busy with my bees”)
- Denial of due process – no post-hearing despite demand
- Created unlawful policies – librarians can be fired for any reason, threat of termination under knowingly false pretense of employment at will

- Failed to notify public of vacancies
- First known interviews for appointment of Trustee was with Colson in 2021
- Board members involved in personnel matters, BLOCKHAN removed from chair for misconduct, remains on Board despite intimidation role in April 2021 retaliation (see chronology)
- BLANFORD accosts, threatens Dana and calls her a liar for report of mismanagement February 2, 2021 (see chronology, implicit threat of criminal arrest for “boisterous” behavior on raising complaint. Four witnesses present identify LANFORD as aggressor
- Failed to follow own policy manual

Finances

- Misclassification of employees to avoid paying taxes and overtime, ongoing plan to defraud State and Feds (see chronology)
- Failure to take contract bids, see chronology
- Self dealing: see chronology, GROW, et al
- Director spending over the discretionary limit without authorization from the Board (and they know about it)
- Failure to approve monthly expenses, ignore repeated professional advice from ICRMP and others to do so
- No transparency in expenditures, concealment of amount paid in attorney fees to pursue whistleblowers, conceal amount of camera cost, entrust camera operations to GROW knowing facts in chronology bearing on misuse of data of whistleblowers by GROW
- Refusal to tell public amount spent on multiple attorneys
- Refusal to address financial audit concerns of CPA including cash handling and accountability protocols
- Failure to hire financial officer as directed by CPA and Auditor

Retaliation

- Retaliation against employees who speak up regarding misconduct by the Board or its Director: multiple examples over more than decade
- Discrimination in hiring practices
- Admitted retaliation against whistleblowers from Bohachek
- Threatened a lawsuit twice against whistleblowers knowing or having reason to know without basis, BOHACHEK – website and article in paper
- Pre-existing and ongoing scheme to operate in violation of civil and criminal law summarized above and in attachments, physical assault, threatened assault, falsification of records, unlawful destruction of records, etc. summarized herein.

III. Itemized Retaliation Chronology and Attached Correspondence Records

For the purposes of this notice, Claimants have summarized in part the master chronology prepared by counsel for use in this Notice. It is attached to this document and contains factually accurate summaries of a series of events discussed above. It also itemizes, with specific dates, times and events, a pattern of retaliation specific to the whistleblowers beginning on or about February 2, 2021, with a letter from Claimant Dana Boiler to the Board, including a section captioned “Crisis in Management”. It is deliberately worded and intended to constructively address a series of outrageous acts and omissions by then-director Anderson, and other District employees, without making any claim of personal damage and seeking constructive resolution of all the issues broadly outlined as part of the then-management crisis.

From this date forward, the events demonstrating the vicious and personal attacks on each whistleblower are detailed, and demonstrate conclusively this is no simple personnel matter. Rather, they show a deliberate, purposeful and criminally intentioned plan implemented by the Board and Ashworth in concert, designed to both destroy the credibility of the whistleblowers, and to create a false public impression based on outright fabrication and intimidation not only by District personnel and their legal counsel, but by interested and self-appointed community “leaders” whose complicity in the designed mismanagement of public funds controlled by the District would remain firmly within their control, and the control of their trusted friends and allies.

Happily, the attached factual summary and correspondence records demonstrate this wicked and unlawful plan failed utterly. The reasons are found in the facts, but in substance the reason for failure evidenced by the attached are attributable to two things: the truthfulness and integrity of the whistleblowers, and the grace of God. Evidence seemingly impossible to obtain and difficult to imagine came unbidden into the knowledge of the whistleblowers during this time, leading to defeat of each attempt at covert retaliation as they absorbed and withstood each attack. People of faith will understand why events summarized herein occurred in this matter, but the law is blind, so the facts will speak for themselves.

The facts in the chronology in substance show this:

- On February 2, 2021, Dana Boiler wrote a letter to the Board applying for the position of Director of the library, given then-Director Anderson’s stated intention to retire in the near future. This was done after a series of events summarized in the chronology, going back with Dana to the time of her hire in 2019, which demonstrated that serious and ongoing threats to public safety, particularly women and children, was presented, tolerated, aided and even actively encouraged at the library.
- Anderson was fully aware of these threats and acknowledged them, beginning with his instruction to Dana to summarize the activities of one Corbin Waltering, who was a frequent visitor to the library and had stalked female employees there, including employee

Amy Maggi. The attached also demonstrates evidence from his stepmother, who has advised Waltering had sexually molested a child in her presence.

