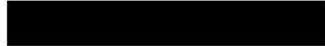


October 16, 2025

VIA E-MAIL & FED-EX

Keith T. Hayashi
Superintendent
Hawai'i State Department of Education
Ka 'Oihana Ho'ona'auao o ke Aupuni Hawai'i
1390 Miller St. Honolulu, HI 96813
Main Line: 808-784-6200



Principal



Re: [REDACTED] Violation of [REDACTED] First Amendment Rights

Dear Superintendent Hayashi and Principal [REDACTED]

The American Center for Law & Justice (ACLJ)¹ represents [REDACTED] a history teacher

¹ By way of introduction, the ACLJ is an organization dedicated to the defense of religious and constitutional freedoms. ACLJ attorneys have argued before the Supreme Court of the United States in several significant cases involving the freedoms of speech and religion. *See, e.g., Pleasant Grove City v. Summum*, 129 S. Ct. 1523 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept counter-monuments when it has a war memorial or Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the

at [REDACTED]. We write regarding the Hawaii Department of Education's and [REDACTED] School's violation of Ms. [REDACTED] First Amendment rights through enforcement of an unconstitutionally vague policy requiring her to stifle "controversial" student speech. The disciplinary action taken against Ms. [REDACTED]—memorialized in a September 23, 2025, memo threatening future discipline and placed in her personnel file—violates clearly established constitutional law and must be withdrawn immediately. A summary of the facts and law are set forth below.

Understanding that these missteps by school officials may have been accidental, we look forward to your assurances that our client's file will be cleared and that similar violations will not occur again. Further, we are happy to assist in ensuring that any relevant policy provisions are revised to avoid First Amendment violations going forward.

Summary of Facts

On September 17, 2025, Ms. [REDACTED] fulfilled a federally mandated requirement to teach about the United States Constitution on Constitution Day. Federal law requires that "[e]ach educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution." Sec. 111(b) of the Consolidated Appropriations Act of 2005, Public Law 108-447. The Hawaii Department of Education confirmed this requirement in an August 12, 2025, memorandum from Assistant Superintendent Teri Ushijima, which stated: "Federal legislation requires that all educational institutions receiving federal funds hold educational programs about the Constitution during the week of September 17."

Ms. [REDACTED] designed a brief lesson introducing the Bill of Rights to her students. This lesson was included in her course syllabus, which was reviewed and approved by school administration, specifically by Vice Principal [REDACTED]. The syllabus was distributed to all parents and students. Ms. [REDACTED] taught this lesson to her Period 1 and Period 2 classes on September 17, 2025. She was absent on September 18, 2025, and a substitute teacher, [REDACTED] taught the same approved lesson to Periods 3, 5, and 6.

Ms. [REDACTED] fifteen-to-twenty-minute lesson covered the ten amendments comprising the Bill of Rights. When discussing the First Amendment, she asked students what rights it protects. Students correctly identified freedom of speech and freedom of religion. Ms. [REDACTED] added freedom of assembly and freedom of the press, defining these terms for the students.

During the Period 1 class discussion, Ms. [REDACTED] explained that "hate speech" is constitutionally protected speech. A student then spontaneously stated that "Charlie Kirk was killed for his speech." Ms. [REDACTED] responded by asking, "Who are some other people that were killed for their speech?" Students identified Martin Luther King, Jr., John F. Kennedy, and Abraham Lincoln. One student mentioned that someone tried to kill President Trump for his speech, to which another student responded with words to the effect of "that wouldn't be so bad."

Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).

Ms. [REDACTED] immediately corrected the student, explaining that calling for the death of the president and calls to violence are not protected speech and that you can't kill people because you disagree with their speech. This entire conversation took approximately forty-five seconds. In Period 2, a student simply mentioned "Charlie Kirk" during the discussion of hate speech being protected, and Ms. [REDACTED] agreed that Charlie Kirk was shot because of the things he was saying.

