

From: Curtis, Christopher
Sent: Thursday, June 4, 2020 3:55 PM
To: Save Marlboro College [REDACTED]
Subject: Your PRA Request

Dear Mr. Heck,

I hope this note finds you well.

Attached please find a cover letter and the production for May – June 1 of 2020 that you requested. I hope this is helpful.

Thank you for your consideration.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

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THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
CHIEF ASST. ATTORNEY GENERAL



TEL: (802) 828-3171

<http://www.ago.vermont.gov>

**STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001**

June 4, 2020

Mr. Martin Heck

██████████
Putney, VT 05346

SENT BY ELECTRONIC MAIL:
██

Dear Mr. Heck

Thank you for your public records request of June 1, 2020. You requested:

- 1) Any notice of a proposed plan of merger (and/or an actual plan of merger itself) submitted to this Office by Marlboro College (or the Corporation of Marlboro College); and
- 2) Any correspondence relating to Marlboro College to or from persons or entities (including anyone affiliated with Marlboro College, or the Corporation of Marlboro College itself) in the community for the period of May 1, 2020 through June 1, 2020.

Please accept the attached electronic file containing documents responsive to your request. Information contained in internal communications of the Attorney General's Office that contains work product, attorney client communication, or personal information may be withheld or redacted pursuant to 1 V.S.A. §§ 317(c)(1), (3), (4), and (7).

If you feel information has been withheld (or redacted) in error, you may appeal to the Deputy Attorney General Josh Diamond. I hope the attached information is helpful to you.

Thank you for reaching out to our office.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Curtis".

Christopher J. Curtis
Chief, Public Protection Division

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
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STATE OF VERMONT
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05609-1001

May 15, 2020

Rev. Dr. James Thomas

[REDACTED]
Leicester, North Carolina 28748

Dear Rev. Thomas,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Curtis", written over a horizontal line.

Christopher J. Curtis
Chief, Public Protection Division

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05609-1001

May 15, 2020

Shaw Izikson



Winsted, Connecticut 06098

Dear Mr. Izikson,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Curtis", with a long horizontal flourish extending to the right.

Christopher J. Curtis
Chief, Public Protection Division

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OFFICE OF THE ATTORNEY GENERAL
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MONTPELIER, VT
05609-1001

May 15, 2020

Lucy Gratwick

[REDACTED]
Marlboro, Vermont 05344

Dear Ms. Gratwick,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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Chief, Public Protection Division

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109 STATE STREET
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05609-1001

May 15, 2020

Kathryn Maleney

[REDACTED]
Schwenksville, PA 19473

Dear Ms. Maleney,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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Christopher J. Curtis
Chief, Public Protection Division

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109 STATE STREET
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May 15, 2020

Loretta J. Mickley



Cambridge, MA 02138

Dear Ms. Mickley,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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May 15, 2020

Sue McClintock

[REDACTED]
Searsport, Maine 04974

Dear Ms. McClintock,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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Christopher J. Curtis
Chief, Public Protection Division

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MONTPELIER, VT
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May 15, 2020

Christian Churchill

[REDACTED]
Mount Vernon, New York 10552-1704

Dear Mr. Churchill,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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May 15, 2020

Jennie Tucker

[REDACTED]
Summerville, OR 97876

Dear Ms. Tucker,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Curtis", with a long, sweeping underline.

Christopher J. Curtis
Chief, Public Protection Division

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May 15, 2020

Laura Hinerfeld

[REDACTED]
Sonoma, California 95476

Dear Ms. Hinerfeld,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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May 15, 2020

Beth Anne Meacham

[REDACTED]
Greensboro, Vermont 05841

Dear Ms. Meacham,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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Christopher J. Curtis
Chief, Public Protection Division

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OFFICE OF THE ATTORNEY GENERAL
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MONTPELIER, VT
05609-1001

May 15, 2020

Andrea Strout

[REDACTED]
Doylestown, Pennsylvania 18902

Dear Ms. Strout,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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OFFICE OF THE ATTORNEY GENERAL
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May 15, 2020

Wendy Kirkpatrick

[REDACTED]
Alexandria, Virginia 22307

Dear Ms. Kirkpatrick,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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109 STATE STREET
MONTPELIER, VT
05609-1001

May 15, 2020

Antonio Iaccarino, M.Ed.

[REDACTED]
Boston, MA 02125

Dear Mr. Iaccarino,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

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OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT
05609-1001

May 15, 2020

Mr. John Fago

[REDACTED]
Bethel, Vermont 05032

Dear Mr. Fago,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your recent letter regarding Marlboro College. I appreciate your time, consideration, and contact with our office.

Be well and stay safe.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Curtis", with a long horizontal flourish extending to the right.

Christopher J. Curtis
Chief, Public Protection Division

Charles Bergmann Architect

South Newfane, Vermont 05351

RECEIVED

APR 16 2020

STATE OF VERMONT
ATTORNEY GENERAL'S OFFICE

April 13, 2020

*Vermont Attorney General's Office
T.J. Donovan
109 State Street
Montpelier, VT. 05609*

*I Believe in Marlboro College
P.O. Box 503
Marlboro, VT. 05344-0503*

Attached are some emails sent to Marlboro College related to the decision of their Board of Trustees to close the college.

They convey some of my observations and beliefs related to what I believe is a tragic direction which I fervently hope will be reversed.

The emails are printed with the most recent ones on top, then going back to the earlier ones.

Sincerely,

Charles Bergmann

Attached: 8 pages of emails.

Fw: Challenge Response

Charles Bergmann <[REDACTED]>

Mon 1/20/2020 12:28 PM

To: Marlboro College Office of the President <presidentsoffice@marlboro.edu>

A Few More Comments:

I am sure that many are disappointed that Marlboro College does not appear to be willing to allow Will Wootton and his team to examine in detail the background to Marlboro's decision to donate the college and its' assets to Emerson College. I write to again urge you to let that happen in a cooperative way as it could likely lead to Marlboro College being saved where it is for present and future generations.

I have looked at the financial data which has been released but it is so general as to be almost useless in value towards finding a new direction.

Observations:

The 2019 financial statements show Net Tuition and Fees of \$1,980,701. for an average received of about \$12,000. per student.

The Expenses list Instruction, Public Support, Academic Support, Student Services, Institutional Support and Auxiliary Enterprises, creating Total Operating Expenses of \$13,895,306., but one has no ability to find out how this really breaks down, where it might be reduced, what might be changed, so these figures are almost useless for one trying to find a new path.

My sense of Marlboro's situation is that the college could continue for another five years if these Total Operating Expenses were reduced by about 40% to about \$8.3 million a year and Income achieved to cover that. As an example, Income could be made up of Tuition and Fees of \$2. million plus Donations of \$2.3 million plus Endowment Income of \$1.5. million plus use of Endowment of \$2.5 million for five years. It would be a small, very lean college. After five years a decision could be made to continue Marlboro College or end it.

Another concern that I feel is whether the consulting firm EY - Parthenon may be influencing your decisions too much. In my own life I have observed that experts often have an agenda and also are often missing part of the picture. As you may know, in the early 1950's Emerson College was near to closing, but was saved by alumni including very active Helen Rose, whose daughter Jane is a friend of mine. They did not give up and neither should Marlboro.

All good luck towards saving Marlboro College where it is.

Charles Bud Bergmann

From: Charles Bergmann <[REDACTED]>

Sent: Tuesday, December 31, 2019 2:20 PM

To: Marlboro College Office of the President <presidentsoffice@marlboro.edu>

Subject: Fw: Challenge Response

A Few Further Comments:

As I expected you have not permitted Will Wootton to further examine the background of the decision to give the assets of Marlboro College to Emerson College and consider other

options. I ask that you allow Will Wootton and his team to do this in a reasonable manner to his reasonable satisfaction.

Since there was a press release around April 2019 to the effect that Marlboro College was not in danger of closing, but one can recognize that perhaps you were then optimistic for a merger (the merger with the University of Bridgeport was announced in July, 2019 and the failure of that merger was announced in September, 2019), one presumes that the process and decision to give the assets of Marlboro College to Emerson College occurred after September, 2019.

Apparently in making their decision, the Trustees of Marlboro College did not engage in the traditional Town Meeting form of governance associated with the running of Marlboro College.

Apparently there was little or no effort to draw the greatly affected Town of Marlboro into the process. The town might be a possible source of support, possibly somehow related to the public school system or contributions.

It would greatly help to better understand this if you released more information on the processes Marlboro College used to try to save the college over say the last five years, particularly as related to efforts to engage more students, curriculum changes, faculty and staff changes, etc. My guess is you worked hard.

It would be helpful to know something of the 80 or so institutions of higher learning that Marlboro approached about a merger, what was offered and responses. Could any be approached again with the given that Marlboro remains in Marlboro?

The role of the consulting firm EY - Parthenon should be described.

In looking at Emerson College in Boston and also its' new "campus" in Los Angeles, I am not encouraged by its' hardly outstanding architecture and physical presence - particularly as a future home for a Marlboro Institute that is intended to reinforce the humanities, which should include a love of beauty which the present Marlboro campus does have.

Board of Trustees Chair Richard Saudek has been on the board for over twenty years and has over that time probably had to deal many times related to the survival of Marlboro College. While he has been a dedicated servant of Marlboro, one wonders if he just finally wore out of trying.

I remain optimistic that Marlboro College will be saved where it is. The situation is a long way from being hopeless. Please change your direction and commit five years towards saving Marlboro College where it is.

Sincerely,

Charles Bud Bergmann
South Newfane, Vermont

From: Charles Bergmann [REDACTED]

Sent: Friday, December 27, 2019 10:00 AM

To: Marlboro College Office of the President <presidentsoffice@marlboro.edu>

Subject: Re: Challenge Response

A few comments on your "Challenge Response" and information:

The Integrated Postsecondary Education Data Systems (IPEDS) and the National Census Data are useful but it should be kept in mind that there were still about 19.66 million college students during 2017 and the projection for year 2028 is 20.31 million college students. More importantly, these sorts of figures are not that relevant to Marlboro College where only about 400. students are needed to stay afloat. With sincere energy it should be possible to find 400. students for Marlboro who would benefit from Marlboro.

