

18 January 2016

Christine M. Millinder, Register of Wills  
and Clerk of Orphans' Court  
Willowbank County Office Building  
414 Holmes Street – Suite #2  
Bellefonte, PA 16823-1488

FILED FOR RECORD  
CENTRE COUNTY, PA  
2016 JAN 22 PM 2 04  
CHRISTINE M. MILLINDER  
REGISTER TO WILLS &  
CLERK OF ORPHANS COURT

**Re: The Second Mile; Docket No. 14-12-0255; Petition for Distribution of  
Assets and the Dissolution of The Second Mile**

Dear Ms. Millinder:

I received the Memorandum dated 7 January 2016, and related enclosures, prepared by the law firm of Archer & Greiner in reference to the Petition for Distribution of Assets and the Dissolution of The Second Mile ("Petition"). To ensure compliance with requirements of the pending Order to be issued by The Orphans' Court, I submit the following documents in support of my claim in the amount of \$48,500 against the assets of The Second Mile ("TSM"):

- Letter dated 2 December 2011 to Mr. David Woddle, then Acting CEO of TSM, enclosed as Exhibit "A."
- Letter dated 6 December 2011 from Mr. Woddle in response to my letter dated 2 December 2011, enclosed as Exhibit "B."
- Letter dated 19 December 2011 to Attorney General Linda L. Kelly, enclosed as Exhibit "C."
- Letter dated 21 December 2011 from Howard A. Rosenthal, Esq. ("Rosenthal") to the Office of the Attorney General in response to my 19 December letter, enclosed as Exhibit "D."
- Letter dated 3 January 2012 to Mr. David Woddle, enclosed as Exhibit "E."

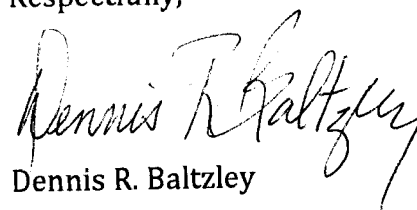
In further support for my claim, I submit the following:

- List of contributions to TSM, enclosed as Exhibit "F." As you will note, all of these contributions were made prior to 4 November 2011, the date on which the news media reported on Sandusky's indictment for engaging in acts of child sexual abuse. I submit that Sandusky took all of the money that my wife and I donated to TSM under false pretenses; unbeknownst to us he was using TSM, and therefor donations made to fund its programs, for opportunities to exercise his own deviant behavior. Had we been made aware of Sandusky's conduct at any time within the timeframe of our donations (2000 to 2009), we would not have contributed even one penny to TSM.
- My wife and I have not been residents of Pennsylvania for more than 30 years (since 1984), and therefor do not have, nor did we have at the time our donations were made, any special interest in organizations or programs for the benefit of children in the Commonwealth of Pennsylvania. Rather, all of our contributions were made because of Sandusky's role as founder of TSM.

- We acted on the belief, at the time the contributions were made, that Sandusky was an honest man with high moral standards and integrity.
- In rebuttal of the arguments set forth in Rosenthal's letter dated 19 December 2011 (Exhibit "D") wherein he requested the Attorney General's office to deny my claim, I submit the following:
    - Although Rosenthal is correct that our donations were "without restriction and unrelated to a specific program", since there are assets remaining to be distributed in connection with the dissolution of TSM, it is no longer necessary to account for how the donations may or may not have been used; and,
    - Although Rosenthal argued at that time that TSM "remains committed to its expressed mission" and "its focus remains on helping (the victims) and on preserving the programs", it has now been determined, by virtue of filing the Petition, that TSM is being dissolved because it is unable to carry out its charitable purpose. Since there are no ongoing programs to be preserved or mission to be served, it is clear that settlement of my claim will do no harm to TSM.
  - If the judgment of the Attorney General is that claims paid from the remaining assets of TSM should be used to serve children in the Commonwealth of Pennsylvania, then I direct, in advance, that any funds transferred to the Special Operations Warrior Foundation (SOWF) on my behalf, and in response to this claim, will be restricted for use by SOWF only for the benefit of surviving children of Special Operations personnel from the Commonwealth of Pennsylvania.

