

Good Afternoon

My name is Angelique Smith; I am student at the University of Pennsylvania. Five years ago I was a stay-at-home wife and devoted homeschooling mother of our only child, Sarah Elizabeth.

It was then I began questioning the governance and finances of my daughter's charter school, the Agora Cyber Charter School here in Pennsylvania. Armed with nothing more than a high school education, a hunch and a penchant for research I uncovered the largest alleged fraud perpetrated by a charter school operator . It subsequently resulted in a 62 Count Federal Indictment.

And this is my story....

SLAPP suits are class warfare!

A meritless battle waged in American courtrooms between the elite and the proletariat; the haves and the have-nots; the rich against the poor.

My daughter, my husband and myself have been held hostage for five long and arduous years by an injustice of the worst kind; an injustice facilitated by a corrupt legal system. The same legal system designed to protect our constitutional rights has utterly obliterated them in favor of protecting the affluent, and well connected.

Dorothy June Brown, with the assistance of the Philadelphia law firm Hanglely Aronchik Segal and Pudlin (Schiller) and their employee Wendy Bettelstone filed a SLAPP suit against my husband, myself and several other parents of the Agora Cyber Charter School on January 21, 2009.

If found guilty, my husband and I face a combined \$300,000 judgment; one we could never afford to pay.

I have contended from the very beginning that this was a Strategic Lawsuit Against Public Participation filed with the sole purpose of intimidation and harassment. SLAPP suits often take the language of 'defamation' suits to give credence to frivolous lawsuits and to facilitate judicially sanctioned class warfare. Cynwyd Group LLC vs. Gladys Stefany et al was no different.

According to the United States Constitution:

SLAPP Suit Testimony Senate Bill 1095 April 24, 2014

The First Amendment's petition clause *guarantees* the right of all interested parties to attempt to enlist the government on their side of an issue or dispute.

There is a guarantee that justice will be administered fairly.

- Public speech is protected when it serves to bring attention to an issue of public interest or concern.
 - The fraud of \$6.5 Million tax dollars, earmarked for the education of public school children, should be held in the highest regard for public interest and concern.
- If a lawsuit suit is filed in response to or in retaliation for a citizen's communications with government entities and employees that should be protected; however it is not
 - **I cooperated with the federal investigation of Dorothy June Brown long before she sued me.**
 - November 2008 was the first time I spoke with Agent Kristy Smith from the US Department of Education
 - In December 2008 Agent Kristy Smith and Agent Robert Loughney from the FBI came to my home were they remained for approximately four hours.
 - I supplied them with copies of all the public records I had uncovered
 - When the SLAPP suit was filed neither Agent Smith, nor Agent Loughney spoke up on my behalf.
 - **October 7, 2013 I received a subpoena from the United States Department of Justice to testify during the first federal criminal trial of Dorothy June Brown**

It is imperative for this committee to understand that our SLAPP Suit was filed with malicious intent, and therefore it is my opinion that the attorney that filed the lawsuit; Wendy Beetlestone failed to provide due diligence. My claims were based on public records I painstakingly collected and researched.

Our SLAPP lawsuit has received one delay after another for FIVE years. Now this suit is delayed indefinitely due to ongoing federal criminal prosecution of Dorothy June Brown.

The Montgomery County judge, Emanuel Bertin, has failed to rule on our preliminary objections. In fact, Judge Bertin is concerned that it would affect Dorothy June Brown's 5th amendment rights if this SLAPP suit were to proceed. You should be aware we began making those preliminary objections long before Dorothy June Brown was indicted on 62 counts of fraud.

In Judge Bertin's staunch attempt to protect the constitutional rights of Dorothy June Brown **he has clearly forsaken out 1st Amendment Rights**. Furthermore, with the overwhelming evidence before him justice would be served by dismissing this SLAPP suit without haste.

Last Fall, just before the first federal criminal trial of Dorothy June Brown got underway two of Brown's employees plead guilty to obstructing justice and conspiracy charges.

- **Joan Woods Chalker,**
 - *Top lieutenant in Brown's school network*
 - *Worked with Brown for more than 20 years*
 - *Chief executive at one of her charters*
 - *She pleaded guilty to three counts of obstruction of justice*

- **Anthony Smoot**
 - *Business Manager*
 - *Pleaded guilty to charges that he had conspired with Brown and others to obstruct justice during the federal investigation of the schools*

We however, remain guilty until we PROVE our innocence, unable to proceed, unable to receive closure. Trapped! We nonetheless anguish in silence, and our personal relationships suffer. This nearly destroyed my marriage to my beloved husband and high school sweetheart. The financial burden became too great when we lost our home. We just started to recover from eight year custody battle.

My daughter was eight years old when this lawsuit was filed, she is now thirteen... Most of her childhood has been spent with the scourge of this lawsuit hanging over her parents, hanging over her.

I want this committee to know that Dorothy June Brown's lawyers attempted to accused us of being racially motivated in our criticism during the first federal criminal trial; those claims were unfounded. This is not the first time Dorothy June Brown has accused someone of racism. My beloved daughter; Sarah Elizabeth is biracial. **To suggest the fraud of \$6.5 Million tax dollars has anything to do with race is a cry of desperation, an assassination of our character and an attempt to punish us further.**

I ask this committee if you if you think it would be possible for a racists couple to spend eight years in and out of court, and tens of thousands of dollars to protect a child of color? Are those the actions of racists?

We were sued for asking too many questions, and insisting on transparency. The entire federal case is exactly what we had accused; yet here we are still awaiting trial after five years. We were caught between a battle of two companies for control of a school's coveted charter; terrorized by

Dorothy June Brown and her fleet of high powered attorneys, manipulated by k12 Inc, a \$900 Million dollar a year for-profit corporation that stood to lose their most lucrative contract, and last but certainly not least made a scapegoat by inept employees of a government agency.

