

ATTENTION & NOTIFICATION

TO:

FCSD Superintendent, Brett Provenzano & FCSD Board of Education Members; Peter Forsgren, Erica Belois-Pacer, Margaret Cardona, Brian Moritz, Mary Caitlin Wight, Joyce Kostyk, Janice Fortuna, Damon Buffum* and Timothy Slisz*

The surety bond/insurance claims process is something you ultimately want to avoid, and you can do this by upholding your promise to complete lawful work as required by upholding your Oath of Office.

Following state and federal laws and regulations while also completing the work you agreed to, is crucial for any individual looking to avoid having a claim made against their bond/insurance policy.

A surety bond/insurance claim is a legal action taken by the obligee (parents and taxpayers in the FCSD) against the principal [The Insured](you the Superintendent and Board of Education Members of Fairport Central School District) when the conditions of the bond or the law is violated.

The Surety Bond/Insurance protects the public from misdeeds and frauds of individuals. They are required by the federal government or individual state governments, guaranteeing truthful and honest performance. The agreement is set between three parties: the principal (the insured), the obligee (the claimant), and the surety/insurance company. The principal is a company or organization or individuals that need a bond to work within a particular industry. The state government or other state authorities demand you to obtain the surety bond/insurance as long as you are operating in public.

The surety bond/insurance provides the guarantee for the payment, performance, or compliance of the principal. If the principal fails to meet the requirements of the bond/insurance, an obligee can file a claim against the bond/insurance. The surety/insurance company is then responsible for covering

all costs associated with the claim and **the principal is responsible for reimbursing the surety in full.**

Sureties don't accept or discard claims without a thorough investigation. They carefully review the charges and the contract to see whether the principal has fulfilled the obligations from the bond or not. The surety wants to hear both sides of the story and make an objective decision based on evidence.

Once a surety receives a claim, it starts with the investigation straight away. When it determines whether the claim is valid or not, the surety notifies the principal about the decision and potential new obligations.

Those who are looking to make a surety bond/insurance claim usually do so because they feel somewhat deceived. When the public suspects the principal is breaking the terms of their Oath of Office, they have all the rights to file the claim and seek compensation for violations.

After the surety investigates the charges against the bond/insurance, it will contact both the obligee and the principal and notify them about the decision.

If the claim gets denied, the surety only notifies the obligee about the decision. However, **if the claim is approved**, the surety gives the principal a chance to satisfy the claim. If the principal fails to do so, the surety steps in and covers the financial part, which is, **later on, paid out by the principal.**

Avoiding a bond/insurance claim is the best way to go. Claims are harmful bringing unnecessary expenses and reputation-ruining situations. A claim can be avoided by agreeing to the specified demands in the 'Intent to File' accompanied with this notice.

*Individuals who were covered under the surety bond/insurance and who with recency were instrumental for a generation of FCSD policy.

State of New York
County of Monroe

Notice of Intent to File Claim Against Your Risk Management Plan or Surety Bond

Notice to:

Name: **Fairport Central School District (FCSD) Board of Education**

Title:

Address:

Notifying Party:

Address:

Phone:

Date & Place Where Served: **21 March 2023, Address noted above**

State Violations

Violation of Your Oath of Office: You have sworn an oath to uphold the Constitution of the State of New York and the Constitution of the United States of America. You have failed to uphold both these constitutions.

Article I of the New York Constitution is entitled **Bill of Rights** and states, “No member of this state shall be disfranchised, or deprived of any rights or privileges secured to ANY citizen thereof...”

I believe this to include **protections** under New York State law.