From the Financial Statements, it is noted that for the years 2015 thru year 2019 that Annual Net Income steadily dropped from \$4,808,517. to \$1,980,701., a drop of \$2,827,816. and a percentage drop of 41%.

During the same period Annual Operating Expenses dropped from \$15,372,946. to \$13,895,506., a drop of \$1,477,440. and a percentage drop of 10%. While one recognizes that cutting annual operating expenses to try to relate to the drop in annual income may not be easy, it appears that the college did not address this discrepancy with enough vigor.

On the Accreditation and the New England Commission of Higher Education (NECHE) letter, while I can follow that such a commission would offer concerns and some advice, it seems odd to me that they would go so far as to strongly recommend a particular arrangement such as the proposed merger with Emerson College, which I do not think of as a truly academic institution as its' course offerings are largely in the area of job training. Also the President of Emerson has stated "it might be easier to think of the prospective agreement more like a \$40. million donation to the Boston school" which does not sound like a true merger.

On Further Reading I perused the offerings and they struck me as designed to support a position taken rather than offering insights that would encourage Marlboro College to try to save itself where it is. One example noted of a college having trouble is Willamette College in Oregon, a college that Emerson College President M. Lee Pelton was President of until the current Willamette College President took over. Current Emerson College President Pelton appears to be spending a lot of money to grow Emerson and this could lead to financial problems for Emerson in a few years, often the case when institutions try to expand too fast. If that should happen, the Marlboro College donation of endowment and property to Emerson may disappear into helping to save Emerson.

Further Reading should have included the process that Marlboro used to try to increase enrollment and save the school and some examples of success over adversity. A few examples of the latter which I am familiar with:

The successful effort led by T.A. Wilson and William Allen to turn Boeing Company from almost failure (at the time there was a large billboard in Seattle with a light bulb and the message: "Would the last person out of town please turn off the lights!") to a very solid company again. At real risk they "bet" the company, primarily on the Boeing 747 and succeeded.

The successful effort led by Professor Victor Steinbrueck and a few others to save the Pike Place Market in Seattle which many city leaders wanted to tear down in favor of high rises and parking. Eventually a city wide vote created the formal direction to save this magical place which is really the soul of Seattle.

The successful effort led by Ralph Anderson and a few others including myself to save the Pioneer Square District from the wrecking ball being pushed by City of Seattle leaders, the creation of The Pioneer Square Historic District, renovations of most all of the buildings there and it becoming a prosperous neighborhood.

The successful effort led by myself and a few others to turn around the redlined and very deteriorated Madison Valley District in Seattle which many thought would be impossible to accomplish. Today it is an integrated and vibrant neighborhood.

The successful effort to deal with the unexpected resignation of Trinity College President Tom Gerety, to become President of Amherst College, at a time that Trinity was just starting a major capital campaign to significantly grow endowment and make serious efforts to improve its' deteriorated neighborhood. It was a devastating blow for Trinity but Trustee Alfred Koepel and others rallied support. What happened is described in a Harvard Business School case study which cites it as a great example of beating probable failure.

The successful effort led by Leon Botstein to grow then struggling Bard College. When my daughter enrolled in Bard (because her letter of acceptance stated "we believe that Bard College will be a better place by having you") and some annoying parents complained that Bard had problems, it was a joy to watch President Botstein turn criticism to advantage such as pointing out that Clare College of Cambridge University had struggled, had only about 500 students and went on to list the great scholars and others produced by that distinguished school. I think Bard had an endowment of about \$30. million at the time - today (with Leon Botstein still there) Bard has an endowment of almost \$300. million.

In my heart I think what is driving me to oppose the Marlboro/Emerson merger is its' importance to the Town of Marlboro and the people I have known who are connected to Marlboro College. Let me mention Dan Darrow, a Marlboro graduate and neighbor, who was an inventor, started the Olallie Daylily Farm, served on our Select Board and in the Vermont Legislature and a wonderful human being. Based on Dan alone the school would be worth preserving. Some other people connected to Marlboro College who cause me to want it to survive include former trustee and Boston Globe Editor Tom Winship; Sara Coffey, who created Vermont Performance Lab; Dan De Walt, a teacher, writer and musician who has added greatly to our community; Tom Redden, a professor and former Dean at Marlboro College; Holly Peters, who worked for us while a student at Marlboro. All exceptional people connected to a wonderful, small school.

Please change your direction and work for five years to save Marlboro College where it is.

Sincerely,

Charles Bud Bergmann
South Newfane, Vermont

From: Office of the President <presidentsoffice@marlboro.edu>

Sent: Friday, December 20, 2019 1:07 PM

To: charlesbergmann [REDACTED]

Subject: Challenge Response

Dear Charles,

Re: Fw: Important news about Marlboro's future

Charles Bergmann <charlesbergmann@hotmail.com>

Fri 12/20/2019 2:11 PM

To: Marlboro College Office of the President [REDACTED]

Dear President Quigley:

Let me try to change your mind:

To start with, I think all agree that Marlboro does have assets which include a large campus worth at least \$10. million, an endowment of about \$35. million, 150 or so students, some fine faculty and other staff and some wonderful alumni. It took time and effort to create this and it would be a tragedy to throw it away.

If 80 educational institutions were approached about merging with Marlboro and only two responded that would seem to indicate that a merger is not the way to go. And giving away the school to Emerson, for almost nothing in return, is hardly a merger. My guess is that only some of the faculty and very few of the students will transfer to Emerson and the proposed Marlboro Institute at Emerson College will be insignificant. It would be better for Marlboro to at least try to succeed even if it comes to fail. If in trying this, much of the endowment is gone, you still have the property to sell.

Those who oppose the proposed Emerson/Marlboro arrangement feel strongly against it and will be very persistent in opposing it. Results will probably include a lot of legal fees and much ill will and negative publicity, no matter which side eventually prevails.

It seems to me that Marlboro College could continue so long as those in charge are willing and able to rather rapidly reduce expenses, continue to obtain donations and draw somewhat on the endowment. I would say that the annual operating budget should be reduced such that the annual operating loss does not exceed the donations received (say \$2. million) plus funds earned from endowment (say \$1.5 million) plus use of some of the endowment (say \$2.5 million) - about \$6. million in total. Many schools have had to do this at some point in their history and many of them have gone on to good futures. I find it interesting that little Eureka College, where President Reagan went, has an endowment of only about \$17. million, but seems to survive. Also, having been involved in several efforts in business and to physically and socially improve neighborhoods I think it is fair of me to say that I believe you are giving up too soon. Perseverance has a way of paying off and sometimes one gets a wonderful "break" as has certainly happened in my life. Please give saving Marlboro where it is a real try for another five years.

Some colleges are suffering today, but not all and this seems to have a lot to do with meeting a demand. For example, new and small Thomas Aquinas College in Northfield, Massachusetts, following a Jesuit based education and no intercollegiate sports, is apparently more than meeting its' student goal numbers. Marlboro needs to find the formula that conveys a belief, makes sense and will also draw enough students. My personal hope is that Marlboro will focus on and advertise a very disciplined and rather traditional classical education with those graduating being highly knowledgeable in English literature, writing and speaking, mathematics and computer science, real proficiency in at least one foreign language, along with reasonable fluency with economics, history, philosophy religion and art. I would drop so-called "soft" courses and teach no knowledge that is not at least 50 years old. Music is present thru the Marlboro Music Festival organization. I would reduce emphasis on student choices in favor of students being educated in the above.

I would create a three (trimester) term school year with the winter portion spent in a foreign country where students could hold a job to pay for it, improve their language skills and become familiar with another culture. The Brattleboro based School for International Training, which has reduced its' Brattleboro presence but continues foreign programs, might be a good partner in implementing this. And partially closing Marlboro for three winter months would save a lot of operating costs. Highly motivated students could probably get their bachelor's degree in three years.

Marlboro College has an observatory. I would approach the Lowell Observatory about some sort of program with them and seek to sell the Marlboro observatory to them. William Lowell Putnam (a wonderful mountaineer and benefactor who was a friend of former Marlboro Trustee Tom Winship) spent years dedicated to the Lowell Observatory before his death and I believe that his son now runs it - my understanding is that this New England family is very supportive of good ideas, particularly related to astronomy.

Marlboro College has a lot of land - a big asset that could generate value. It could be subdivided and lots created that could be transferred to faculty and staff in exchange for a commitment to stick with the college at reduced salaries or sold to others supportive of Marlboro. This would also bring faculty closer to the students.

Marlboro College could benefit from the presence of a house of worship - perhaps a good religious organization could be found to build a chapel and offer a course on religion in exchange for being given a site. A presence of religion could attract students and their parents towards Marlboro.

Marlboro needs to reduce the number of Trustees to say no more than nine people. As anyone who has read "Parkinson's Law" knows, committees and boards actually accomplish less as they grow unwieldy, which is the case here. And many or all of current trustees have apparently "given up".

Marlboro needs to transition to a new president and do so fairly quickly. I am sure you are a very good man but you have not been able to save Marlboro and are connected to a losing direction. I would seek a new, say 35 year old academic, with a belief and the energy to move Marlboro to a new life. I would hope that you might remain in a supportive role for say three years. While you would no longer be the leader, a good and knowledgeable follower can be very valuable.

I wish you and Marlboro well.

Sincerely,

Charles Bud Bergmann

South Newfane, Vermont

KQ



Kevin F. F. Quigley
President



On Sat, Dec 14, 2019 at 4:52 PM Charles Bergmann <[REDACTED]> wrote:

Dear President Quigley:

I was unable to attend the meeting today at Marlboro College but did read a brief report on it. My guess is that the Trustees of Marlboro will not open up their books for review by Will Wootton and others who are seeking to save the college where it is. One result will be animosity.

A need for a \$200. million endowment is mentioned in the article. I would suggest that the immediate need is for sufficient funds to keep the college operating for say five years - probably on the order of \$1.5 to \$2. million per year if careful budgeting. While keeping the college operating, ways can be found for a more permanent solution to Marlboro's difficulties and a way forward.

