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August 8, 2008

Richard G. Boulanger, Esquire
c/o Elizabeth Cominole
American Arbitration Association
One Center Plaza
Boston, MA 02108

Re: Charles E. Coughlin, Jr. v. Town of Arlington
Case No. 11 390 01903 07

Dear Arbitrator Boulanger:

I am writing to inform you that Nate Levenson has resigned from his position as Superintendent and will no longer be attending the arbitration as the representative of the Arlington Public Schools. Because the circumstances surrounding his resignation are related to the matter before you, I believe it is my responsibility to provide you with the information below.

On July 25th, I called Attorney Michael Long to request copies of the emails that Mr. Levenson had provided to him and Tom Scott in June of 2007. Mr. Long responded by letter with enclosures dated July 28. As I was out-of-town the week of July 28, I did not review the letter until Monday, August 4. Enclosed with the emails were two-pages each entitled "Log of recent events" (collectively referred to as "Log") signed by Mr. Levenson, dated from June 4 through June 8, 2007, describing how the emails came into his possession, conversations with Tracy Buck, and a conversation with Steve Mazzola. I was surprised because I had never seen the Log and did not know of its existence. I immediately realized that the chronology and content differed from the account Mr. Levenson provided to Alan Miller, to me in preparation for the arbitration and at the arbitration in Mr. Levenson's sworn testimony. A copy of the Log is enclosed.

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I shared the Log with Mr. Miller whose immediate concern was that his investigation may have been based on inaccurate information because Mr. Levenson may not have told him the truth regarding his conversations with Tracy Buck and the accessing of the Ms. Bouris' G-mail account. If the Log is accurate, the third investigation report by Mr. Miller (Employer's Exh. 16) relied upon false information. For example, although Mr. Levenson related during the investigation and at the arbitration that he did not know who had accessed Ms. Bouris' G-mail account, in the Log Mr. Levenson stated that Tracy Buck told him that she had done so, which at the very least made Mr. Miller's investigation into the source of the anonymous emails unnecessary, and of greater concern, made his report on that point inaccurate.

I called Mr. Levenson to advise him of my discovery of the Log. He told me that he did not remember it and assured me that the version of events that he had related at the arbitration, to Alan Miller and to me was truthful. He said he would look to determine whether he could find the Log and get back to me.

During our subsequent conversations, Mr. Levenson explained that when Tracy Buck gave him emails from the Arlington system on or about June 6, he was extremely scared that he was being set up and that she might later deny having given him those emails. Therefore, he fabricated both the chronology implicating Ms. Buck and most of the conversations attributed to her. He specifically acknowledged to me that Tracy Buck never told him that she had accessed the G-mail account, had not given him copies of the anonymous emails and had not provided him with the explanation that she was monitoring the Bouris/Coughlin Arlington email accounts because she, herself, thought that their relationship was unusual as he had stated in the Log. Mr. Levenson repeatedly reiterated that the account he had given in his testimony and throughout the investigation was the truth and that he had never lied to us.

We spoke to Tracy Buck who categorically denied that she ever accessed Ms. Bouris' G-mail or told Mr. Levenson that she had done so. Ms. Buck's denial has been consistent, vehement, unequivocal and above all, credible.

Considering our ethical obligations to disclose what we had discovered, including the possibility of perjury on Mr. Levenson's part, we immediately sought the advice of a respected attorney in Boston who concurred with our belief that we had an ethical obligation to disclose this information to our client, the Arlington School Committee. We believe that this would be the case even if Mr. Levenson's testimony were truthful in the arbitration and during the investigation.

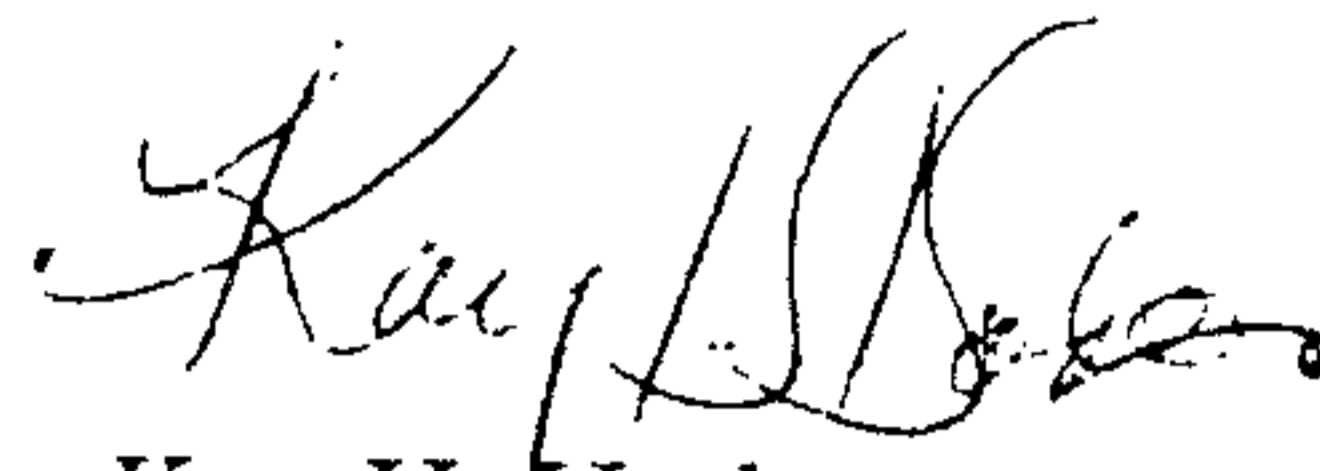
The fact that Mr. Levenson produced and provided to Attorney Michael Long a document which was not truthful should not change the result in this case. Nevertheless, we believe that the information is material. Mr. Mondano will have ample opportunity to cross-examine Mr. Miller and Ms. Buck before the Arbitrator. Once all of the testimony has been taken and all of

