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**Via USPS**

(7008 0150 0002 1338 0017)	(7008 0150 0002 1338 0024)	(7008 0150 0002 1338 0031)
Robin C. Ashton	Hon. Eric Holder	Hon. Melinda Haag
Office of Professional Responsibility	U.S. Attorney General	Federal Courthouse
950 Pennsylvania Avenue, N.W.,	U.S. Department of Justice	450 Golden Gate Avenue
Suite 3266	950 Pennsylvania Avenue, NW	San Francisco, CA 94102
Washington, DC 20530-0001	Washington, DC 20530-0001	

Re: James A. Scharf  
Cases: Nye-Wilson, et al, v. United States Department Of Education, Northern CA, 11cv05678 PSG  
Chapel v. United States Department Of Education, Northern CA, 11-04344 PSG  
Chapel v. United States Department Of Education, Northern CA, 08cv04982 RGS  
Nye-Wilson v. United States Department Of Education, Margaret Spellings and Does 1 – 20,  
Hawaii District Court, 08cv00498  
Federal Torts Claims Act case: to be filed

Dear Ms. Ashton, Hon. Holder and Hon. Haag,

My name is Carol Nye-Wilson. As an American, I have an enduring belief that I can write to my government representatives about my concerns, and my representatives will respond. Previously, President Obama and Mr. Holder responded to me on the sunrise of the Obama administration, just as President Obama took office in 2009, and he kept his word regarding the FOIA.

In 2009, I wrote to the President regarding my FOIA litigation, *Carol Nye-Wilson v. Education, Department of, United States, Margaret Spellings and Does 1 – 20, Hawaii District Court, 2008cv00498*, and the White house and DOJ responded through an apology by the EDFOIA Manager on their behalf. Materials that the Spellings administration employee Chuck Mula claimed under penalty of perjury did not exist were actually then produced in July 2009, and then one additional record relating to Chuck Mula was produced in January 2012, that was previously also claimed in 2008 to not exist. That production was due to the FOIA lawsuit by my son, Randy.

It has been nearly 4 years since I filed those first FOIA requests. Now my husband, my son, and I find ourselves in more litigation due to the government *again* withholding records from us, and this time it includes the related misconduct of Assistant United States Attorney, James A. Scharf. This complaint is due to the misconduct by Assistant United States Attorney, James A. Scharf, and it relates to FOIA requests for records that underscore fraud, academic fraud, negligence, and abuse of authority by the government and accreditation agencies during the Spellings administration that the U.S. Department of Education continues attempting to cover up.

President Obama's message to America stated, "*accountability is in the interest of the Government and the citizenry alike.*" President Obama noted what the Court had already observed in *United States Department of Justice v. Reporters Committee For Freedom Of The Press*, 489 U.S. 749, 772-73 (1989) ("**[A] democracy cannot function unless the people are permitted to know what their government is up to.**"). The public's interest far outweighs any harm and undue hardship to the government, since "**the words of a statute [FOIA] are, of course, dead weights unless animated by the purpose of the statute. The purpose of this statute is to shed light 'on an agency's performance of its statutory duties.'**" *United States Department of Justice v. Reporters Committee For Freedom Of The Press*, 489 U.S. 749, 772-73 (1989). It is understood that "the alpha and omega of this case is the statute that prescribes the conditions for the release of records of a public agency when a person makes a request of the agency for a record within its possession.... [cites 5 U.S.C. § 552(a)(3)(A)] ... Three features of the statutory command are of particular note. The duty to make the information available to the public is mandatory ("**shall**

**make"**, repeated). The agency response is to be made to any request and to any person (emphasis **supplied**). The agency response is to be made promptly (no need for emphasis on this term aimed at the sluggishness all too characteristic of bureaucracies)." *Favish v. Office of Independent Counsel, 9th circuit court of appeals Case No. CV-97-01479-WDK*

President Obama went on to state, "The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, **openness prevails**. The Government should not keep information confidential merely because **public officials might be embarrassed by disclosure**, because **errors and failures might be revealed**, or because of speculative or abstract fears. **Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve**. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, **recognizing that such agencies are servants of the public**." (Emphasis bold, italics) Again, President Obama sides with the Courts, who urge analysis of FOIA requests by "*recognizing the enduring beliefs underlying freedom of information laws: that an informed public is desirable, that access to information prevents governmental abuse and helps secure freedom, and that, ultimately, government must answer to its citizens.*" *Pansy v. Borough of Stroudsburg, 23 F.3d 772, 792 (3rd Cir. 1994)*.