Anderson was advised of this fact and promised to contact her to insure the safety of library patrons and their families, given Waltering's active militia recruitment activities using library resources and personnel. It was learned during the investigation conducted by my office in this matter that in fact, Anderson did not contact the witness and did nothing to warn patrons of Walterings' activities.

Instead, he actively concealed these known facts from the public.

At about the same time, the attachments show the concerns over personal safety of library staff over Waltering's stalking behavior that was expressed to both Anderson and to the Bonners Ferry Police Department. The responses are recorded, they are telling. In substance, Anderson promised to send a letter expressing safety concerns to the police and directed Dana to prepare it. She did and it is attached. He represented it was given to the police. In fact, it was not. As a result, Waltering's activities continued unchecked for an extended period of time, until his return to the East Coast, where he participated in armed rallies in the southeastern U.S. and touted his relationship with Anderson, taunting the whistleblowers on social media with his claim Anderson had given him permission to utilize the library as his base of operations.

He later returned to Bonners Ferry and suggested to others he invited a confrontation with my wife as a result of her actions summarized in part above. Anderson did nothing to discourage or address this clear danger, and in fact ignored it.

Waltering is a former Bonners Ferry man who had moved to Georgia and began to refer to himself as "General Brickwall of the Georgia militia." The attached chronology shows the chain of events leading up to his active recruitment of militia members using library phones, employees, equipment and resources as his "headquarters". He was not shy about his views, and was granted permission by Grow and Anderson to post militia recruitment posters in the library and to use library phones, personnel and office space as his "headquarters".

The obvious and serious, ongoing threat to safety of patrons, their children and the employees of the library is obvious.

- The chronology on the subject of retaliation against the whistleblowers on matters of public and personal safety is far more damning. For example, it establishes that library employee Maggi did in fact send a sexually explicit stripper video starring herself on a pole installed by Interim Director Derrick Grow, scantily clad, to our minor daughter, 13 at the time. It specifies how it occurred, and that the local police agencies misrepresented to the public a determination on the merits, proven conclusively by Idaho State Police public record

responses and interviews to be patently false. A separate chronology which breaks out the law enforcement involvement in the District's attempt to mischaracterize Dana's and my own complaint, as a father, to the actions of this employee. In short, it shows five different versions of the truth were given to try to explain away clearly dangerous behavior involving a minor child, pornographic lyrics and sexually explicit content sent to a child without parental consent, over the internet.

- It outlines how the District's response to this complaint was to commence expenditures amounting to several thousands of dollars in attorney's fees to the District, in a failed attempt to find grounds for termination, but finding none.
- Between March and April, 2021, the chronologies attached also chronicle the pattern of intentional falsification of public records to conceal the District plan to terminate all employees who disagreed with the treatment of Dana's complaint on behalf of our child, and the response of District personnel and counsel to falsify the narrative in a public narrative for the express purpose of retaliation for not keeping the District's dirty little secrets involving child abuse and child endangerment at the library. Several instances of such endangerment, and later Director Ashworth's complicity in concealing conviction records of known sex offenders stalking library teen interns at the library. It documents toleration and even special preferred status conveyed on one convicted child sex offender who frequents the library and who views himself as a "mover and shaker".
- The attachments show one of Ashworth's first acts as "fixer" in April 2021 is discussed, was to spirit away the mug shot book of child sex offenders used to identify dangers to children at the library. Further examples on the topic of child endangerment abound in the attached chronology.
- In following the chronology of 2021 and 2022, a clear pattern emerges, with details included so authenticity can be verified. In substance, what occurred during this period of time was this:

-Sandra Ashworth submitted a false summary of her qualifications to the Board on or about March 17 and was touted to the public as a savior;

-Having no qualification for the position whatever but endearing himself to the Board by giving out free personal computer repair, Grow is appointed Interim Director to fill the Anderson vacancy on or about March 24;

-He immediately begins retaliation against Dana and the other claimants, with Ashworth assuming the statesmanlike role and title of "Librarian Emeritus" and volunteer. In reality, what follows is a clear plan that results in the District concealing from PERSI the fact she is working in the same position she left on full retirement, and retaining full retirement benefits even though it is unlawful to do so. She touts and the Board and its supporters go

along with the plan, since she is hired to get rid of the whistleblowing employees I now represent;