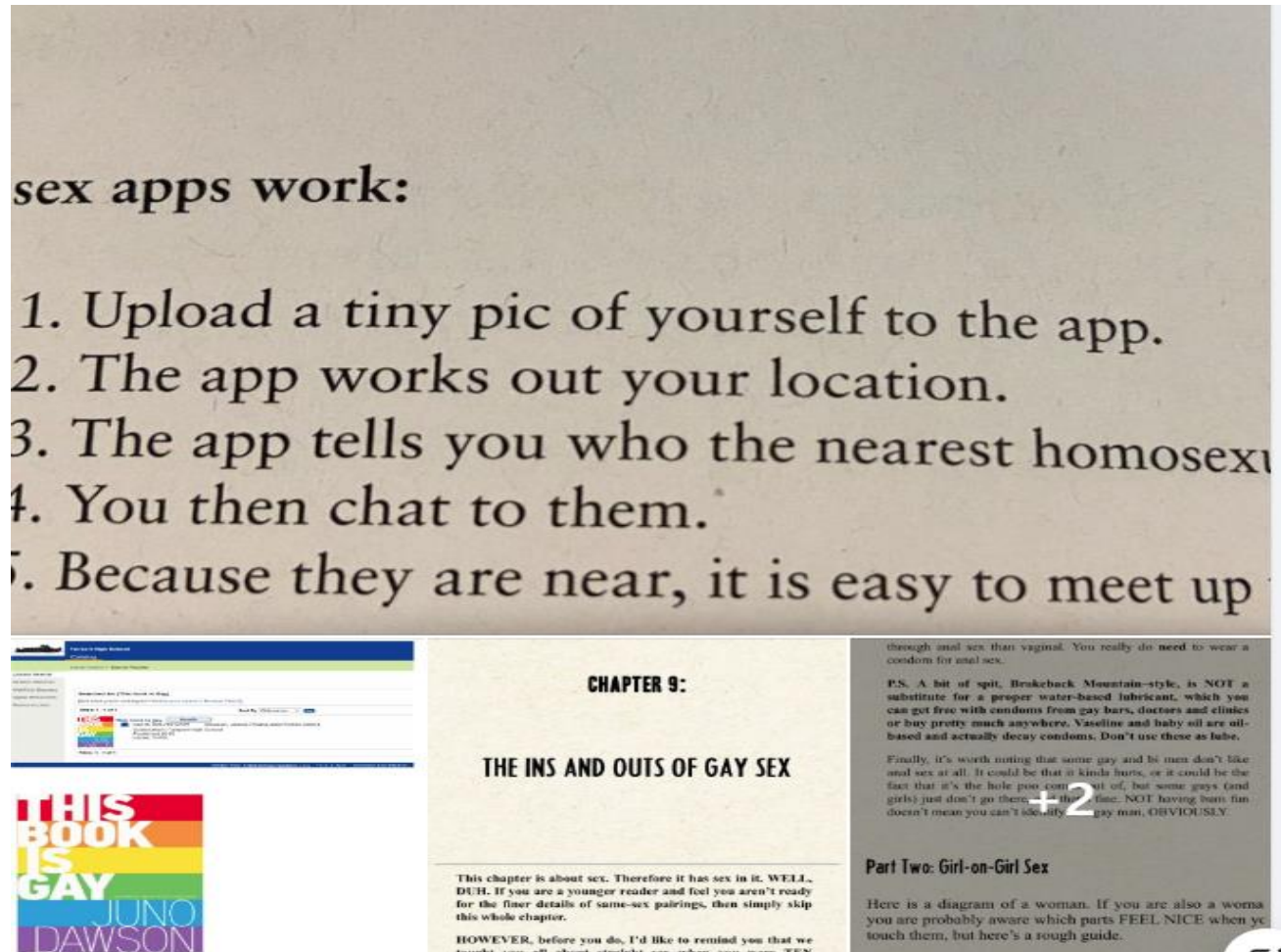
Federal Violations

The **14th Amendment** to the US Constitution states, in sum and substance that our children have the privileges of “**equal protections under the laws.**”

You **Fairport Central School District (FCSD) Superintendent – Brett Provenzano and FCSD Board of Education - consisting of Peter Forsgren, Erica Belois-Pacer, Margaret Cardona, Brian Moritz, Mary Caitlin Wight, Joyce Kostyk, Janice Fortuna, Damon Buffum* and Timothy Slisz*, School Principals, Librarians, and**

other administrators) have brought/allowed obscene literature into our school district.

You have brought 'how to' books into our schools (that include QR codes that take children to obscene websites and find local sex partners ('Trans +') and (This Book is Gay) that could cause them to be in danger of sexual predators and put them at risk for sexual abuse and possible sex trafficking.



Under NY Child Abuse laws Code Section 411-428, child abuse constitutes any injury inflicted intentionally, causing impairment of physical or mental health, disfigurement OR creating risk of injury or sexual abuse.