In looking at the offerings by Emerson College, my reaction is that it is not really a college - certainly not a college in the sense of offering a classical education - more like a trade school. I believe that Marlboro College could succeed by offering a more traditional and very disciplined education with strong four year requirements in English, English literature and writing; mathematics and computer science; proficiency in at least one foreign language; and a mix of subjects in the arts, history, economics, philosophy, religion, etc. It is my understanding that students today are pursuing more disciplined education with less interest in "soft" subjects, which gives them a strong background for participating in the world and being employable. By way of background I hold a Bachelor of Science and a Master of Architecture degree and have practiced architecture in the United States, Switzerland and Holland where my wife is from. We have four fine children who I consider to be well educated and leading productive lives. While living in Seattle from 1968 to 1995 I taught architecture at the university level. designed many buildings including The Governor's Mansion renovation/addition and several university buildings - but more importantly I was instrumental in bringing back to health The Pioneer Square Historic District and the then red-lined Madison Valley District, both of which were very deteriorated and thought by many not worth improving. This was not always easy. Also I watched two great leaders, T.A. Wilson and William Allen, take the then in decline Boeing Company (100,000. workers had been laid off) back to a successful company. These two men worked for \$1. (yes, one dollar) a year during this transition and garnered the deep respect of many. My favorite college president is probably Leon Botstein of little Bard College

who has led that school since about 1988 until the present, improved the school greatly and raised the endowment to almost \$300. million - showing real perseverance.

Marlboro College is a wonderful institution and is well worth saving. I fervently hope that you and the trustees will take a new look at the situation and commit to saving the school where it is in Marlboro.

My hopes and prayers will be with you.

Sincerely,

Charles Bud Bergmann
South Newfane, Vermont

From: Charles Bergmann [REDACTED]
Sent: Sunday, November 10, 2019 11:11 AM
To: Marlboro College Office of the President <presidentsoffice@marlboro.edu>
Subject: Re: Important news about Marlboro's future

Dear President Quigley:

Who are we kidding? By any measure what is about to happen here is a tragedy for the school and community, for the faculty and students and for the fine people who have been connected to Marlboro College since its' inception. Marlboro College has a great deal of value including a lovely rural campus worth more than ten million dollars and is for many a far more appealing place to be an academic or a student than in Boston. You and the leaders of Marlboro pursued a second rate direction where with courage and effort you could have moved the school on to a great future.

Sincerely,

Charles Bergmann
South Newfane, Vermont

From: Marlboro College Office of the President <presidentsoffice@marlboro.edu>
Sent: Wednesday, November 6, 2019 9:14 AM
To: Charles <charlesbergmann@marlboro.edu> [REDACTED]
Subject: Important news about Marlboro's future

[View this email in your browser](#)



Marlboro College

T.J. Donovan
Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609

RECEIVED April 2, 2020
APR 16 2020
STATE OF VERMONT
ATTORNEY GENERAL'S OFFICE

Dear Sir:

I am a Canadian, but back in 1977, I signed on for graduate school in Vermont, met a professor from Marlboro College, married, and a few years later became Director of Admissions at Marlboro College. My bosses were President Tom Ragle and then the redoubtable Rod Gander. One of my most respected colleagues was Will Wootton.

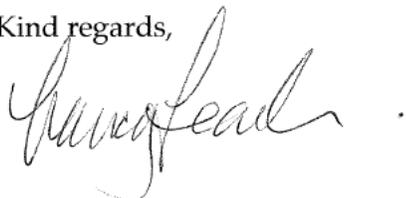
My family and I left Vermont in 1989 so first an acknowledgment: my knowledge of the College is 9 parts heart and only one part current knowledge. Certainly, I can tell you that it was always hard to fill a class at Marlboro College. I was hired when the former director was fired. That July of 1979, only thirty-two students were confirmed for the following September. I think we hit 70-something by Labour Day. This was before we had computers; I called everyone who had ever stepped onto the campus.

The value of marketing notwithstanding, Marlboro has always been about one individual reaching out to another. Why then were efforts of the alumni so determinedly spurned?

I am aware of what is happening with small colleges in the US (Canada is not immune) And I have no issue with organizations and institutions coming to the end of their time, even very special places like Marlboro. I do take issue with lack of transparency, lack of respect for alumni, and a huge decision that has been made, apparently without opportunity for the larger community to participate. These things violate everything that inspired Marlboro College's creation and has been prized and protected by staff, students and faculty ever since. It pains me to write the words. This would never have happened were Ragle, Gander – or Wootton - at the helm.

This is just one voice, and a foreign one at that. But I care deeply about the College, the town of Marlboro, and the wider community. The College may have to fold, but I urge you to do what you can to put a stop to what many see as egregious errors on the part of the current leadership.

Kind regards,



Nancy Leach



May 18th, 2020
T.J. Donovan
Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609

RECEIVED
MAY 26 2020
STATE OF VERMONT
ATTORNEY GENERAL'S OFFICE

Ryan & Amina Roderick VS. Marlboro College

Dear Sir,

My name is Ryan Roderick and I am writing in regards to Marlboro College. I have filed a lawsuit against Marlboro for Fraud, violations of the Vermont Consumer Protection Act, Breach of Contract and Promissory Estoppel. I am represented by Mr. Theodore Kramer of Brattleboro, VT.

First, allow me to give you some background. In 2018 I began looking for a place to attend college. I am a thirty-five year old, married, and my wife and I had just spent the last two years caring for her ailing parents. Her father passed away in 2017, and her mother passed in 2018 shortly after. They were both teachers and had encouraged me, even in their last weeks, to attend college. They were very kind people and had known that I had always dreamt of it. So, after her mother passed, we decided that I would do just that: Attend college. I looked at many colleges, some in Vermont, some in Maine, some in New Hampshire. Ultimately I chose Marlboro College. I did this with great care, as my wife and I had just been through years of hardship and attending college would mean that we would need to move, purchase a home, and my wife would need to leave her very stable position at a very respectable company, facts which Marlboro was well aware of.

Let me lay out my opinion on what Marlboro has done:

1 - They lied to all incoming students about their financial stability and general status. They both lied directly, as I can personally attest to hearing, and indirectly—carefully— in interviews over many years. Does someone who covers their tracks for years generally strike you as innocent of any wrongdoing? They have since claimed that colleges in Vermont have no “Duty to Disclose” financial troubles to anyone, yet that isn’t true. Vermont law is murky on this at best. I believe that your office has an unique opportunity to tell other nonprofits in Vermont that if they commit fraud, they will be held accountable, even if they cover their tracks and hire a team of attorneys to do it. Yes, this is a college, but it is first and foremost a Nonprofit of Vermont. I would guess that the State of Vermont doesn’t really think that it’s okay to lie to incoming students, employees, townsfolk, and customers. Fraud is fraud, being a college does not excuse them from it. I’m simply asking, as someone who has just moved here: Is this type of unethical behavior acceptable in Vermont?

2 - They have shirked their financial duties to both the college and the Public Good in many ways. They have failed to utilize the \$40 million endowment in any meaningful way and now plan on simply gifting it away to a college in Massachusetts, instead of using it to keep Marlboro alive and operating. One has to assume that this is against the wishes of donors who funneled tens of millions in donations into this beloved Vermont Institution. The argument is that, since the college is shutting down, the Board may use the funds any way they please and are free from stipulations. Yet the college, by the educated opinions of many alumni, does not need to shut down. The Board is shutting it down anyway, and will no doubt use that as the justification for ignoring the wishes of donors and any stipulations put onto those donations. Again, the college can continue to operate. The Board does not want it to. Choosing to shut down and being unable to operate are two very different things. Let's also remember that those members in favor of the "Merger" will certainly benefit from it, while everyone else gets, well, screwed. If I recall, each member of the Faculty moving to Emerson gets a 50% raise, many if not all are keeping homes in Vermont and travelling three days into Boston. So they get a big raise and a second home, potentially profiting from the voluntary closure of a Vermont college. Marlboro also has a \$25 million Rudyard Kipling Collection that they are refusing to release information on. Where is it? Who gets it? They have also leveraged their real estate to a spectacularly incompetent degree. In short, they have mismanaged, committed fraud to cover up that mismanagement, and are now using the commonly known and sad story of struggling colleges to cover up those deeds. They are hiding their fraud in a blanket of public opinion and as of now, it appears as though they may get away with it.

3 - They have intimidated students from rallying and saving the school. One of those students has written you a letter outlining the intimidation that Marlboro has employed, including telling students that if they fight the merger, they will be held legally responsible if it falls through and may be sued! They were threatened with a lawsuit if they spoke up or even suggested speaking up. The current students also had a plan to recruit more incoming students and, from what I've heard, were doing fairly well at it until Marlboro's Senior Administration threatened them and put an end to it at the end of 2018. This act alone could have saved Marlboro, or at least put it on a path toward being saved, had the Administration not bullied the students into stopping. And there are more stories like this. Many more. Marlboro shut down ANY and ALL efforts to save the school. Does it sound as if Marlboro and its Board of Trustees are being financially responsible and living up to their fiduciary duties as required by law for a non profit in Vermont? Or does it sound like they are on a mission to close the school down, no matter what? And it should be pointed out that Kevin Quigley states that he began preliminary talks with the President of Emerson two years ago! The quote and article are attached. He knew, in 2017, that Marlboro was failing. Yet for years after that he made statements saying that it was not. He has had this planned for years, by his own admission.

4 - They have ignored, marginalized and attacked former Alumni trying to help save the school, many of whom have decades of experience in business and higher education. These same alumni have also raised more than \$300,000 in just a short time in order to try and get some funding toward saving the school. They (the Alumni) would have been able to raise more,

except that Marlboro refuses to share a list of donors and former alumni, therefore hindering any further fundraising. Again, does this sound like an institution trying to save itself or sink itself? Sabotaging efforts to save the school, and then claiming that everything was done to save the school, is unethical at worst and seems like a clear violation of their duties and responsibilities.

5 - They have refused to share any and all information regarding their financial status and their “deal” with Emerson. They have a non-binding agreement with Emerson, yet are claiming that they cannot share any information because it would violate this agreement. They have banned the press and media from campus, they have ignored most if not all pertinent questions about the merger from anyone outside the inner circle, they have lied, and they have bullied. They have also refused to share any financial information other than the already publically available 990's. They claimed in their letter to your office that the deal would include jobs for all faculty and staff, yet that is simply not true either. At this point, the count is somewhere around 20 faculty and 0 staff. That's what they are giving away the college, its legacy, and its forty million for. Twenty Faculty, all of whom may stand to gain financially if this deal goes through.