Because of the direct involvement of the White house and the Office of U.S. Attorney General, my former FOIA case settled in 2009, and I not only received documents that had been willfully and knowingly withheld from me, I was also compensated \$5,000 for part of my attorney fees.

However, since that time, the Obama administration seems to have forgotten its promises and its former positive resolutions regarding my FOIA requests. According to 28 U.S.C. § 516, defending litigation against the government is reserved to officers of the Department of Justice, under the direction of the Attorney General. Mr. Scharf, as a government employee working under the Attorney General, made insulting comments against my family and me during litigation communications as part of his work product under the direction of the U.S. Attorney General, Eric Holder, the U.S. Attorney for the Northern District of California Melinda Haag, and the Obama administration's policy towards citizens of our nation—who are elderly, disabled, and mentally/emotionally harmed by abuse.

Due to the sharp contrast between the Obama administration's policy for transparency and Mr. Scharf's recent abusive conduct that dovetails with corruption by the former administration, I am making this complaint public concerning Mr. Scharf's conduct. Our nation needs to know the government's efforts to cover up from the public its own errors and omissions, including destruction and obstruction of records and attempting to harm those who are in its way, and ultimately, the toll it has taken on Randy, his family, Dale and me.

It is important to understand the core issues that some in Obama administration are fighting us about in order to keep information from the public for which it needs to be held accountable. Although issues surrounding this case refer to errors and omissions that predate the Obama administration, it is the Obama administration that must answer to the nation concerning the negligent conduct by the former administration that certain members in the Obama administration have continued.

I have included the recent two letters<sup>1</sup> from Randy to ATS and Secretary Arne Duncan that outline various case issues. The U.S. Department of Education has over 8000 records, and that does not take into account communications from Oct 2010 to the present that outline issues related to Western Seminary's acts to conceal and cover up their Section 504 misrepresentations to the U.S. Department of Education Office for Civil Rights in 2005 for example<sup>2</sup> or the failures of the AAEU, to name a few. Currently, the litigation course of Mr. Scharf and members of the U.S. Department of Education is to undermine and scuttle the Federal Tort Claims Act case by withholding key documents or claiming such documents have been destroyed or don't exist that under Department policy were required to exist for eleven years.

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<sup>1</sup> 20111219\_ATS.pdf and 20120111\_ATS.pdf

<sup>2</sup> 20101231\_OCRReview. These issues date back to issues in 2001 that are the genesis of the chain of events between Randy, Gary Tuck, Steve Korch, Lynn Ruark and Western Seminary. We only learned of the key OCR documents and the negligence in their forensic science in investigating methods due to Randy's FOIA in Dec 2010. **See other records on the CD.**

## Complaint

Mr. Scharf forgot that as a taxpayer among other taxpayers, I pay his salary, and we expect professionalism from U.S. Attorneys who we pay—not harassment and abuse.

I am a woman, a mother, and a grandmother. I am not chained to the sink, barefooted, illiterate, or need a man to do my thinking for me. Before Mr. Scharf was born, I had successfully graduated from college while I was married with three children. I paid my own college tuition with money I had worked for myself. I bought my own car and I earned two lifetime teaching credentials. I am now nearly 72-years-old, a retired teacher, and if necessary I just might beat Mr. Scharf in an arm wrestling contest due to chopping my own wood since 1977. I have been dealing with this case for the last eleven years, and my son has been dealing with this case for one-fourth of his life.

My son's life, goals, hopes, dreams, and family are completely destroyed as a result of government and accreditation corruption, and Western's desire to destroy anyone who gets in their way. I have witnessed my son go from a vibrant young man to a person with a damaged mind who is emotionally withdrawn and speaks of wanting to end his life due to the painful and unjust damages he endures just as Dr. Katz noted.