The FCSD currently maintains several controversial books that I believe meet the definition of "Obscene" and these materials lack any serious literary, artistic,

historic, or any scientific value. Please see additional packet provided as evidence.

Here is just a sample quote of one of the books ('Jack of Hearts') available in FCSD high school library; ***"...if you and the guy you want to get naked with are both craving some cock in your ass, either take turns or grab a double-headed dildo. Or even just one dildo if you can take a position where the one getting fucked can reach around and really push and pull that dildo out of the top's ass."***

Here is another sample and advice for young girls from a freshman character (in the same book quoted above); ***"...some blow job tips: (1) Use your lungs to suck, not your lips to pull. Your not trying to yank the dick off with your mouth, you're trying to make it feel good. (2) Use your tongue. Lots of different ways. (3) Use your hands-stroke the shaft if it's too big to swallow, or grip his balls..."***

Here is another sample of another book('L&r, g&r'); ***"I like to put on a show, so not only do you have to be very hung, talented (long lasting, multiple cummer), but you have to be OK fucking a sexy 18 yr old in front of other guys. There would never be too many three, four or even five."*** This book belittles Jehovah Witnesses that visit one of the books characters homes and their faith. It also highlights oral sex by teenage girls on their boyfriends as a going away present with discussion on spit or swallow of ejaculate.

Here is another sample of a book in FCSD at Fairport High School – 'Oryx and Crane'. It contains extremely vivid descriptions about an 8 yr old being lusted after on a porn site! Heavy on child pornography & sex trafficking. Excerpts:

"They checked into Tart of the Day, which featured elaborate confectionery in the usual orifices, then went to Superswallowers;..."

"Then they went to HottTotts, a global sextrotting site. " This was how the two of them first saw Oryx. She was only about eight, or she looked eight. They could never find out for certain how old she'd been then. Her name wasn't Oryx, she didn't have a name. She was just another little girl on a porno site."

The act involved whipped cream and a lot of licking. The effect was both innocent and obscene: the three of them were going over the guy with their kittenish tongues and their tiny fingers, giving him a thorough workout to the sound of moans and giggles. The giggles must have been recorded, because they

weren't coming from the three girls: they all looked frightened, and one of them was crying. ..


Another obscene book (Fairport High School) '**All Boys Aren't Blue**'. A book that highlights molestation of a minor. Excerpts; *"... he began unzipping my pants. It was clear to me in this moment that he wasn't new to this. He reached his hand down and pulled out my dick. He quickly went to giving me head. I just sat back and enjoyed it as I could tell he was, too." "I put some lube on and got him up on his knees, and I began to slide into him from behind."*

Here is another, '**Collateral**' at Fairport High School
Excerpts;

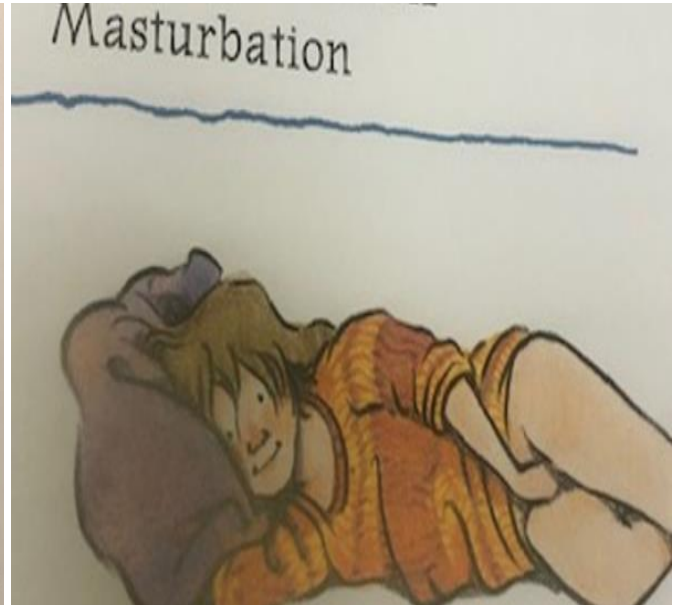
"I opened my legs wide, pushed his face in between, urged his tongue deep inside me, asked his fingers to follow." "When he finally slipped inside me. If I hadn't been so wet, it would have been uncomfortable. As it was, he filled me up completely, a sensation I had never known." "And I screamed for him to climb inside me and he did, with his lips and tongue and fingers- one, two, three. And then he filled me up with fire and stone and when he poured into me, I cried." "I kissed his eyes, his mouth, his neck, down his chest to granite hard penis, urged it into my mouth." "I want to fuck you till I'm black and blue." "He plunged his face between my legs, driving into me with tongue and teeth and fingers until I begged him to stop." "Give me your cream. I had no choice, he made me come, but then I pleaded for, "More. Fuck me."

