



Monday, May 11, 2020

Sent Via Email to:
mark.newgent@hotmail.com
Certified Mail Return Receipt
Requested, and Regular U.S. Mail

Mark Newgent
[REDACTED]

Re: Cease and Desist

Dear Mr. Newgent:

This letter is a demand that you cease and desist spreading false information to members of the public. While we recognize your right to speak in public forums, to represent yourself and your child, and to initiate litigation against the District, you are not entitled to misrepresent the truth unchecked. In various public forums, you have alleged misconduct by the Board of Education, myself, other District employees, and the Irvine Police Department (“IPD”). Specifically, you have alleged the District and IPD covered up a sex crime against [REDACTED] in 2017, and that the District has threatened you as part of litigation you filed against the District. Neither of these claims are true, and you either know or should know that there was no cover up of any kind whatsoever; and, that the District’s legal counsel for special education matters correctly informed you that your frivolous claim against the District may result in you owing the District (and the public it serves) for the District’s unnecessary expenditure of public funds used to defend itself against your false claims.

Each of your complaints have been thoroughly and fairly investigated. Both the District and IPD investigated the claim that there was a sexual assault against [REDACTED] in 2017. Despite your continued claims, the police report clearly establishes that there is no proof that there was an assault. Those who were present at the time of the alleged incident were interviewed. None reported the crime you allege. Although you are involved with the District in a pending case regarding Special Education services provided to [REDACTED], who is no longer an IUSD student, the District has not taken any actions to intimidate, threaten, or sue you. Any allegations to the contrary are unfounded.

Most recently, you included the same 2017 allegations in a complaint filed with the Fair Political Practices Commission. In its correspondence dated April 16, 2020, the Fair Political Practices Commission determined your complaint failed to establish any violations of the Political Reform Act.

Your repeated attempts to damage the District’s reputation by spreading false information to District parents and community members must stop. You have misinformed District parents and community members about your pending Special Education case against the District, while using false pretenses in an effort to entice these parents to testify against the District. This includes most

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recently when you stated on social media, “They covered up sex crimes on MY CHILD at an iusd school which is one of many reasons why I am so motivated.” Your allegation is false. You also stated, “They also misuse funds to the point of illegal activity (hard evidence of this).” You have never provided evidence in support of this unfounded assertion, so this allegation is also completely false. Although the District refuses to discuss pending legal matters with the public, it will not permit you to continue spreading un rebutted false information.

The false allegation that the District failed to take actions to protect ██████████ from an alleged sexual assault that you claim was committed upon ██████████ at school in 2017 was yet again repeated on February 18, 2020 during a Board of Education meeting. At this time, you stated to the Board, other attendees, and the public that the District “covered up” ██████████ alleged 2017 assault. At this Board meeting, you also stated you had the police report to prove it.

However, a review of the police report contradicts your unfounded allegation. Notably, the report, which was prepared by Officer T. Ayalde of the Irvine Police Department on November 22, 2017, reveals ██████████ reported ██████████ was “grabbed from behind” by a male student standing behind ██████████ in the lunch line at Jeffrey Trail Middle School on November 13, 2017. The report indicates that ██████████ reported the incident to ██████████ counselor on November 15, 2017.

The safety and wellbeing of our students is the District’s top priority. As soon as school staff was made aware of this matter, they followed proper protocols. Assistant Principal Ted Reed immediately conducted an investigation. As noted in the report, Assistant Principal Reed interviewed multiple students from the crowded lunch area, with numerous potential witnesses, yet none of them could corroborate the allegations.

During a follow-up of her investigation, Officer Ayalde returned to the school site to interview students. Specifically, Officer Ayalde stated the following in her report:¹

I then spoke to ██████████ stated he did not see anything on Monday while he was in the pizza line. He stated ██████████ *came up to him yesterday and told him to say that ██████████ was sexually abused if he got called in.* ██████████ stated ██████████ did not say who ██████████ was sexually abused by but was going to meet with him today to talk to him more about it. (Emphasis added.)

