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2 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,**

3 **COUNTY OF SAN DIEGO**

4 **SEARCH WARRANT**

5 No. 50740

6 The People of the State of California, to any peace officer in the County of San Diego:

7 Proof, by affidavit, having been this day made before my by Vincent Giaime, a peace officer  
8 employed by the San Diego County District Attorney's Office, that there is substantial probable cause  
9 pursuant to Penal Code section 1524 for the issuance of the search warrant, as set forth in the affidavit  
10 attached hereto and made a part hereof as is fully set forth herein, you are, therefore, commanded to  
11 make search at any time of the day, good cause being shown therefore;  
12

13 **LOCATION, PROPERTY, AND/OR PERSON[S] TO BE SEARCHED**

14 The San Diego Unified School District Eugene Brucker Education Center, including all records  
15 storage areas and records therein assigned to or part of the School District located at 4100 Normal  
16 Street, San Diego, California 92103, County of San Diego;  
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18  
19 **ITEMS TO BE SEIZED**

20 For the following property, to wit:

- 21 1. Emails, calendars, appointment, memo's, notations, text and any other form of  
22 documentation or communication from or to Marne Foster, San Diego Unified  
23 School Board President, Sandra Foster-King, Malcolm Foster, Malachi Foster,  
24 John Marsh, Mohammed Abdullah, Abdul R. Abdullah, Abdul Qadir  
25 Abdullah, Kevin Harris, Kevin Michael Harris, Kevin Williams, Kevin  
26 Bafheer, brothers2collegeAyahoo.com, gofundme.com from December 2012  
27 to present and all school records for Malcolm Foster and Malachi Foster; and  
28

1 all records and communications for the Urban League, Neighborhood House  
2 Association and Jackie Robinson YMCA.

3  
4 2. Any copies of California Form 700 – Statement of Economic Interest for  
5 Marne Foster;

6 and if you find the same, or any part thereof, to bring it forthwith before me at the  
7 Superior Court of the State of California for the County of San Diego, or to any other  
8 court in which the offense in respect to which the property or things is triable, or retain  
9 such property in your custody, subject to the order of this Court, pursuant to section 1536  
10 of the Penal Code, and to dispose of said property pursuant to law when the property is  
11 no longer of evidentiary value.

12  
13 Given under my hand and dated this 10<sup>th</sup> day of December, 2015.

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15   
16 Judge of the Superior Court

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,  
2 COUNTY OF SAN DIEGO  
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4 STATE OF CALIFORNIA ) AFFIDAVIT FOR SEARCH WARRANT  
5 ss )  
6 ) NO. 50740  
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1 I, Vincent Giaime, do on oath make complaint, say and depose the following on this  
2 \_\_\_\_ day of December, 2015: that I have substantial probable cause to believe and I do believe  
3 that I have cause to search:

4 **LOCATION, PROPERTY, AND/OR PERSON[S] TO BE SEARCHED**

5 **A. San Diego Unified School District Eugene Brucker Education Center** located  
6 at 4100 Normal Street, San Diego, California 92103, The Education Center serves as the Office  
7 of the Superintendent, General Counsel and business and administrative services which support  
8 the San Diego Unified School District.  
9

10 **ITEMS TO BE SEIZED**

11 For the following property, to wit:

12 1. Emails, pictures, Calendars, Appointments, memo's, notations, text and any other  
13 form of documentation or communication from or to Marne Foster, San Diego Unified School  
14 District School Board President, Sandra Foster-King, Malcolm Foster, Malachi Foster, John  
15 Marsh, Mohammed Abdullah, Abdul R. Abdullah, Abdul Qadir Abdullah, Kevin Harris, Kevin  
16 Michael Harris, Kevin Williams, Kevin Bafheer, brothers2college@yahoo.com, gofundme.com  
17 from December 2012 to present and all records and communications for the Urban League,  
18 Neighborhood House Association and Jackie Robinson YMCA; and copies of California Form  
19 700 – Statement of Economic Interest for Marne Foster.  
20

21 **AFFIANT'S QUALIFICATIONS**

22 I am a peace officer employed as a Supervising District Attorney Investigator by the San  
23 Diego County District Attorney's Office and have been so employed for approximately sixteen  
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1 years. I am currently assigned to the Special Operations Division and have been so assigned for  
2 approximately fifteen years. I was employed by the Naval Criminal Investigative Service for  
3 twenty two years immediately prior to working at the San Diego County District Attorney's  
4 Office. Prior to that, I was employed by the New York State Special Prosecutor's Office for three  
5 years investigating corruption in the New York City Criminal Justice System. During my career,  
6 I have investigated numerous political corruption and public integrity related cases.

## 7 **PROBABLE CAUSE**

### 8 **Investigative Overview/ Reasons for the investigation**

9 During the course of my duties with the District Attorney's Office I was assigned to  
10 investigate allegations of potential Criminal Conduct involving San Diego Unified School  
11 District Board President Marne Foster. The allegations were originally brought to my attention  
12 through complaints by citizens, newspaper articles and witnesses contacting our office. The  
13 allegations at first related to two primary areas; an improper fundraiser and a false claim for  
14 \$250,000 against the San Diego Unified School District. During the course of investigating these  
15 allegations the scope of the investigation has expanded into other potential criminal acts. Below  
16 is a brief introduction to the areas of concern.

### 17 **Improper fundraiser allegation**

18 The first area of concern was a suspected misuse of public funds by Marne Foster in  
19 publicizing a potentially illegal fundraiser that was held for the benefit of Marne Foster's  
20 children Malcolm and Malachi Foster. We were informed that Marne Foster allegedly using a  
21 link from her official school district website to her personal Facebook account which advertised  
22 a fundraiser to be held for her two sons to raise money to pay for their college tuition. The  
23 misuse of public resources for personal financial gain can be criminal violation (PC 424).  
24 Additionally the complaining parties indicated that the fundraiser was held at a location owned  
25 by a company that contracts with the School District. This presents the potential of a conflict of  
26 interest if a board member is receiving any special benefit from an entity that then has business  
27 with the board (GC 87100 & GC 1090). There was also a concern expressed by the complainant  
28 that the fundraiser indicated that the donations for Ms. Foster's children would be considered tax

1 deductible when legally it could not be (PC 532d) and that the "non-profit" that was purporting  
2 to host the event was operating as an unregistered entity in California and delinquent in filing  
3 reports with the Registry of Charitable Trusts. The fact that multiple parties were involved in this  
4 fundraiser, their working together on a fundraiser which is deemed illegal becomes a conspiracy  
5 to commit the criminal acts (PC 182). Lastly it was noticed that some of the attendees were  
6 employees of the School District which might create an issue to improper fundraising (if  
7 political).

#### 8 **False Claim against the School District**

9 The second area of concern that was brought to our attention was a claim filed against the  
10 School District dated April 30, 2014. The Union Tribune newspaper had reported the existence  
11 of a claim filed against the San Diego Unified School District by the father of Marne Foster's  
12 two youngest children. The detailed claim laid out a theory of liability by the district for  
13 \$250,000 due to the alleged bad acts of employees of the School District. The claim indicated  
14 these bad acts resulted in Malachi Foster (Marne Foster's youngest child) having to go to a  
15 college at a cost of \$60,000 a year for a presumed four years and an additional \$10,000 to cover  
16 medical treatment for Malachi for the stress the conduct caused.

17 The newspaper then reported that the alleged signor on the claim from John Marsh,  
18 had indicated that although he is the father of Malachi Foster, he did not fill out or submit the  
19 claim. He indicated that he had signed a blank document. The claim itself has language that  
20 indicates the filing of a false claim is a violation of PC 72 and possibly a violation of PC 115.  
21 The theory of criminal liability is twofold: that the contents of the claim are false, meaning the  
22 facts therein are false as well as the document itself is false since the signor's attestation of  
23 validity was false. Meaning, the person that submitted the claim knew that the signor who is  
24 allegedly attesting to the validity of the claim did not sign it with full knowledge of the validity  
25 therefore the submission of the claim as a true document is false.

26 After the Voice of San Diego ran an article indicating that John Marsh denied having  
27 submitted the claim, we were contacted by Mr. Marsh asking to speak with us. His interview is  
28 detailed below.

1 **Other Potential Criminal Acts**

2 False filing of Free Meals Program, False filing of Statements of Economic Interests  
3 (SEI) California form 700, Receipts of gifts beyond legal allowable limits and possible Conflict  
4 of Interest.

5 **False filing Free Meals Program:** Mr. Engle who publishes a blog called "District  
6 Deeds" contacted the District Attorney's Office and reported that Marne Foster may have  
7 submitted false documentation regarding her son's eligibility for the Free or Reduced Meals  
8 Program. A false filing related to the Free Meals Program would be a violation of PC  
9 115/72/118. Applications submitted to the School District for Marne Foster's children were  
10 reviewed. Two most recent applications appear to be fraudulent.

11 **False Statement of Economic Interests (SEI) California form 700:** We attempted to  
12 verify the contents of the \$250,000 claim against the School District and specifically Malachi  
13 Foster's \$60,000 annual cost of tuition to Pace University as alleged by the claimant. We  
14 reviewed the costs of the University as well as all offsets, such as grants, and scholarships  
15 awarded to Malachi. In reviewing the documents to try and verify the actual cost of tuition we  
16 identified what appeared to be an offer to Malachi Foster to attend an International Youth  
17 Theatre Camp. The tuition and travel expenses were paid for by a husband and wife, who are  
18 donors of the non-profit organization. The donors, specifically the husband that paid for  
19 Malachi's attendance and round trips air fare from San Diego to Seattle, Washington is also a  
20 board member of an entity doing business with the School District. Further review of the  
21 communications from and to the donors and or their representative revealed additional  
22 unreported air fare paid for Malachi, his Grandmother Sandra Foster-King as well as hotel  
23 accommodations for Marne Foster. Ms. Foster's legal representatives were notified of our  
24 concerns and a subsequent amended California form 700 filing was made to the Fair Political  
25 Practices Commission. The amendment does not relieve Marne Foster of her criminal liability  
26 for false previous reporting and receiving gifts over the allowable legal limit.

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1 **Investigative Details**

2 **Complaint and Statement of Sally Smith regarding Fundraiser and Raffle**

3 A complaint was received from Sally Smith, a concerned citizen who had attended the  
4 event. Smith reported that she had discovered the link on Marne Foster's official school district  
5 website to Foster's personal Facebook page which posted a "flier" advertising a fundraiser for  
6 her two sons entitled "An Evening with Malcolm & Malachi: A Benefit Concert/Fundraiser  
7 to send two brothers back to College!" Saturday July 25, 4-7 pm Neighborhood House  
8 Association, 5660 Copley Dr., San Diego, Ca, 92111; Event Donations are Tax Deductible!  
9 For more information: call 858-356-2763; Email: brohers2college@yahoo.com. The flier  
10 listed the cost of tickets \$20 in advance and \$25 at the door and VIP seating available at  
11 \$50; Live Jazz, Spoken word, Modern Dance, Storytelling, Opportunity Drawings  
12 Donations and pure fun! Purchase tickets at: www.gofundme.com/getMalcolm2HowardU;  
13 for information & tickets: www.facebook.com/brothers2college. Smith identified the  
14 following San Diego Unified School District (SDUSD) official and employees that were in  
15 attendance at the fundraiser; John Lee Evans, Board Trustee, SDEA Teacher Union President  
16 Lindsay Burningham, SDEA Board member Ramon Espinal, Mildred Phillips and Agin Shaheed.

