

Christie D. Swafford  
 Robert Wehausen  
 U.S.Department of Education  
 400 Maryland Avenue  
 Washington, DC 20202

Date: May 15, 2017  
 Re: 17-01585-F

Dear Ms. Swafford and Mr. Wehausen,

My request is not complex, and the Department has caused enough damage by putting us off with other requests and its actions. Due to the travesty the Department has caused to my family, and me it is not reasonable to put off the production for these records and cause us more injury. It is well understood by the Department's refusal for nearly ten years to enforce laws that Congress designed to protect us, that the Department obviously considers Randy, Susan, Joel, Dale and me as acceptable collateral damage. The Department has had years to undo the corruption they aided, and to hold accountable the perpetrators--including Spellings, Talbert, Oldham, Jones, Regan, Mula, the Obama Administration and other staff members. It hasn't.

On April 25, 2017 I made a request for various records from the Department. The Department acknowledged the request on April 26. On May 12, I received a communication from EDFOIA stating the Department would not be able to meet the deadlines for the 20 working days or the 10 working day extension. Starting from EDFOIA's acknowledgment on April 26th, and factoring in Memorial Day, the last day for EDFOIA production with extension is June 8th.

*While not required of me, in order to facilitate your timely production of records to me, I am informing you that ***I believe*** my requests Nos. **1-9, 20-26, 34-76, 80-89, 91-93, 99-106, 108-125, 127-130, and 132-152** will result in no production of records or unlikely there will be records. ***I believe*** my requests Nos. **10-19, 27-33, 77-79, 94-98, 107, 126** will produce records. I am unsure concerning records Nos. **90, 131, and 150-155**. These FOIA requests seek to establish what records actually exist at the Department in the requested categories.*

**I. The "Individual Exceptions" scheme timeline with cross-referenced materials**

“Exceptions” were made up on the fly to cover for Western Seminary, however, it took a while to get the story down to cover Western. This started with President Bert Downs and Academic Dean Randal Roberts seducing ATS and NWCCU to work with them over and against two lawsuits and the Federal government oversight. Both ATS and NWCCU went along with scheming Western Seminary.

DATE	REFERENCE	QUOTE	Purpose
9/15/06	Downs, Roberts to ATS and NWCCU	Randal Roberts/Bert Downs “Multiple attorneys have reviewed this case and each has affirmed both our innocence ...  If we can be of any assistance in helping you formulate whatever response you feel to be prudent, please let me know...”	Accreditors join with Western against Randy and Feds. ATS and NWCCU makes no effort to correct Downs, Roberts concerning conflict of interest being proposed by the member school. Instead, both ATS and NWCCU join in with their member school against two civil cases and the feds at this time.
Post 9/15 several months	Western & ATS	Randal Roberts, Bert Downs, Daniel Aleshire, Jeremiah McCarthy discussed dealing with Randy via emails/ meetings.  Twice, Roberts pled with ATS to make a supportive statement. ATS agreed.	

12/x/06	NACIQI regarding ABA	<ul style="list-style-type: none"> <li>• ABA used unwritten, unpublished standards to determine compliance with its standards (December 2006 NACIQI transcript of proceedings. American Bar Association, Counsel of the Legal Education and Admission to the Bar, p. 6)</li> <li>• Agency had also failed to establish that it has controls against inconsistent application of a standard or that the standard is “capable of being consistently applied without the agency having to rely on unpublished standards.” (p. 7)</li> <li>• ABA unable to explain how the standard in question “could be applied consistently without resorting to unpublished standards.” (p. 8)</li> <li>• ABA cited for being deficient in demonstrating that it complied with 602.18(a), 18(b), and 602.23(a)(3) (p. 9)</li> <li>• might lead ABA accredited schools to violate state law (p. 20) and U.S. Constitution (p. 24)</li> <li>• Unpublished policies “are not subject to the kind of scrutiny” (p. 22)</li> <li>• As Deputy General Counsel Jeff Taylor for UNITED STATES noted, <b><i>“Regulations do require published standards so that individual institutions can understand what criteria is being used to judge them.”</i></b> [34 C.F.R. 602.18(b), and 602.23(a)] (p. 23)</li> <li>• <b><i>“It’s certainly reasonable that the Department and the law anticipates that schools will conduct themselves, will make sure that their behaviors are lawful. And certainly we would not want to approve an agency that has standards or requirements that would require an institution to violate the law or the Constitution...but I get the impression from this, that what it says is that to meet, to comply with the standard as this agency has written it would require or invite institutions to have to do things that would violate the law or the Constitution...would encourage or even require institutions to do things that</i></b></li> </ul>	<p>Department took action against accreditor (ABA) for use of unwritten, unpublished policies that may allow schools to violate the law.</p> <p>Use of unwritten, unpublished policies was considered in Dec 2006 as not compliant with 34 CFR PART 602</p>
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		<i>were unlawful.</i> ” (p. 24)	
6/22/07	ATS Aleshire to Carol Nye-Wilson	The Board of Commissioners approves degree programs on the basis of the program as a whole, and recognizes that, on rare occasions, schools may make <b>exceptions to accommodate</b> individual students without petitioning the Board of Commissioners for permission to do so. This practice is especially the case for advanced research degrees like the ThM, which is the degree you may have meant in your questions.	Hence, ATS claims child molestation, fraud, extortion, threats of financial vengeance, Section 504 retaliation, etc. are acceptable “exceptions” and valid criteria for education and two theological master degrees.  Western’s unlawful actions are made out as “ <i>accommodations</i> ” for Randy, in order to protect Western. This is the approved narrative to be used against Randy.
2/26/08	ATS "review" to Carol Griffiths	The ATS Commission on Accrediting has two policies that guide its responses (one is a general policy and one is with specific guidelines for implementation), and these policies are included at Tab 1.” (Policies XI “complaints” from ATS Bulletin 47, Part 1 2006, p. 138; ATS Commission on Accrediting Policy ( 9 through 9.2.7) re Complaints.  “The Commission received a response from Western Seminary dated <b>December 8, 2006</b> , to the November 3 and November 19 complaints, as well as other complaints submitted by Mr. Chapel’s mother, Carol Nye Wilson ( <b>Tab 6</b> )  “ <b>The full Board of Commissioners discussed some of this material,..</b> ”  Claims Randy erroneously concluded ThM offered in San Jose, unapproved by CA & ATS “The Seminary was making an <b>exception</b> to requirements for the degree by allowing some courses taken in San Jose to count to a degree that it offers at its primary campus in Portland, and it made them in the context of a pre-trial settlement agreement.”  ..the Commission staff concluded that Western Seminary permitting some MDiv courses offered at its San Jose extension campus to count toward the ThM degree if the required additional work related to those courses was completed...no evidence that the school was offering the Master of Theology program at the San Jose campus. As a result of a pretrial settlement agreement, the seminary made an <b>exception</b> to its	No published ATS “exception” policy is quoted or provided to Carol Griffiths even though that is the primary vehicle ATS used to help Western Seminary. No ATS published "exception" policy existed or is claimed to be used.  12/8/06 Roberts misrepresented the master degree criteria to ATS; Roberts quoted paragraph 1(e) (i)(ii)(iii), and he omitted everything else in Settlement Agreement that is required criteria for the master degree including cover up of child molestations, Section 504 fraud and retaliation, threats of financial vengeance, and First Amendment rights denied, etc. This is lying by omission. ATS quoted 1(e) and interpreted it from a faulty understanding due to Roberts’ lies/concealing facts from ATS.  <b>ThM degree requires MDiv for entry</b> and thus requires everything present in Settlement Agreement as criteria. Roberts omitted /concealed facts of unethical and unlawful demands to skew ATS determination, which is what resulted. ATS "fixed" this error in its 7-18-08 letter by claiming the settlement agreement is okay.