Throughout both classes, Ms. [REDACTED] remained scrupulously viewpoint-neutral. She did not express political opinions. She did not endorse or condemn any political figure or position. No one has indicated or even suggested to the contrary. She taught established constitutional law: that hate speech is protected and that violence in response to speech is not protected. Her instruction was factual, objective, and pedagogically appropriate.

On the afternoon of September 17, 2025, Vice Principal [REDACTED] interrupted a social studies department meeting to announce that teachers are not allowed to discuss "controversial issues" and that if controversial issues arise in student discussions, teachers are required to "shut it down." He indicated that "something specific happened in someone's class" and that he would be calling in that teacher. Minutes later, [REDACTED] texted Ms. [REDACTED] requesting a 3:00 p.m. meeting.

During the 3:00 p.m. meeting, [REDACTED] asked Ms. [REDACTED] what was discussed in class. She explained she had introduced the Bill of Rights for Constitution Day. When [REDACTED] asked if they discussed Charlie Kirk, Ms. [REDACTED] confirmed that a student had brought up Charlie Kirk during the First Amendment discussion. [REDACTED] asked which student mentioned Charlie Kirk. Ms. [REDACTED] truthfully stated she did not recall which specific student made the comment during the brief, forty-five-second exchange in a fifteen-to-twenty-minute lesson. [REDACTED] then revealed that a parent had called to complain about the classroom discussion of Charlie Kirk. [REDACTED] stated that Ms. [REDACTED] was required to "shut down" any spontaneous discussions on controversial topics.

On September 24, 2025, [REDACTED] emailed Ms. [REDACTED] a "Summary of Conference" memo. This memo stated: "If controversial issues arise spontaneously without administration approval and parent notification, discussion must be put to a stop immediately. Failure to comply with the above directives may result in disciplinary action." *This instruction is not based on Hawaii policies related to controversial issues in education.* In fact, it violates State policy: BOE Policy 101-13 states that "Student discussion of issues which generate opposing points of view shall be considered a normal part of the learning process in every area of the school program." It requires that discussions be "maintained on an objective, factual basis" with "stress . . . placed on learning how to make judgements based on facts." Ms. [REDACTED] did exactly this. She allowed brief student discussion as part of normal learning.

Further, DOE Regulation 2210.1 requires advance parent notification and administrative discussion for "controversial issues that will be discussed in the classroom" through planned lessons or presentations. Section II.C states: "The instructional staff has academic freedom. However, they must exercise reasonable judgement and discuss any potentially controversial topic/presentation with the principal prior to inclusion in the lesson." Ms. [REDACTED] complied fully. The Bill of Rights was included in her syllabus, which was approved by administration and acknowledged by parents. The regulation addresses planned controversial curriculum, not spontaneous student comments. No written policy requires teachers to stifle student speech.

On September 25, 2025, Ms. [REDACTED] shared the memo with her social studies colleagues, who were, like her, surprised, noting that “everything in history is controversial.” On September 29, 2025, department head [REDACTED] requested that Principal [REDACTED] and Vice Principal [REDACTED] meet with the social studies department to clarify the controversial issues policy. During this meeting, teachers described various situations that had arisen in their classes. Following the meeting, which did not provide clarity, Ms. [REDACTED] requested an immediate private conversation with Principal [REDACTED] and Vice Principal [REDACTED].

During the private meeting with Principal [REDACTED] and Vice Principal [REDACTED] with department head [REDACTED] also present, Ms. [REDACTED] directly challenged the memo. She explained that the Bill of Rights was included in her syllabus, which was approved by administration (specifically by [REDACTED] himself), and acknowledged by each parent and student. Ms. [REDACTED] continued: “None of the documents that I received stated that I am required to stop students from spontaneously speaking about any topic.” [REDACTED] replied that the policy does require this. Ms. [REDACTED] responded: “I read the documents five times, and that it does not state that I am required to silence students.” She asked him to find the statement and provide it to her. [REDACTED] attempted to search for the text but could not locate it. Principal [REDACTED] then imposed an even more restrictive and pedagogically absurd limitation. She stated that Ms. [REDACTED] is only allowed to talk about the First Amendment in the context of the founding of the country (1789), and that she should not apply it to modern-day America.