The list just goes on and on.

At FCSD – Dudley Elementary School K-2 and Northside Elementary School, there is a book ('**It's Perfectly Normal**') depicting sexual acts with a narrative and illustrated characters and descriptions for masturbation. Samples of this book are below. After this was posted on a social media Facebook page the book, '**It's Perfectly Normal**' has now disappeared from the catalogue at **Dudley Elementary School** but remains at **Northside Elementary School**.



Sexual intercourse happens when two people — a female and a male or two females or two males — feel very sexy and very attracted to each other and want to be very close to each other in a sexual way. When a female and a male are so close that the male's penis goes inside





“Sexual intercourse - ‘having sex’ - can involve the penis and the vagina, or the mouth and the genitals, or the penis and the anus.”



NYS Penal Law – Article 235

235.15

(1) “Obscene”

Any material is obscene if the average person applying community standards would find the material inordinately interested in matters of sex and lasciviousness. **The material describes or depicts actual or simulated sexual intercourse, masturbation, excretion, sadism, bestiality, or lewd exhibition of the genitals. The predominant appeal appears from the materials characters to be designed for children who are a susceptible audience.**

(2) “Material”

Anything tangible which is capable of being used or adopted to arouse interest, whether through the medium of reading, observation, sound or in any other matter.

Are you **FCSD Superintendent Brett Provenzano and FCSD Board of Education consisting of; Peter Forsgren, Erica Belois-Pacer, Janice Fortuna, Margaret Cardona, Brian Moritz, Mary Caitlin Wight, Joyce Kostyk, Damon Buffum and Timothy Slisz,** aware that having these books on campus and displaying, promoting and making these books available to underage minors constitutes **Obscenity in the first degree under NYS Penal Code §235.07**
Universal Citation: [NY Penal L § 235.07 \(2019\) ?](#)

§ 235.07 Obscenity in the first degree. A person is guilty of obscenity in the first degree when, knowing its content and character, you wholesale promote or possess with intent to wholesale promote, any obscene material. Obscenity in the first degree is a class D felony.

§ 235.15 Obscenity or disseminating indecent material to minors (obscurity in the 2nd degree)

§ 235.21 Disseminating indecent material to minors in the second degree knowing the character and content depicts nudity, sexual conduct or sado-masochistic abuse, and which is harmful to minors. Disseminating indecent material to minors in the second degree is a class E felony.

The **definition of Disseminating Indecent Material to Minors** under Article 235 is **knowingly distributing indecent material to minors. This offense is a class D felony.**

§ 235.22 **Disseminating indecent material to minors** in the first degree. A person is guilty of disseminating indecent material to minors in the first degree when:

1. **knowing the character and content of the communication which, in whole or in part, depicts or describes, either in words or images actual or simulated nudity, sexual conduct or sado-masochistic abuse**, and which is harmful to minors, he intentionally uses any computer communication system allowing the input, output, examination or transfer, of computer data or computer programs from one computer to another, to initiate or engage in such communication with a person who is a minor; and
2. by means of such communication he importunes, **invites or induces a minor to engage in sexual intercourse, oral sexual conduct or anal sexual conduct, or sexual contact with him, or to engage in a sexual performance, obscene sexual performance, or sexual conduct for his benefit.**

Disseminating indecent material to minors in the first degree is a class D felony.

§ 260.10 A person is guilty of **endangering the welfare of a child** when: He or she knowingly acts in a manner likely to be injurious to the physical, mental, or moral welfare of a child less than seventeen years old. Being a **person legally charged with the care or custody of a child less than eighteen years old and refusing to exercise reasonable diligence. Endangering the welfare of a child is a class A misdemeanor.**

The state law often categorize child endangerment as placing a child in a situation that might endanger the child's life, health, welfare, morals, or emotional well-being.