		<p>normal ThM degree requirements for one individual, Mr. Chapel, to receive credit toward the ThM by completing some MDiv courses offered at the San Jose extension campus, if he also successfully completed the supplemental research work... While this action of Western Seminary resulted in excusing Mr. Chapel from the residency requirements for the degree, it did not constitute offering the degree in Northern California. The Commission on Accrediting acknowledges that schools may, from time to time, make <b>exceptions</b> to degree program standards <b>for cause...</b></p>	<p>ATS's letter 2/26/08 letter used as foundation for all other ATS letters (6-12-08, 7-18-08, 7-21-08) and then Regan used 7-21 to quote from and Oldham used Regan's letter as her basis.</p> <p>NWCCU used ATS' 7-18-08 letter as a basis for "exception" because Wiggins sent it to her on 8-1-08 for her to write her letter of determination to Mula.</p> <p>The ATS 2-26-08 foundation letter is faulty, and all the subsequent ATS letters following it are faulty. Western used them all in civil court as evidence of accreditation decisions/ determinations.</p>
6/12/08	ATS letter	<p>The Commission has no policy that forbids a school from making an <b>exception</b> to its normal residency requirements, and it does not require schools to obtain permission from the Board of Commissioners in order to make such <b>exceptions</b>.</p> <p>The reference to an <i>exception</i> by Daniel Aleshire in a 2007 letter to Carol Nye Wilson referred to practices in higher education generally. The Commission on Accrediting has no policy that prohibits schools from making <b>individual exceptions</b> to educational requirements for their degree programs.</p>	<p>The Commission has no policy that forbids a school from making an <b>exception</b>. . . . Degree standards, to keep a student silenced, no complaints to the government, covering up child molestation.</p> <p><b><i>At ATS there are no limits imposed on the use of exceptions.</i></b></p> <p>Thus, with no limit, schools can use 'exceptions' – apparently regarding anything... this happens in the next letter 7-18-08</p>
6/18/08	Randy email to Margaret Spellings, Chuck Mula, Kent Talbert, Dale Wilson, Carol Griffiths, Shane Dunne, Carol Nye-Wilson	<p>"Today was a deposition for Steve Korch.</p> <p>The letter from ATS which was timed to arrive before the depo was brought up by Western as a means to an end <b>for Western to claim that they did not have to follow published ATS Standards.</b></p> <p><b>Of course nothing like this was provided prior to the contract, prior by ATS, prior by ATS people, and of course nothing like this is written down as a policy or procedure.</b></p> <p>ATS created answers to which Western used in an attempt to claim unwritten approval. <b>If left to stand, it marks a way for accreditors and schools to undermine the value and process of</b></p>	<p>RE: ad hoc accreditation and false documents</p>

		<p><b>accreditation, by making it an ad hoc service.</b></p> <p>We would be interested to know DOE's position on this. [Emphasis mine]</p>	
7/1/08	Wiggins to NWCCU leveraging ATS 6-12-08 letter	<p>You will find attached a letter from the ATS to attorney John Hannon on behalf of Mr. Chapel (dated June 12, 2008) <u>confirming that ATS has <b>no policy that prohibits schools from making individual exceptions to educational requirements for their degree programs.</b></u></p>	<p>The scheming of ATS-Western now broadened their corruption to include NWCCU. Now, NWCCU was left to believe something was valid, when in fact it was known by both ATS and Western at the time it was not valid.</p> <p>Feds (DOE) failed to correct ATS "exception" scam like it corrected ABA in Dec '06, which now carried over to NWCCU for its determination and decision.</p>
7/2/08	Mula to Randy	<p>"Thank you for your correspondence to Secretary Spellings regarding your allegations that Western Seminary of Portland Oregon and the Association of Theological Schools in the United States and Canada (ATS) may have circumvented ATS policies and procedures by creating a document that relieves Western Seminary from complying with published ATS standards. You have also asked the Department to state its position on this process that you are alleging accrued.</p> <p>At this time the Department has no evidence to determine whether your allegations are correct or not. <b>However, as you may know, the Secretary's Criteria for Recognition requires a recognized accrediting agency to follow its published policies and procedures for monitoring their accredited programs and institutions for compliance with the agency's standards.</b></p> <p>I hope this information is helpful in answering your question."</p>	<p>RE: ad hoc accreditation and false documents</p> <p>Published.... But ATS' exceptions policy is not published. Schools can use exceptions to override any and all publish policy(ies).</p>
7/17/08	Mula to Randy and me at 7:45 PST	<p>Mula states of ATS and Western that they have an "<b>incestuous relationship</b>"</p>	<p>At this point Mula is having a hard time buying into the claims of ATS and Western Seminary, noting that their relationship is "incestuous."</p>
7/18/08	ATS letter	<p>The board concluded that, while the Seminary made <b>exceptions to some of its requirements for the degree, it is within the purview of any accredited</b></p>	<p>ATS goes further this time,... now the exception policy allows schools to make "exception" to any standard or policy of ATS, while</p>

		<p><b>school to make individual exceptions to its academic requirements, as deemed appropriate by the school.</b> No Commission policy forbids a school from making such <b>exceptions</b> and no policy requires approval or notification of the Board of Commissioners regarding <b>exceptions</b> granted on an individual basis. <b>The settlement agreement that the seminary entered with Mr. Chapel does not constitute a violation of Commission standards.</b> The board voted to take no further action on this complaint.</p>	<p>tying those exceptions to academic requirements (criteria) for education as Western Seminary did in its settlement agreement.</p> <p>Thus, ATS schools have supreme power to do anything they want as long as it involves education and the individual.</p> <p><i>ATS doesn't stop there</i>, ATS now claims the settlement agreement doesn't violate standards.... Like 2.1 (policies), 2.2 (laws), 2.3 (public representation), 2.4 (ethical treatment of students), 2.7 (Title IV).</p> <p>Now, ATS is no longer reviewing education criteria, <u>but making legal judgments about contracts!</u></p> <p><u>This is abuse of power.</u></p>
7/21/08	ATS letter	<p>The Board of Commissioners concluded that while the settlement agreement between Mr. Chapel and Western Seminary describes <b>exceptions</b> to the requirements for the degree as approved for the Portland campus, the agreement would not constitute offering an un-approved degree in northern California. Member schools, from time to time, make <b>individual exceptions</b> to the requirements they maintain for degree programs. <b>The Commission has no policy or standard that precludes a school from making exceptions</b> to its degree programs requirements nor does it have policies that require schools to report when individual exceptions are made, nor does it have policies or procedures that require a school to seek permission or approval for any individual exception it makes.”</p> <p>As I have already mentioned, the degree as set forth in the agreement is considered an <b>exception to the approved ThM degree</b>, and the Board of Commissioners has no procedure for approving individual <b>exceptions</b> that schools make to their approved degree programs.</p> <p>The degree requirements outlined in the agreement constitute, to my</p>	<p>ATS now uses negative language to support its claims “<b>The Commission has no policy or standard that precludes a school from making exceptions</b> to degree program requirements”</p> <p>ATS word twisting can be read as:</p> <p><i>Standard 2.2 states</i>, “With regard to state, provincial, and federal authorities, schools shall conduct their operation in compliance with all applicable laws and regulations.”</p> <p>Nothing precludes a school from making an exception to standard 2.2 (Law) if it is tied to degree program requirements. <b><u>Thus, schools can violate the law on an individual basis.</u></b></p> <p><i>Standard 2.7 states</i>, “Institutions participating in US federal student financial assistance programs shall comply with prevailing governmental guidelines regulating these programs”</p> <p>Nothing precludes a school from making an exception to standard</p>