“Randy Chapel is a 45-year-old, separated [now divorced], Caucasian male with a history of significant psychiatric/psychological distress secondary to multiple stressors. He identifies experiences of betrayal and mistreatment by staff of Western Seminary and subsequently receiving no support or assistance in addressing his concerns as the primary stressors leading to his psychological disturbance. He experiences severe depression, with dysphoric mood, suicidal ideation, feelings of hopelessness and low self esteem. He has become socially isolative, and unable to function effectively in his occupation. It has adversely affected his social relationships, and contributed significantly to failures in his romantic/marital relationship. He experiences ongoing depression, with feelings of hopelessness and discouragement over his future. It has been impactful in all areas of his life, including his ability to function occupationally. His mental condition has greatly interfered with his ability to focus, concentrate and be motivated and he has been partially disabled or totally disabled for a number of years related to his condition. He continues temporarily partially disabled, only able to work a few hours per week. His future earning capacity is diminished, as it is likely he will continue to suffer from some degree of depression/dysphoria indefinitely. Certainly, with a positive resolution to his concerns, his mental status would improve to some degree, but absent this it is likely he will continue to suffer significant emotional distress. It is recommended he participate in individual psychotherapy and assessment for psychotropic medications to assist him in addressing his psychological symptoms. He will likely need psychotherapy on a weekly basis for at least the next two years, with reevaluation at that time. Diagnostically, he continues to meet the criteria for Major Depressive Disorder, Recurrent and there is a history of Attention Deficit Disorder and symptoms of an Avoidant Personality Disorder.”<sup>3</sup>

The genesis of Mr. Scharf's conduct that caused this complaint occurred on March 20, 2012, I asked Mr. Scharf in my e-mail if he objected to me attending our April 24, 2012 Case Management Conference (CMC) telephonically. Mr. Scharf replied, “No objection.”<sup>4</sup> I then asked, “Do you foresee any possible compromise as possible?” Mr. Scharf's reply included the following:

“..the Agency has made a reasonable search and has produced responsive documents. If Judge Grewal wants us to conduct more searches, we will. We are not intentionally withholding documents, despite your son's belief to the contrary. **It's time for him to move on, don't you think?**” [emphasis bold]

Six hours later I replied to Mr. Scharf's mendacious question when I stated:

“The calloused nature and actions of your clients and you against Randy and our family has destroyed Randy's life—and it causes us deep pain as witnesses standing up for justice. This is something that none of us can ‘move on’ from—since we are acting as responsible Americans. This is not only “Randy's” fight

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<sup>3</sup> 20110608\_2ChapelAssessment.pdf, Gregory L. Katz, Ph.D. (831-462-0696)

<sup>4</sup> March 20 - 21, 2012, E-mail thread between Carol Nye-Wilson and James Scharf, (USACAN) for the Department of Justice, representing the U.S. Department of Education in CV-11-05678 PSG.

for justice...rather, *it is our entire family's fight for justice*. Your statement, 'It's time for him to move on...' demonstrates the calloused nature and attitudes of you and your clients concerning the wrong that has been done against Randy and us and the related damages we endure from your client's lies."

"A person cannot simply 'move on' when their whole life has been destroyed as has happened to Randy due to government lies and fraud, and calloused disregard about the damages they've caused. We question why you and your clients *claim* to be concerned about possible tragedy and at the same time you continue to push the same modus operandi against us that you know harmed us—to withhold or destroy records and lie about it in order to cover up government negligence. No American—student or family should be forced by the U.S. government or accreditation agencies to live under this corruption forced on Randy—and us."

Then, the next day on March 21, 2012, Mr. Scharf added insult to injury by stating the following:

"Your e-mail sounds like it was **ghost-written by your son**. Am I right? Regardless, **I strongly disagree with the allegations contained therein**. However, I will honor your request that we not engage in further communication at this time. After we receive Judge Grewall's order in the related case, I would be happy to speak with you about how to resolve your litigation." [my bold emphasis]

Mr. Scharf deceptively omitted supporting evidence written by his peer associate in the USDE General Counsel, Jill Spieglebaum, who admitted under oath the Department destroyed records we requested under FOIA—contrary to the Department's eleven year retention policy. Recent records were provided to us after Ms. Spieglebaum in 2011 and Chuck Mula in 2008 stated under penalty of perjury those records didn't exist. I have personally located more than 140 records on approximately one thousand pages that have been withheld from us and exemplify Department negligence and cover up. The Department produced 8000 pages of records, many were repeats, but they retained records known to hurt its position that most of all includes records between Chuck Mula and Randy Chapel and Chuck Mula and me. Thus, we suspect with just cause, there are more records withheld from us in addition to the known records. Mr. Scharf's underhanded comment about "ghost writer" added to his prior emotional abuse against me and tipped the scale of my patience to "overload." I'm fed up!