██████████ stated *he does not know what really happened and did not see anyone physically do anything* but heard that ██████████ did it. (Emphasis added.)

I then spoke to ██████████ stated he was in the pizza line on Monday with ██████████ and they were standing behind ██████████ stated he was talking to a friend when he noticed ██████████ move away and saw ██████████ leaned over. ██████████ stated *he did not see anything inappropriate because he was looking away and talking to a friend.* (Emphasis added.)

¹ The redactions appear as shown in the redacted report provided to the District by the Irvine Police Department.

I then spoke to ██████████ stated on Tuesday, November 14, 2017 a friend came by before 4th period and asked if he took a picture of ██████████ butt. He told them that ***he did not and thought that was weird.*** I asked him if he was behind ██████████ in the pizza line on Monday and ***he stated he was not and did not see ██████████ in line on Monday.*** I asked him if he was with ██████████ on Monday and ***he stated he was not.*** (Emphasis added.)

I asked ██████████ if ██████████ saw ██████████ in line that day and ██████████ ***stated ██████████ did not.*** (Emphasis added.)

Given the absence of evidence, including witnesses, the case was suspended by IPD and was not recommended for further processing or prosecution. Since 2017, each time you have repeated these false allegations, you have been repeatedly asked by the District to directly contact IPD if you have information to substantiate your claims, which you have not done. Unless you have information to the contrary, you must immediately stop claiming the District, in concert with IPD, engaged in a cover-up. This simply did not happen.

As further evidence, on or about March 15, 2018, I sent you correspondence which stated, in part:

Mr. Newgent:

I respect your right to voice your views and concerns, but it is also important to set the record straight on several important issues.

Although your children are no longer our students, I would like to first address your allegations of misconduct and misrepresentations. ***To be clear, at no time did the Irvine Unified School District (IUSD) school staff attempt to “cover-up” a crime or incident – that is your opinion and it is not supported by the facts, police investigations or administrative reports.*** Our staff acted appropriately in their response to these situations and worked directly with the Irvine Police Department (IPD) and you throughout the process.

Last November, ***the IPD notified our district that they had investigated allegations related to ██████████ and found absolutely no evidence of a “sexual crime” or “sexual battery.”*** These findings were explained and shared with you. We recently again confirmed with the IPD that this status is unchanged and that there is no active or ongoing investigation. Despite these facts, you continue to make contradictory and incongruent statements.

If you are aware of additional evidence that was not disclosed in your recent conversation with Sergeant Tom Goodbrand, please immediately report that information so the IPD may follow up. Sergeant Goodbrand’s direct line is 949-724-7216.

Newgent
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Please know that, out of respect for [REDACTED] and [REDACTED] privacy and in accordance with the state laws, IUSD has not and will not disclose any confidential information related to your children, particularly related to the information you have discussed publicly in this and other communications to the Board and on social media.

(Emphasis added.)

You have not produced any information to substantiate your claims in over two years. This is because there is no evidence to support your claims. You must stop perpetuating falsehoods.

As you have continued your attempts to damage the reputation of the District, Board, and employees, the District must defend itself against the frivolous and unfounded allegations you have lodged. If you do not cease and desist your false assertions, the District reserves the right to make appropriate redactions to this letter prior to its public disclosure to ensure that the actual facts of the investigation are communicated and also reserves the right to take any further legal action that may be required. Additionally, the District believes your misrepresentations create unwarranted fear and concern in our community, and each individual you have besmirched could prosecute a claim against you for libel, slander, and false light. While I have consistently recommended a moderate response to your allegations, I will not continue to do so unless you comply with the District's request that you cease and desist your campaign of falsehoods.

If you have any questions regarding this correspondence, please contact me in writing.

Sincerely,



Terry L. Walker
Superintendent of Schools
Irvine Unified School District

Cc: Board of Education, Irvine Unified School District
Irvine Police Department