6 - They have violated the rules set forth in the founding Documents of the School, many times over, most specifically with the Board of Trustees appointments (You know, the very same Board of Trustees that is now shutting the college down). They have also violated the rules set forth about open and transparent governing.

If you look at the suit I have filed, you will see ample evidence of wrongdoing, including a video of Mr. Kevin Quigley openly admitting to withholding vital facts to current students, incoming students, and alumni. His only excuse seems to be that it would have been really hard to tell the truth. My attorney, Theodore Kramer, can provide your office with a copy of this video.

This is the President of the College, admitting to withholding vital facts to the detriment of others, myself included.

There are several other statements attached to the lawsuit which show that other senior officials did the same thing, withholding vital information and gambling the futures of incoming students. But it goes beyond simple omission of truth and into lies. Also attached are statements made by several senior administration officials at Marlboro in which they don't simply omit facts, but proactively tell everyone that Marlboro is financially stable. At admitted students day, in April of 2019, I personally heard Mr. Fumio Sugihara, Dean of Admissions, state to a room full of people in answer to a direct question from a parent about the financial stability of Marlboro, that Marlboro was financially sound and that it was safe to send their children there. Mr Quigley sat quietly next to him. Again, at this point and by their own admissions, they knew that statement was not true, yet told it to everyone in attendance. I have also found out that they told it to more than just that group. They both omitted facts— fraud — and told lies — fraud. Marlboro now claims that those statements, when made in April 2019, were true, so they can't be considered fraudulent. Yet as you'll see, they openly admit to knowing that they were not true. Fumio Sugihara told myself and my wife a mere 6 months later, that he always “Had it in the back of

his mind that they would close the doors.” Kevin Quigley states in November 2019 that he has said for years that the college remaining open was not sustainable. I have attached these quotes for your reference. He also states, in the video clip that we have, that of course they couldn't tell everyone that they were in a financial crisis, they wouldn't have been able to recruit new students or keep the ones they had. Kate Ratcliff, a senior Professor at Marlboro, makes several statements saying the same, that they kept vital facts from incoming students because they (the students) never would have attended if they knew the school was in crisis (her words).

And yet. Marlboro is also now claiming that to anyone who looked closely enough, it was obvious that Marlboro was failing and in a financial crisis. The argument is that anyone applying to Marlboro should know that the college is in deep trouble and should do so at their own risk. They point to their 990's.

So, I ask you Mr. Donovan, which one is it? That Marlboro was obviously in severe trouble and dying (and that I and other students and parents should have known that so it's our own fault) or that Marlboro was financially stable and safe to attend (which is what Marlboro told myself and everyone else on many different occasions)?

Let's test that theory just for fun. Let's take a look at Marlboro's 990's. I'll wait, go ahead. Now take a look at Mount Ida's, Green Mountain's, Southern Vermont College. Marlboro lists a heavy worth with virtually no debt and a strong net. Those other schools, which failed, list a significantly smaller worth and an extreme amount of debt. My point is that Marlboro, a school of 150 students with sixty million dollars, looks amazing on paper. The only way for incoming students and their parents to know that Marlboro was on the verge of collapse was for Marlboro to tell us. We had no other way of knowing. Instead, they touted Marlboro as perfectly safe, and did so on several occasions. They then lured us in with extremely low tuition. That sounds extreme, comical even—they lured us in—but it's EXACTLY what they did. They gave me and others such a good deal as compared to other schools and we used that as a vital part of deciding one of the largest, most expensive decisions of our lives. They did these things while knowing, by their own many admissions, that Marlboro was “in crisis”. The Vermont Consumer Protection Act was built for this.

I'm not an attorney. I am writing to you as a brand new Citizen of Vermont and hoping that I am protected by your office. It seems clear to me that openly stating that their institution was safe, financially stable, and more affordable than others out there, when they knew that none of those things were true, is fraud. What else could that be if not fraud?

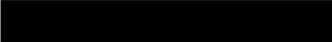
And now they are trying to cover up their fraud and mismanagement by hiding it within the recent spate of college closures and by saying that it isn't their fault. It's demographics. It's just the way the world is and they were victims just like we were victims. Don't believe them. Look closely at this suit, I beg you, and you will see that they clearly committed fraud, mismanaged tens of millions of dollars, and drove a Vermont treasure into the ground.

I know that you have received many letters about the unethical behavior of Marlboro over the last year. My letter is different. I have clear evidence of wrongdoing. I have filed a lawsuit. In my opinion and with the facts on hand, the administration at Marlboro has committed fraud. Against the students, staff and faculty, against Windham County, and against the State of Vermont itself. These are not baseless accusations and I have no doubt that more evidence of wrongdoing will surface in the coming weeks. But time is running out. If your office were to allow this deal to go through unchallenged, Vermont will lose yet another college, tens of millions of dollars, young and energetic students, and the lifeblood of a small Vermont town. All to cover up the misdeeds of a few. Please don't let that happen. In short, Vermont needs your help.

Thank you for your time,
Ryan Roderick

My attorney:

Theodore Kramer


Brattleboro, Vermont 05301



Quotes for context:

**Quote from College website after Bridgeport fell through:
November 16th, 2019**

In a posting on the college website, they said: "The challenges facing small liberal arts colleges are acute and will only intensify in the coming years. ... Given our severe financial challenges, coupled with difficult trends in higher education, the Marlboro trustees believe that an alliance with Emerson is the best opportunity to secure and sustain Marlboro's legacy far into the future."
https://www.sentinel-source.com/opinion/editorial/leaving-a-legacy-marlboro-college-s-move-will-be-felt/article_583b0a8b-21e0-5aab-bab5-e2acfb43387e.html?fbclid=IwAR2m0CXGMFTHIG3A9lS5cYgw2eTzi3f8frqWZvxqRFvrvT91RN91H_wMDY

Notice how suddenly they are switching from 'We are financially sound, there is no crisis' to 'We are in a financial crisis'. Up until this point they had been touting Marlboro as financially stable and not in any way in crisis. That narrative changed as soon as it was convenient for them to do so. Remember, their financial circumstances HAVE NOT CHANGED at this point. They are in the same financial situation that they have been in for years. They are in the same financial situation as when they announced to the world that Marlboro was financially safe and it was safe to send your children there. NOTHING HAS CHANGED EXCEPT THEIR STORY. And look at their 990's as compared to Colleges that are ACTUALLY in trouble. Marlboro has no debt and 60 million dollars. There is no way to know that they are in trouble unless they (Marlboro) tells you. They told me and thousands of others the exact opposite.

President Quigley responding to a question during an interview:

November 18, 2019

Viewer question: "Why were the alumni not notified of the dire circumstances of the school's finances? The message we seemed to get over the last few years was 'It would be great if you could send more money' and not 'The school is going to close if we don't all band together.'"

[excerpt]"So I'm sorry you feel that you were surprised and that we didn't communicate as clearly as you would have liked, and I do think that if you look at some of our communications, the fact that we were experiencing challenges was embedded in a lot of our communications. One of the dilemmas is, and this was the earlier question, that Laura asked about: were we trying to make it on our own? We can't really say, "We're in crisis, send us money, we're about to close," when you're trying to recruit our, uh, an incoming class and retain your current students. So that moving along two tracks simultaneously, which the college really did up until last summer, I think probably made our communication more subtle than you might have preferred."

Source: Marlboro College Live Webinar for Alumni A recording of the webinar is available upon request from the Alumni office. Timestamp: 28:53-31:30

This is an amazing admission. This is the President of the college, Kevin Quigley, openly stating that they were in crisis and that they kept that information from incoming students and alumni. We have the video of this, which was included in the original lawsuit filing.

A College Prepares to Close Its Doors as Students and Alumni Mourn — and Scheme

By Megan Zahneis NOVEMBER 18, 2019

Kevin F.F. Quigley, Marlboro's president, said discussions of the college's future had been in progress for two years, more formally so in the past year, when the college hired EY Parthenon, a business-strategy consultancy.

"I've been very candid over the last two years or so about the college's circumstances and that our trajectory around enrollment and finances was not sustainable," Quigley said. Marlboro, as he saw it, had three options: close, forge a partnership, or try to remedy the situation independently.

https://www.chronicle.com/article/A-College-Prepares-to-Close/247567?cid=wcontentlist_hp_latest&fbclid=IwAR3VY1yqksqDbtSc6H0m2CpbieLPvnigF2tqdStlMrnsM8jut1jtWZosXrs

Let's think about this for a moment. Marlboro claims that the statements it made during April 2019 Admitted Students Day were accurate, in which I and a room full of people were told that Marlboro is financially stable and it is safe to send your children there, yet here he states that for the last few years, he has been candid about Marlboro's dire situation. And, side note here, he has not. He told several newspapers that Marlboro was not like those other colleges and was well positioned to come out ahead. So he's lying here. BUT, Marlboro states that it doesn't matter that they told us all that Marlboro was financially sound and safe, because at the time it was true. Yet here he is stating that Marlboro was in trouble for years. So he is caught in his own lie here.

Quote from Kate Ratcliff, taken directly from her own post on the Marlboro College Alumni Facebook page:

January 20th, 2020

Kate Ratcliff I have acknowledged that communication with alumni was problematic but also that it was a difficult dance we were trying to manage. How do you simultaneously try to stay in the game and recruit a new class and make public pronouncements about a crisis?

Facebook Post

Again, a senior faculty member stated that they knew they were in a crisis, yet President Quigley repeatedly made statements that they were not. Meaning that they clearly knew, long before this merger was announced, as they admit here. They are also openly admitting to keeping that information from incoming students.

Quote from Kate Ratcliff, taken directly from her own post on the Marlboro College Alumni Facebook page:

December 10th, 2019

Kate Ratcliff Thank you, Christian. I appreciate hearing your perspective and am sorry that the process was not handled differently. I understand the argument that alumni should have been made aware of a crisis sooner so they could act. I also understand the reluctance on the part of the college to make too public a statement about dire circumstances while we were trying to recruit new students to campus and turn around our situation.

Facebook Post

Yet another quote showing that Marlboro knew that they were keeping key facts from incoming students and their parents.

Quote from Fumio Sugihara

November 14th, 2019

“I have had it in the back of my mind that they would close the doors.”