Since 2010, I have experienced intense emotional anguish concerning the potential that my son might fatally perish as a result of the government's corruption and ongoing cover up rather than accountably coming "clean" about its negligence of duty. I've had horrifying nightmares about the destruction perpetrated by Department employees cooperating with accreditors whose goals are to force my son and me to accept their unconscionable and unlawful acts to help Western Seminary conceal fraud and a child molester as the *only* way my son could finish his education. Western Seminary included me in the settlement agreement for Randy's case, because I supported my son and because I protested against that sexual pervert, Steve Korch, as demonstrated by photo evidence on [www.educationalfraud.com](http://www.educationalfraud.com), and in depositions under oath by President Downs and Lynn Ruark.



Mr. Scharf's attacks are aimed at me *personally*—my intelligence, my integrity, my capability, my

knowledge of the case, my motherhood for my son, my vulnerability as a senior citizen, and my outrage that my government is more than happy to condone fraud and then cover up what they have done by concealing or destroying records. Apparently, Mr. Scharf and the government don't like the fact that my son has challenged the government's attorneys and employees concerning their destruction of documents, their misrepresentations, and their blatant lies that have harmed my family's lives. They don't like the fact that I have similarly challenged them – that I am a woman with merit who can actually act and think for myself concerning corruption that I refuse to accept. I may have to protest Mr. Scharf in front of his office, with my gray haired women friends or have a billboard hung like the one about San Francisco Sheriff Ross Mirkarimi, because any form of "abuse" is a public issue, especially if it's against an elderly mother.

WHERE does Eric Holder or the *Obama administration* expect Randy and us to "move on" to? Citizens normally expect their government to protect them against dishonest tyrants, but now, I feel my government has become the tyrant from whom we have no protection—I HAVE NO PROTECTION!!

For years, Western Seminary's attorneys who were hired by their insurance agency's multi-million-dollar coverage subjected us to bullying abuse. Now my own government pays its bullies with taxpayer funds is abusively bully me!

The California Attorney General states this about abuse: "...verbal assaults, threats or intimidation, subjecting an individual to fear, isolation or serious emotional distress and withholding of emotional support."<sup>5</sup> He further noted, "**Abuse can continue and often escalates if there is no intervention. Intervention can often save the assets, health, dignity or even the life of an elder.**"<sup>6</sup>

Now I'm not only fearful about my son harming himself due to his utter despair, but I now fear my government's continued abuse and retaliation against me will take my son over the edge. I have no sense of being protected by the government. Instead, I now feel I need to be protected *from* the government's *assaults against me*, intending to willfully and maliciously harm me, as it has been willing to do against Randy.

**"Financial abuse is the theft or embezzlement of money or any other property from an elder. It can be as simple as taking money from a wallet and as complex as manipulating a victim into turning over property to an abuser. This form of abuse can be devastating because an elder victim's life savings can disappear in the blink of an eye, leaving them unable to provide for their needs and afraid of what an uncertain tomorrow will bring."**<sup>7</sup>

The record is very clear regarding the emotional damage and trauma Randy has suffered, while Dale and I have extending ourselves out completely in order to deal with the current issues and to keep Randy afloat. This has taken my savings. Dale has no savings and we are defending justice only on our small retirement, because we are not going to accept the Obama administration robbing us of our civil liberties.