If there is any additional correspondence required regarding this matter, I can be reached by mail at 1311 Waterview Court, Lake Geneva, WI 53147, or by email at [drbaltzley@gmail.com](mailto:drbaltzley@gmail.com). Thank you for your consideration of my claim.

Respectfully,



Dennis R. Baltzley

Enclosures

Copy to:  
Howard A. Rosenthal, Esquire  
Archer & Greiner, P.C.  
One Liberty Place - 32<sup>nd</sup> Floor  
1650 Market Street  
Philadelphia, PA 19103-7393

## Exhibit A

2 December 2011

Mr. David Woddle  
Vice-Chairperson, State Board of Directors  
and Acting Chief Executive Officer  
The Second Mile  
1402 South Atherton Street  
State College, PA 16801

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CHRISTINE M. MILLINDER  
REGISTER TO WILLS &  
CLERK OF ORPHANS COURT

Dear Mr. Woddle,

Since 2000, my wife and I have contributed \$48,500 to The Second Mile. We did that for one reason only—because Jerry Sandusky is the founder. As a matter of fact I told Jerry that very thing several years ago, when he called to thank me for a particularly large contribution. My wife and I believed that Jerry was an honest man with high moral standards and integrity, and that he was a leader by example.

Now it is known, as part of an investigation of an incident that occurred in 1998, that Jerry admitted in a phone conversation that his behavior was “wrong”. Yet, with full knowledge and awareness of his conduct being unacceptable, he continued nonetheless. Recently, he admitted during his interview with Bob Costas to showering with, hugging, and “horsing around” with naked, adolescent boys. Seriously, how could he rationalize such conduct? I am not in a position to judge whether Jerry’s acts are criminal; he has a right to maintain his innocence until proven guilty. However, it is abundantly clear that neither his moral standards nor his behavior are appropriate; they are certainly not consistent with anything that I consider acceptable. I assure you that had I known Jerry had engaged in any of the behaviors to which he has admitted, my wife and I would not have donated even one penny to The Second Mile. In fact, I now believe that Jerry Sandusky has taken, under false pretenses, all of the money that we contributed to The Second Mile.

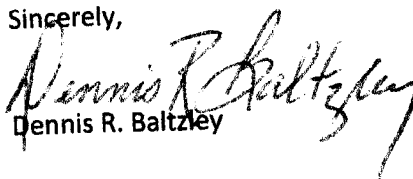
And, to make matters worse, Jerry Sandusky lacks the courage and integrity to accept responsibility for his own actions. While maintaining his own innocence, he stands idly by, watching others—Jack Raykovitz, Joe Paterno and Graham Spanier—take the fall for him. He has brought nothing but shame and embarrassment to Penn State, and probably exposed the university, The Second Mile, and many others around him to enormous financial liability and irreparable damage to their own reputations.

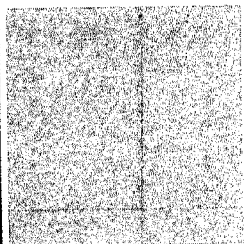
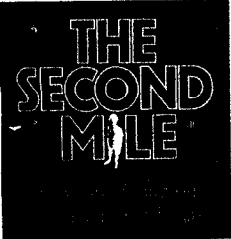
I read with great interest the November 28 posting on The Second Mile website asking supporters to redirect contributions to the Pennsylvania Coalition Against Rape. Further, a statement dated November 21 on The Second Mile’s website indicated that the Board is considering an option to transfer programs to other organizations. These actions represent the wishes of the Board of The Second Mile, but they are not consistent with my preferences. So, let me get to the point of my letter. I want all of the money that I contributed to The Second Mile to be transferred to an organization that has a mission and values that I embrace—the Special Operations Warrior Foundation.

I can likely anticipate your response, or lack thereof, to this request. You will either do nothing, or you will hide behind some law, regulation, or other governance doctrine that says The Second Mile cannot grant my request. However, if you or the Board can find it in your collective conscience to “do the right thing”, please send a check in the amount of \$48,500, payable to Special Operations Warrior Foundation, at the following address: P.O. Box 13483, Tampa, FL 33681.

Thank you for your consideration and attention to this matter.