This is a direct quote, stated to both myself and my wife by the Dean of Admissions at Marlboro. This was six months from when I decided to attend and signed on fully. Again, Marlboro is claiming that in April of 2019, the statements made at Admitted Students Day were accurate. Fumio Sugihara made those statements, yet here he tells my wife and I that he had it in his head that they would close.

Quote by T. Wilson, alumn

December 18, 2019

“The alumni were told in April that other small colleges were closing, but Marlboro was not on that path,” Professor Emeritus T. Wilson said.

<http://www.commonnews.org/site/sitenext/story.php?articleno=31600&fbclid=IwAR1b2Gj7IMJuhEyqCA2keSurcR5RNDXvzaSkTCGZjhG5kqloZDt6043qYd4>

I was not the only one who was told that Marlboro was financially stable. There are many stories like this one.

Quotes of a recent Selectboard meeting where they clearly indicate that Marlboro kept key facts from everyone:

Feb 6th, 2019

Izzy: I do understand your frustration, I also feel like it wasn't as transparent as that, last year we had multiple announcements at Town Meetings comparing us to Hampshire, we were told we were in a better place, had years left, we were given explicitly “we are in a much better position,” so it is frustrating, and I also would be concerned about, does someone have more information about accreditation type things? if there's anything that could be shared that would help?...

...alums at Home Days were saying they were worried, they were told we're fine...

Excerpt from an official Marlboro Selectboard meeting. It is important to remember: NOTHING HAS CHANGED FINANCIALLY WITH MARLBORO, even now in 2020. They are in the same financial position that they were in a year ago. The only reason it might be worse is because of the CoronaVirus, but that does not change the fact that up until the Pandemic, they were in amazing financial positioning. They are choosing to close the College.

From an Alumni Website:

The wider community was told time and again that Marlboro College campus was in no danger of imminent closure. This timeline of actions and statements was assembled by Becca Boyden, daughter of Roland Boyden who was a founding faculty member of the college, acting president, dean, and trustee.

<https://ibelieveinmarlborocollege.org/2020/01/16/timeline-of-events/>

Quote directly from Marlboro Newsletter:

April 2019

“You have probably heard about the closure of some of our peer institutions. While this is worthy of much concern for the state of higher education in the USA and we are super sorry to see these institutions go, rest assured that Marlboro is currently not on that path.”

<https://mailchi.mp/4facc7ac6945/save-the-date-alumni-day-october-1726965>

From an official Marlboro Newsletter, assuring everyone that Marlboro is financially sound. Recall that at this point, Marlboro is actively working behind the scenes to secure a merger or a closure and Kevin Quigley states in November 2019 that they were fully aware of the fact that Marlboro could no longer make it on their own a year ago. They again tell everyone that the college is fine, don't worry, while behind the scenes they make plans to “merge”, which means close by the way. Remember, Kevin Quigley admits in November 2019 that he had initial talks with Emerson President in 2017 about absorbing Marlboro. So they had known for years this was coming, according to their own statements. The excerpt can be found below.

Quote From Kevin Quigley in an interview:

November 7th, 2019

A Marlboro trustee who previously worked under Pelton introduced Pelton to Quigley in 2017. The trustee saw a number of similarities in the cultures and academics of the two colleges. It was then that Quigley first proposed a prospective collaboration between Marlboro and Emerson. Quigley said Pelton was initially indifferent to the idea.

<https://berkeleybeacon.com/what-we-know-and-what-we-dont-about-the-emerson-marlboro-merger/>

This quote and article shows that Kevin Quigley started talks about closure in 2017! Yet Marlboro claims that all statements made about Marlboro being financially stable and safe to attend were true and accurate, but here is Kevin Quigley saying that for years he knew that wasn't true and he began the process of closing years before.

From: [Curtis, Christopher](#)
To: [Wolk, Tina](#)
Subject: FW: Concerning Seth Andrew and the Degrees of Freedom purchase of Marlboro College
Date: Tuesday, June 2, 2020 6:12:09 PM
Importance: High

Here is another letter.

From: Matthews, Deborah <Deborah.Matthews@vermont.gov>
Sent: Monday, June 1, 2020 10:04 AM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Renner, Jamie <Jamie.Renner@vermont.gov>
Cc: Sudbay, William <william.sudbay@partner.vermont.gov>
Subject: FW: Concerning Seth Andrew and the Degrees of Freedom purchase of Marlboro College
Importance: High

Deb Matthews

Administrative Assistant
Office of the Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802-828-3689 **802-595-3803 (AGO remote number)**
E-Mail \ deborah.matthews@vermont.gov

From: Justin Chandler [REDACTED]
Sent: Monday, June 1, 2020 9:43 AM
To: AGO - Info <AGO.Info@vermont.gov>
Subject: Concerning Seth Andrew and the Degrees of Freedom purchase of Marlboro College

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

To Mr. T.J. Donovan, VT Attorney General:

I hope this note finds you well. I am writing as a multi-generational Vermonter who grew up and continues to spend as much time as possible in Marlboro, VT; and who lives and works primarily around New York City.

As a representative of Vermont, I hope that when you review the purchase you are prioritizing the interests of our community over those interests of Degrees of Freedom. I respectfully and humbly request that the project be halted immediately until a Marlboro Town Forum is commenced, and the townspeople are able to vote with adequate information at their disposal. The purchase of Marlboro College by the organization run by Seth Andrew called Degrees of Freedom concerns me for two primary reasons:

1. The mission and plan of Degrees of Freedom appears to be that of an experiment designed to test a theory of education.
2. The concept of busing or shuttling via Amtrak a group of adolescents for a very short period of time into a small close knit community raises many concerns.

To be clear, by no means do I suggest that the goal of this organization or the desire of Seth Andrew to promote learning is not a righteous endeavor. However, I question the impact such an experiment, and the impact a constant influx of individuals will have on our community in Marlboro, as well as question the financial viability of Degrees of Freedom. I believe one of the most important values of the physical campus is the atmosphere it creates for learning and growing, so one should question the value students will get by such short stays.

Further, there is wide concern that the track record of this organization and their local relationships does not look good:

“The schools have, at times, struggled with the perception of being outsiders in their host communities, importing a New York-style approach to education reform without regard for the wishes of local families.” (article link at end).

Shuttling students for short stays risks both eroding the community that they could form if one place, and, more broadly, the community of Marlboro at large.

It appears that on social media and from news articles posted that this is a done deal, but I encourage you and your team, as well as others, to look into possible friction this experiment may cause in the Marlboro community. Especially if the concept fails, as have some of the Democracy Prep charter schools. Think of South road for example, where the college resides, and all of the families, homes, and individuals who have been there for generations. How will an organization like this potentially change a community that does not desire a large increase in traffic or a constant influx of very temporary residents? We need to know about the viability of this organization and have the opportunity to vote as a community. More questions need to be asked, and there needs to be time to ask them.

How will this impact or change the fabric of the community?

Is there a secondary effect from having such an experimental institution in such a small and remote community?

Is there the possibility of negative consequences to the community?

Maybe there is a benefit to the students/individuals that come for only a few weeks or months to study, but no benefit to the town of Marlboro?

What if just one random individual finds themselves in trouble or encounters friction within the community (which is the natural result of circulating a large population of individuals)?

Bottom line is: how do we prioritize the interests of the community and the town over the “mission” of this experimental organization?

As a representative of Vermont, I hope you are asking these questions and reconsider moving too quickly to approve this purchase of Marlboro College by Degrees of Freedom. I am not convinced that this is in the best interest of the community, but rather is an experimental pursuit, that may be of good intention, but may not be meant for Marlboro.

Public articles illustrating further “Degrees of Freedom” concerns:

<https://www.the74million.org/article/democracy-preps-expansion-woes-raise-questions-about-whether-civics-education-can-be-brought-to-scale/>

Best regards,

Justin W. Chandler

-Concerned citizen in favor of transparency and advocate for the town of Marlboro, VT

From: [Curtis, Christopher](#)
To: [Wolk, Tina](#)
Subject: FW: Contact Form submitted on Office of the Vermont Attorney General
Date: Tuesday, June 2, 2020 6:16:42 PM
Importance: High

From: Matthews, Deborah <Deborah.Matthews@vermont.gov>
Sent: Monday, May 11, 2020 2:32 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Renner, Jamie <Jamie.Renner@vermont.gov>
Cc: Sudbay, William <william.sudbay@partner.vermont.gov>
Subject: FW: Contact Form submitted on Office of the Vermont Attorney General
Importance: High

Deb Matthews

Administrative Assistant
Office of the Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802-828-3689 **802-595-3803 (AGO remote number)**
E-Mail | deborah.matthews@vermont.gov

From: Office of the Vermont Attorney General <ago.helpdesk@vermont.gov>
Sent: Monday, May 11, 2020 1:13 PM
To: AGO - Info <AGO.Info@vermont.gov>
Subject: Contact Form submitted on Office of the Vermont Attorney General

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Name John Fago

Last Fago

Email [REDACTED]

Phone Number [REDACTED]

Mailing Address (required for a [REDACTED]
Bethel, Vermont 05032

response)

Subject Someone is trying to steal Marlboro College!

Message Dear AG Donovan,

I am a graduate of Marlboro College and I am deeply concerned about the proposed demolition of this very special place.

In my final year before graduation in 1971, I had the opportunity of organizing a class called "Who Rules Marlboro". About six students and some interested faculty met with a host of the original and early Marlboro players, including Walter Hendricks, his wife, his college secretary, Roland Boyden, John and Margaret MacArthur, and many others. All were respectful and candid in discussing "warp and the weft" of what was woven into the fabric that became Marlboro College. Despite differences, everyone except Tom Reagle revealed a shared understanding that Marlboro's unique value and orientation came from the spirit of Black Mountain College. Someone recalled Robert Frost's response to the question of what constitutes a good education. It was simply, "Mark Hopkins on one end of the log and a student on the other."

What I see today feels like a hostile takeover attempt. Why in the world would Marlboro give more than forty million dollars of assets to feather the nests of a lucky few? Let's take a deep breath.... pay some gold-tinted-parachute lucre to those desperate enough to want to bail out, but do not sell what is irreplaceable. Give the campus a sabbatical, see what wonderful options can be found. This is a time for stewardship not real estate brokerage.