In 2008, the US Department of Education corruptly condoned decisions by ATS that ATS admitted on December 16, 2011, it had no authority or expertise to judge. Therefore, the subsequent government letters in 2008, had no legal basis and were obtained through errors, negligence and corruption. As a result of that governmental negligence and corruption, I have lost well over \$600,000 due to prolonged litigation and exorbitant litigation costs for two civil cases that would have been lawfully resolved IF the government had responsibly enforced federal regulations for accreditation. Instead, the government harmed the student, Randy Chapel, and his family (me, Dale, Susan, and Joel) by dismissing our complaints and ignoring the violations of laws by two accreditation agencies and their member school. The government actually aided and abetted unlawfulness after the fact by condoning it.

Randy disappeared in the summer of 2010 and then returned, and I have been financially supporting Randy ever since, because I do not want him to perish—especially due to government and "insider" corruption being funded by tax money. The FOIA records we obtained *only* after the government began producing responsive records for our FOIA requests *after* we filed FOIA litigation, undeniably substantiate the fact of government negligence of

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<sup>5</sup> 20021201\_citizens\_guide.pdf

<sup>6</sup> *ibid.*

<sup>7</sup> *ibid.*

duty to enforce 34 CFR PART 602 against accreditation agencies, and government withholding (or destroying) of records to prevent us from discovering the depth of government corruption involved in this case.

Government agents, accreditation agency employees (ATS and NWCCU), and Western Seminary's dishonest administrators all witnessed my son's suicidal condition and his disappearance in the summer of 2010. They all unconscionably continued to conceal their corrupt involvement in the cause of my son's damaged condition—and his potential loss of life. While, on March 13, 2012, Mr. Scharf stated some "concern" about Randy on behalf of his clients, and then Mr. Scharf hypocritically turned around and attacked me after I replied to Judge Grewal who also expressed his concern about my son— then Mr. Scharf's bullying abuse followed:

- First, Mr. Scharf's attempts to divide Randy and me were unconscionably malicious and motivated to exacerbate harm, because Mr. Scharf noted to the Court on March 13, 2012, Randy's suicidal condition—resulting from damages by the government's negligence of duty to enforce federal laws on accreditation agencies. The government's position is to divide me from supporting Randy, my son who is harmed and suffering.
- Second, Mr. Scharf surely knows the undeniable facts in this case demonstrate the same kind of government negligence was identified by the *OIG 2003 FINAL AUDIT REPORT*<sup>8</sup> that continues today regarding the AAEU's inadequate management controls over its evaluations of accrediting agency standards and procedures that do not meet minimum levels of management controls with no assurance of consistent and effective evaluations of accrediting agency standards and procedures. Mr. Scharf deceptively attempted to conceal nine years of ongoing *willful and knowing government corruption* by his e-mail statements to me about my allegations he claimed were "ghost written" by my son.

When I was young we called men who talked down to women and who maintained fixed false beliefs and attitudes of male superiority associated with overt or covert depreciation of women - *male chauvinist pigs*.

- Third, it's an undeniable fact that the Department withheld documents from me in 2008, after President Obama and Attorney General Eric Holder told Ms. Barber of the EDFOIA Office to apologize to me, which resulted in a settlement. However, records I requested via the FOIA in 2008 continue to be withheld through today. We wouldn't be fighting this prolonged litigation and added financial abuse if the Department had stopped corruptly covering up its wrong-doing against us—and against all students and families. That was *my litigation*, not Randy's.
- Fourth, as an attorney, Mr. Scharf knows senior citizens are protected from financial and emotional abuse, and badgering and isolating a senior citizen is emotional abuse. Randy and I previously described Randy's medical condition about which Mr. Scharf told Judge Grewal on the record on March 13, 2012, his "clients" concerns about Randy's condition. When Judge Grewal asked me as Randy's mother what I felt about Randy's condition, I told him they should produce the records Randy requested. Mr. Scharf knows Randy described his dependence upon my husband and me for mental, emotional, and financial support. However, the government's "divide and conquer" *modus operandi* emotional abuse and malicious attack against me (Randy's supporter) is an attempt to further harm Randy and to isolate me—a senior citizen—from my family (Randy). According to the CA Attorney General's brochure on elder abuse, "verbal assaults" (written assaults in this case), "subjecting an individual to fear, isolation or serious emotional distress" is "emotional abuse."<sup>9</sup> I fear this is the beginning of government retaliation against Randy and me just as we received from Western Seminary that the Department, ATS, and NWCCU condoned. The government's negligence of duty abused me financially by rubber stamping ATS and NWCCU and railroading accreditation discipline impacting two civil cases in 2007-2010.
- Fifth, Diane Auer Jones (Assistant Secretary) admitted THREE YEARS ago on May 8, 2008, prolonging litigation increases litigation costs like the Department continues doing to us is not good. Mr. Scharf's willful attack against me for the government on a government computer during salaried government