Critically, Principal [REDACTED] identified the complaining parent as the mother of a student in Period 5—a class to which Ms. [REDACTED] did not teach the Bill of Rights lesson to that day. The substitute teacher, [REDACTED] taught the Bill of Rights introduction to Period 5 the following day. This fundamental error reveals that the investigation was factually deficient from the outset, yet administration proceeded with disciplinary action anyway. In the law, this is called pretext, and it does not bode well for government officials or employers.

Ms. [REDACTED] pointed out the contradiction: [REDACTED] had described facilitating debates about the Second Amendment in modern times when he was a teacher, but [REDACTED] was now prohibiting Ms. [REDACTED] from discussing modern applications of constitutional amendments. [REDACTED] claimed the memo was “not punitive.” Ms. Strait requested that the memo be retracted. Administration refused.

The following day, September 30, 2025, Principal [REDACTED] asked to meet with Ms. [REDACTED] before school. During this meeting, [REDACTED] explained the timeline between Ms. [REDACTED] September 17 conversation with [REDACTED] and the September 23 memo. [REDACTED] acknowledged that they had not yet found the text in Board of Education policy directing teachers to immediately stop spontaneous student discussion of controversial topics. Most troublingly, when Ms. [REDACTED] asked why the memo was being placed in her file if it was not punitive, Principal [REDACTED] stated that the memo was not punitive but that it will go into her file because if administration doesn’t compile a file on teachers, then they “have no leg to stand on” when they want to discipline a teacher.

Statement of Law

As the Supreme Court has made clear, “It can hardly be argued that either students or

teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years.” *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 506. The disciplinary action against Ms. [REDACTED] violates clearly established constitutional law on multiple independent grounds. The administration’s disciplinary memo violates Ms. [REDACTED] First Amendment rights through an unconstitutionally vague policy that fails to provide fair notice of prohibited conduct and invites arbitrary enforcement. The selective application of undefined standards, permitting some teachers to discuss modern constitutional applications while disciplining Ms. [REDACTED] for identical conduct, constitutes impermissible viewpoint discrimination. The administration further violated Ms. [REDACTED] due process rights by disciplining her for respecting students’ constitutional rights under *Tinker*, creating an impossible compliance scenario where she must choose between following constitutional law or obeying an unlawful directive. Each of these violations independently requires immediate remedial action.

Vagueness

A vague regulation of expression “raises special First Amendment concerns because of its obvious chilling effect on free speech.” *Reno v. ACLU*, 521 U.S. 844, 872 (1997). “[W]here a vague statute ‘abut[s] upon sensitive areas of basic First Amendment freedoms,’ it ‘operates to inhibit the exercise of [those] freedoms.’” *Grayned v. City of Rockford*, 408 U.S. 104, 109 (1972); *see also Smith v. Goguen*, 415 U.S. 566, 573 (1974) (“Where a statute’s literal scope, unaided by a narrowing state court interpretation, is capable of reaching expression sheltered by the First Amendment, the [vagueness] doctrine demands a greater degree of specificity than in other contexts.”); *Hoffman Estates v. Flipside, Hoffman Estates*, 455 U.S. 489, 499 (1982) (If “the law interferes with the right of free speech of or association, a more stringent vagueness test should apply.”); *NAACP v. Button*, 371 U.S. 415, 433 (1963) (“Because First Amendment freedoms need breathing space to survive, government may regulate in the area only with narrow specificity.”). The Constitution requires that laws provide adequate notice of prohibited conduct. The mechanisms by which vague rules cause chilling effects are two-fold. A statute can be impermissibly vague where it either (1) “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits” or (2) “authorizes or even encourages arbitrary and discriminatory enforcement.” *Hill v. Colorado*, 530 U.S. 703, 732 (2000).