Thanks for your time and help in securing better days ahead for a special educational institution.

Sincerely yours,
John Fago

From: [Curtis, Christopher](#)
To: [Wolk, Tina](#)
Subject: FW: MARLBORO COLLEGE CEASE AND DESIST
Date: Tuesday, June 2, 2020 6:13:53 PM
Importance: High

From: Matthews, Deborah <Deborah.Matthews@vermont.gov>
Sent: Thursday, May 21, 2020 8:00 AM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Renner, Jamie <Jamie.Renner@vermont.gov>; Sudbay, William <william.sudbay@partner.vermont.gov>
Subject: FW: MARLBORO COLLEGE CEASE AND DESIST
Importance: High

Deb Matthews

Administrative Assistant
Office of the Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802-828-3689 **802-595-3803 (AGO remote number)**
E-Mail \ deborah.matthews@vermont.gov

From: bruce hain [REDACTED]
Sent: Thursday, May 21, 2020 5:56 AM
To: AGO - Info <AGO.Info@vermont.gov>
Subject: MARLBORO COLLEGE CEASE AND DESIST

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

The Hon. Thomas J. Donovan Jr.
Office of the Attorney General
Montpelier, Vermont 05609

cc: jmcmahan@dinse.com, presidentsoffice@marlboro.edu

Dear Attorney General Donovan,

Today I have sent the following correspondence to the president of Marlboro College and to their attorney, Jeffery McMahan:

NOTICE TO CEASE AND DESIST

As but a one alumnus among a great many aggrieved and adversely affected parties I can assure you this thing is by no means overwith, as I'm sure you must realize.

On Saturday a member of the Board of Trustees made a surprise announcement of extreme presumptuousness: that Marlboro College would be gifting it's valuable archives to UVM as a sort of bribe, with the aim of impelling them to undertake curation of the parts that are of little value or interest to them, indefinitely.

The uninteresting and less valuable archives would however not be so, if preserved and maintained in their current status and location.

The give-away of valuable assets in the form of archives including the Kipling Collection is not legal under normal circumstances within the confines Marlboro's public benefit non-profit status.

In the absence of a clear and public merger agreement - and even then - Marlboro College has no legal authority to give away or distribute assets like it's a fire sale. An approved merger and an approved property deal, establishing some basis for the plans to vacate, are necessary prerequisites to selling off such assets, in keeping with Marlboro's responsibility to maintain fiduciary viability as to its current obligations.

I urge you to instruct your client to forbear until a merger agreement or some other change in legal status has been signed and approved, in absence of which I must request that Marlboro College

CEASE AND DESIST:

1. in forwarding any final agreement with UVM to take their archives, and;
2. in any physical preparations, including boxing, moving and transportation of physical property in furtherance of the agreement, and;
3. if such an agreement has been signed, to postpone it's consummation pending some appropriate change in Marlboro's legal status.

Very Truly Yours,

Bruce W. Hain, pro se*

████████████████████
Queens, New York
████████████████████

*We have over one thousand signatories including faculty, staff, students, emeriti and alumni, who adamantly oppose the plan to shutter Marlboro College and move out.

From: [Curtis, Christopher](#)
To: [Wolk, Tina](#)
Subject: FW: Marlboro College
Date: Tuesday, June 2, 2020 6:16:14 PM
Importance: High

From: Matthews, Deborah <Deborah.Matthews@vermont.gov>
Sent: Wednesday, May 13, 2020 10:42 AM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Renner, Jamie <Jamie.Renner@vermont.gov>
Cc: Sudbay, William <william.sudbay@partner.vermont.gov>
Subject: FW: Marlboro College
Importance: High

Deb Matthews

Administrative Assistant
Office of the Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802-828-3689 **802-595-3803 (AGO remote number)**
E-Mail \ deborah.matthews@vermont.gov

From: [REDACTED]
Sent: Wednesday, May 13, 2020 10:40 AM
To: AGO - Info <AGO.Info@vermont.gov>
Subject: Re: Marlboro College

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hello -

Below is a letter I sent to Attorney General Donovan via USPS on April 21, regarding the status of Marlboro College.

I understand the office is working remotely and that it may not be convenient for you to track such letters at this time, so I am sending this by way of backup - my apologies for any redundancy!

John Lehmann-Haupt

April 21, 2020

The Honorable T. J. Donovan

Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609

Dear Attorney General Donovan,

I am a 1971 Marlboro College graduate who has followed with deep concern the developments that have unfolded since the announcement of Marlboro's proposed merger with the University of Bridgeport last July. As you know, that deal fell through, but Marlboro's leadership is now homing in on an arrangement with Boston's Emerson College through which Marlboro would effectively cease to exist, with all Marlboro assets transferred to Emerson in exchange for teaching positions for senior Marlboro faculty and berths for students wishing to transfer.

Marlboro's President and Board of Trustees have taken the position that Marlboro cannot continue to exist as an independent institution, citing as cause the demographic changes among potential students and other external factors that have negatively impacted a number of small liberal arts colleges in the region. I believe their conclusion is flawed and must not be the basis for the determination of the school's future.

At its best, Marlboro is unique, distinguished from other small liberal arts colleges by a pedagogical structure that promotes the highest level of student-faculty dialogue and a deeply ingrained, community-driven governance framework, both made possible by the school's exceptionally small size. Throughout its existence, Marlboro has attracted unusual, motivated students, outliers in the best sense who need a Marlboro to survive and flourish, and whose expectations are unlikely to be aligned with demographic trends. There have always been such students, and there always will be.

There are indications that over the past couple of decades Marlboro's focus on its core attributes has weakened, and that decisions have been made regarding development strategy, infrastructure, and marketing that have been detrimental to its health. (Others more directly in touch with the school than I am have documented this.) The President and Board have not acknowledged these factors and have clung to their position with a distinct antipathy towards dialogue. They have ignored repeated offers of assistance from alumni, many of whom have professional expertise in the relevant areas, and they have rejected an offer of review by Will Wootton, an alumnus who was an administrator at Marlboro for 19 years and president from 2006 to 2012 of Sterling College, which he succeeded in pulling back from its own brink during his tenure.

I and many others believe that, with new leadership that is attuned to Marlboro's unique qualities and shapes its offerings, outreach, and infrastructure with a keen focus on the school's true audience, the college has a good chance to survive and flourish. There is no way to guarantee this, but the effort is most certainly worthwhile.

I urge you not to green-light the Marlboro-Emerson merger.

Respectfully yours,

John Lehmann-Haupt

From: [Curtis, Christopher](#)
To: [Wolk, Tina](#)
Subject: FW: Thank you for your letter
Date: Tuesday, June 2, 2020 6:14:52 PM

From: [REDACTED]
Sent: Friday, May 15, 2020 2:39 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>
Subject: Re: Thank you for your letter

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Thank you, Christopher - very much appreciated.

Best,

John

-----Original Message-----

From: Curtis, Christopher <Christopher.Curtis@vermont.gov>
To: [REDACTED]
Sent: Fri, May 15, 2020 2:11 pm
Subject: Thank you for your letter

Dear Mr. Lehmann-Haupt,

I hope this note finds you well and that you, your family, friends, and acquaintances are all navigating the COVID-19 pandemic safely.

Thank you for your letter of April 21, 2020 (re-sent electronically May 13, 2020). I appreciate your sensitivity to the current national health emergency and our inability to function as normal. So, if your paper copy has either not yet been received, processed, or timely routed, please let this email serve as notice of receipt and acknowledgment of your sentiments with respect to Marlboro College. Thank you for your time and consideration, and for contacting the Office of the Attorney General.

Best, Christopher

Christopher J. Curtis
Chief, Public Protection Division
Office of the Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609
802-828-5586

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From: [Curtis, Christopher](#)
To: [Wolk, Tina](#)
Subject: FW: Contact Form submitted on Office of the Vermont Attorney General
Date: Tuesday, June 2, 2020 6:11:13 PM
Importance: High

Hi Tina,

Here is one. A few more to follow. Thanks.

From: Matthews, Deborah <Deborah.Matthews@vermont.gov>
Sent: Monday, June 1, 2020 3:47 PM
To: Curtis, Christopher <Christopher.Curtis@vermont.gov>; Renner, Jamie <Jamie.Renner@vermont.gov>
Cc: Sudbay, William <william.sudbay@partner.vermont.gov>
Subject: FW: Contact Form submitted on Office of the Vermont Attorney General
Importance: High

Deb Matthews

Administrative Assistant
Office of the Attorney General | GCAL
109 State Street, 3rd Floor
Montpelier, VT 05609
Phone | 802-828-3689 **802-595-3803 (AGO remote number)**
E-Mail \ deborah.matthews@vermont.gov

From: Office of the Vermont Attorney General <ago.helpdesk@vermont.gov>
Sent: Monday, June 1, 2020 3:19 PM
To: AGO - Info <AGO.Info@vermont.gov>
Subject: Contact Form submitted on Office of the Vermont Attorney General

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Name	Daniel
Last	Picker
Email	[REDACTED]
Phone Number	[REDACTED]
Mailing Address	[REDACTED] Haddonfield, New Jersey 08033

(required
for a
response)

Subject Quigley Saudek illegal destruction of Marlboro

Message Dear AG: Quigley and Saudek have violated the principle of the New England Town Meeting upon which Marlboro College was founded 70 years ago. They have given away the endowment that does Not belong to them sold. Land and buildings donated to the college which also does Not belong to them all to enrich themselves and their cronies in secret deals. The college faculty is supposed to sacrifice for the good of the college Instead Quigley and Saudek have given away and sold the college to enrich their cronies the present faculty and themselves and Lee Pelton. They have ignored a former president of the college with 23 years of service and alumni of over 1000 The Town Meeting of this self governing college has been extended by electronic media. The college graduates just 50 per year tops. Over 740 have signed a petition to stop Quigley and Saudek and their rash actions They have little knowledge of Vermont and the Town Meeting. It is in every Marlboro College catalog since 1946. Yet they ignore it and have engaged in a willful destruction of the college to enrich a small small minded group. I have degrees from both Marlboro College where I earned BA in American Studies and I studied at Harvard University for about two years immediately after Marlboro. I then later studied one term at Oxford in the UK and completed an MA in English from Middlebury College in Vermont. Quigley and Saudek have NO Respect for the founding principles of the New England Town Meeting which historians like Richard M Judd have written of. The Whittemore family has donated funds a building has been renamed yet Quigley and Saudek callously dispose of all. Their self interested dealings must be investigated. There must be outside oversight Their deals must be made of no effect and must be deemed illegal. As Secretary of State under several U.S. presidents said "She is a small college but there are those who love her" In 4 short years Quigley and Saudek have destroyed venerable Vermont institution. Do Daniel Webster's words from Dartmouth College v The State of New Hampshire not Mean anything? Quigley an outsider from NYC has refused to listen to heed anyone all those with vast experience of the college and its founding traditions. Yours Daniel H Picker BA 1982 Marlboro College. MA 1992 Middlebury College

May 18th, 2020
T.J. Donovan
Attorney General
State of Vermont
109 State Street
Montpelier, VT 05609

Ryan & Amina Roderick VS. Marlboro College

Dear Sir,

My name is Ryan Roderick and I am writing in regards to Marlboro College. I have filed a lawsuit against Marlboro for Fraud, violations of the Vermont Consumer Protection Act, Breach of Contract and Promissory Estoppel. I am represented by Mr. Theodore Kramer of Brattleboro, VT.