17 Smith stated the fundraiser was held at Neighborhood House Association and that Marne  
18 Foster had voted on a Head Start Agreement which is an agreement between the Neighborhood  
19 House Association (NHA) and the San Diego Unified School District. Smith reported that Foster  
20 voted on this agreement for the past three years and further reported that Michael Brunker,  
21 Director of the Jackie Robinson YMCA was also in attendance at the fundraiser and participated  
22 in a raffle by displaying prizes. Smith advised that Malcolm and Malachi Foster were recipients  
23 of scholarships from the Jackie Robinson YMCA in 2013 and 2014 and that Foster had voted to  
24 approve a contract between the San Diego Unified School District (SDUSD) and YMCA for the  
25 use of YMCA pool facilities.

26 Smith stated that the SDUSD Board of Education in recognition of the Jackie Robinson  
27 Family YMCA 18<sup>th</sup> annual Tribute and Scholarship Gala was presented with a Proclamation by  
28 trustee Marne Foster and signed by the entire school board. However, Smith contacted the school

1 district and they were unable to find any official record of a vote by the school board to authorize  
2 the proclamation. An online search determined that the Jackie Robinson Family YMCA 18<sup>th</sup>  
3 annual Tribute and Scholarship Gala was held on April 26, 2014.

4 Smith stated she went to the fundraiser held at the NHA and paid a \$25.00 entrance fee at  
5 the door. She asked for a receipt but was told that there were no receipts. She inquired about  
6 receiving a tax deduction letter and was told by Marne Foster that she would mail it to her or  
7 email her the letter. Foster pointed to the list on the sign in sheet and told the woman who was  
8 collecting the money to place a "T" by her name. Smith said she never received a letter but  
9 remembered seeing a number of names on the list that a "T" marked next to their names.

10 Smith purchased several raffle tickets and stated that no one offered any free tickets nor  
11 were the raffle tickets marked as to whether they were tax deductible or not. Smith recorded  
12 video of a portion of the fundraiser and pointed out that Foster told the audience that she had  
13 come up with the idea of holding a fundraiser for her sons and spoke about raising funds in the  
14 future for others but that this one was for her sons. The fundraiser received local media attention  
15 because of Marne Foster's position on the school board, the location where the fundraiser was  
16 held and the people who were in attendance. Marne Foster in response publicly released a  
17 statement claiming she had made a mistake in holding the fundraiser and asked the event  
18 organizer for a complete accounting of all funds raised and expenses and was making the  
19 financial report public. Foster in her statement pledged to return the donations and to donate any  
20 anonymous contributions to the Heart Music Academy. The statement was filed with the clerk of  
21 the school district and Smith provided me with a copy of the statement and the list of donors and  
22 expenses.

23 Smith obtained a copy of the fundraiser program which appears to have a SDUSD logo  
24 printed on the back in an advertisement for Pathways. The presence of the School District Logo  
25 did not appear to be sanctioned by the School District. The Pathways program is a youth-  
26 centered approach to providing educational and stabilization support to opportunity Youth (16-  
27 24 years old who are disconnected from education, training and employment). The program  
28 listed Kea Hagan and Becky Philpott and their telephone numbers as points of contact.



1 Smith recently received a money order refund from C. Anthony Cole of CAC Repertory  
2 Dance Theatre, a nonprofit 501(c) (3) who has claimed to have been a sponsor of the event.  
3 Smith provided a copy of the refund letter and money order. Smith disputed the non-profit  
4 involvement in the fundraiser and stated she did not recall seeing Cole at the event nor was there  
5 any mention of the CAC Repertory Dance Theatre at the event. Copies of the documents  
6 received by Smith are appended as attachment (1).

7 **Contact with the Neighborhood House Association**

8 Dwight Smith, Executive Vice President and General Counsel for the Neighborhood  
9 House Association was contacted and provided a letter reporting that NHA received a room use  
10 application from a non-profit organization, CAC Repertory Dance Theatre for an event to be  
11 held on July 25, 2015 from 3-7:30 pm. Dwight Smith also provided the rental rates for the  
12 conference center where the event was held, a list of renters for the past year, fees charged and/or  
13 paid and a copy of the CAC Repertory Dance Theatre receipts and rental agreement. The room  
14 use application lists Sandra Foster-King c/o CAC Repertory Dance Theatre non-profit 501(c) (3)  
15 as the responsible party and the application is signed Sandra Foster-King and dated July 8, 2015  
16 and a rental fee of \$1, 122.50. Included in the application is a catering authorization application,  
17 Department of Alcohol Beverage Control Daily License Application/Authorization in the name  
18 of CAC Repertory Dance Theatre signed by C. Anthony Cole and Sandra Foster-King and a  
19 certificate of Liability Insurance and the K&K Insurance group Inc. The application also listed  
20 Marne Foster's e-mail address. Copy of Dwight Smith's letter, NHA room and rental application  
21 and copies of K&K Insurance Group Inc. application and the certificate of Liability insurance are  
22 appended as attachment (2).

23 **Claim filed against San Diego Unified School District**

24 **Statement of John Marsh regarding the submission of the claim**

25 John Jackson Marsh contacted the San Diego County District Attorney's Office and  
26 reported to have information regarding a \$250,000 claim that was filed against the San Diego  
27 Unified School District in his name. Marsh is the father of two of Marne Foster's children,  
28 Malcolm and Malachi Foster.

1 A claim dated April 30, 2014 was filed against the San Diego Unified School District  
2 concerning an inaccurate and negative common application school report written by Kim  
3 Abagat, Head Counselor at the School of Creative and Performing Arts concerning Marsh's son,  
4 Malachi Foster. The claim appeared to be signed by John Marsh. The school report is an  
5 evaluation used for college admissions. The claim states the common application school report  
6 was inaccurate and failed to incorporate information from Malachi Foster's counselor, teachers  
7 or community mentors. It further purports that as a result of the inaccurate application Malachi  
8 Foster was denied admissions to several colleges of his choice but was only accepted to Pace  
9 University which according to the claim is unaffordable at a cost of \$60,000 per year. The  
10 claimant was seeking damages of \$250,000, \$10,000 of which was due to the emotional stress  
11 related to the inaccurate evaluation.

12 The claim and the Fundraiser for Malcolm and Malachi Foster received local media  
13 attention and Marsh reported he was contacted by a reporter. During the telephone interview  
14 with the reporter Mario Koran, Voice of San Diego, Marsh disclosed that he did not fill out the  
15 claim but recalled signing a blank complaint form. After the article was published Marsh was  
16 concerned and contacted the District Attorney's Office.

17 Marsh voluntarily came in for an interview with the District Attorney's Office and  
18 provided the following background information. Marsh reported that he is originally from  
19 Washington DC and that his mother and sister currently reside there. Marsh was working for  
20 Good Will Industries as a truck driver when he met Marne Foster. Marne Foster was a college  
21 student at Howard University and the mother of two children; a boy and girl ages 4 and 2 years  
22 old. Marsh stated he dated Marne Foster, they were romantically involved and she became  
23 pregnant. They moved in together and his son Malcolm was born in [REDACTED]. Marsh  
24 reported he provided financial support and cared for all of the children. Marne Foster became  
25 pregnant with their second child and Malachi was born on [REDACTED]. Neither of his  
26 sons Malcolm or Malachi took his last name. Marsh did not indicate whether his name was on  
27 the birth certificates.

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1 Foster graduated from Howard University and interned at Points of Light, United Way  
2 and Discovery Channel. She was unable to find a full time position and she moved back to San  
3 Diego in 1999. Marne Foster's mother Sandra Foster-King purchased a house for Marne and her  
4 children. Marne Foster, Marsh and the children moved into the home located at [REDACTED]  
5 [REDACTED] Marsh identified the residence from an online photograph found on findthecompany.com.

6 A listing for Foster Communication, a Communication Service Company with an office  
7 addresses of [REDACTED]. Marsh and Foster lived  
8 together at that residence with the children for a few years before they broke up and separated.  
9 Marsh moved out and got an apartment.

10 Marsh said he was working for Sunrise Senior Living at that time and was doing well. He  
11 was later subpoenaed by Marne Foster to family court and he was mandated to pay child support.  
12 Marsh claimed to have paid child support while he was employed and was granted supervised  
13 child visitation.

14 Marsh said he had little to no contact with Marne Foster and his two sons from 2001 to  
15 2012. Marsh said Marne Foster began dating Kevin Harris and Harris and his son moved in with  
16 Marne Foster and her children. Kevin Harris and Marne Foster lived together for about 13 years.

17 Marsh advised he later lost his job and was living with a girlfriend for a while. He  
18 volunteered at a hospital in hopes of obtaining a full time position which fell through. His  
19 relationship with his girlfriend soured and he found himself homeless. He enrolled in the Alpha  
20 project and was living in a tent downtown when Marne Foster called him in February 2014.  
21 According to Marsh, Marne Foster worked at St. Vincent DePaul, which is located near the  
22 Alpha Project in downtown San Diego. She called him and told him she needed help as her  
23 house was a mess and in disrepair. She offered him a place to stay in exchange for his help in  
24 cleaning up and making repairs. Marsh also stated that Malachi was causing problems at home.  
25 Malachi was not doing his school work and, was frequently late and missing school. Malachi  
26 also got in trouble for being in possession of marijuana and Malachi and his mother were  
27 fighting.

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1 Marsh moved back into the house. He wanted to have a relationship with his sons.  
2 Malcolm at the time was attending Howard University and he was receiving support from  
3 Marsh's sister and mother back in Washington D.C. Marsh initially slept on the couch but later  
4 moved into Malcolm's room after Kevin Harris and his son moved out.

5 Marsh said Marne Foster had been elected to the San Diego Unified School District  
6 School Board. He was surprised and denied having any involvement in her campaign. *Marsh*  
7 *stated he had very little contact with his children over the years but did see them on occasions.*  
8 He recalled having gone to school that Malcolm and Malachi were attending for a graduation  
9 ceremony and bringing them some pizzas. Marsh said it so happened that his girlfriend's  
10 daughter also attended the same school as Malcolm and Malachi. Marsh said he brought over  
11 pizzas for the three children once when both boys attended the school together and two other  
12 times after Malcolm had graduated.

