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April 29, 2008

John C. Chambers
Coolidge Wall
33 West First Street, Suite 600
Dayton, Ohio 45502-1289

Re: Village of Yellow Springs/Antioch University
Air Conditioning Unit Outside of Student Union Building
on Campus of Antioch College

Dear Mr. Chambers:

Our firm serves as general counsel to Antioch University. Your April 17, 2008 letter to Toni Murdock, Chancellor of Antioch University (not Antioch College as you state in your letter) regarding the above-referenced matter has been referred to us for response.

At the outset, we were shocked that such a letter has been sent. There are no references to any Village ordinances, nor does the letter meet any of the requirements for a lawful adjudication order.

Moreover, the timing of the letter and its raising of new issues about zoning and building permits for the air conditioning unit years after its installation and years after Court litigation between the Village and the University about the air conditioning unit, strongly suggest that the Village is attempting to put pressure on the University Board of Trustees to make decisions about the operations of Antioch College. It is certainly ironic that the Village's demand to remove the air conditioning unit (which you term a "chiller" in your letter) could well eliminate the ability to feed students on campus at the very time when the Village is apparently trying to use its political influence to keep the campus in operation.

The connection between the two issues is clearly reflected in the minutes of the Village Council meetings on March 17 and April 7, 2008.

The minutes of the March 17, 2008 meeting state as follows:

Jerry Papania reviewed the past two-year dispute between his family and Antioch University regarding the chillers that were installed and the noise that they create.

Papania explained that he had also discovered that the University was running the chillers without the proper permit.

Police Chief John Grote explained that the Police Department does not have the equipment or the training to accurately access the noise level of the chillers. He suggested that the Village contract with a[n] audio engineering firm and let them handle such complaints. Hempfling MOVED and Askeland SECONDED a MOTION to direct staff to communicate with Antioch University if they plan to use the chillers out of compliance.

As you are probably aware, Mr. Papania is the person whose repeated complaints about the air conditioning unit back in 2006 led to numerous criminal citations against the University. The University successfully defended against those charges, with the judge ruling that the Village's noise ordinance was unconstitutional.

At its next regular meeting on April 7, 2008, the minutes show that Council permitted persons supporting the continued operation of Antioch College to speak and then unanimously passed a motion that "Council write a letter in which they urge Antioch University Board of Trustees to meet with Antioch College Continuation Corporation as soon as possible."

The next item of business at the April 7, 2008 meeting was consideration of a motion "that Council write a letter expressing encouragement of the efforts to keep Antioch College alive as a viable College in this town and welcome students to come back as Jeanne Kay has committed to come back next year, to keep Antioch going as an excellent institution of undergraduate education." Following concerns by other council members "that this letter was premature and appeared to take sides" and was "supporting something that Council could not guarantee," the Motion was withdrawn.

With regard to the air conditioning unit on the Antioch College campus, the minutes of the April 7, 2008 meeting go on to state:

Noise-Update. Village Solicitor John Chambers explained that they have been examining the records regarding the chiller and have found that no permit was issued. He added that violation of the noise ordinance is irrelevant. He has sent the University a notice informing them that they do not have a building or zoning permit. They must shut down the chiller by June 30th or there would be court action. Booth MOVED and Wintrow SECONDED a MOTION to direct the Village Manager and the Village Solicitor to move forward in this process regarding the chiller at Antioch College. The MOTION PASSED UNANIMOUSLY.

I do not understand the basis for your statement to Council, as reflected in its minutes, that as of April 7 you had already sent the University a notice, since your letter to the University is dated April 17, 2008 and was sent well after April 7. To the best of my knowledge, that April 17 letter is the only communication the University has received regarding this matter. If there is an earlier letter from you or anyone associated with the Village, please send me a copy right away.

John C. Chambers
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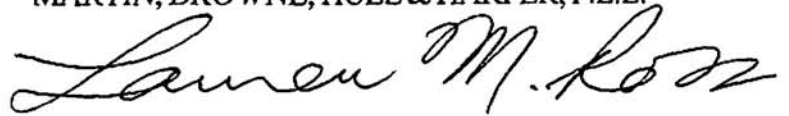
Regardless, your letter and the demands made therein are actions of the Village of Yellow Springs taken "under color of law." We believe they are unlawful actions for a number of reasons, including the complete lack of due process and compliance with Village ordinances, the imposition of double jeopardy after the Village's failed attempt to have the University found criminally liable, and the improper and ultra vires motivation of the Village Council. The University will take all necessary legal actions to resist these unlawful actions of the Village.

Enclosed is a copy of a public records request I have sent to the Village Manager regarding these matters. We would welcome the opportunity to discuss any of them with you.

Please direct any further communications regarding the air conditioning unit at the Antioch Student Union to me.

Very yours,

MARTIN, BROWNE, HULL & HARPER, P.L.L.

A handwritten signature in black ink, reading "Lauren M. Ross". The signature is written in a cursive, flowing style with a large initial "L" and a stylized "M".

Lauren M. Ross

Enclosure

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April 29, 2008

Eric Swansen
Village Manager
Village of Yellow Springs
100 Dayton St.
Yellow Springs, Ohio 45387

Re: Village of Yellow Springs/Antioch University
Air Conditioning Unit Outside of Student Union Building
on Campus of Antioch College

Dear Mr. Swansen:

I am hereby requesting copies of all public records of the Village of Yellow Springs, Ohio pertaining to the above-referenced air conditioning unit. This request is for the time period 2003 to the present. In addition to records which may be maintained only on paper, this request includes all records in electronic format, including but not limited to, e-mails and voice mails regardless of whether maintained on public computer or telephone systems or otherwise. Any records which are maintained in electronic format, I request to receive in electronic format.

I am requesting that these public records be produced on or before May 14, 2008.

If you require any advance payment for the reproduction of any of these records, please let me know immediately. If you have any questions about this request or your response thereto, please contact me.

Very truly yours,

MARTIN, BROWNE, HULL & HARPER, P.L.L.


Lauren M. Ross

Ronald S. Pretkin
Jonas J. Groenberg
Merle F. Wilberding
Glenn L. Bower
J. Stephen Herbert
R. Scott Blackburn
Richard A. Schwartz
Sam Warner
Terence L. Fague
Timothy D. Hoffman
John C. Chambers
Douglas M. Ventura
Richard A. Tolda
R. Brent Gambill
C. Mark Kingseed
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Kristin A. Fisch
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April 17, 2008

Via e-copy & regular mail

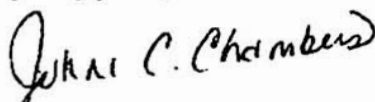
Tullisse "Toni" Murdock
Chancellor
Antioch College
795 Livermore St.
Yellow Springs, Ohio 45387

Re: Chiller Unit Outside Student Union

Dear Ms. Murdock:

As you know, there has been a continuing controversy regarding the chiller unit installed by the School outside the Student Union in 2004. After an extensive search of the Village and County records, it has been concluded that the School and its contractor never obtained a zoning permit or building permit to install the chiller unit. You are hereby advised that the unit was constructed illegally and that it must be removed. You are hereby notified that the unit is to be removed not later than June 30, 2008. If the unit has not been removed by that time, the Village will institute actions to cite the school for these violations.

Very truly yours,


John C. Chambers
Village Solicitor

JCC/wlw

cc: Thomas Faecke, Vice Chancellor/CFO (via e-copy & regular mail)
Deborah Benning, Clerk of Council
Eric Swansen, Village Manager
Members of Council

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