Sincerely,

  
Dennis R. Baltzley



## Exhibit B

December 6, 2011

Dennis R. Baltzley  
1311 Waterview Court  
Lake Geneva, WI 53147

Dear Mr. Baltzley;

I have received and acknowledge your letter dated December 2, 2011 requesting the transfer of the contribution you made to The Second Mile of \$45,000. As you can imagine, The Second Mile has received similar requests from donors just like you. The Board of Directors of The Second Mile completely understands the reasons you may have for making the request. The tragic events of the last few weeks have shocked and horrified the hard-working staff and volunteers of The Second Mile who generously provide their time, talent and resources every day to provide valuable programs for youths at risk in Pennsylvania.

The Board of Directors is reviewing the necessary approvals from the Pennsylvania Attorney General and the appropriate court before making any formal decisions regarding any donations or the use of funds. The Board has been advised that the making of any transfers of assets at this time to any person or entity, other than payment of its regular bills in the ordinary course or as otherwise legally mandated, should not be done until proper approvals are obtained.

Please feel free to call me with any questions you may have.

Very Truly Yours,

David A Woodle  
Acting CEO  
The Second Mile

State Office  
1402 S. Atherton Street  
State College, PA 16801  
(814) 237-1719  
FAX: (814) 237-4605

Southcentral  
Regional Office  
3607 Rosemont Avenue,  
Suite 501  
Camp Hill, PA 17011  
(717) 763-4614  
FAX: (717) 763-4616

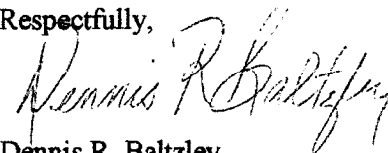
Southeast  
Regional Office  
588 N. Gulph Road,  
Suite B109  
King of Prussia, PA 19406  
(610) 491-9440  
FAX: (610) 491-9441

Central  
Regional Office  
1402 S. Atherton Street  
State College, PA 16801  
(814) 237-1719  
FAX: (814) 237-4605

[www.thesecondmile.org](http://www.thesecondmile.org)

If there is any additional correspondence required regarding this matter, I can be reached by mail at 1311 Waterview Court, Lake Geneva, WI 53147, or by email at [drbaltzley@gmail.com](mailto:drbaltzley@gmail.com). Thank you for your attention to and consideration of my request.

Respectfully,

A handwritten signature in cursive script that reads "Dennis R. Baltzley". The signature is written in black ink and is positioned to the right of the typed name.

Dennis R. Baltzley

Copy to: Mr. David Woddle

December 21, 2011

**VIA E-MAIL AND UPS – No. 1Z 6R6 E91 13 9157 9350**

Mark A. Pacella, Esquire  
Chief Deputy Attorney General  
Criminal Law Division  
Office of Attorney General  
Appeals & Legal Services Section  
16<sup>th</sup> Floor  
Strawberry Square  
Harrisburg, PA 17120

Re: The Second Mile.

File No. SEC038.00401

Dear Mark:

We previously have discussed the status of The Second Mile and its ongoing review of the viability of its programs, including the potential transfer of those programs to other charitable organizations. That process is continuing and we expect to forward a fully developed draft Petition, to be submitted to the Orphan's Court for approval, to you in advance of any filing.

During this process, and as we have informed you at our meeting, several donors requested refunds, or the transfer, of their prior donations, without judicial approval and without any fully developed alternative program. The Second Mile has informed all of these donors that any transfers will be subject to approval by both the Attorney General and the Court.

Notwithstanding such advice, and as reflected by the enclosed letter to Attorney General Linda L. Kelly, a prior donor, during the period from 2000 through 2009, has requested that your office grant his transfer request. Although we disagree with many of the basic premises of the letter, we want to reiterate that it is the intention of The Second Mile to maintain the course previously outlined and, subject to review by the Attorney General and appropriate approvals from the Court, transfer all funds and the associated programs if it is unable to continue under or as part of The Second Mile.