13 *Marsh was never involved with his children's education. At no point in their lives did he*  
14 *know any of Malcolm or Malachi's teacher or counselors. He never met Kim Abagat or the*  
15 *school principal Mitzi Lizaraga. Marsh indicated that he had never even seen a report card in*  
16 *all of the years his sons have been in school. He didn't know anyone from their schools and*  
17 *never met any of their teachers. However, he recalled overhearing a number of telephone*  
18 *conversations between Marne Foster and Cindy Marten who he knew was the Superintendent of*  
19 *the school district. He said most of the telephone calls took place on a Saturday. He did not know*  
20 *what they were talking about except that Foster was upset about someone's behavior and their*  
21 *conduct.*

22 Marsh stated that Marne Foster's mother Sandra Foster-King was a dance teacher at the  
23 same school Malachi and Malcolm attended which was the School of Creative and Performing  
24 Arts. Sandra Foster-King retired but Marsh remembered Sandra having problems with the  
25 administration at the school when she worked there. Marsh believed that Marne Foster had the  
26 principal removed from the school in retaliation but had no information to support this belief.

27 *Marsh overheard Marne Foster speaking with her mother about Malachi. The discussion*  
28 *was about Malachi not being treated fairly at the school but he did not know any of the details.*

1 *Marne Foster never spoke to him about it. He recalled Marne Foster coming to him and*  
2 *demanding he sign a blank complaint form. He did not know what he was signing and he was*  
3 *sure the form was blank and that there was no handwriting or hand printed writing on the*  
4 *document when he signed it. He recalled there were some typed words and spaces to be filled in.*  
5 *Marsh said he did not pay attention and focused on the signature line. He recalled that date was*  
6 *left blank and he quickly signed it. He remembered Marne Foster mentioning something about*  
7 *"wanting to sue the school district and the counselor." She said she was "going to see an*  
8 *attorney."*

9 Marsh said at the time he needed a place to stay and Marne Foster was very forceful. She  
10 made it clear by the way she said it that if he didn't sign it she would put him out on the street.  
11 He was at her mercy and he didn't want to be kicked out or arrested.

12 Marsh said he wanted to try and develop a relationship with Malachi. Malachi was  
13 reluctant and told him he had a better relationship with Kevin Harris than he did with him. Marsh  
14 was upset he couldn't influence or change his son's behavior. Marsh said Malachi was "no  
15 angel" but he wasn't a bad kid. He was a typical teenager wanting a car.

16 Marsh felt badly that he could not help his sons but he had no job and wanted to get on  
17 his feet. He said he later was able to get a job as a Bus Driver with the Metropolitan Transit  
18 Authority (MTA). He was hired in August 2014 and began his paid two month training program  
19 on August 28, 2014.

20 Marsh said as soon as he started receiving a paycheck Marne Foster reopened his child  
21 support case. Marne Foster wanted \$500.00 a month but that was more than he could afford. The  
22 Judge, after reviewing his finances, mandated that he pay \$138.00 a paycheck.

23 *Marsh emphatically denied filling out the \$250,000 claim and submitting it to the San*  
24 *Diego Unified School District. He had never seen the counselor's report nor did he have the*  
25 *knowledge or the information needed to file the claim. He said he had seen a copy of the claim*  
26 *online after it appeared in a newspaper article. Marsh was shown a redacted copy of the claim*  
27 *that was obtained from the San Diego Unified School District. He said he had seen a similar*  
28 *copy online but never actually read it. After reading the redacted copy, during our interview he*

1 noticed that the date next to his signature 4/30/14. Marsh said he would have certainly  
2 remembered that date if it had been printed at the time he signed the document because April  
3 30<sup>th</sup> is his birthday.

4 Marsh said he believed Marne Foster used his financial information for Malachi's  
5 college application and she used his e-mail to correspond with reporters to make it appear they  
6 were exchanging e-mails with him. Marsh said he was upset after reading the newspaper article  
7 about him suing the school district because he was afraid it might impact his job with MTA. He  
8 was afraid of losing his job and decided to contact the District Attorney's Office after speaking  
9 with reporter Mario Koran.

10 Marsh said he spoke with the reporter Mario Koran on Sunday September 13, 2015 and  
11 that Marne Foster called him on Monday, September 14, 2015. She wanted him to call Mario  
12 Koran, the reporter for the Voice of San Diego and recant what he had told the reporter that he  
13 didn't write the claim and to tell Koran he had filed the claim with the school district.

14 Marsh said he received a text message from Marne Foster with the name and telephone  
15 number of Maureen, a San Diego Union Tribune reporter. He also received a long text message  
16 from Sandra Foster-King on Tuesday, September 15, 2015 urging him to call the reporter back  
17 and helping Marne at this "witch hunt time is helping ur boys stay in college & possibly survive  
18 their non-financially non-active father for most of their lives." "Protect everyone and call that  
19 man immediately and recant ur words and tell the truth: u filed those papers." Copies of the text  
20 messages from Marne Foster, Sandra Foster-King and redacted claim submitted to the San Diego  
21 Unified School District is appended attachment (3).

22 **Statement of Superintendent Cindy Marten**

23 Cindy Marten, Superintendent, San Diego Unified School District was interviewed and  
24 reported she first learned about the controversy concerning Malachi Foster's Common  
25 Application from Marne Foster. Marten could not recall the date but remembered receiving a  
26 telephone call on her cellphone from Marne Foster, President of the SDUSD School Board.  
27 Foster was very upset and complaining that Kim Abagat, the Head Counselor, had completed  
28 her son Malachi's Common Application and that it was inaccurate and prevented her son from

1 *being accepted at a number of colleges. Marten asked Foster how she knew this, as the Common*  
2 *Application is considered confidential information. Foster declined to tell her how she found out*  
3 *about it. Marten surmised that someone had leaked the information. Foster was ranting that*  
4 *Abagat should not have completed the form as she was not Malachi's counselor. Marten*  
5 *interrupted Foster and asked her if she was calling as a "parent or as a Board Trustee." Foster*  
6 *said she was calling as a parent. Marten told Foster to contact her son's principal which is*  
7 *protocol. Foster made it clear she did not want to deal with the school principal and Marten*  
8 *suggested she call Dr. Fulcher, the District's Chief Student Services Officer.*

9 Marten was aware that there were issues between Marne Foster and the principal of San  
10 Diego School of Creative and Performing Arts (SPCA) where her son Malachi attended. Marne  
11 Foster's mother Sandra Foster-King, who retired from the school district, had been a dance  
12 instructor at that school and she and the principal had their differences. Marten also mentioned  
13 Bill Kowba, the former Superintendent, telling her about the counselors at SPCA not getting  
14 along and having problems working together.

15 Marten stated Marne Foster has four children: Micah recently graduated from Pepperdine  
16 University, Myles graduated from Northwestern, Malcolm is attending Howard University and  
17 Malachi is attending Pace University. Marten does not know all the dynamics of the family. She  
18 knows that Marne Foster is not married and that she had been together with a man whose name  
19 she couldn't recall. She had met him and knew that he and Marne Foster had been together for  
20 about 12 years but that they had broken up. He was a father figure to Malachi but was not his  
21 biological father. Marten never met nor does she know Malcolm and Malachi's biological father.  
22 She later learned of John Marsh who was reported to be Malachi's father from a newspaper  
23 article and had filed a claim against the school district.

24 Marten stated as a result of Marne Foster's complaint against Kim Abagat, an  
25 investigation was initiated by the school district's General Counsel and that disciplinary action  
26 was taken through the Human Resources Department. She had no personal involvement in the  
27 investigation.

28 ///

1 Marten stated sometime later, she was uncertain whether the investigation was still  
2 ongoing but she received another telephone call from Marne Foster regarding the incident  
3 involving Malachi's Common Application and Counselor Kim Abagat. *Foster called to tell*  
4 *Marten that she believed Malachi was harmed, he suffered damages, and that the school district*  
5 *was liable. Foster made it clear that she felt Malachi had been hurt and that she was going to*  
6 *file a claim against the school district as Malachi deserved to be compensated. Marten was taken*  
7 *aback by her comments and responded to Foster by saying "that's weird you are going to file a*  
8 *claim against the school." Marten stated that she felt Foster was trying to convince her to*  
9 *approve the claim. Foster told Marten "to do the right thing, you can make this happen."*  
10 *Marten said the way Foster spoke she thought Marten had the authority or was involved in the*  
11 *decision making regarding the approval or denial of the claim. Foster wanted the school district*  
12 *to pay for her son's college education.*

13 Marten stated she was unaware if Marne Foster could file the claim and did not give  
14 Foster any advice on how to file the claim nor did she discuss the claim's process with Foster.  
15 *Marten said at no time during their conversation did Foster make any comment or references*  
16 *about Malachi's father nor did Foster mention the name John Marsh.*

17 Marten stated she notified Andra Donovan, SDUSD General Counsel, about Marne  
18 Foster's telephone call and Foster's plan to file a claim against the school district. Donovan later  
19 informed Marten that Foster did file a claim. Donovan never mentioned the name John Marsh  
20 and Marten assumed it was Marne Foster who had filed the claim.

21 Marten was not involved in the claim process and she purposely kept her distance.  
22 Marten did inform the school board in closed session that Foster planned on filing a claim and  
23 again notified the board when the claim was filed. Foster was not present on both occasions  
24 when Marten addressed the board as Foster was asked to leave the closed session meeting.

25 *Marten, in retrospect, questioned the claim and Foster's motivation in light of Foster's*  
26 *telephone conversation trying to convince Marten to approve the claim. Marten also commented*  
27 *that she read Foster's quote in the newspaper: "I'm not a party to that claim" and the statement*  
28



1 attributed to John Marsh: "Marne Foster's position on the board is temporary and my role as  
2 his father is permanent." Marten thought the statements were curious.

3 Marten said when she did notify the board about the claim she distinctly got the  
4 impression that all or some of the board members were aware of the incident involving  
5 Malachi's Common Application and Kim Abagat.

6 Marten said sometime later after the claim was denied, she and Marne Foster were on an  
7 early morning flight to Sacramento when Foster brought up her idea about a fundraiser. They  
8 were flying up to attend a California School Board Association meeting. Foster sat next to her  
9 and was very excited. She told Marten she had a great idea to raise money for her sons' college  
10 tuition. She said that both boys are talented and that she and her mother were going to organize a  
11 fundraiser. In their conversation Marten mentioned using the website gofundme.com as a way  
12 for people to make a contribution. She told Foster the website would likely take care of the  
13 accounting and collection of taxes. Marten was under the impression that Foster was going to  
14 plan a party or barbeque and invite family and friends to help raise money for her sons.

15 Marten stated that Foster never mentioned holding the event at the neighborhood House  
16 Association and inviting contractor/vendors who do business with the school district. Foster told  
17 Marten she was not going to invite her but later tagged Marten's Facebook page sending a flier  
18 about the fundraiser. Foster later apologized to Marten stating it was a mistake but that she did  
19 not know how to recall the flier sent Marten's Facebook account.

