

# Exhibit B

IN THE MATTER OF  
  
THE TERMINATION OF EMPLOYMENT  
  
OF JOHN FRESHWATER

**VOLUME XXVII**

TRANSCRIPT OF PROCEEDINGS

held at Knox County Office Building,  
Mount Vernon, Ohio,  
on December 10, 2009,  
before Mr. R. Lee Shepherd, Referee

**O'DONNELL & MCGHEE, LLC**  
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APPEARANCES:

FOR THE BOARD OF EDUCATION

Mr. David J. Millstone  
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(216) 479-8500

FOR MR. FRESHWATER

Mr. R. Kelly Hamilton  
P.O. Box 824  
Grove City, OH 43123  
(614) 875-4174

ALSO PRESENT

Ms. Sarah Moore  
Mr. Steve Short  
Mr. Doug Mansfield  
(afternoon session only)  
Ms. Kathy Portman  
Mr. Jason Deschler

EXHIBITS:

Board's

- 6 -- H.R. On Call report
- 27 -- photograph of classroom
- 37 -- Academic Content Standards

Employee's

- 8 -- affidavit of John Freshwater (date illegible)  
-- two (2) pp.
- 70 -- *Finding Common Ground*
- 112 -- textbook *Astronomy*
- 113 -- textbook *Inside the Restless Earth*
- 114 -- textbook *Cells, Heredity, and Classification*
- 129 -- copies of photographs of Tesla coil --  
fifteen (15) pp.
- 130 -- copy of Employee's handwritten notes  
dated March 4 and 7 -- one (1) page
- 131 -- copy of Employee's handwritten notes  
dated March 10 and 19 -- one (1) page
- 132 -- copy of Employee's handwritten notes  
dated March 19 -- one (1) page
- 133 -- copy of Employee's handwritten notes  
dated April 2 -- one (1) page
- 134 -- copy of Employee's handwritten notes  
dated April 7 and 8 -- one (1) page
- 135 -- copy of Employee's handwritten notes  
dated April 18 and 29 -- one (1) page

EXHIBITS:

Employee's

- 136 -- copy of Employee's handwritten notes -- one (1) page
- 137 -- copy of Employee's handwritten notes dated April 22, 2008 -- one (1) page
- 138 -- copy of e-mail dated 03/25/08 from Ruth Williams to Bill White re FCA permission slips -- one (1) page
- 139 -- memo dated 04/02/08 from Bill & Brad to All club/group advisors and staff -- one (1) page
- 140 -- Knox Community Hospital records -- fourteen (14) pp.
- 141 -- affidavit of John Freshwater dated 05/23/08 -- four (4) pp.
- 142 -- copies of cover, inside cover, title page for Chapter 6, index, and pp. 71-86 of *Finding Common Ground*
- 143 -- affidavit of John Freshwater dated 05/25/08 -- six (6) pp.
- 144 -- book cover with "Good Thinking" and "The Ten Commandments"
- 145 -- Bullet Points for Meeting with John Freshwater 04/21/08 -- one (1) page
- 146 -- Bullet Points for Meeting with John Freshwater 04/21/08 with handwritten notes -- one (1) page
- 147 -- Mansfield News Journal article dated 04/18/08 -- three (3) pp.

EXHIBITS:

Employee's

- 148 -- transcript of Freshwater interview with H.R. On Call -- fifty-nine (59) pp.
- 149 -- affidavit of John Freshwater dated 05/25/08 -- two (2) pp.
- 150 -- affidavit of John Freshwater dated 05/25/08 -- two (2) pp.
- 151 -- affidavit of John Freshwater dated 05/25/08 -- two (2) pp.
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- 157 -- affidavit of John Freshwater dated 05/25/08 -- four (4) pp.