Our NYS public schools are considered a ***"mandated reporter"*** of child abuse. You, , **Superintendent Brett Provenzano** and the **Fairport Central School District Board of Education** members; **Peter Forsgren, Erica Belois-Pacer, Margaret Cardona, Brian Moritz, Mary Caitlin Wight, Joyce Kostyk, Janice Fortuna, Damon Buffum and Timothy Slisz** **have failed to protect the "moral welfare" of our child(ren) and when (I) (We) had placed a high degree of trust in you all with**

them. Unfortunately, you have failed in the duty of this care and trust and have also failed to honor your fiduciary duties. **You have all induced, aided and abetted your fiduciary duties** and need to be held liable.

3-307 (Uniform State Code) Notice of breach of fiduciary duty: (1) “Fiduciary” means an agent, trustee, partner, corporate officer or director, or other representative owning a fiduciary duty with respect to an instrument. (2) “Represented Person” means the principal, beneficiary, partnership, corporation, or other person to whom the duty stated in paragraph (1) is owed.

I believe that the **legal definition of ‘Obscenity’** has been met under **NYS Penal Code – Article 235** but also ALL the **‘Elements of Obscenity’**; being that 1) **FCSD has been involved in the distribution of materials that a reasonable person would find sexually explicit**, 2) **the materials (books as evidenced) are without artistic value**, 3) **the materials are offensive to a reasonable person** and, 4) **these books have been promoted and/or attempted to be distributed.**

In addition, the **definition of sexually explicit** has been met; **“obscenity is actual or simulated sexual intercourse, criminal sexual act, sexual bestiality, masturbation, sadism, masochism, excretory or lewd exhibition of the genitals.**

In addition, the **definition of Artistic Value** is **“lacks serious literary, artistic, political, or scientific value.”** This definition has also been met by the overwhelming evidence.

In addition, the **definition of a reasonable person** under New York law with relation to Obscenity is best found in case law in People v. Gilmore, it was held that contemporary community standards are to be evaluated with the ubiquitous **“average person”—the ever-present “reasonable man or woman”** in mind. In that case example, it **is likely that if the average theoretical person were to be shown the explicit bestiality video that they would find it shocking and offensive.**

In addition, the **definition of Promotion** is **making materials available** to the public.

The degree to which the preponderance of egregious evidence provided, offers no educational value, and therefore renders any “Obscenity Exemptions” under NYS law void. You must have the burden of establishing by excess proof the

literary, artistic, political, or scientific value each of these books provide in defense.

The threshold considering the materials in discovery and their character and content has satisfied this. Essential and notable case law;

- In **Young v. Abrams**, it was held that a person who promotes obscene material in the course of his business (hence Fairport Central School District) is presumed to do so with knowledge of its content.
- In **People v. Kirkpatrick**, it was held that a person who possesses six or more of the same obscene object does so with the intent to distribute

Federal Violations

18 U.S.C. § 1470- Transfer of obscene material to minors: The U.S. Supreme Court established the test that judges and juries use to determine whether matter is obscene in three major cases: Miller v. California, 413 U.S. 15, 24-25 (1973); Smith v. United States, 431 U.S. 291, 300-02, 309 (1977); and Pope v. Illinois, 481 U.S. 497, 500-01 (1987).

Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

Abuse of Power: Color of Law or Color of Office: Section 1983

Abuse of Power: Color of Law or Color of Office: Section 1983 provides redress for constitutional violations committed “under color of” state law.

Harmful-to-minors laws SB 17

Harmful-to-minors laws SB 17: prevents elementary and secondary schools and non- college/university libraries from raising a defense to the law-making it a felony to expose minors to “harmful” material. It also strips away protections for material that is disseminated for educational purposes. It lets parents sue to enforce this criminal statute and would also allow parents to use it if they object to any part of the school curriculum or material available in a school library.