20 Marten said she later read about the fundraiser and the identity of the attendees in a  
21 newspaper articles. She also saw feeds from Jennifer Carbuccia; former SDUSD Executive  
22 Director for Labor Relations and Lindsay Burningham, President of SDUSD Teachers  
23 Association, Facebook accounts' and saw photographs posted and recognized a number of  
24 people to include school district employees who were in attendance.

25 **Statement of John Lee Evans**

26 John Lee Evans, Vice President – District A of the San Diego Unified School District  
27 School Board was interviewed and reported to have attended the fundraiser for Malcolm and  
28 Malachi Foster.

1 Evans stated he checked his Facebook account on Saturday, July 24, 2015 and noticed an  
2 announcement of a fundraiser for Malcolm and Malachi Foster. Marne Foster is one of his  
3 Facebook friends and suspected that is how he received the announcement. He clicked on the  
4 link to gofundme.com and after seeing other people he knew made contribution he decided to  
5 contribute a \$100.00.

6 Evans had met both Malachi and Malcolm at school board events and recalled that  
7 Malachi had been part of a student performance that was put on in front of the school board. He  
8 said he knew both Malachi and Malcolm were attending college one in New York and the other  
9 in Washington D.C. He explained that he doesn't know Malachi and Malcolm very well and had  
10 no dealings with them when they attended school at SDUSD but had met them as he had met  
11 other School Board member's family at school events and described them as "good kids."  
12 However, he never met Malachi and Malcolm's father.

13 Evans recalled reading the flier about the "2Brothers to College Fundraiser" but wasn't  
14 sure if the contribution covered the cost of the ticket to attend the fundraiser. He did not consider  
15 the fundraiser to be a charitable event and knew that his contribution was not tax deductible.  
16 Evans went to the event and recognized some SDUSD employees, Ramon Espinal, Agin  
17 Shaheed, Lindsay Burningham and former SDUSD employee Ginny Carbuccia who now works  
18 for Sweetwater School District. He also recalled seeing Michael Brunner who he said was a  
19 familiar face but did not initially connect him with the Jackie Robinson YMCA.

20 Evans said he did not stay long and was not there for the drawing of the raffle but heard  
21 people talking about it and said there was an announcement about tickets being available. He did  
22 not buy any tickets nor did he see any tickets being sold. Evans said Marne Foster did not  
23 personally invite him to the fundraiser and he viewed it like "a co-worker having a baby  
24 shower." It didn't strike him as being anything inappropriate and failed to recognize the potential  
25 issues associated with Marne Foster, President of SDUSD School Board, holding a fundraiser at  
26 the Neighborhood House Association, a contractor doing business with the school district, and  
27 the attendance of Michael Brunner, the Director of the Jackie Robinson YMCA, which could  
28 potentially have a business relationship with the school district, until sometime after the event.

1 Evans later spoke with Marne Foster about the fundraiser and she told him her mother  
2 was involved in the fundraiser and that they had rented the room at NHA for several hundred  
3 dollars. He also was concerned about Michael Brunker being in attendance, as the school district  
4 was considering partnering with the Jackie Robinson YMCA regarding the use of the pool  
5 facilities and Lindsay Burningham, President of the Teachers union being in attendance. Marne  
6 Foster told Evans that neither Burningham and or Brunker made a contribution.

7 Evans when asked said he did read about one of Foster's sons receiving a scholarship  
8 from the Jackie Robinson YMCA but was unaware that both Malcolm and Malachi had both  
9 been awarded scholarships. Evans stated that Marne Foster later made a public statement about  
10 hosting the fundraiser. Foster stated it was a mistake and that she planned to return the  
11 contribution received from the school district employees. He stated he was refunded his \$100.00  
12 donation and that Foster did furnish a list of contributors. Evans said he discussed the allegation  
13 regarding a link being placed on Marne Foster's official school website with her and thought it  
14 may have been on her District E cabinet website. Foster told him her daughter was responsible  
15 for the link to her Facebook account and that she wanted to get the fundraiser out to as many  
16 people as possible.

17 Evans said there was no doubt that the fundraiser was for the benefit of Malachi and  
18 Malcolm to raise money for their college tuition and that Marne Foster did mention to the people  
19 in attendance at the fundraiser that there were others who also needed their support.

20 **Statement of Mildred Phillips**

21 Mildred Phillips, Director of Secondary Schools Redesign San Diego Unified School  
22 District was interviewed and stated she had worked for the school district since 1977 and has  
23 known Marne Foster for many years. They are both members of the same college sorority  
24 although they did not attend the same college. They both are members of the same community  
25 organization and that she was the Principal of the San Diego Metropolitan & Technical (MET)  
26 High School in which both Malcolm and Malachi attended. She knows Marne Foster's mother  
27 but has not met any other family members. She has never met Malcolm and Malachi's father and  
28 stated that Marne, Malcolm or Malachi never spoke to her about him. As Malcolm and Malachi's

1 principal she never recalled their father ever coming to the school or meeting with any of the  
2 boy's teachers or inquiring about their grades or school work.

3 Phillips stated that around mid-July 2015 Marne Foster had told her about the fundraiser  
4 for Malcolm and Malachi. The event was put on to raise money to help pay for Malcolm and  
5 Malachi's college tuition and expenses. Marne provided her with the date, time and location of  
6 the fundraiser.

7 Phillips stated she considered the fundraiser as a community event, a thank you from  
8 Marne for supporting her sons, although the focus of the fundraiser was clearly to raise money  
9 for both Malcolm and Malachi. Phillips said she did not make a contribution nor did she pay any  
10 entrance fee as she was invited and therefore a guest of the family. She did not purchase any  
11 raffle tickets but commented on the prizes indicating they were very nice.

12 Phillips recalled sitting at the same table as John Evans, the school board member and  
13 seeing Ginny CARBUCCIA, a former labor relations person for SDUSD who now works for  
14 Sweetwater School District. Phillips also recalled seeing Lindsay Burningham, President of the  
15 San Diego Education Association, Agin Shaheed and Ramon Espinal, both employees of  
16 SDUSD.

17 Phillips did not witness anyone purchasing raffle tickets but was present when they  
18 raffled off the prizes. She also recalled seeing Michael Brunker, Director of the Jackie Robinson  
19 YMCA at the event and recalled seeing a picture of him either in the Voice of San Diego or  
20 District Deeds blog with some raffled off prizes.

21 Phillips said she did not feel compelled to attend the fundraiser because Marne Foster is  
22 the President of the School Board. She said they are friends and she would have felt slighted if  
23 she was not invited as she was the boys' principal and that her son, Malcolm and Malachi  
24 participated in the same community events. Phillips did not question Marne Foster about the  
25 fundraiser, as to the cost of the room, why she needed to hold a fundraiser for her sons' tuition or  
26 if her boys were receiving any financial aid. She said these were personal matters and that she  
27 did not feel it was appropriate to discuss these matters with a friend.

28 ///

1 Phillips said she does not participate in social media and therefore did not see the flier on  
2 Marne Foster's Facebook account. She knew nothing about the event being tax deductible or  
3 associated with C. Anthony Cole Repertory Dance Theatre a 501 (c) (3) nor did she know C.  
4 Anthony Cole.

5 **Statement of Lindsay Burningham**

6 Lindsay Burningham, President of the San Diego Education Association (SDEA) was  
7 interviewed and stated she was elected to a two year term as President of SDEA and took office  
8 on August 1, 2014. She first met Marne Foster when she was a candidate for the SDUSD School  
9 Board and since her election has met with her more frequently than any other board member  
10 because of Foster's involvement in the community.

11 Burningham met Marne Foster's sons, Malcolm and Malachi at campaign events and has  
12 also met Marne Foster's mother. She is friends with Foster but described their relationship as  
13 professional. Burningham never met Malcolm and Malachi's father nor did she ever have  
14 Malcolm and Malachi as students or teach at the same schools they attended.

15 Burningham stated she was invited to attend the fundraiser for Malcolm and Malachi  
16 Foster by her friend, Ginny Carbuccia. The day of the fundraiser Carbuccia was driving  
17 Burningham to the airport as she was going out of town on a business trip. Carbuccia had  
18 previously purchased the tickets and asked Burningham if she wanted to stop by. Burningham  
19 agreed and stayed for about an hour and half.

20 Burningham recalled seeing a number of people she knew from the school district and  
21 community organization at the fundraiser. She reported seeing John Evans, member of the school  
22 board, Agin Shaheed, Program Manager, Race/Human Relations and Advocacy, Ramon Espinal,  
23 teacher and Michael Brunner, Director of Jackie Robinson YMCA.

24 Burningham stated the fundraiser was held at the Neighborhood House Association and  
25 that she is aware that the NHA has a facility relationship with the school district and that NHA  
26 sponsors the Head Start program. Burningham said the fundraiser was being held to raise money  
27 to help pay for both Malcolm and Malachi's college tuition. She advised that Marne Foster is a  
28 single mom and that she viewed the fundraiser as a community event organized by Marne

1 Foster's mother to help raise money for her grandsons and that she was there as a supporter, but  
2 not in her professional capacity as President of SDEA. Burningham said she did not make a  
3 personal contribution nor did she make a donation on behalf of SDEA.

4 Burningham had not read any fliers or announcements nor did she observe or overhear  
5 any conversations that would indicate to her that any of the money raised at the fundraiser was  
6 tax deductible or if the event was part of a charitable fundraiser associated with the CAC  
7 Repertory Dance Theatre.

8 **Statement of Andra Donovan**

9 Andra M. Donovan, General Counsel for the San Diego Unified School District was  
10 interviewed. She stated she became aware of the complaint made by Marne Foster against  
11 Counselor Kim Abagat by Joe Fulcher, SDUSD Chief Services Officer. Once notified, she  
12 requested an investigation be conducted by an independent contractor as the complainant  
13 involved Marne Foster, President of the SDUSD School Board. The investigation resulted in  
14 disciplinary action taken against Abagat and Megan Blum-Hopgood. Donovan reported that the  
15 School Board with the exception of Marne Foster who recused herself, was informed of the  
16 punitive action, but did not think the Board voted to approve it as Abagat accepted the  
17 suspension under protest. Blum-Hopgood received a letter of reprimand which she appealed and  
18 was subsequently reduced to a warning letter. A redacted copy of the investigation is appended  
19 as attachment (4).