		<p>understanding, the same number of credit hours, <b>the same kinds of degree expectations</b> (courses, thesis, etc.), and utilizes the same option of transferring in credits from other accredited schools that are open to other Western Seminary ThM students.. <b>in these ways, the expectations in the agreement with Mr. Chapel are essentially similar to the expectations in the catalog description for the approved Th.M degree....</b></p> <p>The Board of Commissioners has held Western Seminary accountable to the Commission Accreditation Standards. With regard to the current complaint of Mr. Chapel, and the pre-trial settlement agreement, the Board of Commissioners did not judge that Western Seminary was in violation of Commission standards or procedures.</p>	<p>2.7 (Title IV) if it is tied to degree program requirements. <b><u>Thus, schools can commit Title IV fraud on an individual basis.</u></b></p> <p>Again, ATS goes even further than before to support the corruption of their member school, now claiming that the degree requirements found in the settlement agreement are “<i>essentially similar</i>” with all other expectations for any other approved degree.</p> <p>Once again, ATS made a false paper trail claiming ATS was holding Western accountable to standards, when in fact it has not. <b>I found over 40 ATS standards, policies, and procedures that apply to Western Seminary that were averted by ATS' ad hoc unpublished exception policy.</b></p> <p>Nancy C. Regan quoted the ATS-Western scam letter as a basis for her own letter dated 8-29-08, that likewise abused power and obstructed justice.</p>
7/21/08	Mula to Randy	<p><b>“It would be very difficult for a recognized accrediting agency to justify to the Department the existence of two approval process for degree programs. One published and One unpublished.</b> The Department would be very interested in seeing that policy and have the agency explain how the agency applies it. If an accredited institution does not follow a recognized accrediting agency's published policies for requesting the review and approval of a degree program or the substantive change of a degree program to include its delivery system, than the institution would be out of compliance with the agency's published policies and procedures. Therefore the Department would expect that the program would not be approved.” [Emphasis mine]</p>	<p>RE: ad hoc accreditation and false documents</p> <p>From this point forward: unpublished exceptions trump written policies, causing complete chaos. The Department goes along with the ATS/ Western scam.</p>
7/29/08	Chuck Mula voices concerns in writing to Randy Chapel	<p><b>"We do have concerns that the settlement agreement is requiring you to perform non academic task, that the Department considers questionable, in order to receive the benefits of your</b></p>	<p>Here the lead investigator watching this unfold is <b>distressed</b> and voices his concerns in writing regarding what he is reading from ATS and watching unfolded.</p>

		<p><b>educational program.</b> We are presently trying to get a decision on the settlement agreement from legal staff, and to determine if we have legal authority to address the settlement agreement in our investigation. If we are given the authority to address it we will." [Emphasis mine]</p>	
7/30/08	Chuck Mula continued to voice concerns in writing to Randy Chapel	<p>"Also it wouldn't hurt if the <b>Office of General Counsel made some kind of official statement about the legitimacy of the settlement agreement.</b>" [Emphasis mine]</p>	<p>In and around these dates, the Department made the fateful choice to accept the educational fraud and corruption of ATS-Western and NWCCU over against sound judgment, logic, the law, and the U.S. Constitution.</p> <p>As long as the accreditor was OK with corruption, the Department was willing to look the other way.</p>
8/6/08	NWCCU letter to Hannon	NWCCU then leveraged the ATS-Western scam, and then added further misrepresentations with the support and coaching from Chuck Mula against the law.	<p>This letter from NWCCU was addressed to Hannon but not sent to John Hannon, and was only retrieved via the FOIA process five months later in December 2008.</p> <p>Randy addressed this in an open letter dated Jan 2, 2009. Randy was ignored. Attorney John Hannon addressed the situation on the January 15, 2009, and he also was ignored.</p>
8/29/08	Regan's letter to ATS quotes the ATS 7-21-08 letter	<p>Page 1: "I am also aware that the Commission has completed its review of Mr. Chapel's complaint and that the Commission has determined that the courses of study provided (Page 2) in Mr. Chapel's independent study were exceptions made by Western Seminary as part of an already Commission-approved degree program, and that—</p> <ul style="list-style-type: none"> <li>• The Commission's substantive change policies and procedures do not require an institution to seek pre-approval for individual exceptions granted to general degree requirements.</li> <li>• The degree requirements outlined in the settlement agreement with Mr. Chapel reflect expectations that are essentially similar to the expectations set forth in the Western Seminary's catalog regarding the Master of Theology program,</li> <li>• The Commission does not judge that Western Seminary was in violation of Commission standards or procedures</li> </ul>	<p>Department issues Regan's letter, quoting the misrepresentations of ATS' 7-21-08 letter as though it is valid, and unlawfully supported ATS non-existing substantive change policies as valid. (In 2011 NACIQI issued 20 citations to ATS including several for lack of substantive change policies.)</p> <p>The collusion between ATS and Western, now complete and not contained, spilled over to NWCCU. The Department choose the easy way out, supporting and defending the conflict of interest collusion between accreditors and the school.</p> <p>At no time does the Department rescind or withdrawal the Nancy C. Regan letters or the Cheryl Oldham letters.</p> <p>The conflict of interest activities by and between accreditors and school</p>

		<p>with regard to either Mr. Chapel’s complaint or the settlement agreement.</p> <p>On the issues of the Commission’s adherence to its substantive change policies, the Commission’s responsibility to investigate complaints regarding an institution’s continued compliance with its requirements, and the Commission’s disclosure of accreditation status, the Department has determined that the Commission is in compliance with the Secretary’s criteria for recognition....”</p>	<p>were first suggested by the school on 9-15-06, with no opposition by either accreditor was fulfilled to the fullest. Both accreditors and the school scammed the system successfully, while the Department defended and supported their actions.</p>
8/29/08	<p>Regan’s letter to NWCCU Page 2, dot 3</p> <p>Page 2, dot 4</p>	<p>“The independent study courses offered to Mr. Chapel in San Jose were provided as an <b>individual accommodation</b> pursuant to a settlement agreement rather than as part of implementing a formal, ongoing program, and accordingly did not require Commission approval”</p> <p>“Western Seminary did not violate any Commission Standard or policy for accreditation.”</p>	<p>Department issued Regan’s letter, quoting the misrepresentations of NWCCU’s letter as though it was valid. NWCCU’s letter was written with advice from Mula; NWCCU changed its substantive change policy to avoid holding Western accountable. NWCCU used “accommodation” instead of “exception” and Western is not in violation of NWCCU standards: substantive change, conflict of interest, 2.A.22, 2.A.23, 2.A.26, 2.C.1, 2.C.3, and 2.C.12 etc...</p> <p><b>Nothing about Section 504 fraud and retaliation, threats of financial vengeance, etc "accommodates" a student.</b></p>
10/24/08	<p>Oldham’s letter to Congresswoman Mazie Hirono</p>	<p>The agreed upon narrative cited.</p>	<p>Cheryl Oldham simply leveraged the agreed upon narrative between ATS-NWCCU-Western and the Department, and made those misrepresentations to a member of Congress.</p>
11/13/08	<p>Roberts deposition: p 29:16 – 19</p> <p>p 30:19 – 21</p> <p>p 30:23-25: p 31:1 – 4</p>	<p>16 Q And I think you’ve also testified that under</p> <p>17 extraordinary circumstances, that requirement is not -- is</p> <p>18 not enforced. Correct?</p> <p>19 A <u>I know of only one case.</u></p> <p>19 Q And you said, I believe, that under one extraordinary</p> <p>20 circumstances, that wasn't required. Correct?</p> <p>21 A That's correct.</p> <p><u>Where in your</u></p> <p><u>23 accreditation from ATS is that allowed?</u></p> <p><u>24 A ATS will allow schools to make exceptions, under</u></p> <p><u>25 extraordinary circumstances, to</u></p>	<p>He contradicted his letter of misrepresentations to McCarthy that claimed accommodations for other students are done all the time.</p> <p><b>Settlement agreement is extraordinary circumstance to evade the law.</b></p> <p>Now exceptions are done for “<b>extraordinary circumstances</b>”</p>