The U.S. Supreme Court has ruled [Reno v. ACLU, U.S. 844 (1988)] that, *“transmitting obscenity and child pornography, whether via the internet or other means, is...illegal under federal law for both adults and juveniles.”*

Obscenity is not protected under First Amendment rights to free speech, and violations of federal obscenity laws are criminal offenses. Federal law makes it illegal to distribute, share, or otherwise make available to minors. Visual representations, drawings, cartoons, etc.... used to depict minors engaged in sexual activity are illegal under federal law.

Even the **US Supreme Court** has established a law that **prohibits this type of material into our public schools.**

In an 8-to-1 ruling issued on May 13, 2002, the **Justices held that using community standards to determine what material is harmful to minors does not violate the First Amendment.**

Section 1466A of Title 18, United States Code makes it illegal for any person to knowingly produce, distribute, receive, or possess with intent to transfer or distribute **visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexually explicit conduct and are deemed obscene.** Harmful materials for minors include **any communication consisting of nudity, sex or excretion that (i) appeals to the prurient interest of minors, (ii) is patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors, (iii) and lacks serious literary, artistic, political, or scientific value for minors, according to the Department of Justice website.**

The books (some samples provided) Fairport Central School District have purchased and display in our district school libraries, is harmful to minors and disseminated for educational purposes. **There is only so much room in a school library and any claim of negligence is no defense. You know exactly what is being put into our district libraries.**

Excerpt from the FCSD Board Policy 8310R 'Instruction Materials':
Library Media

1. Materials for the school library media center **shall be selected by the library media specialists**, with **suggestions from administrators, faculty, students, and parents**.
2. The **primary goal of materials selection** is to implement, **enrich, and support the educational program of the school**. Specific **objectives include the development of reading skills, literacy and aesthetic appreciation, discrimination in the choice of materials, and instruction** in the use of books/materials in the libraries. Materials that present varying points of view and social systems should be fully provided possible.
3. **Criteria for evaluation and selection** of print materials include presentation, physical format, **educational significance**, readability, authenticity, **artistic quality and/or literary style, factual content, and conformity with state and federal discrimination statutes**.

The 'Protect' Act of 2003: Prohibits depictions of minors in actions or situations that are obscene. Fictional beings who appear to be OR portrayed to be under age 18 engaged in sexual acts that are not deemed to be obscene are rendered illegal in and of their own condition (illustration of sex of fictitious minors). There shall be a **minimum sentence of 5 years for possession and 10 years for distribution**. (The PROTECT Act was signed into law by President George W. Bush on April 30, 2003)

Public Law No: 108-21 (04/30/2003) Title V: Obscenity and Pornography - Subtitle A: Child Obscenity and Pornography Prevention - Prohibits: Knowingly producing, distributing, receiving, or possessing with intent to distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that, under specified circumstances, **depicts a minor engaging in sexually explicit conduct** and is obscene, or depicts an image that is or appears to be of a minor engaging in such conduct and such depiction lacks serious literary, artistic, political, or scientific value. **(Sec. 510) Authorizes civil remedies, including injunctive relief and punitive damages, for child pornography offenses.**

There are multiple books available within the Fairport Central School District library system filled with obscene materials with the intent to entice, solicit, or encourage the child to engage in the fondling of the sexual or genital parts of another or the fondling of his/her sexual or genital parts, sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, or object sexual penetration.

COL (Color of Law): Section 242 of Title 18: “Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights (equal protections under the laws), privileges, or immunities secured or protected by the Constitution or laws of the United States... shall be fined under this title or imprisoned not more than one year, or both...”

From FCSD policies (Board Docs)

SUPERINTENDENT OF SCHOOLS

Authority

d. Be **responsible for organizing, administering, evaluating, and supervising** the programs and personnel of all school departments, instructional and non-instructional.

I assume that includes all FCSD libraries

The **FCSD Board of Education and Superintendent Brett Provenzano** have a fiduciary duty to all the staff, children, and parents of this district. As an elected and appointed public servant(s), you have breached the duty to serve this community and uphold the Constitutions of New York State and the United States.

You, **Peter Forsgren, Erica Belois-Pacer, Margaret Cardona, Brian Moritz, Mary Caitlin Wight, Janice Fortuna, Joyce Kostyk, Damon Buffum and Timothy Slisz** were elected by the people to serve ALL the people in a lawful manner outlined in the Constitutions of the United State of America and the State of New York.