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the evidence has been assembled, we are confident that the information provided to you in this letter will not alter the outcome with regard to whether or not Mr. Levenson had just cause to terminate Mr. Coughlin.

Very truly yours,


Kay H. Hodge

cc: Frank Mondano, Esquire ✓
Denise Burns, Chairperson, Arlington School Committee

Log of recent events

Written 8:10 am June 8th 2007

On June 4th 2007 I met with Tracey Buck in my office. Tracey had booked this appointment a few weeks prior to discuss the reorganization of the IT department as it merges with the town IT department. We discussed how her job might change and the opening for a more senior position in the department. Towards the end of the meeting we commented on the turbulent year and how things had calmed down quite a bit, and with the exception of a small group that is still angry, that communication and working relationship at the middle school was at a good place.

On June 5th Tracey Buck stopped by my office without an appointment. She asked me if I had a minute, and I said yes. Tracey told me that she had learned that Stavroula Bouris and Chuck Coughlin had some sort of inappropriate relationship. Tracey was not specific how the relationship was inappropriate other than to describe it as "weird", "wrong", and "not right" I said that I knew they were very supportive of each other, but that it was highly unlikely that anything more than this was going on.

Tracey said she had read an email that suggested a relationship that was more than just friends existed. I said I doubt this is true and asked how did she come to see this email. Tracey told me that as network administrator she regularly patrols emails and internet usage for compliance with our acceptable use policy. She stated that staff and students do not have a right to privacy on the school email system or computers. The meeting ended and I assumed this matter was closed. There are a lot of rumors and much gossip in Arlington, and I thought this was just more of the same. At no time did I ask Tracey to dig deeper or bring me information. The meeting lasted just a few minutes

On June 7th Tracey again came by my office without an appointment and handed me a envelope and said "I found something very inappropriate that I think you need to see." She said that she had printed a series of recent emails that show an inappropriate relationship and a conflict of interest and she wanted to bring this to my attention. I glanced at a page or two, read the words "I love you" and then said I need to read this, but not now. The meeting lasted about 2 minutes.



Log of recent events

On 6/8/07 around 9:30 am I called Steve Mazzolla, our head of IT. I told him that I had just read an article about the Supreme Court ruling that stipulates we must archive all electronic records, including emails, IM, web pages etc. He explained that he had already contacted vendors and was reviewing systems to purchase. I asked him about our present system.

He indicated that all emails and web pages are stored for about 2 months, that all students, staff, and administrators sign an acceptable use policy before getting an email account or access to the network. He also said the acceptable use policy states that the school based email system does not provide a right of privacy and that he believed that this is widely understood.

In the afternoon of June 8th I called Tracey Buck at her office and left a voice mail. She called me back but I was out. I connected with her at 3:15 on June 8th.

I told Tracey that I was concerned by what I had read in the copies of emails she gave me and that this was more serious than I had thought. I asked her to explain in more detail how she came upon these emails. She said it was part of her job of monitoring the acceptable use policy. I asked her to confirm that this was a regular function she performed, such as when was the last time she did this activity and where did she search. She then said that she would be the person to check on this kind of activity, but she hadn't done it before on a regular basis. I said, that she had given me a very different impression when she delivered the emails. She acknowledged that she had previously stated that she regularly did this work when she handed me the emails.

Tracey then told me that she had accessed the gmail account mentioned in the emails and said it contained more of the same. I immediately told her that I did not want to hear about or see anything from that account. I told her that she had no right to look at that. She said, I "probably shouldn't have looked, but they had stopped using the school email"

I told Tracey that I needed to think about what my responsibilities were and that I would most likely have to take action based on all this information. She commented, "I would be happy to see them [Chuck and Stavroula] swing on their way out of this district. They have been mean to so many other people, including you."

