

**From:** [Save Marlboro College](#)  
**To:** [AGO - Info](#)  
**Cc:** [Curtis, Christopher](#); [Adrian Segar](#)  
**Subject:** request for public records  
**Date:** Tuesday, June 30, 2020 2:31:10 PM  
**Attachments:** [Outlook-horizontal.png](#)

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

Dear Vermont AGO,

This is actually my third request for public documents regarding Marlboro College.

My standing request with Mr. Curtis should have been activated on Friday if the documents were received by your office last Friday, June 26, 2020, as indicated by Marlboro College in their Saturday Board Meeting.

Although we have a standing agreement regarding public records requested with regard to Marlboro College, I wanted to reiterate my request today, especially since Mr. Curtis appears to be out of the office.

There was a board meeting on Saturday, June 27, 2020 at which the Marlboro College Board of Trustees indicated that a final transaction agreement was signed by Marlboro College and Emerson College and was delivered to the Vermont AGO on Friday, June 26, 2020.

I presumed that the AGO activated my request on that day, or perhaps on Monday, but I am now concerned that with Mr. Curtis, out of the office, my request was potentially overlooked.

I am hopeful these records will be sent soon. I think Adrian Segar, and perhaps others, has also requested these records from your office.

One of my many concerns from the last batch of records sent, that included a purchase and sale agree, was that the sale price and other amounts was redacted by the College on the Purchase and Sale agreement between Marlboro College and the proposed buyer, Democracy Builders Fund, Inc., a foreign corporation not currently registered as a foreign corporation in the State of Vermont. I recall you expressed in your reply to the college that the sale price could not be redacted and I agree. I also hope that we agree that the Vermont AGO cannot redact the information pursuant to 1 V.S.A. §§ 317.

Please be advised that if the Vermont AGO withholds (or redacts) this information, I would like to make an expedited appeal to Deputy Attorney General Josh Diamond.

It appears clear to me that the sale price is substantially lower than the market value. The proposed buyer has said publicly that he was not the highest bidder on the property. The purchase and sale agreement indicates confidentially however indicates that the College may release the information to Emerson College. I find it extraordinary that Emerson College, located in Boston, Massachusetts, feels they are entitled to know the sale price, but the Vermont AGO and general public are not.

Neither Emerson College nor Democracy Builders Fund Inc are registered in Vermont as a foreign corporation and my understanding of the law indicates they both should be. Additionally, Marlboro College should be registered with Massachusetts as a foreign corporation and is not. Would you please offer explain your perspective on this issue?

There appears evidence of fraud and breach of fiduciary responsibilities on the part of the present Marlboro College Board of Trustees. I feel there is overwhelming evidence that the board has caused reckless financial losses and should be held responsible for them. They have taken steps to murder the Corporation of Marlboro College so the entity cannot litigate against them for their negligence. The evidence of malfeasance and nonfeasance on the part of the board members appears significant. What steps, if any, does the Vermont AGO plan to take to evaluate the conduct of the Board Members, prior to evaluating the proposed sale of the campus and asset exchange with Emerson College?

Thank you very much

Sincerely,

Martin Heck

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**Martin Heck**

Save Marlboro College, Director

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