Title VII of the 1964 Civil Rights Act:.... authorizes the attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs...

A CLAIM MAY BE FILED AGAINST YOUR SURETY BOND OR LIABILITY INSURANCE POLICY IF THE FOLLOWING DEMANDS ARE NOT MET

Total Amount Owed to Notifying Party: **\$100,000.00**

This notice is provided to inform you that the Notifying Party (We the People [resident taxpayers] for whom you are obligated to serve) have provided the above descriptions of the unconstitutional and illegal actions that have **endangered the moral health** of my children attending (or who have attended and/or would like to return to) the Fairport Central School District. Furthermore, the presence and use of obscene material used as teaching aides, props or just available for use by minors, is inappropriate material in any FCSD school. If these obscene materials are not removed, I will seek damages for the full amount listed above.

If these materials are not removed, the Notifying Party will file a claim against your **New York Schools Insurance Reciprocal – Policy Number SBL FAIR 001**. If a claim is filed, you will be notified demanding that you address the claim and an investigation will be opened if you fail to rectify the situation noted by the bullet points below. **You have (5) business days** from receipt of this notice, **to agree in correcting these violations** at all the schools in the **Fairport Central School District**. This includes **ALL** the following:

- Remove ALL obscene books and materials that promotes overt sexuality and questions the moral standards pushed upon impressionable children as set forth by the US Supreme Court. This is to be done under FCSD Board Policy #8320 in the next 30 days. This is not history, science, math, art, music, or literary works. This is inappropriate in any educational system.
- Establish transparency by completing and publishing an audit of ALL library and curriculum resources to identify any sexually explicit material. The audit is to be conducted via a committee to be established, including

individuals who have signed this document. Audit shall commence within 30 calendar days and be completed within 90 calendar days. The findings will be made publicly available after which, and within 30 calendar days, a Q and A forum will be held with school administrators and community members to comment. The audit will then continue to be conducted at least annually with findings being made publicly available followed by a Q and A forum as described in the previous sentence.

Failure to comply (reply and agree) with ALL the afore-mentioned demands within (5) business days of (including the date of delivery as noted) receiving this notice **will result in a claim being filed** against the...

New York Schools Insurance Reciprocal – School Board Liability Policy

#SBL-FAIR001 for the full amount of the coverage.

Furthermore, I will follow through and file in Federal Court under a Color of Law against you. Violation Warning Denial of Rights Under Color of Law u Violation Warning—18 U.S.C. §242; 18 U.S.C. §245; 42 U.S.C. §1983

- Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

For the purpose of Section 242, acts under "color of law" include acts not only done by federal, state, or local officials within their lawful authority, but also acts done beyond the bounds of that official's lawful authority, if the acts are done while the official is purporting to or pretending to act in the performance of his/her official duties. Persons acting under color of law within the meaning of this statute include police officers, prisons guards and other law enforcement officials, as well as judges, care providers in public health facilities, and others who are acting as public officials. It is not necessary that the crime be motivated by animus toward the race, color, religion, sex, handicap, familial status or national origin of the victim.

The offense is punishable by a range of imprisonment up to a life term, or the death penalty, depending upon the circumstances of the crime, and the resulting injury, if any.

Lastly, even in agreeing in ALL points above, this will not alleviate any CRIMINALITY that might be pursued by local, state or federal authorities.

I certify that all information contained in this notice is true and correct to the very best of my knowledge and belief. I understand that the willful making of any false statement of material fact herein will subject me to criminal penalties and civil liabilities.

Signature [Notifying Party]	Date & Time Delivered
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Place of delivery

Additional copies of this notice on the individual named, have been sent to or delivered by hand to:

- Todd K. Baxter – (Constitutional Sheriff) Monroe County Sheriff’s Office
- Matthew Barnes – Police Chief, Fairport Village
- Sandra Doorley – Monroe County District Attorney’s Office
- Robert J. Rodriguez – NY Secretary of State
- NYS Office of Letitia James, Attorney General – Rochester NY
- US Marshall – Charles Salina – Rochester NY Office of Western District
- National Center for Missing and Exploited Children
- Various local and national media outlets

Please see “Obscene Materials” Addendum delivered (copy provided to the FCSD Superintendent of Schools) with this ‘Intent to File’ notification.