Vagueness doctrines do still apply to the regulations that govern governmental employees. “In the context of public employment, regulations are not void for vagueness ‘as long as ordinary persons using ordinary common sense would be notified that certain conduct will put them at risk of [sanctions].’” *Gardner v. Island County Sheriff’s Office*, 1999 U.S. App. LEXIS 8731, *4 (9th Cir. 1999) (quoting *San Filippo v. Bongiovanni*, 961 F.2d 1125, 1136 (3rd Cir. 1992)); *Waters v. Churchill*, 511 U.S. 661, 673 (1994). Where a statute implicating basic First Amendment freedoms is vague, it creates a chilling effect on the exercise of those freedoms, leading citizens to “steer far wider of the unlawful zone . . . than if the boundaries of the forbidden areas were clearly marked.” *Grayned*, 408 U.S. at 109.

The Ninth Circuit’s analysis in *California Teachers Ass’n v. Board of Education*, 271 F.3d 1141 (9th Cir. 2001), provides crucial guidance. That case addressed whether California’s Proposition 227, which required instruction to be conducted “overwhelmingly” in English, was

unconstitutionally vague. The court held that “[t]o satisfy heightened vagueness scrutiny, it is sufficient that the vagueness of these terms does not result in the chilling of a substantial amount of legitimate expression.” *Id.* at 1152. Critically, the court emphasized: “In analyzing whether a statute’s vagueness impermissibly chills First Amendment expression, it is necessary to consider the context in which the statute operates.” *Id.* at 1154.

In that case the court upheld language requirements because: (1) the terms had “common understanding” even if not mathematically precise; (2) teachers would continue using appropriate non-English instruction despite any ambiguity; (3) the state had clear pedagogical interests in English instruction; and (4) the restriction was reasonably related to legitimate educational goals. Here, none of these factors support the administration’s position. The term “controversial issues” lacks common understanding—as evidenced by the social studies department’s collective observation that “everything in history is controversial.” Unlike the *California Teachers* case, where teachers could confidently continue appropriate instruction, Ms. [REDACTED] and her colleagues cannot determine what speech is permitted. And most critically, the administration cannot articulate any legitimate pedagogical interest in prohibiting appropriate, viewpoint-neutral discussion of constitutional law.

The directive imposed on Ms. [REDACTED] fails constitutional scrutiny because it suffers from multiple, compounding vagueness defects. The Administration has failed to define “controversial issues” with any specificity. The term could encompass virtually any historical topic, current event, or policy question. As Ms. [REDACTED] colleagues observed, “everything in history is controversial.” Would discussion of the Civil War be controversial? The New Deal? Voting rights? The Holocaust? Without clear definition, teachers using ordinary common sense cannot know what speech is permitted. This is not a case of ambiguity at the margins—the core term is fundamentally undefined. Second, the requirement to “immediately shut down” spontaneous student comments provides no guidance on how teachers should respond to inevitable situations where students raise unexpected topics. Must teachers silence students mid-sentence? How can teachers distinguish between appropriate redirection (which Ms. [REDACTED] provided) and impermissible discussion? The complete absence of guidance transforms every spontaneous classroom exchange into potential grounds for discipline. Principal [REDACTED] additional restriction limiting First Amendment instruction to “the context of the founding of the country (1789)” and prohibiting discussion of “modern-day America” is impossibly vague and pedagogically absurd. At what point does constitutional history become impermissibly “modern”? This restriction would render teaching First Amendment law meaningless, as students could not learn how constitutional principles apply to their own lives and contemporary society.

Fundamentally, the vague standard creates demonstrated risk of arbitrary and discriminatory enforcement. Vice Principal [REDACTED] described facilitating Second Amendment debates about modern gun policy when he was a teacher—conduct that would directly violate the standard now applied to Ms. [REDACTED]. Yet he was never disciplined. This inconsistency proves that the alleged policy is applied arbitrarily based on administrator preference, political viewpoint, or which particular parent complains—precisely the type of discriminatory enforcement the vagueness doctrine prohibits.