-At legal counsel's urging, Ashworth attempts to fire Dana for protected public comment on matters of public concern, published in a local media outlet. She is accosted and insulted by a Board member, Grow, Ashworth and Maggi, the very woman who sent sexually explicit material to her daughter. Ashworth cynically advises her, behind closed doors, that Maggi is now her 'senior supervisor';

-Ashworth begins removing public records and personal property of the whistleblowers from the library, transporting some items to her home and others disappear. She later claims them as her own when caught in the act of actually taking possession of hundreds of dollars in personal property and electronics belonging to the whistleblowers, who interrupt her by chance on May 10 in the library basement;

-Grow thereafter in June threatens termination and requires each whistleblower to submit to days of interrogation (called 'interviews') with a paid attorney of the Board from out of area, who claims not to be acting "in any legal capacity at all", and whose report, costing thousands, is never provided to the whistleblowers or the public, who request it;

-In May and June library counsel make threats of personal suit against the whistleblowers for failure to surrender intellectual property, a website and its control, when in fact it had been transferred months before. This process alone costs thousands and was pointless. The only apparent motive is ignorance and malice;

-In July Ashworth, having no ground to discipline from months of investigation, advises each whistleblower they will remain on paid administrative leave while she continues to spend library funds with Wilson Law Firm to conduct 'an ongoing investigation' into each whistleblower. After two months, no investigation is done, and whistleblowers are never contacted. Frustrated, Ashworth pens notices of proposed termination for each whistleblower with baseless charges. Investigation summarized in the chronology shows Board member Bohachek admits during the time leading up to the notices that 'their attorneys tried to find reasons to fire you, but couldn't'.

His narrative on the subject, attached, is particularly revealing of just how contemptuous of the public good this Board truly is, and how disingenuous their folksy expressions of outrage truly are.

- To this day, two of the whistleblowers remain employed full time on administrative leave, although their time is about to run out. At every turn, as the correspondence record attached clearly shows, the District's representatives have violated law in an attempt to force the whistleblowers into financial inability to proceed, and at each turn

they have been thwarted. Until February 28, 2022, all of them remained so employed, but the new Director has never spoken to any of them.

- She has, however, made it clear she is willing to assist in the furtherance of this unlawful and ongoing breach of public trust, and has been caught defaming the whistleblowers with a false narrative of these events designed to create a false public impression of what has truly occurred, to this very day. This is apparently a job requirement under the present regime.

Conclusion and Proposal

The sad truth is that this public agency has been used by a small cadre of men and women to further unlawful means, and to avoid public accountability for massive breaches of public trust to the voters and taxpayers of this county, for many years. The specificity chosen to be included here is so that these citizens may finally know the truth, and be given a clear choice on how and where accountability for these unlawful actions will be imposed.

It is the choice of the Board and its insurer on which is in the public interest, and which is in the personal interests of a select few who have caused, allowed or concealed this gross abuse of public trust to exist, flourish and continue. Whether that choice is public and involuntary, or private and voluntary, is entirely up to the District, its legal representatives, and its insurer. The choice begins with this proposal:

- Immediate resignation of the entire Board of Trustees of the Boundary County Free Library District, together with a covenant none will ever seek elective office in this county at any time in the future;
- Immediate termination for cause of District employees Maggi and Grow, together with a covenant from Maggi, Grow, Anderson and Ashworth that they will never seek public employment within this county at any time in the future.

These actions will be viewed as a demonstration of good faith on the part of the District to implement the proposed Federal mediation, which was proposed to your legal counsel in writing six months ago, copy attached. No promises, releases or other consideration is offered or sought in exchange for this action. However, actions speak louder than words, and this matter will not bear the routine delay foreseen by the game of law as typically practiced in defense of such matters.

We are not going away. For the sake of this community, as well as the brave four I am privileged to represent, I urge you to abandon the tactics of falsehood, threat and bluster, and act in the interest of the public you claim so fervently to faithfully serve.

Thank you for your careful consideration of this matter. Please contact me through your legal counsel if you have any questions.

Very Truly Yours,

Jeffrey H. Boiler
ISB #11476
OSB #830219
Attorney for Dana Boiler, Cari Haarstick,
Eric Lindenbusch, Christine "Mac" Withers

JHB:jb

cc: Office of Attorney General
State of Idaho

Encl: Appendix and Attachments