p 31:9-24	<p><u>normal policy.</u></p> <p>1 Q Where is that written down?</p> <p>2 A It's well understood by everyone within the ATS network.</p> <p>3 network.</p> <p>4 Q Try it one more time. Is it written down anywhere?</p> <p>9 Q BY MR. HANNON: Is it written down anywhere, to your knowledge?</p> <p>10 knowledge?</p> <p>11 A Not to my knowledge, but it's established by case law.</p> <p>12 law.</p> <p>13 Q Really? Which case?</p> <p>14 A Cases that they will cite at workshops and conferences, military service that's unexpected, they will allow extraordinary adjustments.</p> <p>15 conferences, military service that's unexpected, they will allow extraordinary adjustments.</p> <p>16 allow extraordinary adjustments.</p> <p>17 Q What else?</p> <p>18 A Sometimes in cases of illness.</p> <p>19 Q Anything else?</p> <p>20 A They trust schools to use their professional judgment to honor the spirit of guidelines but also to recognize that life is often not totally predictable.</p> <p>21 to honor the spirit of guidelines but also to recognize that life is often not totally predictable.</p> <p>22 that life is often not totally predictable.</p> <p>23 Q So, anything else?</p> <p>24 A Those would be the two that typically would pop up.</p>	<p>and not routine as claimed earlier in writing to McCarthy.</p> <p>Exceptions are understood in the ATS Network... this is a known lie during testimony under oath. The registrar of two other ATS schools testified in 2010 he never heard of the ATS unwritten "exception" policy.</p> <p>Case law?</p> <p>Provides no citing. Western Attorneys provide no citing.</p> <p>Yet, CA state claims it is an unfair business practice for a schools to use settlement agreements to cover up corruption of schools and tying unlawful demands to students and their family members. <b><i>State of California v. Corinthian Schools, Inc. Los Angeles County Superior Court Case No. BC374999</i></b></p>
p 45:23 – 25; p46:	<p>23 Q BY MR. HANNON: The written requirements of ATS,</p> <p>24 those things in writing, does the degree program offered to Randy Chapel comply with those written requirements</p> <p>1 yes or no?</p> <p>2 A I don't believe I can answer that yes or -- I can.</p> <p>3 Q Then do so.</p> <p>4 A <b>No. But it fulfills the spirit of the ATS</b></p> <p>5 requirements and would have been acceptable, which is why</p> <p>6 the standards exist in the first place.</p>	<p>Degree does not meet ATS written requirements. According to Western, the degree fulfills <i>the spirit of ATS requirements.</i></p> <p>This admission contradicts 7/21/08 letter from ATS, which Department used against Randy.</p> <p>This opens the door to the question: when is a degree actually valid and when is it not. If left to a corrupt accreditor, they will say anything to cover for the school. Why use accreditors then?</p>
p 100:19 – 25; p 101:1 - 3	<p>23 Q Well, in the last five years, how many individual</p> <p>24 exceptions has Western Seminary had in the Master's of</p> <p>25 Theology program?</p> <p>1 A I don't know. I know of one.</p> <p>2 Q Mr. Chapel?</p> <p>3 A Correct.</p>	<p>Roberts lied to ATS McCarthy claimed WS “accommodated” other students like in this case all the time.</p>

3/29/10	Father Gladstone Stevens Registrar, St. Patrick's Sem. Page 43: 4 – 19 depo during arbitration	<p>4 Q. Is St. Patrick's accredited with Western</p> <p>5 Association of Schools and Colleges?</p> <p>6 A. It is.</p> <p>7 Q. And is it also accredited by Association of</p> <p>8 Theological Schools?</p> <p>9 Yes, it is.</p> <p>10.Q. Are you familiar with the standards of the</p> <p>11 Western Association of Schools or the Association of</p> <p>12 Theological Schools?</p> <p>13 A. I'm familiar with those standards.</p> <p>14 Q. Are you aware of any unwritten unpublished</p> <p>15 exceptions to their standards?</p> <p>16. A. I am not.</p> <p>17 Q. Is it correct that the ATS accreditation</p> <p>18 standards require St. Patrick's to follow state law?</p> <p>19 A. It is.</p>	<p>While Western and ATS make their various claims about "exceptions" in use by the ATS network of schools, Father Gladstone Stevens Registrar, St. Patrick's Sem. Has never heard of such a thing and he has experience from two different ATS schools.</p> <p>The exception scheme was ATS-Western invention to cover for Western, deal with two civil cases and deal with the feds.</p>
12/16/11	Letter by ATS attorney Tom Johnson	<p>"The Commission had no standard or policy in 2006 prohibiting member schools from making individual exceptions. There was no requirement that, or reason for, a member school to petition the Commission to make an exception for an individual student."</p> <p>ATS attorney Tom Johnson continued with, "The Commission requires member schools to operate in compliance with all applicable laws. The Commission does not have the factual knowledge or legal expertise to determine if a school is abiding by all applicable law, nor does it have authority to enforce or grant exceptions to compliance with applicable law."</p>	<p>There is nothing prohibiting a member school from making individual exceptions to ATS standards 2.1 (policies), 2.2 (laws), 2.3 (public representation), 2.4 (ethical treatment of students), 2.7 (Title IV) as degree criteria requirements, as long as those degree criteria requirements are tied to education.</p> <p>ATS doesn't have factual knowledge or legal expertise to determine if a school is abiding by all applicable law --- <b>so how can it sit in judgment and make claims about a legal contract</b> ..... <i>The settlement agreement</i> on 7/18/08 and 7/21/08 ?</p>
5/22/13	email by ATS attorney Tom Johnson	<p>"The Commission has no policy that instructs schools about the reasons or causes they may choose in making <b>exceptions</b>. It is up to the schools to develop their own procedures for determining when <b>exceptions</b> should be made."</p> <p>"Establishing requirements for individual degrees belong to the schools, and the Commission does not prohibit schools from making <b>reasonable exceptions to degree program requirements</b>. The Commission has no policy that instructs</p>	<p>By 2013, according to ATS, it is up to the school to know when to make exceptions or not. <b><u>There is no quality oversight by the accreditor, schools are all powerful to determine if they will follow any standard or policy.</u></b></p> <p>The word "<b>exceptions</b>" has been modified with "<b>reasonable exceptions</b>" to degree program requirements. Thus if a school believes it is a <b>reasonable exception</b> to link child molestation</p>

		<p>schools about the reasons or causes they may choose in making <b>exceptions</b>. It is up to the schools to develop their own procedures for determining when <b>exceptions</b> should be made.</p>	<p>cover up, Title IV fraud, Section 504 retaliation and fraud, etc. as criteria requirements for education, the accreditor finds this acceptable.</p> <p>If this was the case, then in <i>State of California v. Corinthian Schools, Inc. Los Angeles County Superior Court Case No. BC374999</i>, Corinthian Schools was making what it thought was “reasonable exceptions” to the law regarding students and settlement agreements.</p>
5/28/13	email by ATS attorney Tom Johnson	<p><b>From:</b> "Johnson, Tom" &lt;Tom.Johnson@klgates.com&gt;  <b>To:</b> 'carol nyewilson' &lt;carolnyewilson@yahoo.com&gt;  <b>Sent:</b> Tuesday, May 28, 2013 10:30 AM  <b>Subject:</b> RE: "for cause" Policy + whole copy of Western's settlement agreement?</p> <p>Dear Ms. Nye-Wilson,</p> <p>This is in response to your email request to me dated May 22, 2013 and actually sent at 12:18 am EDT on May 23. The dates in your email appear to be dates of letters sent by Rev. Dr. Aleshire on behalf of the Commission on Accrediting, copies of which you apparently already have.</p> <p>1. February 26, 2008 is the date of Dr. Aleshire's letter to Carol Griffiths of the US Dept of Education.</p> <p><b>2. June 12, 2008, July 18, 2008 and July 21, 2008 are all dates of letters from Dr. Aleshire to John P. Hannon, then legal counsel to Randy Chapel, addressing questions Mr. Hannon had raised.</b></p> <p><b>None of these letters constitutes an "accreditation decision" as suggested by your email.</b></p> <p>Prior to the dates of these letters, the COA had received a redacted copy of the March 14, 2006 Settlement Agreement and Mutual Release among Randy Chapel, you, Western Seminary and others. The COA had also obtained a copy of exhibit A to the March 26, 2007 Complaint which William Dresser filed on behalf of Randy Chapel in the Superior Court of California Santa Clara County, which appears to be the same document without redactions.</p>	<p>Finally, ATS now conveniently concludes that the letters it wrote (6/12/08, 7/18/08, 7/21/08) are not <b>accreditation decisions</b>. Thus, the Nancy C. Regan letters of 8-29-08 to ATS and NWCCU, and 9-29-08 to John Hannon are based on non-accreditation decisions even though Ms. Regan stated, "...finished your review and determined..."</p> <p>ATS actions are particularly troubling since the ATS letters are construed as “official documents” or “official positions” – fictionally to be authoritative and reliable as authored by the accreditor, when in fact they never were.</p> <p>What makes the actions of the Department tragic against Randy Chapel, his family, Dale and me is that the Department took the ATS letters as official. Western presented them in court as official accreditation determinations. Indeed, what makes the Department’s actions malevolent is that in spite of the evidence, reasoning, decisional cases and the law, the Department defended ATS and its ludicrous claims of support for Western Seminary. To the extent that the Department accepted the NWCCU false and misleading letters and actions to not hold Western Seminary accountable is ostentatiously catastrophic.</p>