First, allow me to give you some background. In 2018 I began looking for a place to attend college. I am a thirty-five year old, married, and my wife and I had just spent the last two years caring for her ailing parents. Her father passed away in 2017, and her mother passed in 2018 shortly after. They were both teachers and had encouraged me, even in their last weeks, to attend college. They were very kind people and had known that I had always dreamt of it. So, after her mother passed, we decided that I would do just that: Attend college. I looked at many colleges, some in Vermont, some in Maine, some in New Hampshire. Ultimately I chose Marlboro College. I did this with great care, as my wife and I had just been through years of hardship and attending college would mean that we would need to move, purchase a home, and my wife would need to leave her very stable position at a very respectable company, facts which Marlboro was well aware of.

Let me lay out my opinion on what Marlboro has done:

1 - They lied to all incoming students about their financial stability and general status. They both lied directly, as I can personally attest to hearing, and indirectly—carefully— in interviews over many years. Does someone who covers their tracks for years generally strike you as innocent of any wrongdoing? They have since claimed that colleges in Vermont have no “Duty to Disclose” financial troubles to anyone, yet that isn’t true. Vermont law is murky on this at best. I believe that your office has an unique opportunity to tell other nonprofits in Vermont that if they commit fraud, they will be held accountable, even if they cover their tracks and hire a team of attorneys to do it. Yes, this is a college, but it is first and foremost a Nonprofit of Vermont. I would guess that the State of Vermont doesn’t really think that it’s okay to lie to incoming students, employees, townsfolk, and customers. Fraud is fraud, being a college does not excuse them from it. I’m simply asking, as someone who has just moved here: Is this type of unethical behavior acceptable in Vermont?

2 - They have shirked their financial duties to both the college and the Public Good in many ways. They have failed to utilize the \$40 million endowment in any meaningful way and now plan on simply gifting it away to a college in Massachusetts, instead of using it to keep Marlboro alive and operating. One has to assume that this is against the wishes of donors who funneled tens of millions in donations into this beloved Vermont Institution. The argument is that, since the college is shutting down, the Board may use the funds any way they please and are free from stipulations. Yet the college, by the educated opinions of many alumni, does not need to shut down. The Board is shutting it down anyway, and will no doubt use that as the justification for ignoring the wishes of donors and any stipulations put onto those donations. Again, the college can continue to operate. The Board does not want it to. Choosing to shut down and being unable to operate are two very different things. Let's also remember that those members in favor of the "Merger" will certainly benefit from it, while everyone else gets, well, screwed. If I recall, each member of the Faculty moving to Emerson gets a 50% raise, many if not all are keeping homes in Vermont and travelling three days into Boston. So they get a big raise and a second home, potentially profiting from the voluntary closure of a Vermont college. Marlboro also has a \$25 million Rudyard Kipling Collection that they are refusing to release information on. Where is it? Who gets it? They have also leveraged their real estate to a spectacularly incompetent degree. In short, they have mismanaged, committed fraud to cover up that mismanagement, and are now using the commonly known and sad story of struggling colleges to cover up those deeds. They are hiding their fraud in a blanket of public opinion and as of now, it appears as though they may get away with it.

3 - They have intimidated students from rallying and saving the school. One of those students has written you a letter outlining the intimidation that Marlboro has employed, including telling students that if they fight the merger, they will be held legally responsible if it falls through and may be sued! They were threatened with a lawsuit if they spoke up or even suggested speaking up. The current students also had a plan to recruit more incoming students and, from what I've heard, were doing fairly well at it until Marlboro's Senior Administration threatened them and put an end to it at the end of 2018. This act alone could have saved Marlboro, or at least put it on a path toward being saved, had the Administration not bullied the students into stopping. And there are more stories like this. Many more. Marlboro shut down ANY and ALL efforts to save the school. Does it sound as if Marlboro and its Board of Trustees are being financially responsible and living up to their fiduciary duties as required by law for a non profit in Vermont? Or does it sound like they are on a mission to close the school down, no matter what? And it should be pointed out that Kevin Quigley states that he began preliminary talks with the President of Emerson two years ago! The quote and article are attached. He knew, in 2017, that Marlboro was failing. Yet for years after that he made statements saying that it was not. He has had this planned for years, by his own admission.

4 - They have ignored, marginalized and attacked former Alumni trying to help save the school, many of whom have decades of experience in business and higher education. These same alumni have also raised more than \$300,000 in just a short time in order to try and get some funding toward saving the school. They (the Alumni) would have been able to raise more,

except that Marlboro refuses to share a list of donors and former alumni, therefore hindering any further fundraising. Again, does this sound like an institution trying to save itself or sink itself? Sabotaging efforts to save the school, and then claiming that everything was done to save the school, is unethical at worst and seems like a clear violation of their duties and responsibilities.

5 - They have refused to share any and all information regarding their financial status and their “deal” with Emerson. They have a non-binding agreement with Emerson, yet are claiming that they cannot share any information because it would violate this agreement. They have banned the press and media from campus, they have ignored most if not all pertinent questions about the merger from anyone outside the inner circle, they have lied, and they have bullied. They have also refused to share any financial information other than the already publically available 990’s. They claimed in their letter to your office that the deal would include jobs for all faculty and staff, yet that is simply not true either. At this point, the count is somewhere around 20 faculty and 0 staff. That’s what they are giving away the college, its legacy, and its forty million for. Twenty Faculty, all of whom may stand to gain financially if this deal goes through.

6 - They have violated the rules set forth in the founding Documents of the School, many times over, most specifically with the Board of Trustees appointments (You know, the very same Board of Trustees that is now shutting the college down). They have also violated the rules set forth about open and transparent governing.

If you look at the suit I have filed, you will see ample evidence of wrongdoing, including a video of Mr. Kevin Quigley openly admitting to withholding vital facts to current students, incoming students, and alumni. His only excuse seems to be that it would have been really hard to tell the truth. My attorney, Theodore Kramer, can provide your office with a copy of this video.

This is the President of the College, admitting to withholding vital facts to the detriment of others, myself included.

There are several other statements attached to the lawsuit which show that other senior officials did the same thing, withholding vital information and gambling the futures of incoming students. But it goes beyond simple omission of truth and into lies. Also attached are statements made by several senior administration officials at Marlboro in which they don’t simply omit facts, but proactively tell everyone that Marlboro is financially stable. At admitted students day, in April of 2019, I personally heard Mr. Fumio Sugihara, Dean of Admissions, state to a room full of people in answer to a direct question from a parent about the financial stability of Marlboro, that Marlboro was financially sound and that it was safe to send their children there. Mr Quigley sat quietly next to him. Again, at this point and by their own admissions, they knew that statement was not true, yet told it to everyone in attendance. I have also found out that they told it to more than just that group. They both omitted facts— fraud — and told lies — fraud. Marlboro now claims that those statements, when made in April 2019, were true, so they can’t be considered fraudulent. Yet as you’ll see, they openly admit to knowing that they were not true. Fumio Sugihara told myself and my wife a mere 6 months later, that he always “Had it in the back of

his mind that they would close the doors.” Kevin Quigley states in November 2019 that he has said for years that the college remaining open was not sustainable. I have attached these quotes for your reference. He also states, in the video clip that we have, that of course they couldn’t tell everyone that they were in a financial crisis, they wouldn’t have been able to recruit new students or keep the ones they had. Kate Ratcliff, a senior Professor at Marlboro, makes several statements saying the same, that they kept vital facts from incoming students because they (the students) never would have attended if they knew the school was in crisis (her words).

And yet. Marlboro is also now claiming that to anyone who looked closely enough, it was obvious that Marlboro was failing and in a financial crisis. The argument is that anyone applying to Marlboro should know that the college is in deep trouble and should do so at their own risk. They point to their 990’s.

So, I ask you Mr. Donovan, which one is it? That Marlboro was obviously in severe trouble and dying (and that I and other students and parents should have known that so it’s our own fault) or that Marlboro was financially stable and safe to attend (which is what Marlboro told myself and everyone else on many different occasions)?

Let’s test that theory just for fun. Let’s take a look at Marlboro’s 990’s. I’ll wait, go ahead. Now take a look at Mount Ida’s, Green Mountain’s, Southern Vermont College. Marlboro lists a heavy worth with virtually no debt and a strong net. Those other schools, which failed, list a significantly smaller worth and an extreme amount of debt. My point is that Marlboro, a school of 150 students with sixty million dollars, looks amazing on paper. The only way for incoming students and their parents to know that Marlboro was on the verge of collapse was for Marlboro to tell us. We had no other way of knowing. Instead, they touted Marlboro as perfectly safe, and did so on several occasions. They then lured us in with extremely low tuition. That sounds extreme, comical even— they lured us in — but it’s EXACTLY what they did. They gave me and others such a good deal as compared to other schools and we used that as a vital part of deciding one of the largest, most expensive decisions of our lives. They did these things while knowing, by their own many admissions, that Marlboro was “in crisis”. The Vermont Consumer Protection Act was built for this.

