

Exhibit G

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

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FOR MR. FRESHWATER

Mr. R. Kelly Hamilton
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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.
- 152 -- affidavit of John Freshwater dated 05/25/08 -- two (2) pp.
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- 156 -- affidavit of John Freshwater dated 05/25/08 -- two (2) pp.
- 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.

1 A. Down in the rathole again.

2 Q. Did somebody else pick through them already?

3 A. I don't know where they're at.

4 Q. Give me an understanding as it relates at least to this
5 book cover, because that's all that we have, what was the
6 size of the print on those motivational statements? Hold on
7 one second.

8 A. You could hold --

9 HEARING OFFICER: Do you have any copies?

10 MR. HAMILTON: I don't.

11 HEARING OFFICER: Do you want them?

12 MR. HAMILTON: Do you want a copy, David?

13 MR. MILLSTONE: I think we have a photograph of
14 them. We'll decide when we take a break.

15 Q. John, I'm handing you what's been marked Employee
16 Exhibit No. 144. My question to you is -- and, actually,
17 Employee Exhibit No. 144 is what?

18 A. A book cover.

19 Q. Okay. And this is not an exact book cover that was in
20 your room. Correct?

21 A. Correct.

22 Q. Now, compare for us, if you will, the size of the print
23 that were on these motivational statements compared to the
24 print you see there in the book cover.

25 A. There was two different size prints.

1 Q. Explain.

2 A. There was a larger print up on the top and a smaller
3 print down below. The larger print on top would be about
4 this size here, maybe a little smaller. About this size.
5 And the smaller print down below would be more like this.
6 I'm sorry. That's not helping. The larger print would be
7 like the print under "The Ten Commandments" on the poster.
8 The smaller print would be *www.tln.com*. Does that help?

9 Q. Yes. What was the first time you ever heard that
10 somebody complained about those?

11 A. In April.

12 Q. Now, April of what year?

13 A. 2008.

14 Q. And were you trying to hide these throughout the years?

15 A. No. They were right out there.

16 Q. Okay. Other teachers been in your room before?

17 A. Yes.

18 Q. Could they have seen these?

19 A. Yes.

20 Q. Other principals, assistant principals, could they have
21 seen these if they came into your room?

22 A. All the time.

23 Q. Did you take them down when they were identified?

24 A. Yes.

25 Q. And you took them down because it was specifically

1 identified that they needed to come down?

2 A. Yes.

3 (An off-the-record discussion was held.)

4 **BY MR. HAMILTON:**

5 Q. John, there were -- you previously identified that the
6 FCA stored stuff in your room. Yes?

7 A. Yes.

8 Q. And what kind of things did they store in your room?

9 A. Some of the things I've already mentioned. FCA Bibles
10 in a box. They had the permission slips and speaker forms,
11 the list of the speakers that came in and spoke. They had
12 the posters up. They had -- oh, they would do some
13 demonstrations, like a visual for a Bible study or something
14 like that they would do. Some of that stuff got left behind,
15 stored there. Sometimes they do a visual with the studies
16 they're doing, and that's left there until I say, Get that
17 stuff out of here and take it home because your mother is
18 probably looking for it, that type thing.

19 Q. And you've actually identified -- we'll get to those
20 later, but you've actually identified some of those
21 experiments in one of the pictures. Right?

22 A. Yes.

23 Q. And what was that experiment? Do you remember?

24 A. That was dealing with the Trinity, the Holy Spirit, the
25 Father, Son, and Holy Spirit.

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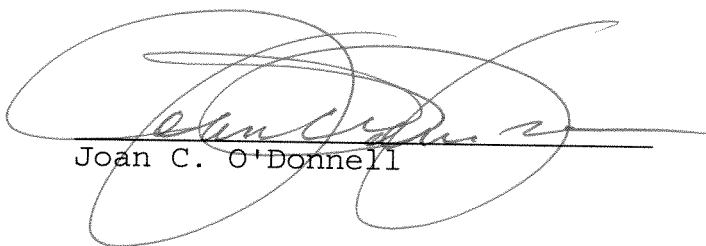
Thank you.

(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