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**INDEX:**

Witnesses

Page:Line

**John Freshwater**

Direct Examination by Mr. Hamilton 4326:7

1 A. A memo that came out from the school.

2 Q. And why did you attend this class? Was it part of your  
3 continuing education?

4 A. Yes.

5 Q. And why did you pick this class to attend?

6 A. You get a better understanding of the constitution.

7 Q. Okay. And did you go to the class?

8 A. Yes.

9 Q. Did you receive a book called *Finding Common Ground* in  
10 the class?

11 A. Absolutely.

12 Q. Now, previously, there's been an exhibit admitted called  
13 Employee Exhibit No. 70. Are you familiar with that?

14 A. Yes.

15 Q. Now, is this your book?

16 A. No.

17 Q. Do you have a book like this?

18 A. Yes.

19 Q. And it's my understanding you kept this book at home.

20 A. Yes.

21 Q. Now, from the time period of April 7th, 2008, until you  
22 eventually met up with Mr. White on April 11th, 2008, tell me  
23 some of the actions, steps you had taken to get clarity.

24 Leaving out that we already know you tried to contact

25 Mr. White, what are some of the other action steps you had

1 is like a -- oh, what's the term that the prosecutor used?  
2 It was Nifong. I believe this is a Nifong situation. That's  
3 the reason for the lawsuit. It's as simple as that. I can't  
4 make it any simpler than that. We would not be here in this  
5 situation today if the investigators would have done their  
6 job, if Mr. Millstone would have done his job the way it  
7 should have been done. That's all I have to say.

8 Q. I want to look at Employee Exhibit No. 143. I want to  
9 cover some other items here. What items, John, were in your  
10 room that you took down?

11 A. Oh, what items I took down was the Ten -- they called it  
12 the Ten Commandments, but they were security posters that  
13 I got out of the office. I removed those. I removed the  
14 half-sheet motivational statements that were up on the  
15 cabinets. Eight of them were up there. I took -- the FCA  
16 Bibles were removed out of there. I can tell you what  
17 I didn't take down. I didn't take the poster down.

18 Q. Why not?

19 A. Because it's a patriotic poster, and I was never told to  
20 take it down.

21 Q. Let's go back to those book covers for a second. Where  
22 did you get these book covers? First of all, is this one of  
23 the book covers that was in your room?

24 A. Yes, that is one.

25 Q. Okay. Now, my question to you is this: This looks like

1 one of the book covers that was in your room. Right? I  
2 mean, it's actually a different question. Does this look  
3 like one of the book covers that was in your room?

4 A. Yes.

5 Q. When you took the book covers down from your room, do  
6 you have any of those anymore?

7 A. No.

8 Q. And do you even know where this one came from?

9 A. No.

10 Q. Does this look like one of those that was in the glass  
11 portion of your door?

12 A. Yes.

13 Q. We will go ahead and submit this. I mean, this isn't  
14 yours, right?

15 A. No.

16 Q. So you don't care if we put --

17 A. No.

18 Q. Taking a look at this particular book cover, let's talk  
19 about first where did you get them, the ones that you hung up  
20 in your window?

21 A. Down in the administration office.

22 Q. When you say "the administration office," where exactly  
23 is that?

24 A. Down in the office where the guidance counselors and  
25 principals were.

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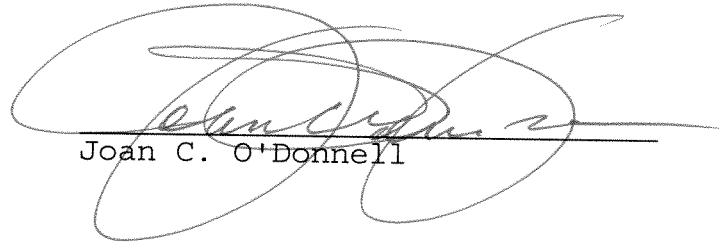
Thank you.

(This proceeding recessed at 4:02 p.m.)

**CERTIFICATE OF REPORTER**

I, Joan C. O'Donnell, Registered Professional Reporter, do hereby certify that the foregoing Volumes XXIV through XXVIII, consisting of pp. 3958-4679, is a true and complete transcript of the proceedings conducted on the 3rd, 4th, 8th, 10th and 11th days of December, 2009, before Mr. R. Lee Shepherd, Referee. I further certify that I was personally present throughout the said proceedings.

Subscribed this 27th day of December, 2009.



Joan C. O'Donnell