Unlike in *California Teachers Association*, where the chilling effect was “negligible,” 271

F.3d at 1152, because teachers would continue necessary instruction, here the chilling effect is substantial and documented. The entire social studies department recognized that the policy makes effective teaching impossible. Teachers cannot teach history, civics, or social studies without occasionally addressing topics some might deem “controversial.” The policy forces teachers to choose between professional competence and job security—that is precisely the substantial chilling effect that violates the First Amendment.

The Constitution Day Context Heightens the Constitutional Violation

The federal mandate to teach about the Constitution on Constitution Day significantly heightens the constitutional problems with this disciplinary action. Congress required this instruction because civic education—including understanding constitutional rights and limitations—is essential to democratic citizenship.

The federal statute is unambiguous: “each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year.” Sec. 111(b) of the Consolidated Appropriations Act of 2005, Public Law 108-447. This is not optional. Schools receiving federal funds must provide constitutional instruction. The Hawaii Department of Education acknowledged this obligation.

Ms. [REDACTED] fulfilled this federal mandate. She taught students about the Bill of Rights—the first ten amendments to the Constitution that enumerate fundamental individual liberties. This is precisely what the federal statute requires. Disciplining a teacher for fulfilling a federal mandate creates an impossible conflict. Federal law requires constitutional instruction. State officials punish a teacher for providing that instruction. This places teachers in an untenable position: comply with federal law and risk state discipline, or avoid meaningful constitutional education to appease local administrators.

Viewpoint Discrimination

The selective and inconsistent application of the undefined “controversial issues” standard creates impermissible viewpoint discrimination. When regulating speech “government regulation may not favor one speaker over another.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 828 (1995). “When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant.” *Id.* at 829; see *Lamb’s Chapel v. Ctr. Moriches Union Free Sch. Dist.*, 508 U.S. 384, 394 (1993) (“[T]he First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others.”) (quoting *City Council of L.A. v. Taxpayers for Vincent*, 466 U.S. 789, 804 (1984)); see also *Widmar v. Vincent*, 454 U.S. 263, 270 (1981).

The viewpoint discrimination is evident here. First, Vice Principal [REDACTED] described facilitating classroom debates about the Second Amendment and whether it “is still needed today”—explicitly discussing modern applications of constitutional amendments and allowing students to express opposing viewpoints on a politically divisive topic. Yet when Ms. [REDACTED] briefly addressed modern applications of the First Amendment, she was disciplined. The sole distinguishing factor appears to be which parent complained, or which administrator was involved.

Second, Principal [REDACTED] restriction prohibiting discussion of constitutional principles in “modern-day America” while permitting discussion of the “founding of the country (1789)” is viewpoint-based on its face. It permits historical discussion while prohibiting contemporary application.

Third, the undefined nature of “controversial issues” invites viewpoint-based enforcement. What counts as controversial is inherently subjective and often politically determined. Teaching that the Constitution protects flag burning might be “controversial” in one community. Teaching about Japanese internment might be “controversial” in another. Teaching about slavery’s role in the Civil War might be “controversial” elsewhere. Without objective criteria, administrators inevitably make viewpoint-based judgments about what topics are too sensitive to address.

Compelled Violation of Students’ First Amendment Rights in Violation of Due Process

The administration’s directive creates an additional constitutional violation: it compels Ms. [REDACTED] to violate her students’ First Amendment rights, thereby violating her own constitutional rights as a teacher. It is well-settled law that students do not “shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” *Tinker v. Des Moines Indep. Comm. Sch. Dist.*, 393 U.S. 503, 506 (1969). As the Supreme Court has noted,

School officials do not possess absolute authority over their students. Students in school as well as out of school are persons under our Constitution. They are possessed of fundamental rights which the state must respect, just as they themselves must respect their obligations to the state. In our systems, students may not be regarded as closed-circuit recipients of only that which the state chooses to communicate. They may not be confined to the expressions of those sentiments that are officially approved.