I’m not an attorney. I am writing to you as a brand new Citizen of Vermont and hoping that I am protected by your office. It seems clear to me that openly stating that their institution was safe, financially stable, and more affordable than others out there, when they knew that none of those things were true, is fraud. What else could that be if not fraud?

And now they are trying to cover up their fraud and mismanagement by hiding it within the recent spate of college closures and by saying that it isn’t their fault. It’s demographics. It’s just the way the world is and they were victims just like we were victims. Don’t believe them. Look closely at this suit, I beg you, and you will see that they clearly committed fraud, mismanaged tens of millions of dollars, and drove a Vermont treasure into the ground.

I know that you have received many letters about the unethical behavior of Marlboro over the last year. My letter is different. I have clear evidence of wrongdoing. I have filed a lawsuit. In my opinion and with the facts on hand, the administration at Marlboro has committed fraud. Against the students, staff and faculty, against Windham County, and against the State of Vermont itself. These are not baseless accusations and I have no doubt that more evidence of wrongdoing will surface in the coming weeks. But time is running out. If your office were to allow this deal to go through unchallenged, Vermont will lose yet another college, tens of millions of dollars, young and energetic students, and the lifeblood of a small Vermont town. All to cover up the misdeeds of a few. Please don't let that happen. In short, Vermont needs your help.

Thank you for your time,
Ryan Roderick

My attorney:

Theodore Kramer

[REDACTED]

Brattleboro, Vermont 05301

[REDACTED]

Quotes for context:

Quote from College website after Bridgeport fell through:

November 16th, 2019

In a posting on the college website, they said: "The challenges facing small liberal arts colleges are acute and will only intensify in the coming years. ... **Given our severe financial challenges,** coupled with difficult trends in higher education, the Marlboro trustees believe that an alliance with Emerson is the best opportunity to secure and sustain Marlboro's legacy far into the future."

https://www.sentinelsource.com/opinion/editorial/leaving-a-legacy-marlboro-college-s-move-will-be-felt/article_583b0a8b-21e0-5aab-bab5-e2acfb43387e.html?fbclid=IwAR2m0CXGMFTHIG3A9IS5cYgw2eTzi3f8frqWZvxqRFvrvT91RN91H_wMDY

Notice how suddenly they are switching from 'We are financially sound, there is no crisis' to 'We are in a financial crisis'. Up until this point they had been touting Marlboro as financially stable and not in any way in crisis. That narrative changed as soon as it was convenient for them to do so. Remember, their financial circumstances HAVE NOT CHANGED at this point. They are in the same financial situation that they have been in for years. They are in the same financial situation as when they announced to the world that Marlboro was financially safe and it was safe to send your children there. NOTHING HAS CHANGED EXCEPT THEIR STORY. And look at their 990's as compared to Colleges that are ACTUALLY in trouble. Marlboro has no debt and 60 million dollars. There is no way to know that they are in trouble unless they (Marlboro) tells you. They told me and thousands of others the exact opposite.

President Quigley responding to a question during an interview:

November 18, 2019

Viewer question: "Why were the alumni not notified of the dire circumstances of the school's finances? The message we seemed to get over the last few years was 'It would be great if you could send more money' and not 'The school is going to close if we don't all band together.'"

[excerpt]"So I'm sorry you feel that you were surprised and that we didn't communicate as clearly as you would have liked, and I do think that if you look at some of our communications, the fact that we were experiencing challenges was embedded in a lot of our communications. One of the dilemmas is, and this was the earlier question, that Laura asked about: were we trying to make it on our own? **We can't really say, "We're in crisis, send us money, we're about to close," when you're trying to recruit our, uh, an incoming class and retain your current students.** So that moving along two tracks simultaneously, which the college really did up until last summer, I think probably made our communication more subtle than you might have preferred."

Source: Marlboro College Live Webinar for Alumni A recording of the webinar is available upon request from the Alumni office. Timestamp: 28:53-31:30

This is an amazing admission. This is the President of the college, Kevin Quigley, openly stating that they were in crisis and that they kept that information from incoming students and alumni. We have the video of this, which was included in the original lawsuit filing.

A College Prepares to Close Its Doors as Students and Alumni Mourn — and Scheme

By Megan Zahneis NOVEMBER 18, 2019

Kevin F.F. Quigley, Marlboro's president, said discussions of the college's future had been in progress for two years, more formally so in the past year, when the college hired EY Parthenon, a business-strategy consultancy.

"I've been very candid over the last two years or so about the college's circumstances and that our trajectory around enrollment and finances was not sustainable," Quigley said. Marlboro, as he saw it, had three options: close, forge a partnership, or try to remedy the situation independently.

https://www.chronicle.com/article/A-College-Prepares-to-Close/247567?cid=wcontentlist_hp_lat_est&fbclid=IwAR3VY1yqksqDbtSc6HOM2CpbiELPvnigF2tqdStlMrnsM8jut1jtWZosXrs

Let's think about this for a moment. Marlboro claims that the statements it made during April 2019 Admitted Students Day were accurate, in which I and a room full of people were told that Marlboro is financially stable and it is safe to send your children there, yet here he states that for the last few years, he has been candid about Marlboro's dire situation. And, side note here, he has not. He told several newspapers that Marlboro was not like those other colleges and was well positioned to come out ahead. So he's lying here. BUT, Marlboro states that it doesn't matter that they told us all that Marlboro was financially sound and safe, because at the time it was true. Yet here he is stating that Marlboro was in trouble for years. So he is caught in his own lie here.

Quote from Kate Ratcliff, taken directly from her own post on the Marlboro College Alumni Facebook page:

January 20th, 2020

[Kate Ratcliff](#) I have acknowledged that communication with alumni was problematic but also that it was a difficult dance we were trying to manage. **How do you simultaneously try to stay in the game and recruit a new class and make public pronouncements about a crisis?**

Facebook Post

Again, a senior faculty member stated that they knew they were in a crisis, yet President Quigley repeatedly made statements that they were not. Meaning that they clearly knew, long before this merger was announced, as they admit here. They are also openly admitting to keeping that information from incoming students.

Quote from Kate Ratcliff, taken directly from her own post on the Marlboro College Alumni Facebook page:

December 10th, 2019

[Kate Ratcliff](#) Thank you, Christian. I appreciate hearing your perspective and am sorry that the process was not handled differently. I understand the argument that alumni should have been made aware of a crisis sooner so they could act. **I also understand the reluctance on the part of the college to make too public a statement about dire circumstances while we were trying to recruit new students to campus and turn around our situation.**

Facebook Post

Yet another quote showing that Marlboro knew that they were keeping key facts from incoming students and their parents.

Quote from Fumio Sugihara

November 14th, 2019

"I have had it in the back of my mind that they would close the doors."

This is a direct quote, stated to both myself and my wife by the Dean of Admissions at Marlboro. This was six months from when I decided to attend and signed on fully. Again, Marlboro is claiming that in April of 2019, the statements made at Admitted Students Day were accurate. Fumio Sugihara made those statements, yet here he tells my wife and I that he had it in his head that they would close.

Quote by T. Wilson, alumn

December 18, 2019

"The alumni were told in April that other small colleges were closing, but Marlboro was not on that path," Professor Emeritus T. Wilson said.

<http://www.commonnews.org/site/sitenext/story.php?articleno=31600&fbclid=IwAR1b2Gj7IMJuhEyqCA2keSurcR5RNDXvzaSkTCGZjhG5kqloZDt6043qYd4>

I was not the only one who was told that Marlboro was financially stable. There are many stories like this one.

Quotes of a recent Selectboard meeting where they clearly indicate that Marlboro kept key facts from everyone:

Feb 6th, 2019

Izzy: I do understand your frustration, I also feel like it wasn't as transparent as that, last year we had multiple announcements at Town Meetings comparing us to Hampshire, **we were told we were in a better place, had years left, we were given explicitly "we are in a much better position,"** so it is frustrating, and I also would be concerned about, does someone have more information about accreditation type things? if there's anything that could be shared that would help?...

...alums at Home Days were saying they were worried, they were told we're fine...

Excerpt from an official Marlboro Selectboard meeting. It is important to remember: NOTHING HAS CHANGED FINANCIALLY WITH MARLBORO, even now in 2020. They are in the same financial position that they were in a year ago. The only reason it might be worse is because of the CoronaVirus, but that does not change the fact that up until the Pandemic, they were in amazing financial positioning. They are choosing to close the College.

From an Alumni Website:

The wider community was told time and again that Marlboro College campus was in no danger of imminent closure. This timeline of actions and statements was assembled by Becca Boyden, daughter of Roland Boyden who was a founding faculty member of the college, acting president, dean, and trustee.

<https://ibelieveinmarlborocollege.org/2020/01/16/timeline-of-events/>

Quote directly from Marlboro Newsletter:

April 2019

"You have probably heard about the closure of some of our peer institutions. While this is worthy of much concern for the state of higher education in the USA and we are super sorry to see these institutions go, rest assured that Marlboro is currently not on that path."

<https://mailchi.mp/4facc7ac6945/save-the-date-alumni-day-october-1726965>

From an official Marlboro Newsletter, assuring everyone that Marlboro is financially sound. Recall that at this point, Marlboro is actively working behind the scenes to secure a merger or a closure and Kevin Quigley states in November 2019 that they were fully aware of the fact that Marlboro could no longer make it on their own a year ago. They again tell everyone that the college is fine, don't worry, while behind the scenes they make plans to "merge", which means close by the way. Remember, Kevin Quigley admits in November 2019 that he had initial talks with Emerson President in 2017 about absorbing Marlboro. So they had known for years this was coming, according to their own statements. The excerpt can be found below.

Quote From Kevin Quigley in an interview:

November 7th, 2019

A Marlboro trustee who previously worked under Pelton introduced Pelton to Quigley in 2017.

The trustee saw a number of similarities in the cultures and academics of the two colleges.

It was then that Quigley first proposed a prospective collaboration between Marlboro and Emerson. Quigley said Pelton was initially indifferent to the idea.

<https://berkeleybeacon.com/what-we-know-and-what-we-dont-about-the-emerson-marlboro-merger/>

This quote and article shows that Kevin Quigley started talks about closure in 2017! Yet Marlboro claims that all statements made about Marlboro being financially stable and safe to attend were true and accurate, but here is Kevin Quigley saying that for years he knew that wasn't true and he began the process of closing years before.