20 *Donovan reported being contacted by a person (whom she declined to identify claiming a*  
21 *privileged communication), and told Marne Foster was interested in filing a claim against the*  
22 *school district and asked Donovan to speak with Foster. Donovan could not recall the specific*  
23 *date she was contacted but thought it may have been February/March 2014 as the investigation*  
24 *concerning Abagat was ongoing.*

25 Donovan stated she later met with Marne Foster and explained the SDUSD claim  
26 process. Donovan provided Marne Foster with a claim form and told her she could either return  
27 it to her or mail it to the school district. *Donovan said she did not discuss the claim with Foster*  
28 *nor did Foster mention anything about Malachi's father John Marsh filing the claim. Donovan*

1 *stated she had informed the school board in early April 2014 that she was expecting a claim*  
2 *from Marne Foster.*

3 Donovan stated Marne Foster hand delivered the claim to her and Donovan provided a  
4 series of e-mails dated May 1, 2014 between her and Ashley K. Fenton, Manager, Insurance &  
5 Risk Services, regarding the claim. In the e-mails Donovan tells Fenton "take a look at the new  
6 claim we got from John Marsh. The student's mother is Marne Foster." Fenton responds saying  
7 she would never have made the connection since it was the dad whose name is on the claim.  
8 Donovan replies "exactly for that reason, she hand delivered it to me." The e-mails are appended  
9 as attachment (5).

10 Donovan stated she had no previous knowledge of the fundraiser event for Malachi and  
11 Malcolm Foster until she read about it in the newspaper. She was unaware there was a link to  
12 Marne Foster's Facebook account on the official website, which promoted the fundraiser until  
13 she was notified by affiant SDAI V. Giaime. She could not recall if she received a complaint  
14 from Sally Smith previously but she certainly was unaware of the fundraiser until Smith's  
15 complaint.

16 Donovan stated that Marne Foster subsequently made a public statement about the  
17 fundraiser saying that it was a mistake and reported she would be returning any contributions  
18 received from School District employees and vendors who do business with the school district.  
19 Foster also stated she would provide a full accounting of the event and would file the information  
20 with the Clerk of the School District.

21 Donovan was aware that Malachi Foster received scholarships from the Jackie Robinson  
22 YMCA and another group which she could not recall. She recalled Marne Foster was pushing  
23 hard for scholarship money especially after Malachi received several college rejection letters.  
24 Foster anticipated Malachi would receive a scholarship from New York University. Malachi did  
25 not receive a scholarship to any college but was accepted to Pace University in New York. The  
26 rejection letters are what prompted the complaint against Kim Abagat and the claim against the  
27 school district. Donovan provided a copy of the claim which is appended as attachment (6).

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Brunker stated he has known Marne Foster for a number of years prior to her being elected to the San Diego Unified School District School Board. He knows her as a parent and community advocate in addition to her being a school board member. He has met Marne Foster's children and knows both Malachi and Malcolm. He stated that three of Marne Foster's children have received scholarships from the YMCA.

Brunker stated that he is not on the scholarship committee nor is he involved in the selection process. He stated that he may have previously met the student who applied for the scholarship or at least will meet the scholarship recipients at the award ceremonies.

Brunker attended a Blackmen United meeting in which Marne Foster was an invited speaker. During her presentation, Foster spoke about a fundraiser being held that Sunday to support young black men going to college and provided an open invitation to everyone who was in attendance. Brunker said he attended the fundraiser believing it was to raise money for young black men going to college but upon arrival he discovered it was just for Malcolm and Malachi Foster. He said most of the people who came to the fundraiser were family and friends of Marne Foster, although he did see a few people who he recognized that were at the Blackmen United meeting.



1 Brunker did not pay for a ticket nor did he make a contribution or buy anything. He said  
2 entertainment was provided and they raffled off some prizes. Food and refreshment was  
3 available at a cost but he did not purchase any raffle tickets nor did he buy food or drink. He  
4 commented that the event was not well organized and he did not see any fliers or programs  
5 associated with the fundraiser. He knew nothing about contributions being tax deductible or if  
6 the event was associated with any charitable organization.

7 Brunker recalled that an arm's length of raffle tickets were being sold at a flat rate and  
8 some lady came up to him and asked him to extend his arm since he is tall and has long arms  
9 when she was purchasing her tickets. Someone took a photograph of him extending his arm and  
10 the photo appeared in the newspaper. The notoriety of the fundraiser and the follow up article  
11 regarding Marne Foster's issues with the principal at Malachi's school and the \$250,000 claim  
12 submitted to the school district caught the attention of YMCA Corporation Headquarters in New  
13 York, which caused him some consternation.

14 *Brunker personally thought to himself why would Marne Foster want to share her son's*  
15 *personal information publicly? He reported having a telephone conversation with Marne Foster*  
16 *and he specifically asked her if she had filled out the claim. She never responded either way.*  
17 *Brunker stated he told Marne Foster to be "truthful and that she should step down and resign."*  
18 *She replied that it was about the "end game" of her receiving the support of the unions and*  
19 *being re-elected. He said he told her to resign because he believed she had filed the claim.*

20 Brunker never met Malachi's father but thought he might have been in attendance when  
21 Malachi received his YMCA Scholarship.

22 Brunker said as a result of the media attention associated with the fundraiser, Marne  
23 Foster and the appearance of a potential conflict of interest, the YMCA has backed off working  
24 with SDUSD regarding the use of YMCA pool facilities to the dismay of many who had worked  
25 to develop an agreement.

26 **Statement of Agin Shaheed**

27 Agin Shaheed, Manager, Race/Human Relations and Advocacy for San Diego Unified  
28 School District reported that he attended the fundraiser at the Neighborhood House Association

1 for Malcolm and Malachi Foster. He was informed of the event by Leonard Thompson a member  
2 of his staff. He was under the impression it was fundraiser to raise money for African- American  
3 males attending college. He did not know it included Marne Foster's sons until he arrived.

4 Shaheed was surprised at the small turn out. He estimated about 40 people were in  
5 attendance. He recognized a number of his colleagues and engaged in conversation with Jennifer  
6 Carbuccia who had recently left the school district. He also recalled seeing Lindsay Burningham,  
7 President of the Teachers Union, John Evans, school board member and Ramon Espinal, a  
8 teacher in the school district.

9 Shaheed also recalled seeing Michael Brunker, the Executive Director of the Jackie  
10 Robinson YMCA who is well known in the community. He had no reason to believe Brunker or  
11 any of his school colleagues were involved in the event but believed they were there to support  
12 the fundraiser.

13 Shaheed did not make a contribution but recalled paying \$20.00 for a salad. He didn't ask  
14 for a receipt nor did he have any intentions of claiming it as a tax deduction. He said there was a  
15 raffle but he did not purchase any tickets. He recalled the drawing and someone saying they won.

16 Shaheed said after attending the event he still believed the fundraiser was for African-  
17 American male college students and not just for Malcolm and Malachi Foster. He had no idea if  
18 the event was sponsored by a charitable organization and he was unfamiliar with C. Anthony  
19 Cole Repertory Dance Theatre.

20 Shaheed said after all of the media attention associated with the fundraiser and the claim  
21 filed by Malachi's father he received a check from Marne Foster for \$20.00. He did not discuss  
22 the fundraiser and or the \$20.00 check with Marne Foster. He was unaware of a public statement  
23 made by Marne Foster about the fundraiser and her returning money received from school  
24 district employees.

25 Shaheed stated he had heard about the claim filed against the school district but knew  
26 nothing about it. He said he was involved in mediation between counselors Kim Abagat and  
27 Megan Blum-Hopgood concerning their inability to work together but it had nothing to do with  
28 Malachi or Marne Foster.

1                                    **Statement of Special Agent Howard Nance**

2            Special Agent Howard Nance, Department of Education, Inspector General was  
3 contacted and reported that Malachi Foster had applied for Financial Aid for the school year  
4 2014/2015 for Pace University on February 11, 2014. He was awarded a total of [REDACTED]  
5 consisting of a [REDACTED] grant and a [REDACTED] direct loan. Special Agent Nance in reviewing  
6 Malachi Foster's 2014/2015 Financial Aid application indicated that Malachi identified his father  
7 a John J. Marsh with a date of birth of [REDACTED] and his mother as M. Foster. He reported that  
8 his parents are unmarried but living together, and listed the parents' adjusted income as [REDACTED].  
9 The 2015/2016 application is dated March 6, 2015 and Malachi reports his parents not being  
10 married and parent #2, M. Foster's date of birth as [REDACTED]. The parents' adjusted income is  
11 listed as [REDACTED].

12                                    **Contact with C. Anthony Cole**

13            C. Anthony Cole declined to be interviewed. He stated he believed the interview is a  
14 "witch hunt" and based on one person making a complaint. He stated he did nothing wrong and  
15 that the money raised at the event was deposited in the CAC Repertory Dance Theatre bank  
16 account until such time the money could be returned. A copy of a letter sent to Mario Koran  
17 from C. Anthony Cole about the fundraiser and the CAC Repertory Dance Theatre involvement  
18 was located on the internet and is attached as attachment (7).

19                                    **Statement of Jennifer Carbuccia**

20            Jennifer Carbuccia, General Counsel, Sweetwater Unified School District and former  
21 Executive Director for Labor Relations for San Diego Unified School District reported to have  
22 known Marne Foster for a number of years as they went to Gompers High School together. She  
23 had read about the fundraiser on Marne Foster's Facebook page, as they are social friends and  
24 that she knows both Malcolm and Malachi. She did not recall whether she read that the event  
25 was associated with any charitable organization and if the contributions were tax deductible. Her  
26 recollection was that Marne Foster was holding a concert for both Malcolm and Malachi to raise  
27 money to help pay for their college tuition. She said she made a \$50.00 electronic donation on  
28 gofundme.com and that both Malcolm and Malachi hugged and thanked her for her contribution.

1 Carbuccia spent about 2 hours at the event, had something to eat and enjoyed the  
2 entertainment. She also recalled tickets were being sold by the length of your arm. She laughed  
3 as she heard people commenting that they wanted someone with long arms to buy their tickets.  
4 She did not buy any tickets and was not sure if the tickets were associated with a raffle, but  
5 thought it had to do with some sort of fundraiser.

6 Carbuccia didn't think she ever met Malcolm and Malachi's father. She recalled meeting  
7 a man who had been with Marne Foster for a long time but doesn't think he was Malcolm and  
8 Malachi's biological father. Marne Foster had expressed to her that her relationship with  
9 Malcolm and Malachi's father was not pleasant. Foster complained that she did not receive any  
10 support from their father and that he treated her poorly.

11 Carbuccia said she and Marne Foster did not get into any deep discussions about her  
12 relationship with Malcolm and Malachi's father and she did not know if Malcolm and Malachi's  
13 father was involved in their lives in anyway.