For your further information, all of the donations by Mr. Baltzley were without restriction

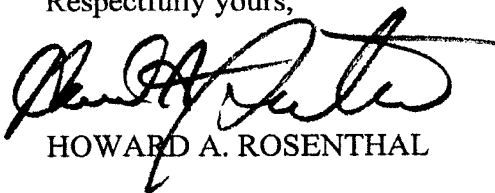
Mark A. Pacella, Esquire  
Chief Deputy Attorney General  
December 21, 2011  
Page 2

and unrelated to a specific program. Although it would be virtually impossible to trace those funds now, given the timing of the donations, it is likely that most of that money was spent on programs at or about the time of the donations.

The Second Mile, through its present leadership, remains committed to its expressed mission and the children which it has served appropriately over the years. No one can condone any form of abuse or misconduct, and The Second Mile is deeply sorrowed by what has happened. Its thoughts and prayers remains with the victims and its focus remains on helping them and on preserving the programs that have helped countless children.

For all of these reasons, we believe that the specific request by Mr. Baltzley should be denied. Of course, when and if an appropriate Petition is filed with the Court, Mr. Baltzley will be notified and he will have an opportunity to present his position to the Court if he desires to do so.

Respectfully yours,



HOWARD A. ROSENTHAL

HAR/dms  
Enclosure

cc(w/encl.): Linda L. Kelley, Attorney General  
(w/o encl.): Mr. Dennis R. Baltzley

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## Exhibit E

January 3, 2012

Mr. David Woddle  
Vice-Chairperson, State Board of Directors  
and Acting Chief Executive Officer  
The Second Mile  
1402 South Atherton Street  
State College, PA 16801

Dear Mr. Woddle,

Thank you for your letter of December 6, 2011 regarding my request to transfer \$48,500 from The Second Mile to the Special Operations Warrior Foundation. As you referenced in that letter, making any transfers of assets requires approvals from the Pennsylvania Attorney General and the "appropriate" court. As you know, I subsequently wrote to the Attorney General's office requesting such approval for the transfer of all contributions made by my wife and me during the period from 2000 through 2009.

As you can imagine, I am very disappointed that Mr. Rosenthal from the law firm of Archer & Greiner decided to intervene by asking the Attorney General's office to deny my request. If I have offended either you or Mr. Rosenthal by violating protocol because I contacted the Attorney General's office directly, please accept my sincere apology. Nonetheless, it appears that The Second Mile and its law firm have now decided that The Second Mile has neither a legal or moral obligation, and perhaps no intention, to honor my request.

According to Mr. Rosenthal's letter, apparently The Second Mile is conducting an "ongoing review of the viability of its programs, including the transfer of those programs to other charitable organizations". Presumably, transfer of the programs will also involve transfer of The Second Mile's underlying assets to help support the programs that are transferred. In the 11.21.2011 posting on The Second Mile's website, it appears that The Second Mile is also considering the option of "not continuing". In such case, I assume there will be some plan to distribute its remaining assets.

I also understand from Mr. Rosenthal's letter that The Second Mile is preparing a "fully developed draft Petition, to be submitted to the Orphan's Court for approval". Mr. Woddle, I respectfully request that to the extent that the Petition includes any plan to transfer assets of The Second Mile to other charitable organizations or to distribute its assets resulting from a decision not to continue its business, please include, or amend to include, a provision in the Petition that will result in the transfer of \$48,500 to the Special Operations Warrior Foundation.

Thank you for your consideration and attention to this matter.

Sincerely,



Dennis R. Baltzley

Copy via FAX to: Linda L. Kelly, Attorney General  
Mark A. Pacella, Chief Deputy Attorney General  
Howard A. Rosenthal, Archer & Greiner



## Exhibit F

<b>Funds Disbursed from:</b>			
<b>Year</b>	<b>Donor Fund (Note A)</b>	<b>Personal Checking Account</b>	<b>Total</b>
2000	\$1,000		\$1,000
2001	0	\$2,500	2,500
2002	2,500		2,500
2003	2,500		2,500
2004	5,000		5,000
2005	0	7,500	7,500
2006	0	7,500	7,500
2007	5,000		5,000
2008	10,000		10,000
2009	5,000		5,000
	<u>\$31,000</u>	<u>\$17,500</u>	<u>\$48,500</u>

**Note A:** Funds disbursed through private foundation Individualized Donor Account of Dennis R. and Michele W. Baltzley.