

September 16, 2019

Dr. Bonny Gifford, Superintendent
Dartmouth Public Schools
8 Bush Street
Dartmouth, MA 02748

Dear Dr. Gifford:

The other day at Shaw's Supermarket I noticed a piece of clothing on sale with the Dartmouth "Indian" mascot. I went to the website of the vendor and found that it was licensed by the Dartmouth Schools, which retains rights to its "designs, logo graphics and symbols" and does not preclude similar agreements with other companies. Royalties with this particular company were 7% of net sales based on quarterly reports they send to the School District. Royalties from this vendor are deposited in a general school account not earmarked for any specific purpose.

Naturally, this raises some questions:

- is the Dartmouth "Indian" mascot trademarked, copyrighted, or registered? If so, when, by whom, how and with which registrant?
- if the mascot was approved by a Native American tribe, could you provide a copy of any written agreements with the tribe or its representatives, identifying all parties to the agreement? If not a written agreement, could you identify the person or persons from whom you obtained verbal approval?
- with which vendors (clothing, keychain companies, etc.) does the school district have mascot-related agreements or contracts, and can you provide copies of those agreements, including signatories, royalties, etc.?
- can you provide statements of revenue from all vendors selling mascot-themed merchandise for as long as these business arrangements have been in effect?
- can you provide statements of payments to any tribal groups sharing in the royalties from the mascot-themed merchandise?
- how are the royalties and revenues from mascot-related merchandise allocated to school programs (sports, music, art, history, etc)?

If the town is to have a full discussion of the mascot issue, the financial aspect needs to be understood. I can provide you with a flash drive if it will help.

Sincerely,

David Ehrens
24 Sunset Lane.
S. Dartmouth, MA 02748
+1 (508) 993-4551

Law Offices
of
BURKE & SMITH, P.C.

49 SLOCUM ROAD
DARTMOUTH, MA 02747
TELEPHONE: 508-993-1743
FAX: 508-997-8534

THOMAS F. BURKE
(1934 - 2016)

WALTER R. SMITH
wrsmith49@comcast.net

September 26, 2019

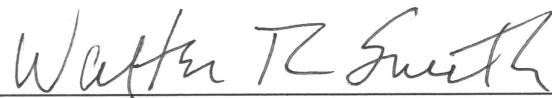
David Ehrens
24 Sunset Lane
Dartmouth, MA 02748

Dear Mr. Ehrens:

Your recent letter to Superintendent Bonny Gifford has been referred by her to me for response. I would advise as follows:

1. It is my understanding that the Dartmouth "Indian" mascot has not been trademarked or copyrighted by the School Department;
2. No written agreement has been obtained from a Native American tribe concerning the use of the Dartmouth "Indian" mascot by the Dartmouth School Department;
3. It my understanding that the only royalty agreement concerning the Dartmouth "Indian" mascot is the one referenced by you in your recent letter;
4. Enclosed is a copy of the school payment history report (dated 7/18/19) covering the period 10/31/08 through 7/31/19; and
5. I am advised that the aggregate payments of \$2,097.77 over this 11 year period have been deposited to the Dartmouth Schools Student Activities account for the benefit of its students.

Very truly yours,



Walter R. Smith, Attorney for
Dartmouth Public Schools

WRS:dah
Enclosure

MyTown Originals School Payment History Report

Dated: 07/18/19 at 11:03:55

Ohiopyle Prints, Inc.
MyTown Originals
410 Dinner Bell Road
Ohiopyle, PA 15470

Phone: 1-800-365-7365
Fax: 1-724-329-1001
E-Mail: mytown@ohiopyleprints.com

School: DARTMOUTH HIGH
555 BAKERVILLE ROAD
DARTMOUTH, MA 02748

Federal Id#: 250402000540
Phone #: (508)961-2700
Fax #: (508)991-4184

Checks Mailed to: Dartmouth High School
Donation
555 BAKERVILLE ROAD
DARTMOUTH, MA 02748

Detailed Check History:

Check Date	Check Number	Cashed?	Payment Amount
07/31/19	3127	No	23.26
04/27/19	763	Yes	27.02
01/30/19	77810	Yes	60.83
10/30/18	74370	Yes	58.49
01/17/18	63014	Yes	61.25
10/30/17	59791	Yes	77.64
04/27/17	52493	Yes	24.79
01/31/17	49606	Yes	25.58
10/28/16	44611	Yes	63.93
07/28/16	41054	Yes	87.02
10/28/15	31423	Yes	157.49
10/30/14	24536	Yes	129.20
07/28/14	21044	Yes	67.62
01/31/14	18671	Yes	27.82
11/20/13	16624	Yes	26.66
10/30/13	13204	Yes	209.75
08/29/13	12175	Yes	173.26
04/11/12	40243	Yes	26.85
01/20/12	39401	Yes	58.95
10/17/11	35304	Yes	213.34
10/20/10	24767	Yes	117.98
10/28/09	15696	Yes	69.99
07/29/09	13497	Yes	7.84
04/17/09	12461	Yes	15.19
01/26/09	11592	Yes	51.70
10/31/08	9268	Yes	234.32

\$2,097.77

Check Date	Royalty	Sales
Jul 31, 2019	\$23.26	\$332.29
Apr 27, 2019	\$27.02	\$386.00
Jan 30, 2019	\$60.83	\$869.00
Oct 30, 2018	\$58.49	\$835.57
Jan 17, 2018	\$61.25	\$875.00
Oct 30, 2017	\$77.64	\$1,109.14
Apr 27, 2017	\$24.79	\$354.14
Jan 31, 2017	\$25.58	\$365.43
Oct 28, 2016	\$63.93	\$913.29
Jul 28, 2016	\$87.02	\$1,243.14
Oct 28, 2015	\$157.49	\$2,249.86
Oct 31, 2014	\$129.20	\$1,845.71
Jul 28, 2014	\$67.62	\$966.00
Jan 31, 2014	\$27.82	\$397.43
Nov 20, 2013	\$26.66	\$380.86
Oct 30, 2013	\$209.75	\$2,996.43
Aug 29, 2013	\$173.26	\$2,475.14
Apr 11, 2012	\$26.85	\$383.57
Jan 20, 2012	\$58.95	\$842.14
Oct 17, 2011	\$213.34	\$3,047.71
Oct 20, 2010	\$117.98	\$1,685.43
Oct 28, 2009	\$69.99	\$999.86
Jul 29, 2009	\$7.84	\$112.00
Apr 17, 2009	\$15.19	\$217.00
Jan 26, 2009	\$51.70	\$738.57
Oct 31, 2008	\$234.32	\$3,347.43
	\$2,097.77	\$29,968.14
	Average annual sales	\$2,724.38