No one cared that my daughter was put in danger when this case was filed in court. Despite assurances that our information would be kept private by the principal of the Agora Cyber Charter School and k12 Inc employee, Sharon William nothing could have been further from the truth. Our daughter was adopted just ten months before this SLAPP suit was filed; the biological child of a convicted rapist and registered sex offender.

When Dorothy June Brown, the Agora Open Records officer filed the SLAPP lawsuit our addresses were posted publically on the Montgomery County Court website where they still remain. In fact Daniel Hughes President of the Agora Cyber Charter School "Official" Parent Organization; sanctioned by the Agora Board of Trustees and k12 Inc. threatened to post it despite my email citing safety and privacy concerns!

Neither Dorothy June Brown, the Agora Cyber Charter School Board of Trustees nor the employees of k12 Inc ever concerned themselves with the safety of Sarah Elizabeth. Despite my pleads for help it fell on deaf ears.

*In fact I made a **FERPA complaint** to the school that was never seriously investigated; the suggestion of the newly acting principal and k12 Inc employees, Darren Reed, was to contact the woman who just filed a \$300,000 lawsuit against myself and my husband!!!!*

Dorothy June Brown is...

- Founder of the Cynwyd Group LLC
- Founder of the Agora Cyber Charter School
- Wife of a prominent Civil Rights Attorney, William H. Brown with Schnader & Harrison
 - *Former Chairman of the U.S. Equal Employment Opportunity Commission*
 - *Served as Chief of the Fraud Unit in Philadelphia*
 - *Former Deputy District Attorney in Philadelphia*
 - *Mediator for Federal District Court for Eastern District of Pennsylvania*
 - *Arbitrator for American Arbitration Association*
 - *Chaired Philadelphia Special Investigation Commission investigating MOVE Bombing in 1985*
 - *Judge Pro Tem of the Court of Common Pleas in Philadelphia*

With powerful connections like this we will NEVER see justice!

What Senate Bill 1095 Means to me:

Had the Commonwealth of Pennsylvania had a definitive Anti-SLAPP law in place such as Senate Bill 1095 the Agora 5 would have been afforded:

- Immunity from prosecution
- Immunity for participating in a government action
- Protection from abuse of legal process

It is my goal to advocate for those just like myself that do not have a voice. Passing Senate Bill 1095 would assure that citizens would have the right to freely express concerns of public interest; without fear of costly lawsuits. In fact, it would hold plaintiffs and corrupt attorneys financially responsible for filing meritless lawsuits; this would allow victims to recoup any losses incurred, and thus acting as a deterrent for future lawsuits. Senate Bill 1095 represents the opportunity for Pennsylvania Senators to forego party politics, and work collectively to champion the cause of **freedom of speech**; to benefit the constituents they serve.

A YES vote for Senate Bill 1095 is a vote to stop the bullying of innocent citizens of the Commonwealth of Pennsylvania!

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Protections Afforded by Senate Bill 1095 Pursuant to My SLAPP Suit

Section 3:

8340.3 . **Participation in law or regulation related to an issue in the public interest**

Immunity

- Afforded the right of advocacy on issues of public interest
- Communications aimed at seeking governmental action would be immune from civil liability.

Stay of proceedings

- The court shall stay all proceedings in the action upon the filing of preliminary objections

Expedited Hearing

- filing of any motion or preliminary objections based on immunity

Legal protections of defendants

- My constitutional rights could not be limited

Intervention of government agency

- May intervene on behalf of the defendant

Protections of Abuse of legal process

- the agency or court may award compensation if the court determines that an action is frivolous o
- If the conduct of a party or counsel is dilatory or vexatious

Parties offered immunity for participation in government actions

- Is organized for a specific purpose that includes activities designed for the participation in government actions

Any written or oral statement made:

- In a public forum in connection with an issue of public interest

According to the Pennsylvania Charter School Law:
Senate Bill 123, passed June 12, 1997

"Employees of a charter school are considered public employees, and the board of trustees is considered a public employer for the purpose of the application of liability."

According to Charter School Law Dorothy June Brown is

- *Subject to the Sunshine Law*
- *Subject to The Pennsylvania Public Official and Employee Ethics Act*

LINKS:

1. Philadelphia Controller's Report on Dorothy June Brown 2010

http://www.philadelphiacontroller.org/publications/audits/CharterSchoolAudit_JuneBrown.pdf

2. Federal Indictment – Dorothy June Brown

<http://blogs.edweek.org/edweek/charterschoice/IndictmentPhila.pdf>

June Brown/Pennsylvania Department of Education/k12 Inc 3- Way settlement
According to the testimony of Gerald Zahorck, former Pennsylvania Secretary of Education claimed that he would have never agreed to a \$1.7 Million dollar settlement to Dorothy June Brown has he had known the contracts were fraudulent.

3. Dorothy June Brown vs. Public Employees' Retirement Board

<http://statecasefiles.justia.com/documents/pennsylvania/commonwealth-court/11-c-d-2013.pdf?ts=1382110668>

4. Pa. sues Devon cyber charter The Education Dept. accused Agora Cyber Charter School of misusing public dollars.

http://articles.philly.com/2009-05-01/news/25274248_1_ agora-cyber-charter-school-taxpayer-money-michael-race

5. Pa. ends Devon charter lawsuit Officials said they could get Agora Cyber school to change its operations without litigation.

http://articles.philly.com/2009-06-02/news/25286069_1_ agora-cyber-charter-school-michael-race-education-department-spokesman

6. Pennsylvania Department of Education/ Dorothy June Brown/ K12 Inc Settlement