#### 14 Charitable Organization's Non-Compliance

15 The Attorney General's Office on August 6, 2015 notified C. Anthony Cole Repertory  
16 Dance Theatre that the organization may be subject to the Registration and Reporting  
17 requirements in sections 12585 and 12586 of the California Code. On August 10, 2015 the  
18 Attorney General Office sent an advisory letter to C. Anthony Cole Repertory Dance Theatre  
19 regarding the Regulation of Nonprofit Raffles after it had come to the Attorney General's  
20 attention the organization had been conducting raffles in California without being properly  
21 registered with the California Attorney's General's Registry of Charitable Trusts in violation of  
22 Penal Code section 320.5. The Attorney General Office requested a response within 30 days of  
23 the date of the letter or a referral would be made to the District Attorney Office. C. Anthony Cole  
24 replied on August 26, 2015 claiming to have submitted the Charity Registration form and fee. He  
25 reported having been in touch with the California Franchise Tax Board and was waiting to  
26 receive exemption status. The Attorney General Office on September 15, 2015 confirmed  
27 receiving the Registration form but advised the organization had been operating as an  
28 unregistered entity in California in previous fiscal years and is delinquent in filing reports with

1 the Registry of Charitable Trusts. On September 22, 2015 the Attorney General Office notified  
2 the organization that they had submitted an incomplete report. The Attorney General letters to C.  
3 Anthony Cole Repertory Dance Theatre and all other pertinent records filed with the California  
4 Attorney General Office pertaining to C. Anthony Cole Repertory Dance Theatre were  
5 downloaded from the Attorney General website and are appended as attachment (8).

6 **Complaint and Statement of Frank Engle**

7 Frank Engle who has been writing a blog called the "District Deeds" e-mailed Deputy  
8 District Attorney Leon H. Schorr and filed a complaint against Marne Foster. Engle in his  
9 complaint makes a number of accusations. He discusses the \$250,000 claim allegedly filed by  
10 John Marsh against the San Diego Unified School District. A fundraiser Marne Foster held to  
11 raise funds for her two sons' college tuition and references the Civil Grand Jury report  
12 concerning an abuse of power and improper intervention by an unnamed School Board Trustee.  
13 In addition to these complaints Engle questions Marne Foster's applying and receiving free lunch  
14 for her son by misrepresenting her income. He believes the Free and Reduced Meal records for  
15 the School of Creative and Performing Arts 2013 -2014 where her son Malachi attended would  
16 prove that Foster was improperly receiving free meals for her son.

17 Andra Donovan, General Counsel, San Diego Unified School District was contacted and  
18 provided Free and Reduced Meal records applications submitted for Marne Foster's children  
19 from 2004 through 2013. A review of the records identified two potentially fraudulent  
20 applications. One submitted and signed by Marne Foster listing no monthly income dated  
21 September 11, 2012 for Malachi and Malcolm Foster. The second is application submitted by  
22 Kevin Harris, claiming a residence at [REDACTED] the home of Marne  
23 Foster. This application was for Malachi Foster and [REDACTED] it is dated September 20,  
24 2013 and reports a gross total monthly household income of \$1500.00 not mentioning Marne  
25 Foster. Both applications are signed certifying the information provided is true and correct and  
26 that all income is reported. Marne Foster took office in December 2012 and she listed San Diego  
27 Community College District, Paradise Landscaping and Foster Communications as sources of  
28 income in her Assuming Office Statement of Economic Interest dated March 3, 2013 but failed

1 to report the incomes. She listed her mailing address as [REDACTED] San Diego,  
2 California. In Marne Foster's 2013 Statement of Economic Interest she listed San Diego  
3 Community College District, Paradise Landscaping and Foster Communications as a sources of  
4 income with a gross income received between \$10,001- \$100,000 from the Community College,  
5 a gross income of \$500 -\$1,000 from Paradise Landscaping and a gross income of \$1,001-  
6 \$10,000 from Foster Communications. Kevin Harris is known to have been living with Marne  
7 Foster during this time period. Internet search identified Kevin Harris as the owner/operator of  
8 Paradise Landscaping and Marne Foster reports the income from Paradise Landscaping in her  
9 SEI from a spouse or registered domestic partner. An internet search of Marne Foster on the  
10 Transparent California website which was only available for 2014 lists a total income of  
11 \$79,271. Copies of the San Diego Unified School District 2012-2013 and 2013-2014 Household  
12 Application for Free and Reduced -Price Meals, SDUSD approval letters for free meals, Federal  
13 Register Income Eligibility Guidelines from July 1, 2012 through June 30, 2014 and a copy of  
14 Transparent California are appended as attachment (9).

15 **San Diego Unified School District Investigation**

16 On September 29, 2015, the San Diego Unified School District Board of Trustees  
17 authorized an independent investigation into alleged Trustee misconduct with respect to  
18 Fundraising and Claim Filing. The school district released a number of emails and documents to  
19 an outside law firm commissioned to conduct the independent investigation. As part of the  
20 District Attorney's Office investigation, San Diego Unified School District was contacted in  
21 order to obtain relevant documents to further our investigation. A limited number of non-  
22 privileged e-mails were provided to the District Attorney's Office by the outside law firm. These  
23 e-mails provided were limited in scope due to the outside firm's concern about potential  
24 disclosure privileges. The documents provided were reviewed and revealed among other things  
25 that Malachi Foster had received a scholarship in 2014 to "Bayfest" a theatre camp in Seattle,  
26 Washington and roundtrip airline tickets. The scholarship and the airlines tickets were provided  
27 by Jan and Dick Hunter who are "Bayfest" board members. Dick Hunter is also on the board of  
28 the Jackie Robinson YMCA. Wendy Evans, administrative assistant for the Hunters e-mailed

1 members of the JRYMCA scholarship committee and Michael Brunker in search of students to  
2 attend the camp. Jan Hunter thought of Malachi Foster, who was a recipient of a JRYMCA  
3 scholarship. Michael Brunker forwarded the email to Marne Foster. In addition to the "Bayfest"  
4 scholarship Malachi received roundtrip airline tickets from San Diego to New York where he is  
5 attending college. The Hunters also paid for a nights lodging for Marne Foster in New York. The  
6 e-mails and documents are appended as attachment (10).

7 **California Form 700 – Statement of Economic Interests**

8 Marne Foster California Form 700 – Statement of Economic Interests for the period  
9 covering January 1, 2014 through December 31, 2014 was obtained from the County of San  
10 Diego Clerk of the Board of Supervisors. A review of the documents revealed that Foster failed  
11 to report the "Bayfest" scholarship, cost of the airline tickets to "Bayfest" as well as to Pace  
12 University and lodging paid for by the Hunters for Marne Foster on her Statement of Economic  
13 Interest. California Form 700 - Statement of Economic interests are filed under penalty of  
14 perjury. Foster on December 2, 2015 subsequently filed an amendment to her 2014 Statement of  
15 Economic Interest to include the gifts received from "Bayfest" and the Hunters. These gifts  
16 exceed the legal allowable limits. A copy of Marne Foster's California form 700 for the periods  
17 covering December 10, 2012 through December 31, 2014 to include the recently amended  
18 Statement of Economic Interest are appended as attachment (11).

19 **OPINIONS AND CONCLUSIONS**

20 Based on my training and experience and from my discussions with Computer Forensic  
21 Experts (CFE), a forensic computer examination will tend to result in the recovery of digital  
22 evidence related to the crime, such as account information and records of communications  
23 between conspirators and/or potential victim(s). Additionally, the computer must be seized or  
24 imaged in order to protect the data from accidental or deliberate alteration and to preserve the  
25 evidence contained on the hard disk drive(s).

26 During the forensic computer examination unfamiliar hardware and software often  
27 hampers the investigation by delaying the examination while forensic computer specialist  
28 attempt to determine the nature and function of hardware and software. This will delay the time

1 it takes to obtain digital evidence, exculpatory information, return of the computer to the owner  
2 and/or complete the investigation. For this reason, manuals, computing or data processing  
3 literature, referencing computer programs, hardware and software must be seized to facilitate the  
4 forensic examination.

5 It would be inappropriate for a CFE to undertake any form of "partial" image or  
6 examination during the course of an on-site computer search. A CFE cannot accurately "copy all  
7 images" or download "any emails" from a target computer system or other types of original  
8 digital evidence while "in the field." Data can be spread through many portions of the original  
9 digital evidence and may be lost if the CFE is not allowed to make a full and complete image of  
10 the original digital evidence. There may be other factors that arise on-site that cannot be foreseen  
11 at the time of the preparation of a search warrant application. The CFE should be allowed a  
12 reasonable period of time in which to conduct the forensic imaging process.

13 I know from training and experience it has become commonplace for individuals to  
14 maintain electronic phonebooks in portable electronic storage devices including cellular phones,  
15 personal data assistants (PDAs) mobile data assistants (MDAs) and computers. I know it is  
16 common for individuals to use these devices to store images, records, and contact information for  
17 victims, associates and co-conspirators. I believe computers; cellular phones and PDAs found  
18 during the searches of the listed locations, vehicle, and persons will provide investigators with  
19 information related to the schemes described above. Once seized we intend to search said  
20 devices for evidence of stated here in criminal activity in the form of Emails, pictures, calendars,  
21 appointments, memo's, notations, texts and any other form of documentation or communication  
22 from 2014 to present.

23 Therefore, based on my training and experience and the above facts, I believe that I have  
24 substantial cause to believe the above described property, or a portion thereof, will be at the  
25 above described premises when the warrant is served.

26 Based on the aforementioned information and investigation, I believe that grounds for the  
27 issuance of a search warrant exist as set forth in Penal Code 1524.

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**SEALING REQUEST**

Pursuant to *People v. Hobbs* (1994) 7 Cal.4<sup>th</sup> 948, I respectfully request this affidavit and search warrant be sealed pending further order of court. Without sealing, the search warrant and supporting documentation become matter of public record within ten days (Penal Code section 1534(a)). Sealing is justified even against discovery by the defendant based on the governmental privilege allowing for the protection of official information where disclosure is outweighed by a need to protect the information pursuant to Evidence Code section 1040-1043. The sealing requested herein, however, is not based on denying discovery to the defendants when and if they are charged, but is being requested to merely prohibit public disclosure which could surely undermine the continuing investigation herein. It is expected that additional warrants will be sought relating to this matter. If the information contained in the affidavit and attached documents are made public, it would compromise this investigation, the sensitive nature of the matter.

I, the affiant, hereby pray that a search warrant be issued for the seizure of said property, or any part thereof, from said premise, good cause being shown therefore, and that the same be brought before this magistrate or retained subject to the order of this Court.

This affidavit has been reviewed for legal sufficiency by Deputy District Attorney Leon H. Schorr.

Given under my hand and dated this 10<sup>th</sup> of December, 2015.

Vernest Greene

Subscribed and sworn to before me  
this 10<sup>th</sup> day of December, 2015  
at 8:50 a.m./p.m.

Michael T. Smyth  
Judge of the Superior Court

# Attachment (1)

This group is  
not legally operating  
in California. Marnie  
Foster had this man  
write letter to support  
to her personal fundraises  
but I was there. The  
group had nothing to do  
with the event.