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<sup>8</sup> *Final Audit Report, Ed-OIG/A09-C0014*, July 2003, "Finding No. 2," p. 6 - 30. **a09c0014.pdf**

<sup>9</sup> *A Citizen's Guide to Preventing and Reporting Elder Abuse*, State of California Department of Justice, Office of the Attorney General, p. 3-4.

employee time continues the prolonged financial abuse against me—a senior citizen. That conduct by Mr. Scharf and his clients is not fulfilling.

- Sixth, Mr. Scharf referred to “your son” or indirectly regarding me as Randy’s “mother”—who must be an incapable woman needing a “ghost writer” with no ability to stand the course, or to research U.S. Supreme Court and Appellate Court case law to use in writings, or to fight government corruption that Scharf’s clients continue perpetrating against us to help ATS, NWCCU, and Western. For years, I have directly been involved in the litigation with my son and husband winning key decisions from the court. My son and I are fighting to not be part of the corruption and fraud that the government is protecting for itself and its special interests, and is forcing us to accept.

“When states wield the law [FOIA] as a political weapon or an instrument of repression against civil society and the media, they rule by law rather than upholding the rule of law. The rule of law acts as a check on state power, i.e., it is a system designed to protect the human rights of the individual against the power of the state. In contrast, rule by law can be an abuse of power, i.e., the manipulation of the law and the judicial system to maintain the power of the rulers over the ruled.”<sup>10</sup>

This continues as long as corrupt, dysfunctional government serves itself and not the people [students and families] who are being abused. See my opening comments on the first two pages.

- Seventh, I recall Mr. Scharf’s request to Judge Grewal on March 13, 2012, that the arguments in my CMC statement would not be used by Judge Grewal when he decided his position regarding the merits of my son’s case hearing back on December 6, 2011. Judge Grewal assured Mr. Scharf that was correct, even though Randy cited the same case law that was used in my 2008 FOIA litigation and in my CMC on March 13, 2012. The best way Mr. Scharf could defend his clients was by attacking me and my son on a personal level—by dividing son and mother—much to Mr. Scharf’s self-degraded professionalism.
- Eighth, I AM OUTRAGED as an American citizen concerning Mr. Scharf’s unprofessional conduct! The very government I’ve turned to for help is beating me up emotionally, financially and damaging my son in order to violate our civil rights and to force us to accept their corrupt and unconscionable condoning of “education for molestation cover up, education for section 504 fraud cover up, etc”—instead of rule of law over which they are accountable stewards.

Finally, on March 28, 2012, I received a letter from Joann M. Swanson indirectly noting I must continue dealing with my abuser, Mr. Scharf.<sup>11</sup> It was all I could do to talk Randy down from finding Mr. Scharf after Scharf abused me. There is a fine line between reasonable litigation and abuse—Scharf stepped over that line to abuse me, and to divide us.

I feel helpless and angry due to being treated this way. I feel angry that my family is being treated this way by the government, not only by Mr. Scharf, but that government leaders would rather bear their teeth at me, an old lady victim, rather than hold government, accreditation, and school people responsible for their unlawful actions. “Isolation of an elder is an insidious tool used by abusers (like Mr. Scharf). By systematic exclusion of all real outside contact, the elder victim is eventually driven to distrust friends, doctors and even close family members. Ultimately, the elder victim becomes a pawn – manipulated into trusting only the abuser.”<sup>12</sup> My government’s strategy to work its litigation as a means to isolate and divide me from my son is unconscionable. I am beyond outraged!