		Very truly yours, Tom Johnson	
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**There is no record I am aware of that ATS and/or NWCCU denounces linking the cover up of sexual assault of a child/child molestation and fraud against the government as criteria to education.**

**II. Destabilizing Education and Accreditation**

The problem always was ATS and the ATS-Western collusion. In 2005 Department employee Vickie Schray, author of “Assuring Quality in Higher Education: Recommendations for Improving Accreditation,” 14th Issue Paper for The Secretary of Education’s Commission on the Future of Higher Education, notes the fundamental problem encountered in this case: *“Specialized accreditors are viewed as a guild designed to protect the guild from the public.”* This sums up distinctly what the Randy and I faced.

Rather than acting to not destabilize the situation further, the Department allowed both ATS and NWCCU to team up with their member school, Western Seminary, to cause complete mayhem. Now, all parties stand at the brink of certain violence, due to actions and lack of actions made for years supporting the racketeering between accreditors and a school at all costs.

<b>ATS Policy/Standard</b>	<b>"Individual Exceptions" scheme</b>	<b>Implications</b>
<b>2.1 Schools accredited by the Board of Commissioners (“Board”) shall carry out their educational programs and institutional activities according to the Standards of Accreditation on and Policies and Procedures (“Standards and Procedures”) established by the Commission and its Board of Commissioners, communicate honestly and forthrightly with the Board, comply with requests for information, and cooperate with the Board in preparation for and conduct of visits. [Emphasis mine]</b>	<p>The Commission had no published standard or policy in 2006 prohibiting member schools from making "individual exceptions." Because there is no published standard or policy, the “understanding” is nebulous and therefore no one can determine if the standard or policy violates the law or other policies.</p> <p>In addition, ATS had no published policy or standard in 2006 <i>allowing schools to make "individual exceptions" in the first place.</i></p>	<p>270+ member schools like Western Seminary can violate Standards of Accreditation on and Policies and Procedures (“Standards and Procedures”) established by the Commission and its Board of Commissioners, and can communicate dishonestly with ATS <b>on a per individual basis at will.</b></p> <p><b>Schools can act dishonestly on an individual student basis.</b> Since all students pose unique issues, all students can be treated dishonestly on an individual student basis.</p>
<b>2.2 With regard to state, provincial, and federal authorities, schools shall conduct their operations in compliance with all applicable laws and regulation. [Emphasis mine]</b>	<p>The Commission had no published standard or policy in 2006 prohibiting member schools from making "individual exceptions."</p> <p>ATS had no published policy or standard in 2006 <i>allowing schools to make "individual exceptions" in the first place.</i></p> <p>The ATS 7/21/08 used against Randy: <b>The Commission has no policy or standard that precludes a school from making exceptions to its degree programs</b></p>	<p>In the case of Standard 2.2, ATS has no intention of enforcing 2.2, and does not care if its member schools violate laws as long as the school violating federal and state laws are doing it <b>on an individual basis.</b></p> <p>At the federal level, Western could violate HEA at will as long as it was being done on an individual basis.</p> <p>At the state level in California, Western could violate California Education Codes §§ 94832, 94810, 94814, 94831, 94985, CA Business &amp; Professions Code §§</p>

	requirements...  <b>This lack of a policy is the policy.</b>	17200, 17500, and §480, etc. at will, as "individual exceptions"
<b>2.3</b> The school shall ensure that all published materials, electronic and print, including catalogs, academic calendars, and promotional literature, <b>accurately represent the institution</b> to its various constituencies and publics including students and prospective students. All charges and fees, including refund policies, should be fully disclosed. Schools should exercise care in advertising to <b>portray the institution fairly and honestly to the public.</b> [Emphasis mine]	The Commission had no published standard or policy in 2006 prohibiting member schools from making "individual exceptions."  This lack of a policy is the policy.	Violation of Standard 2.3, allows 270+ schools to prevent students, donors, and the public from making <b>informed decisions</b> about the school.  This violation allows the school to violate laws against the public welfare, endangering others as long as it is first done <b>on an individual basis.</b>  As a result, schools can victimize one student (Randy Chapel) and keep that student from telling others, allowing the school to victimize other students, like was done by Western Seminary to Kevin Ford.
<b>2.4</b> The institution shall seek to treat <b>students</b> , faculty, administrators, <b>employees</b> , and the publics to which it relates <b>in ethical ways</b> . Such treatment includes, among other concerns, an equitable policy of student tuition refunds; nondiscriminatory practices in employment, insofar as such practices do not conflict with doctrine or ecclesiastical polity; clearly defined processes for addressing faculty, employee, and student grievances; and <b>integrity in financial management.</b> [Emphasis mine]	The Commission had no published standard or policy in 2006 prohibiting member schools from making "individual exceptions."  This lack of a policy is the policy.	Violation of Standard 2.4 allows 270+ schools to retaliate, conduct their operations against students and families with malice, act dishonestly, unethically, illegal, fraudulently, unfairly, unconstitutionally, etc as long as it is done <b>on an individual basis.</b>  In so doing, ATS is enabling schools with a "free pass" to destroy anyone that gets in their way under the "shield" of accreditation.
<b>2.7</b> Institutions participating in U.S. federal student financial assistance programs <b>shall comply with prevailing governmental guidelines regulating these programs</b> . Default rates on student loans above the federal threshold, or failure to comply with federal guidelines, is cause for review of an institution's overall conformity to the Commission Standards of Accreditation. Schools shall demonstrate that they have resolved effectively all areas of deficiency identified in audits, program reviews, and any other information provided by the	The Commission had no published standard or policy in 2006 prohibiting member schools from making "individual exceptions."  This lack of a policy is the policy.	Violation of Standard 2.7 allows 270+ schools to commit Title IV fraud.  ATS facilitates promissory fraud at an accreditation level as long as it is done <b>on an individual basis.</b>  Schools can retaliate, silence and force students and employees (Randy was both) and third parties (me) from coming forward, assisting government attorneys and investigators from investigating Title IV fraud.  The Department accepts this, as was the case with Western and ATS. Western still receives millions in Title IV funds.