## REPERTORY DANCE THEATRE

757 El Monte Rd  
El Cajon, CA 92020  
619.410.7785  
cacrepdance@gmail.com

Dear Mr. Mario Koran,

Highly recognized and respected Artistic Director Sandra Foster-King, and I, C. Anthony Repertory Dance Theatre, a 501c3, have worked together for years. I have known Sandra for years, since the boys were toddlers. Therefore, there was no question that I would help as fiscal sponsor to produce the concert. CACRDT's mission is to support, educate and create opportunities for young people in our community.

While our primary focus is arts education, I believe that both of these young men have displayed an impressive amount of talent and passion in regards to furthering their education in the arts and civil engineering. Malcolm's story is important to us! He's a young black male who has overcome Auditory Processing Disorder and dyslexia to do well in Howard University's Civil Engineering program, but cannot return because of lack of financial aid. He still has \$28K to raise and I hope folks will focus on that as opposed to CACDT's involvement. It's simple, the Community came out to support these two talented young men!

Respectfully,  


C. Anthony Cole, MFA  
Founder/Executive Artistic Director  
CAC Repertory Dance Theatre

### Board of Directors

C. Anthony Cole, President; Armond Washington, Vice President

### Officers

Aisia Fletcher, Joshua Siebuhr

### Mission Statement:

Founded in 1999, CAC Repertory Dance Theatre provides dancers with a comprehensive artistic education and performance opportunities; educating the community and the world of the importance of dance; transcending color lines to tell the human story and continuing to celebrate the Black Dance experience.

**(Doing Business As)**

37-1581678 C Anthony Cole Repertory Dance Theatre El Cajon CA United States

Full Name: C. ANTHONY COLE REPERTORY DANCE THEATRE FEI N:

Type: Public Benefit

Corporate or Organization Number: 3119055

Registration Number:

Record Type: Charity Registration Type: Charity Registration

Issue Date: Renewal Due Date:

Registration Status: Not Registered Date This Status: 4/15/2009

Date of Last Renewal:

**Address Information**

Address Line 1: 4070 32ND STREET STE 7 Phone:

Address Line 2:

Address Line 3:

Address Line 4: SAN DIEGO CA 92104

**Annual Renewal Information**

**Related Documents**

No Related Documents

**Prerequisite Information**

No Prerequisite Information

### Penal Code Section 320.5. Charitable Raffles

320.5. (a) Nothing in this chapter applies to any raffle conducted by an eligible organization as defined in subdivision (c) for the purpose of directly supporting beneficial or charitable purposes or financially supporting another private, nonprofit, eligible organization that performs beneficial or charitable purposes if the raffle is conducted in accordance with this section.

(b) For purposes of this section, "raffle" means a scheme for the distribution of prizes by chance among persons who have paid money for paper tickets that provide the opportunity to win these prizes, where all of the following are true:

(1) Each ticket is sold with a detachable coupon or stub, and both the ticket and its associated coupon or stub are marked with a unique and matching identifier.

(2) Winners of the prizes are determined by draw from among the coupons or stubs described in paragraph (1) that have been detached from all tickets sold for entry in the draw.

(3) The draw is conducted in California under the supervision of a natural person who is 18 years of age or older.

(4) (A) At least 90 percent of the gross receipts generated from the sale of raffle tickets for any given draw are used by the eligible organization conducting the raffle to benefit or provide support for beneficial or charitable purposes, or it may use those revenues to benefit another private, nonprofit organization, provided that an organization receiving these funds is itself an eligible organization as defined in subdivision (c). As used in this section, "beneficial purposes" excludes purposes that are intended to benefit officers, directors, or members, as defined by Section 5056 of the Corporations Code, of the eligible organization. In no event shall funds raised by raffles conducted pursuant to this section be used to fund any beneficial, charitable, or other purpose outside of California. This section does not preclude an eligible organization from using funds from sources other than the sale of raffle tickets to pay for the administration or other costs of conducting a raffle.

(B) An employee of an eligible organization who is a direct seller of raffle tickets shall not be treated as an employee for purposes of workers' compensation under Section 3351 of the Labor Code if the following conditions are satisfied:

(i) Substantially all of the remuneration (whether or not paid in cash) for the performance of the service of selling raffle tickets is directly related to sales rather than to the number of hours worked.

(ii) The services performed by the person are performed pursuant to a written contract between the seller and the eligible organization and the contract provides that the person will not be treated as an employee with respect to the selling of raffle tickets for workers' compensation purposes.

(C) For purposes of this section, employees selling raffle tickets shall be deemed to be direct sellers as described in Section 650 of the Unemployment Insurance Code as long as they meet the requirements of that section.

(c) For purposes of this section, "eligible organization" means a private, nonprofit organization that has been qualified to conduct business in California for at least one year prior to conducting a raffle and is exempt from taxation pursuant to Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, 23701t, or 23701w of the Revenue and Taxation Code.

(d) Any person who receives compensation in connection with the operation of the raffle shall be an employee of the eligible organization that is conducting the raffle, and in no event may compensation be paid from revenues required to be dedicated to beneficial or charitable purposes.

(e) No raffle otherwise permitted under this section may be conducted by means of, or otherwise utilize, any gaming machine, apparatus, or device, whether or not that machine, apparatus, or device meets the definition of slot machine contained in Section 330a, 330b, or 330.1.

(f) (1) No raffle otherwise permitted under this section may be conducted, nor may tickets for a raffle be sold, within an operating satellite wagering facility or racetrack inclosure licensed pursuant to the Horse Racing Law (Chapter 4 (commencing with Section 19400) of Division 8 of the Business and Professions Code) or within a gambling establishment licensed pursuant to the Gambling Control Act (Chapter 5 (commencing with Section 19800) of Division 8 of the Business and Professions Code).

(2) A raffle may not be operated or conducted in any manner over the Internet, nor may raffle tickets be sold, traded, or redeemed over the Internet. For purposes of this paragraph, an eligible organization shall not be deemed to operate or conduct a raffle over the Internet, or sell raffle tickets over the Internet, if the eligible

organization advertises its raffle on the Internet or permits others to do so. Information that may be conveyed on an Internet Web site pursuant to this paragraph includes, but is not limited to, all of the following:

- (A) Lists, descriptions, photographs, or videos of the raffle prizes.
- (B) Lists of the prize winners.
- (C) The rules of the raffle.
- (D) Frequently asked questions and their answers.
- (E) Raffle entry forms, which may be downloaded from the Internet Web site for manual completion by raffle ticket purchasers, but shall not be submitted to the eligible organization through the Internet.
- (F) Raffle contact information, including the eligible organization's name, address, telephone number, facsimile number, or e-mail address.

(g) No individual, corporation, partnership, or other legal entity shall hold a financial interest in the conduct of a raffle, except the eligible organization that is itself authorized to conduct that raffle, and any private, nonprofit, eligible organizations receiving financial support from that charitable organization pursuant to subdivisions (a) and (b).

(h) (1) An eligible organization may not conduct a raffle authorized under this section, unless it registers annually with the Department of Justice. The department shall furnish a registration form via the Internet or upon request to eligible nonprofit organizations. The department shall, by regulation, collect only the information necessary to carry out the provisions of this section on this form. This information shall include, but is not limited to, the following:

- (A) The name and address of the eligible organization.
- (B) The federal tax identification number, the corporate number issued by the Secretary of State, the organization number issued by the Franchise Tax Board, or the California charitable trust identification number of the eligible organization.
- (C) The name and title of a responsible fiduciary of the organization.

(2) The department may require an eligible organization to pay an annual registration fee of ten dollars (\$10) to cover the actual costs of the department to administer and enforce this section. The department may, by regulation, adjust the annual registration fee as needed to ensure that revenues will fully offset, but do not exceed, the actual costs incurred by the department pursuant to this section. The fee shall be deposited by the department into the General Fund.

(3) The department shall receive General Fund moneys for the costs incurred pursuant to this section subject to an appropriation by the Legislature.

(4) The department shall adopt regulations necessary to effectuate this section, including emergency regulations, pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(5) The department shall maintain an automated database of all registrants. Each local law enforcement agency shall notify the department of any arrests or investigation that may result in an administrative or criminal action against a registrant. The department may audit the records and other documents of a registrant to ensure compliance with this section.

(6) Once registered, an eligible organization must file annually thereafter with the department a report that includes the following:

- (A) The aggregate gross receipts from the operation of raffles.
- (B) The aggregate direct costs incurred by the eligible organization from the operation of raffles.
- (C) The charitable or beneficial purposes for which proceeds of the raffles were used, or identify the eligible recipient organization to which proceeds were directed, and the amount of those proceeds.

(7) The department shall annually furnish to registrants a form to collect this information.

(8) The registration and reporting provisions of this section do not apply to any religious corporation sole or other religious corporation or organization that holds property for religious purposes, to a cemetery corporation regulated under Chapter 19 of Division 3 of the Business and Professions Code, or to any committee as defined in Section 82013 that is required to and does file any statement pursuant to the provisions of Article 2 (commencing with Section 84200) of Chapter 4 of Title 9, or to a charitable corporation organized and operated primarily as a religious organization, educational institution, hospital, or a health care service plan licensed pursuant to Section 1349 of the Health and Safety Code.

(i) The department may take legal action against a registrant if it determines that the registrant has violated this section or any regulation adopted pursuant to this section, or that the registrant has engaged in any conduct that is not in the best interests of the public's health, safety, or general welfare. Any action taken pursuant to this subdivision does not prohibit the commencement of an administrative or criminal action by the Attorney General, a district attorney, city attorney, or county counsel.

(j) Each action and hearing conducted to deny, revoke, or suspend a registry, or other administrative action taken against a registrant shall be conducted pursuant to the Administrative Procedure Act (Chapters 4.5 (commencing with Section 11400) and 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code). The department may seek recovery of the costs incurred in investigating or prosecuting an action against a registrant or applicant in accordance with those procedures specified in Section 125.3 of the Business and Professions Code. A proceeding conducted under this subdivision is subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure.

(k) The Department of Justice shall conduct a study and report to the Legislature by December 31, 2003, on the impact of this section on raffle practices in California. Specifically, the study shall include, but not be limited to, information on whether the number of raffles has increased, the amount of money raised through raffles and whether this amount has increased, whether there are consumer complaints, and whether there is increased fraud in the operation of raffles.

(l) This section shall become operative on July 1, 2001.

(m) A raffle shall be exempt from this section if it satisfies all of the following requirements:

(1) It involves a general and indiscriminate distribution of the tickets.

(2) The tickets are offered on the same terms and conditions as the tickets for which a donation is given.

(3) The scheme does not require any of the participants to pay for a chance to win.



From: Brothers 2 College <brothers2college@gmail.com>  
To: Cathy <cathyfisher05@aol.com>  
Sent: Wed, Jul 15, 2015 2:07 pm  
Subject: Marne Foster supports Brothers 2 College

---

**We Need YOU to come Celebrate for a Cause!**

An Evening with Malcolm & Malachi Promises to be Sizzling HOT!!!