Id. at 511. While school officials may apply “reasonable regulation[s] [to] speech-connected activities in carefully restricted circumstances,” they may not censor student expression unless the speech “impinge[s] upon the rights of others” or creates a material and substantial disruption to the school’s ability to fulfill its educational goals. *Id.* at 509, 513. The law is quite clear, however, that “undifferentiated fear or apprehension of disturbance is not enough to overcome the right to freedom of expression.” *Id.* at 508.

The administration’s disciplinary action violates Ms. [REDACTED] right to due process by punishing her for conduct that the Constitution requires. Due process prohibits arbitrary government action and requires that individuals receive fair notice of prohibited conduct. *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985). The administration’s discipline is fundamentally arbitrary because it punishes Ms. [REDACTED] for respecting students’ constitutional rights under *Tinker*—conduct she was legally obligated to permit.

Ms. [REDACTED] faced an impossible compliance scenario that violates due process. Federal law required her to teach about the Constitution on Constitution Day. *Tinker* required her to permit student speech that did not materially disrupt the educational process. Her approved syllabus

included instruction on the Bill of Rights. Yet the administration now claims she should have “immediately shut down” constitutionally protected student discussion. This creates an impossible choice: comply with constitutional law and federal mandates or comply with the administration’s unconstitutional directive. Due process does not permit the government to discipline employees for choosing to follow the Constitution over unlawful orders.

Moreover, disciplining a teacher for declining to violate students’ constitutional rights has no rational basis. The administration identified no legitimate pedagogical interest served by suppressing the non-disruptive student comments that occurred. The sole justification appears to be a single parent complaint—but *Tinker* makes clear that “undifferentiated fear” of controversy cannot justify suppressing protected speech. Punishing a teacher for following *Tinker* while teaching a federally mandated lesson on the First Amendment is not merely irrational—it is the antithesis of rational governance. Due process prohibits such arbitrary exercises of government power.

“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Ms. [REDACTED] has suffered and continues to suffer irreparable constitutional injury through the chilling effect of this disciplinary action. The memo in her file threatens future discipline for engaging in appropriate pedagogy. She now faces an impossible choice: either fulfill her professional responsibility to teach constitutional principles effectively and risk progressive discipline leading to termination, or self-censor by avoiding meaningful civic instruction and providing students with an inadequate education. Each day teachers labor under vague, unwritten restrictions on pedagogical speech, students are deprived of the robust civic education the Constitution and federal law require.

Conclusion

In light of the violation of our client’s constitutional rights, **we demand your assurances on or before October 23, 2025**, that the September 23, 2025 “Summary of Conference” memo will be immediately withdrawn and permanently expunged from Ms. [REDACTED] personnel file and any other records. We demand your assurances that teachers are not required to immediately silence spontaneous student discussion during approved lessons; teachers may appropriately address unexpected student comments through brief pedagogical redirection, as Ms. [REDACTED] did; that no adverse employment action will be taken against Ms. [REDACTED] based on the September 17, 2025 instruction or her subsequent advocacy regarding this matter; and that teaching constitutional principles—including the limits on protected speech—is not controversial and requires no special approval or parent notification beyond standard syllabus distribution.

The matter described here is of critical importance, not just to Ms. [REDACTED] but to all teachers and students in the Hawaii public school system who are entitled to the full protection of their First Amendment-protected liberties. Should we not receive a satisfactory response by October 23, 2025, we will have no choice but to pursue all available legal remedies, including filing formal complaints with the United States Department of Education Office for Civil Rights regarding the violation of Ms. [REDACTED] civil rights and interference with federally mandated Constitution Day instruction required under federal law and pursuing all other legal and administrative remedies available under federal and state law. Alternatively, we would be happy to assist you in crafting

new policies and procedures that comply with State law as well as the United States Constitution.

Should you wish to discuss this matter further or have any questions in this regard, please feel free to contact me directly at [REDACTED] with Mr. Gomes on copy at [REDACTED]

Sincerely,

/s/ Nathan J. Moelker

**AMERICAN CENTER FOR
LAW AND JUSTICE**

Nathan J. Moelker [REDACTED]
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/s/ Joseph A. Gomes

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