US Department of Education on to the Commission. [Emphasis mine]		
<p><b>ES.1.1.3 Schools shall follow the recommended nomenclature for all Board-approved degree programs.</b> In cases where governmental licensing, charter requirements, or institutional federation agreements preclude use of recommended nomenclature, the Board will consider alternate degree nomenclature. In cases where the Standards provide alternate nomenclature for the same kind of degree program (e.g., MRE or MA in Religious Education, ThM or STM, PhD or ThD), the <b>nomenclature employed should reflect the history or policies of the schools offering the degree programs.</b> [Emphasis mine]</p>	<p>The Commission had no published standard or policy in 2006 prohibiting member schools from making "individual exceptions."</p> <p>This lack of a policy is the policy.</p>	<p>Randy's MDiv and ThM are unlike any MDiv and ThM expressed by any other school and would be considered highly questionable if fully known. Both degrees are actually vehicles for fraud, dishonestly using accepted nomenclature for something quite unacceptable, unreasonable, unethical, and unlawful.</p> <p>Western Seminary used the educational criteria found in the settlement agreement to cover up:</p> <ul style="list-style-type: none"> <li>• Child molestations</li> <li>• Money laundering</li> <li>• Section 504 fraud and retaliation</li> <li>• Promissory fraud</li> <li>• Educational fraud</li> <li>• Misrepresentations to federal agents</li> <li>• Misrepresentations to accreditors</li> <li>• Conflict of interest</li> <li>• FERPA violations</li> </ul>
<b>NWCCU Policy/Standard</b>	<b>"Individual Exceptions" scheme</b>	<b>Implications</b>
<p><b>2.A.22</b> The institution advocates, subscribes to, and <b>exemplifies high ethical standards in managing and operating the institution</b>, including its dealings with the <b>public, the Commission</b>, and external organizations, and <b>in the fair and equitable treatment of students</b>, faculty, administrators, staff, and other constituencies. It ensures complaints and grievances are addressed in a fair and timely manner. [Emphasis mine]</p>	<p>NWCCU doesn't have exception policies, in spite of what Cheryl Oldham stated on October 24, 2008 to Congresswoman Mazie Hirono.</p>	<p>NWCCU doesn't enforce 2.A.22. Regardless if NWCCU has exception policies or not. 162 schools in seven states are not required to maintain "high ethical standards" in dealing with the public, the Commission or "in the fair and equitable treatment of students" <i>as long as it is done on an individual basis.</i></p>
<p><b>2.A.23</b> The institution adheres to a clearly defined policy that <b>prohibits conflict of interest</b> on the part of members of the governing board, <b>administration, faculty</b>, and staff. Even when supported by or affiliated with social, political, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy. If it requires its constituencies to conform to specific codes of conduct or</p>	<p>NWCCU doesn't have exception policies, in spite of what Cheryl Oldham stated on October 24, 2008 to Congresswoman Mazie Hirono.</p>	<p>NWCCU doesn't enforce 2.A.23. <i>if violations are done on an individual basis</i> and regardless if NWCCU has exception policies or not.</p> <p>Administrators from 162 schools in seven states can conduct their business with NWCCU in what clearly is a conflict of interest, just as Bert Downs and Randal Roberts did starting in September 15, 2006, over and against two concurrent civil cases and the federal government.</p>

<p>seeks to instill specific beliefs or world views, it gives clear prior notice of such codes and/or policies in its publications. [Emphasis mine]</p>		
<p><b>2.A.26</b> If the <b>institution enters into contractual agreements with external entities</b> for products or <b>services performed on its behalf</b>, the <b>scope of work</b> for those products or <b>services</b>—with clearly defined roles and responsibilities—is stipulated in a written and approved agreement that <b>contains provisions to maintain the integrity of the institution</b>. In such cases, <b>the institution ensures the scope of the agreement is consistent with the mission and goals of the institution, adheres to institutional policies and procedures, and complies with the Commission’s Standards for Accreditation</b>. [Emphasis mine]</p>	<p>NWCCU doesn’t have exception policies, in spite of what Cheryl Oldham stated on October 24, 2008 to Congresswoman Mazie Hirono.</p>	<p>NWCCU doesn’t enforce 2.A.26. <i>if violations are done on an individual basis.</i></p> <p>Western Seminary used the services of Andrew Adler, Ellen Hung and Linda McPharlin in California to create the March 14, 2006 settlement agreement. Subsequently, Western used Linda McPharlin, Thomas Hadley, Anthony Lauria, David Trent, Mark Shem, Anthony Zand and Sam Phillips to defend it.</p> <p>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, <b>conduct a defense, assert a position in litigation</b>, or take an appeal, <b>without probable cause and for the purpose of harassing or maliciously injuring any person</b>; or (B) <b>To present a claim or defense in litigation that is not warranted under existing law</b>, unless it can be supported by a good faith argument for an extension, modification, or reversal of such existing law.”</p> <p>Rule 5-220 Suppression of Evidence “A member <b>shall not suppress any evidence</b> that the member or the member’s client has a legal obligation to reveal or to produce.”</p> <p>Rule 3-210 prohibits attorneys Advising the Violation of Law “<b>A member shall not advise the violation of any law, rule, or ruling of a tribunal</b> 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.”</p> <p>Rule 5-100 prohibits “<b>A member shall not threaten to present criminal, administrative, or disciplinary charges</b></p>

		<b>to obtain an advantage in a civil dispute.”</b>
<p><b>2.C.1</b> The <b>institution provides programs</b>, wherever offered and however delivered, <b>with appropriate content and rigor that are consistent with its mission</b>; culminate in <b>achievement of clearly identified student learning outcomes</b>; and lead to collegiate-level degrees or certificates with <b>designators consistent with program content in recognized fields of study</b>. [Emphasis mine]</p> <p><b>2.C.3</b> Credit and degrees, wherever offered and however delivered, are based on <b>documented student achievement and awarded in a manner consistent with institutional policies that reflect generally accepted learning outcomes, norms, or equivalencies in higher education</b>. [Emphasis mine]</p> <p><b>2.C.12</b> Graduate <b>programs are consistent with the institution’s mission</b>; are <b>in keeping with the expectations of their respective disciplines and professions</b>; and are <b>described through nomenclature that is appropriate to the levels of graduate and professional degrees offered</b>. <i>They differ from undergraduate programs by requiring greater depth of study and increased demands on student intellectual or creative capacities; knowledge of the literature of the field; and ongoing student engagement in research, scholarship, creative expression, and/or appropriate high-level professional practice</i>. [Emphasis mine]</p>	<p>NWCCU doesn’t have exception policies, in spite of what Cheryl Oldham stated on October 24, 2008 to Congresswoman Mazie Hirono.</p> <p>Western Seminary's <i>mission</i> is to train Christian leaders, but the <i>mission</i> of Western's master degree criteria in its settlement agreement is to cover up child molestations, Section 504 fraud and retaliation, Title IV fraud, omit First Amendment rights for Randy Chapel and me, and fear by threats of extortion by financial vengeance if we file complaints to the government, etc.</p> <p>The learning outcomes are hate, vengeance, fraud, deceit, retaliation and extortion.</p> <p>Western's two theological master degrees with settlement agreement criteria and changed nomenclature 100% opposite to normal MDiv and ThM degree criteria and normal nomenclature. Western's settlement agreement expectations includes general racketeering business practices as inappropriate theological master degree criteria.</p>	<p>NWCCU doesn’t enforce 2.C.1, 2.C.3, 2.C.12. <i>if violations are done on an individual basis against an individual student.</i></p> <p>Randy’s MDiv and ThM are unlike any MDiv and ThM expressed by any other school and would be considered highly questionable if fully known. Both degrees are actually vehicles for fraud dishonestly using accepted nomenclature for something quite unacceptable, unreasonable, unethical, and unlawful.</p> <p>Western Seminary used the educational criteria found in the settlement agreement to cover up:</p> <ul style="list-style-type: none"> <li>• Child molestations</li> <li>• Money laundering</li> <li>• Section 504 fraud and retaliation</li> <li>• Promissory fraud</li> <li>• Educational fraud</li> <li>• Title IV fraud</li> <li>• Misrepresentations to federal agents</li> <li>• Misrepresentations to accreditors</li> <li>• Conflict of interest</li> <li>• FERPA violations</li> </ul>

### III. Laws and Cases

There is no support for what is demanded by Western Seminary or claimed by ATS and NWCCU.

***Oregon Ry. & Nav. Co. v. Oregonian Ry. Co., Ltd.* 130 U.S. 1 (1889) “In the United States, a corporation can only have an existence under the express law of the state by which it is created, and can exercise no power or authority which is not granted to it by the charter under which it exists, or by some other legislative act.”**

(Emphasis mine) Neither accreditor (ATS or NWCCU) nor Western Seminary has the authority to violate any law, or exercise power not first granted to it by charter or by a legislative act. To claim such, would make accreditors and schools more powerful than all three branches of government combined. To the extent that schools can make their own choices as to what exceptions to apply or not, is nonsense. Their operations, including the use of Settlement Agreements, must be lawful. The power to enter into a Settlement Agreement with a student itself doesn't grant schools authority to supersede the law. ***State of California v. Corinthian Schools, Inc. Los Angeles County Superior Court Case No. BC374999***. While the debate as to what exceptions can be made on an individual basis could continue (exception to onsite vs. distance learning), to argue that schools can, by virtue of their accreditor, make exceptions beyond the narrow confines of academics, would make schools *superior sovereigns* to each State and the Federal government. That would lead to complete chaos--as the government aided in this case.

