

Feuchtenberger, Karen

From: Frazier, Kenneth C. <ken_frazier@merck.com>
Sent: Tuesday, July 31, 2012 11:55 AM
To: Tomalis, Ronald
Subject: RE: PS4RS DEMANDS FREEH CONTRACTS AND DETAILS BE MADE PUBLIC

Agree with that too, but I think just giving them that explanation will avoid another tempest in a teapot...

From: Tomalis, Ronald [mailto:rtomalis@pa.gov]
Sent: Tuesday, July 31, 2012 11:54 AM
To: Frazier, Kenneth C.
Subject: RE: PS4RS DEMANDS FREEH CONTRACTS AND DETAILS BE MADE PUBLIC

Agree that there isn't anything to hide, but also think we shouldn't make a big deal out of this. First, it just gives them more credibility as an organization; second, it will just be one more in a death of a thousand cuts. We will never satisfy them...

From: Frazier, Kenneth C. [mailto:ken_frazier@merck.com]
Sent: Tuesday, July 31, 2012 11:49 AM
To: Tomalis, Ronald
Subject: FW: PS4RS DEMANDS FREEH CONTRACTS AND DETAILS BE MADE PUBLIC

From: Frazier, Kenneth C.
Sent: Tuesday, July 31, 2012 11:48 AM
To: Peetz, Karen; Keith E. Masser (kmasser@masserspuds.com) (kmasser@masserspuds.com)
Subject: FW: PS4RS DEMANDS FREEH CONTRACTS AND DETAILS BE MADE PUBLIC

Here's what I just sent to Frank...

From: Frazier, Kenneth C.
Sent: Tuesday, July 31, 2012 11:45 AM
To: 'Guadagnino, Frank T.'
Cc: Dunham, Stephen
Subject: RE: PS4RS DEMANDS FREEH CONTRACTS AND DETAILS BE MADE PUBLIC

I am inclined to tell them that we were solicited by numerous firms, that Ron and I reviewed the credentials of several firms narrowed the list down to two firms (Freeh, Sporkin and Covington), interviewed both and ultimately selected Freeh. I don't feel that there's anything to hide.

From: Guadagnino, Frank T. [mailto:FGuadagnino@ReedSmith.com]
Sent: Tuesday, July 31, 2012 10:49 AM
To: Frazier, Kenneth C.
Cc: Dunham, Stephen
Subject: FW: PS4RS DEMANDS FREEH CONTRACTS AND DETAILS BE MADE PUBLIC

I would appreciate your thoughts with respect to our response (or not) to the attached.

----- Forwarded message -----

From: **Maribeth Schmidt** <mschmidt@ps4rs.org>

Date: Tue, Jul 31, 2012 at 7:55 AM

Subject: PS4RS DEMANDS FREEH CONTRACTS AND DETAILS BE MADE PUBLIC

To: Maribeth Schmidt <mschmidt@vaultcommunications.com>

FOR IMMEDIATE RELEASE

**PENN STATERS FOR RESPONSIBLE STEWARDSHIP DEMAND
CONTRACTS AND DETAILS OF FREEH HIRING BE MADE PUBLIC**

AUGUST 1, 2012 -- Members of **Penn Staters for Responsible Stewardship (PS4RS)** have announced a formal request to the Penn State Board of Trustees to make public the names of all firms it contacted and to produce all proposals received before the November 2011 hiring of Freeh Sporkin & Sullivan LLP to conduct an internal investigation of the University's role in the Jerry Sandusky scandal. This, following last week's published report by the *Chronicle of Higher Education* in which a source familiar with the Freeh investigation is quoted as saying the final document produced from the investigation "was not meant to be used as the sole piece, or the large piece, of the NCAA's decision-making."

Further, PS4RS, the fast-growing alumni watchdog organization which has been seeking to remove all trustees who were at the helm of the University prior to November 2011, has formally requested that the trustees make public the signed letter of intent under which the investigation was initiated, and the official memorandum of understanding between the two parties – Penn State University and the firm of Freeh Sporkin & Sullivan LLP.

"Certainly, for an investigation of this size, there would be a detailed scope of work which would clearly state the objectives, what means and methodology would be used, and to what extent the final product would be used to characterize the events encompassing the Sandusky tragedy," said PS4RS spokeswoman Maribeth Roman Schmidt. "We would expect such topics – among many others -- as lack of subpoena power and the potential inability to interview key figures to be addressed upfront with caveats regarding their bearing on the report's conclusions."

"More, the Penn State community and the general public have been led to believe that Judge Freeh himself conducted the investigation and drafted the report," Schmidt continued. "Information regarding who specifically conducted the investigation and who wrote specifically the report, along with any sub-contractors utilized by Freeh Sporkin and Sullivan, is most

certainly relevant and must be disclosed, not only in the interest of full transparency, but to set the public record straight."

The organization continues to raise grave concerns that the Freeh report is wrought with factual errors, critical omissions and vast supposition unsupported by the facts. "It is our responsibility to uncover what the trustees hoped to gain from the report, and to understand why it is being used in a manner that is detrimental to the future of Penn State," said Schmidt. "The accusations implied throughout the report, with no basis of fact, are sinking our school and further damaging the Penn State brand with each reference to it," Schmidt continued. "It is unconscionable that the trustees would not only rely upon this report, but would knowingly thrust it upon the NCAA, the Big Ten and the general public as the definitive account. We all know that can — and will — only occur in a court of law."

Penn Staters for Responsible Stewardship has experienced a 45% growth in membership since the release of the Freeh report. The organization, which has more than 8,500 members worldwide, was formed to effect positive change within the University Board of Trustees. For further information on PS4RS, please visit www.PS4RS.ORG, email ps4rsinfo@ps4rs.org, or search "WE intend to vote out the Penn State Board of Trustees" on Facebook. Follow PS4RS on Twitter at [@PS4RS](https://twitter.com/PS4RS).

Maribeth Roman Schmidt
Penn Staters for Responsible Stewardship
Email: mschmidt@ps4rs.org
Cell: [215.620.4210](tel:215.620.4210)

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