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Mr. Devin Bodkin
IdahoEdNews.Org
Delivered VIA E-mail: dbodkin@idahoednews.com

Re: REQUEST FOR RETRACTION

Dear Mr. Bodkin,

I have been retained by Fred Ball, Randy Buger and Candra Risa with regard to defamatory statements recently publicized by your news organization "IdahoEdNew.Org" (IEN) on January 14, 2019, and the January 22, 2019, video segment with the "East Idaho News" (EIN) entitled "Beyond the Books: what happened to money in three local school systems." The purpose of this letter is to demand an immediate retraction of such libelous statements, of which must be substantially and conspicuously published in accordance with IC § 6-712 within three weeks of the date of this letter.

As you know, on January 14, 2019, IEN published an article submitted by you entitled "Charter Administrators Received \$46,000 in Unexplained Payments." This article was widely publicized throughout Idaho and the world on IEN's online news site as well as on its Facebook page which is currently followed by 16,404 individuals. The article has also been picked up and published by several other news organizations, including EIN (followed by over 64,000 individuals), and the Blackfoot Idaho local newspaper "Morning News." There may be other news organizations that have published your defamatory statements that my client is not yet aware of. Needless to say, the statements have reached many hundreds of thousands of people in Idaho alone.

Your publications contain a number of inflammatory and untrue statements, that taken as a whole, suggest that my clients have or are engaging in fraud and embezzlement of public funds, and further that they are knowingly and willingly withholding information in an attempt to cover-up such alleged crimes. The publications contain numerous false and misleading statements, including stating that my clients have received many thousands of dollars in "unexplained" or "inappropriate" payments. The publications also claim that my clients have not complied with the public records act. Finally, the article also suggests that my clients are in effect incompetent and are managing "failing" schools.

Under Idaho law, "a defamatory statement is one that tends to harm a person's reputation, usually by subjecting the person to public contempt, disgrace, or ridicule, or affecting the person's business." *Irish v. Hall*, 163 Idaho 604 609, 416 P.3d 975, 979 (2018). Further, "in determining whether and assertion is defamatory, it must be read and construed as a whole; the

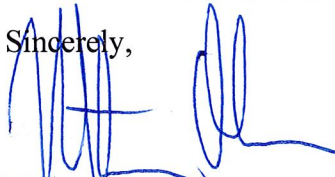
words are to be given their common and usually accepted meaning and are to be read and interpreted as they would be read and understood by the persons they are published.” *Id.* Additionally, falsely alleged criminal conduct is *per se* defamation, even if the target is a “public figure.” *Id.*

Under thus clearly established standard, without question the statements made in the IEN article constitute defamation against my clients. My clients are individuals who have over the past several decades have forged distinguished careers and a record of service in the community. The EIN publications effectively destroy that good reputation that they worked so hard to build, affecting them, and their families, now and into the future. It also harms the schools that they have formed and administer, harming its students, teachers, and other employees – and their families.

Simply put, the IEN publications referenced herein constitute irresponsible reporting with real life and devastating consequences. It cannot and will not be tolerated.

To avoid a defamation suit requesting specific, general and exemplary damages, the IEN must publish a complete retraction of the article and statements made in the EIN segment and must publicly apologize to my clients and the people of the great schools of which the serve. Again, by law, that retraction must be published in a conspicuous manner within three weeks of this letter.

Sincerely,



Nathan M. Olsen

cc. clients