**Emotional Abuse** - “inflicting mental pain, anguish, or distress on an elder person through verbal or nonverbal acts, e.g. humiliating, intimidating, or threatening.”<sup>13</sup>

I am outraged that Mr. Scharf unprofessionally attacked me on a personal level—like a “red herring” to

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<sup>10</sup> <http://www.state.gov/j/drl/rls/hrrpt/2005/61550.htm>

<sup>11</sup> 20120328\_LetterConcerningScharf.pdf

<sup>12</sup> 20021201\_citizens\_guide.pdf

<sup>13</sup> [http://www.aoa.gov/AoA\\_programs/Elder\\_Rights/EA\\_Prevention/whatIsEA.aspx](http://www.aoa.gov/AoA_programs/Elder_Rights/EA_Prevention/whatIsEA.aspx)

draw the focus away from the *real issue*: the government continues withholding records of evidence or destroying them in obstruction of justice and to prolong litigation in order to continue to cover up their negligence of duty to enforce 34 CFR PART 602 on two accreditation agencies just as noted in the *OIG AAEU AUDIT of 2003* which remains uncorrected. The government appallingly hopes I'll die off and my son will "move on!" These delays have already cost Randy enough, including his marriage, which his ex-wife cites as a reason for the divorce.

I am also aware of the following. Just because Mr. Scharf is a government attorney, doesn't give him a free pass.

- Ca Rules of Professional Conduct Rule 5-220 Suppression of Evidence "A member shall not suppress any evidence that the member or the member's client has a legal obligation to reveal or to produce."
- Ca Rules of Professional Conduct Rule 3-200 Prohibited Objectives of Employment "A member shall not seek, accept, or continue employment if the member knows or should know that the objective of such employment is: (A) To bring an action, conduct a defense, assert a position in litigation, or take an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person; or (B) To present a claim or defense in litigation that is not warranted under existing law, unless it can be supported by a good faith argument for an extension, modification, or reversal of such existing law."<sup>14</sup>
- Ca Rules of Professional Conduct Rule 3-210 Advising the Violation of Law "A member shall not advise the violation of any law, rule, or ruling of a tribunal unless the member believes in good faith that such law, rule, or ruling is invalid. A member may take appropriate steps in good faith to test the validity of any law, rule, or ruling of a tribunal."<sup>15</sup>

Ultimately, this is going to end badly. Destroying someone's life leaves people depressed and suicidal. That is what Western did, that is what ATS did to help its member school (Western Seminary), and that is what the government has done with taxpayer money. I fear Randy won't make it and this mega-corruption will cost his life. He has nothing to live for. Based upon the malice conducted against me by U.S. Attorney, James Scharf, I expect that this may be intended by the government to end tragically rather than doing what's right and enforcing federal regulations which is also linked to Western, ATS, and NWCCU. People can only be "pushed" so far. Randy's damages are immense. Randy has nowhere to "move on" to, and corrupt government acts working to divide us were a very bad choice.

I respectfully request appropriate disciplinary action be taken concerning Mr. Scharf who abused me. I request intervention by the Office of Professional Responsibility in order to prevent additional abuse against me (and my son and family) in the future by Mr. Scharf. Because if this continues, most of all against a mentally and emotionally shattered and beat up person like Randy, I will not be responsible for what happens. Thank you in advance for your attention to the urgency of my request due to my age, due to my son's condition, and due to the necessity for Mr. Scharf as a paid government employee to conduct himself in a lawfully professional manner toward me and my family. The Obama administration needs to find some other family to abuse.

Respectfully submitted,

/s/

Carol Nye-Wilson

Enclosures

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<sup>14</sup> <http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct/CurrentRules/Rule3200.aspx>

<sup>15</sup> <http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct/CurrentRules/Rule3210.aspx> Rule 3-210 is intended to apply not only to the prospective conduct of a client but also to the interaction between the member and client and to the specific legal service sought by the client from the member. An example of the former is the handling of physical evidence of a crime in the possession of the client and offered to the member. (See *People v. Meredith* (1981) 29 Cal.3d 682 [175 Cal.Rptr. 612].) An example of the latter is a request that the member negotiate the return of stolen property in exchange for the owner's agreement not to report the theft to the police or prosecutorial authorities. (See *People v. Pic'l* (1982) 31 Cal.3d 731 [183 Cal.Rptr. 685].)