At the federal law level, there is a consistent theme. 20 U.S.C. § 1232g; 34 CFR Part 99 **provides no authority to schools or administrators to prevent students or parents from filing complaints.** 29 U.S.C. § 701 et seq. provides no authority to schools or administrators to prevent students or parents from filing complaints, and provides **no authority for schools or administrators to retaliate against anyone that took part in a complaint.** 31 U.S.C. §§ 3729-3733 **provides no authority to schools or administrators to prevent students or parents from filing court complaints against schools, or assisting the government investigating fraud against the government.**

According to the Department on December 10, 2015, it “*does not have any records documenting any type of waiver or exception to the provisions of the PPA*” [**Program Participation Agreement, codified at 20 U.S. Code § 1094 and regulated at 34 CFR § 668.14**]

- Bert Downs signed a Program Participation Agreement (20 U.S. Code § 1094) between the U.S. Department of Education and Western Seminary on July 15, 2003, with an expiration date of June 30, 2006.
- Bert Downs signed a Program Participation Agreement (20 U.S. Code § 1094) between the U.S. Department of Education and Western Seminary on June 4, 2007, with an expiration date of March 31, 2013.
- Randal Roberts signed a Program Participation Agreement (20 U.S. Code § 1094) between the U.S. Department of Education and Western Seminary on April 4, 2013, with an expiration date of December 31, 2018.

**Mary R.** In 1983, the CA Appeals court found, “The stipulated order of confidentiality is contrary to public policy, contrary to the ideal that full and impartial justice shall be secured in every matter and designed to secrete the evidence in the case from the very public agency charged with the responsibility of policing the medical profession. We believe it clearly improper, even on stipulation of the parties, for the court to issue an order designed not to preserve the integrity and efficiency of the administration of justice (cf. *Younger v. Smith* (1973) 30 Cal. App.3d 138 [106 Cal. Rptr. 225]), but to subvert public policy by shielding the doctor from governmental investigation designed to protect the public from misconduct within the medical profession, and which may disclose a professional license of this state was used to establish a relationship which subjected a juvenile patient to criminal conduct. Such a stipulation is against public policy, similar to an agreement to conceal judicial proceedings and to obstruct justice. (*Maryland C. Co. v. Fidelity, etc. Co.* (1925) 71 Cal. App. 492, 499 [236 P. 210].) Moreover, in light of the statutory obligation 317\*317 of Division to investigate and regulate the medical profession, **a law established for a public reason cannot be waived or circumvented by a private act or agreement.** (*Covino v. Governing Board* (1977) 76 Cal. App.3d 314, 322 [142 Cal. Rptr. 812]; Civ. Code, § 3513; see *Bianco v. Superior Court* (1968) 265 Cal. App.2d 126, 130-131 [71 Cal. Rptr. 322]; *Benane v. Internat. Harvester Co.* (1956) 142 Cal. App.2d Supp. 874, 878 [299 P.2d 750].) Accordingly, since such a contract made in violation of established public policy will not be enforced (*Bianco v. Superior Court, supra*, 265 Cal. App.2d 126, 131), it is improper for the court to sanction the parties' stipulation under the pain of threatened contempt. In light of its over breadth and its intended effect upon the investigation of Division, **we strike the order of confidentiality, stressing an enactment designed for the public welfare cannot be abridged by stipulation.** (3 Cal.Jur.3d, Agreed Case and Stipulations, § 18, p. 270; see *Wilson v. Wilson* (1973) 45 Cal. 399, 405.)” ***Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)***. [On December 8, 1980, Division received a complaint from a marriage and family counselor alleging Mary R., while age 14 and a patient of a licensed physician, had been repeatedly sexually molested by him between August 1975 and April 1976. Mary R. told a Division field investigator there had been a civil lawsuit which was dismissed and the court records sealed. She stated she would furnish information to Division if not prohibited from doing so by court order. In fact,

the trial court, when dismissing the action by stipulation, had issued an order sealing the court records and ordered the parties, their agents or representatives never to discuss the case with anyone.]

**Mary R.** was successfully used against the child molester Steve Korch, Western Seminary, et al., in their attempt to cover up communications and activities involving the Junction City First Baptist Church retreat where the child molester Steve Korch spoke and admitted to some 70 men his molestation activities. **For attempting to cover up and keep me from deposing various parties, the Court sanctioned Steve Korch, Western Seminary, et al. and their attorneys \$1,925.** In addition, I used **Mary R.** and prevailed against Western Seminary, et al.'s motion for summary judgment on all causes of actions, including a fraud cause of action.

These demands by Western violate the public policy of California as noted in, among others, *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983), *State of California v. Corinthian Schools, Inc. Los Angeles County Superior Court Case No. BC374999* (\$6.5 million judgment) Corinthian Schools was using settlement agreements to bar students and families from informing the government of wrong doing by the school, including unlawful, unfair and fraudulent business acts or practices by the school against students and their families. In *State of California v. Heald College, et al., San Francisco County Superior Court Case No. CGC-13-534793* (\$1.1 billion judgment) the Department of Education took part. Corinthian Schools was using unlawful clauses in enrollment agreements against students. (Rob Wiggins called the settlement agreement an "enrollment agreement" for Randy.)

The 9<sup>th</sup> Circuit Court found that, "**No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 601 of [the Civil Rights] Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.**" [Emphasis in opinion.] In addition, "**The remedies, procedures, and rights set forth in Title VI of the Civil Rights Act of 1964 . . . shall be available to any person aggrieved by any act or failure to act by any recipient of Federal assistance . . .**," and that panel rejected the suggestion that a person under the statute must be disabled to have standing to raise its protections: "**Section 504 and its anti-retaliation provision use the all inclusive phrases 'any person aggrieved' and 'any individual,' and no language further limits who 'any person aggrieved' or 'any individual' may be. In particular, the statutes do not include language requiring such individuals to have disabilities in order to have standing.**" *Barker v. Riverside County Office of Education*, No. 07-56313 (9th Cir. Oct. 23, 2009) [Emphasis mine]

The state, lower courts, the 9<sup>th</sup> Circuit Court and the Supreme Court has clearly identified violations on point in this case.

#### IV. Statements by Department employees

In addition to statements made by Chuck Mula, there is the statement made on October 7, 2011, and under oath, by Jill Siegelbaum, Attorney in the Office of General Counsel for the United States Department of Education, who stated, "*For items 28-35, 39, 50-51, 56-63 and 65-78, OPE had no responsive records and is unaware of any other location where such records might be located.*"

- i. #28: The ATS "exception" policy in effect on March 14, 2006
- ii. #32: The NWCCU "exception" policy in effect on March 14, 2006
- iii. #58 The ATS "exception" standards or policies in which schools have a business practice of overriding the law as of 1999
- iv. #59 All records between the Department and ATS concerning standards or procedures for exceptions since 1999
- v. #29 The ATS 34 CFR § 602.22 policy in effect on March 14, 2006.
- vi. #30 The ATS 34 CFR § 602.22 policy in effect on August 29, 2008.
- vii. #31 The current ATS 34 CFR § 602.22 policy.
- viii. #33 The NWCCU 34 CFR § 602.22 policy in effect on March 14, 2006.
- ix. #34 The NWCCU 34 CFR § 602.22 policy in effect on August 29, 2008.
- x. #35 The NWCCU 34 CFR § 602.22 policy.
- xi. #56 The ATS standards or procedures that override *Mary R. v. B. & R. Corp.*, 149 Cal. App. 3d 308 (1983) as of March 14, 2006