\$20 in Advance \$25 at the Door. VIP Seating Available at \$50

Secure your name on the guest list by Purchasing Tickets NOW at:

or

SDUSD Board Trustee Marne Foster - District E Cabinet



# Mar for Sch Kick-Off Fundrai

SD Board Trustee Marne Foster - District E Cabinet

Timeline About Photos Likes

206 people like this  
Cynthia Gilliam and 14 other friends

Invite friends to like this Page

## ABOUT

District E Cabinet is a conduit to support the Crawford, Lincoln and Morse High School Clusters in the San Diego Unified School District.

## Post



July 16 at 10:4

Come out and Celebrate (entertainment:))

- Yvette Porter Mo...
- Kea Hagan
- Chris White
- Carlette Lewis
- Denise Pargo-G...
- Are SD
- Rueben Littlejohn
- Kevin Henderson 1h
- Michael Brunker 2h
- Shane Harris 1h
- Michael Allen
- John Stump 1h
- Marnyce S McKell
- Renard Hilliard 15h
- Eddie Price 20m
- Alexis Dixon 23m
- Precious Jackson-... 2h

## PHOTOS





**Marne Foster**  
for School Board 2016  
Kick-Off Fundraiser & Birthday Party

**Sunday, June 7th**  
4:00 pm - 7:00 pm



342 Euclid Ave.  
San Diego, CA 92102

**Host Committee**

The Honorable Toni Atkins, Speaker of the Assembly

Hon. Marty Block  
Hon. Lorena Gonzales  
Hon. David Alvarez  
Hon. Todd Gloria  
Hon. Myrtle Cole  
Hon. Mari Emerald  
Hon. Dr. John Evans  
Hon. Richard Barrera  
Hon. Kevin Bakker  
Hon. Dr. Mike McQuay  
Hon. Curren D. Price

Ken Seaton-Mensaji  
Faith Bautista  
Kathleen Harmon  
Felix Berry  
Frank Jordan  
Dr. Charles Ogletree  
Dr. Willie Blair  
Dr. Alberto Ochoa  
Dr. John Warren  
Dr. Willie Morrow  
Del Richardson

Rev. Lee Hill, Jr.  
Bp. George D. McKinney  
Atty. Barbara McKinney  
Ofc. Jesus Montana  
Ofc. Connie Wilder  
Moises Aguirre  
Lindsay Burningham  
Howard Foster  
Sandra Foster-King  
Philip Liburd  
Hon. Rafael Castellanos

**Special Guest**

The Honorable Juan Vargas

SUGGESTED CONTRIBUTIONS:  
\$50 ★ \$100 ★ \$250 ★ \$500 ★ \$750

MAKE CHECKS PAYABLE TO:  
Marne Foster for SD Unified School Board 2016  
336 Euclid Ave #503, San Diego, CA 92114

@votemarnefoster



facebook.com/votemarnefoster

www.MarneFoster.com

Printed by Marne Foster for San Diego Unified School Board 2016 On 1/24/2014



June 6

Marne Foster · June 6 · Public

likes this

Write a comment...  
Press Enter to post.

**People You May Know**



1 mutual friend  
Add Friend

**Sponsored**



Save up to 55% on 2015 Latest Swimwear. Free Shipping on 10,000 Items Site-wide. Shop Now!

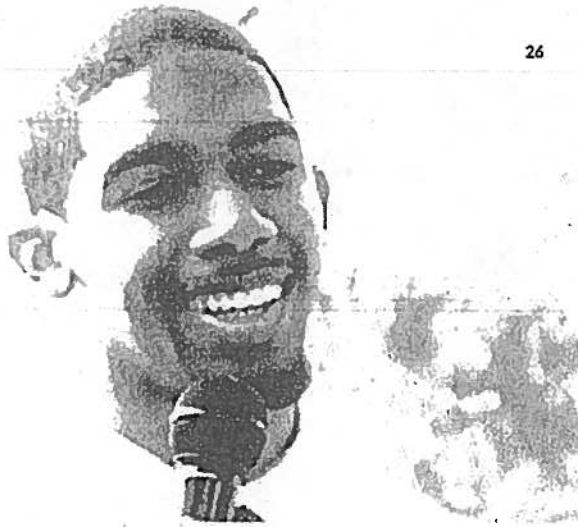
link from school  
district web site -  
now it has been  
removed

Search Help

SHARE

TWEET

DONATE



SAN DIEGO, CA

26

**\$1,170** of \$45k

Raised by 27 people in 13 days

**Donate Now**

SHARE ON FACEBOOK

**21** TOTAL  
SHARES

SHARE

**20**TWEET **1**

Donations \$20 & up gets you on the guest list for my July 25th Benefit Jazz Concert. \$50 & up gets VIP Seating! More information at [Facebook.com/Brothers2College](https://www.facebook.com/Brothers2College)

Greetings,

My name is Malcolm-Josiah Foster, and I am a Civil Engineering major who is working extremely hard to return to Howard University this fall 2015 for my Junior year. I have been able to get this far by faith, hard work and dedication! As an example, I have:

- Succeed as a college student in arguably one of the most challenging schools and majors on campus (Civil Engineering) despite my disabilities of Dyslexia, ADHD, and Auditory Processing Disorder.
- Performed well in the defining engineering courses of Calculus-3, Statics, and Physics
- Contributed a total of \$14K to my tuition by working summers and earning scholarships.
- Landed (this summer) an engineering internship with Qualcomm Corporation

I have learned to believe in myself despite the challenges that come with



Created July 11, 2015  
Marne Foster

**27 DONATIONS**

RECENT

Tara and Richard Turner  
7 mins ago

**\$60**  
Ted Thomas  
1 hour ago

For 3 tickets at the concert



Jose Caballero  
3 hours ago

Myeshia Whigham  
3 hours ago

An Evening with Malcolm & Malachi: A  
Benefit Concert/Fundraiser to send two  
 brothers back to College!

Saturday, July 25

• 4-7 pm

Neighborhood House Association  
 5660 Copley Dr., San Diego, 92111



For info. & tickets: [www.facebook.com/brothers2college](http://www.facebook.com/brothers2college)



LIVE Jazz



\$20 in advance and \$25 at the door and VIP Seating available at \$50



C.E.O.'s Rhythm Section, Songstress JerVae Anthony Thomas,  
 Choreography by Sandra Foster-King and Vincent Hardy, and other notable  
 musicians and performing artists will have a jam session to send two  
 gentlemen to college. Come celebrate for a cause!

Event Donations are Tax Deductible! For more info: call 858-356-2763

Spoken Word  
 Modern Dance  
 Song  
 Storytelling  
 Opportunity Drawings  
 Donations  
 And pure fun!

Purchase Tickets at:

[www.gofundme.com/GotMalcolm2HowardU](http://www.gofundme.com/GotMalcolm2HowardU)

Email: [brothers2college@yahoo.com](mailto:brothers2college@yahoo.com)

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## **Paid for by Marne Foster for San Diego Unified School Board, 2016 ID# 1345724**

Fill in the form below to send me an email.

Your Name: \*

Your Email: \*

Subject: \*

Message: \*

## **Contact Us by phone or mail**


Marne Foster for SD Unified School Board 2016  
336 Euclid Avenue #503  
San Diego, CA 92114  
(858) 356-2763


She has voted  
on this  
contract and was  
using facilities of NHA  
↳ sons


An Evening with Malcolm & Malachi: A  
Benefit Concert/Fundraiser to send two  
brothers back to College!

Saturday, July 25  
• 4-7 pm  
Neighborhood House Association  
5660 Copley Dr., San Diego, 92111

For Info. & tickets: [www.facebook.com/brothers2college](http://www.facebook.com/brothers2college)

  
\$20 in advance and \$25 at the door and VIP Seating available at \$50



  
LIVE Jazz

Spoken Word  
Modern Dance  
Song  
Storytelling  
Opportunity Drawings  
Donations  
And pure fun!  
Purchase Tickets at:  
[www.sofundme.com/GetMalcolm2HowardU](http://www.sofundme.com/GetMalcolm2HowardU)  
Email: [brothers2college@yahoo.com](mailto:brothers2college@yahoo.com)

C.E.O.'s Rhythm Section, Songstress JerVae Anthony Thomas,  
Choreography by Sandra Foster-King and Vincent Hardy, and other notable  
musicians and performing artists will have a jam session to send two  
gentlemen to college. Come celebrate for a cause!  
Event Donations are Tax Deductible! For more info: call 858-356-2783

July 10


Come out and Celebrate for a Good Cause! It's going to  
be some gooooood entertainment!!!

Write a comment  
Press Enter to post

People You May Know

1 mutual friend  
Add Friend

Sponsored



This full featured Android smartphone is a great value  
with Verizon Edge.

Event  
is  
tax-deductible

mother  
Campaign  
office phone  
number - same

\$1,170 of \$45k  
Raised by 27 people in 13 days



Created July 11, 2015  
Marne Foster

## 27 DONATIONS

\$40  
Tara and Richard Turner  
7 mins ago

\$60  
Ted Thomas  
1 hour ago  
For 3 tickets at the concert



4/4/11



\$20

Jose Caballero

3 hours ago

\$50

Myeshia Whigham

3 hours ago

\$50

Willie & Rosemary Giles

7 hours ago

Keep up the good work

\$30

Walter Nash

18 hours ago

You are an Excellent Example for other young folks to follow. Stay focused and it will be yours.

Anonymous  
2 days ago

\$20  
Kendyl McCall  
2 days ago

\$30  
Barbara Cassius  
2 days ago

\$20  
Christine Antoine  
2 days ago  
\$50  
Racquel Vasquez  
3 days ago

\$30  
Cassandrs Clady  
3 days ago



\$20

Lan Jefferson

3 days ago

So so proud of you Malcolm. With your talents alone, not to mention your great smile, you have a very bright future!

\$50

Aaron Wooten

5 days ago

\$105

Christopher Huggins

6 days ago

\$20

Anonymous

7 days ago

\$20

Aaron Wooten

19 hours ago

For Robert Hardy F2C

\$50

Jennifer Porter

19 hours ago

Wishing you the best Malcom!

\$75

Rev and Mrs J L Hill jr

13 days ago



\$20  
Teri Early  
1 day ago

\$100  
John Lee Evans  
1 day ago  
1-10-of 27 donations  
27 DONATIONS

\$100  
Staajabu Heshimu  
1 day ago  
Sorry, we cannot attend the event Saturday, grand daughter's 6th birthday party in Pasadena requires our presence :-). Best wishes to Malcolm and Malachi.

\$25  
Donna Freeman  
1 day ago  
Good luck and God bless!

\$25

Anonymous

1 day ago



\$50

Micah Christian Foster

1 day ago

Love you bro. I know we can do this! ♥

\$40

Jennifer Carbuccia

1 day ago

\$50

Mary Castleberry

2 days ago

\$20