- xii. #57 The NWCCU standards or procedures that override *Mary R. v. B. & R. Corp., 149 Cal. App. 3d 308 (1983)* as of March 14, 2006
- xiii. #60 All ATS standards or procedures that give ATS authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary
- xiv. #61 All ATS standards or procedures that give NWCCU authority over March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary
- xv. #62 All Department records concerning ATS' review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary.
- xvi. #63 All Department records concerning NWCCU's review of the March 14, 2006 settlement agreement involving Randy Chapel and Western Seminary
- xvii. #65 The *settlement agreement* involving Randy Chapel and Western Seminary that provides ATS has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement.
- xviii. #66 The *settlement agreement* involving Randy Chapel and Western Seminary that provides NWCCU has authority to make determinations regarding the settlement agreement or the validity of the settlement agreement.
- xix. #67 Records of any ATS policies that gives schools authority to exceed or waive State law.
- xx. #68 Records of any ATS policies that gives schools authority to exceed or waive decisional cases.
- xxi. #69 Records of any ATS policies that gives schools authority to exceed or waive FERPA.
- xxii. #70 Records of any ATS policies that gives schools authority to exceed or waive Federal law.
- xxiii. #71 Records of any NWCCU policies that gives schools authority to exceed or waive State law.
- xxiv. #73 Records of any NWCCU policies that gives schools authority to exceed or waive decisional cases.
- xxv. #73 Records of any NWCCU policies that gives schools authority to exceed or waive FERPA.
- xxvi. #74 Records of any NWCCU policies that gives schools authority to exceed or waive Federal law.
- xxvii. #75 Records that give Western Seminary authority to exceed or waive State law.
- xxviii. #76 Records that give Western Seminary authority to exceed or waive decisional cases.
- xxix. #77 Records that give Western Seminary authority to exceed or waive FERPA.
- xxx. #78 Records that give Western Seminary authority to exceed or waive Federal law.

**V. Help regarding locating the requested records.**

Request(s)	
	1. Any record of communication to Randy Chapel or Carol Nye-Wilson rescinding any determinations made in 2008 by the U.S. Department of Education regarding Western Seminary, or ATS, or NWCCU.
	2. Records rescinding or withdrawing the Nancy C. Regan letter dated August 29, 2008 to Sandra Elman.
	3. Records rescinding or withdrawing the Nancy C. Reagan letter dated August 29, 2008 to Daniel Aleshire.
	4. Records rescinding or withdrawing the Nancy C. Regan letter dated September 29, 2008 to John Hannon.
	5. Records rescinding or withdrawing the October 24, 2008 letter from Cheryl Oldham to Mazie Hirono.
	6. Records modifying any part of the claims found in the Nancy C. Regan letter dated August 29, 2008 to Sandra Elman.
	7. Records modifying any part of the claims found in the Nancy C. Reagan letter dated August 29, 2008 to Daniel Aleshire.
	8. Records modifying any part of the claims found in the Nancy C. Regan letter dated September 29, 2008 to John Hannon.

	9. Records modifying any part of the claims found in the Cheryl Oldham letter dated October 24, 2008, to Mazie Hirono.
<b>Response(s)</b>	<b>No records.</b> In spite the best efforts by my son, our former attorney John Hannon and myself, the Department has not rescinded or withdrawn any determination or modified any claim made since 2008. If this is in error, then the Department will have a copy of a communication that rescinded or withdrew one or more determinations or modified one or more claims it made in 2008. Such communication, should it exist, would be inconceivable given the history of the case at this point. Never the less, the request seeks to determine if such record(s) exist.

<b>Request(s)</b>	<p>10. Records from any employee of the U.S. Department of Education <b>to</b> any employee of the U.S. Department of Justice concerning Western Seminary, or Bert Downs, or Randal Roberts, or Rob Wiggins, or Steve Korch, or Lynn Ruark.</p> <p>11. Records from any employee of the U.S. Department of Education <b>to</b> any employee of the U.S. Department of Justice concerning ATS, or Daniel Aleshire, or Jeremiah McCarthy.</p> <p>12. Records from any employee of the U.S. Department of Education <b>to</b> any employee of the U.S. Department of Justice concerning NWCCU or Sandra Elman.</p> <p>13. Records from any employee of the U.S. Department of Justice <b>to</b> any employee of the U.S. Department of Education concerning Western Seminary, or Bert Downs, or Randal Roberts, or Rob Wiggins, or Steve Korch, or Lynn Ruark.</p> <p>14. Records from any employee of the U.S. Department of Justice <b>to</b> any employee of the U.S. Department of Education concerning ATS, or Daniel Aleshire, or Jeremiah McCarthy.</p> <p>15. Records from any employee of the U.S. Department of Justice <b>to</b> any employee of the U.S. Department of Education concerning NWCCU or Sandra Elman.</p> <p>16. Records from any employee of the U.S. Department of Education <b>to</b> any employee of the U.S. Department of Justice concerning Randy Chapel, or Carol Nye-Wilson, or Dale Wilson, or Susan Allister, or Susan Chapel or Joel Chapel.</p> <p>17. Records from any employee of the U.S. Department of Justice <b>to</b> any employee of the U.S. Department of Education concerning Randy Chapel, or Carol Nye-Wilson, or Dale Wilson, or Susan Allister, or Susan Chapel or Joel Chapel.</p> <p>18. Records from any employee of Navient to any employee of the Department of Education about Randy Chapel, or Carol Nye-Wilson, or Western Seminary, or Bert Downs, or Randal Roberts, or Rob Wiggins, or Steve Korch, or Lynn Ruark, or ATS, or Daniel Aleshire, or Jeremiah McCarthy, or NWCCU, or Sandra Elman.</p> <p>19. Records from any employee of the U.S. Department of Education to Navient about Randy Chapel, or Carol Nye-Wilson, or Western Seminary, or Bert Downs, or Randal Roberts, or Rob Wiggins, or Steve Korch, or Lynn Ruark, or ATS, or Daniel Aleshire, or Jeremiah McCarthy, or NWCCU, or Sandra Elman.</p>
<b>Response(s)</b>	<b>Possible records.</b> There may be records that fall into these categories, given the litigation history of the case; and the concerns raised by our former attorney John Hannon, my son and myself concerning the parties noted.

<b>Request(s)</b>	<p>20. Any record of an ATS policy or standard that schools can commit fraud against the government.</p> <p>21. Any record associated with ATS that schools accredited by ATS can commit fraud against the government.</p>
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	<p>22. Any NWCCU policy or standard that schools can commit fraud against the government.</p> <p>23. Any record associated with NWCCU that schools accredited by NWCCU can commit fraud against the government.</p> <p>24. Any ATS record that schools can use education as a vehicle for fraud.</p> <p>25. Any NWCCU record that schools can use education as a vehicle for fraud.</p>
<b>Response(s)</b>	<p><b>No records.</b> Neither NWCCU nor ATS would come right out with a “policy” or “standard” or any record using accreditation as a vehicle for corruption for their respective member schools. Rather, if such “understanding” exists, it would be subversive, obfuscated, shady, and complex in nature to directly and indirectly fool government employees into believing something completely different and thus demonstrating the complex white-collar nature of the criminal enterprise involving and leveraging the unique nature of the accreditation – school relationship before the U.S. Department of Education.</p> <p>Rather than a “policy” or “standard” that is written and thus can be analyzed by the Department as to the legality of the purported “policy” or “standard,” accreditor(s) and school(s) may have developed a language or phrase in order to directly and indirectly deceive government employees to believe in some sort of common law or unwritten, unpublished policy or standard everyone works from. In such a case, the Department has already declared such end-rounding of Federal law and regulations (20 U.S. Code § 1099b, regulated at 34 CFR § 602) before involving the American Bar Association in Dec 2006.</p>

<b>Request(s)</b>	26. Any record of a government policy that schools can commit fraud against the government.
<b>Response(s)</b>	<b>Unlikely there will be records.</b> <i>It is unlikely</i> that the government would directly have a policy that schools can commit fraud against the government, simply because they are schools. However, it appears that if accreditors have no problem with their member schools committing fraud against the government, that will be accepted as a policy for the Department.

<b>Request(s)</b>	27. Any ATS record stating directly or indirectly that <u>valid education criteria can include one or more of the following</u> : 1) students and/or family members cannot file complaints about schools to the government or accreditor; 2) students and/or family members cannot say or produce anything the school doesn’t want to be said or made public; 3) arbitration is acceptable (to bypass the courts, state and government authorities); 4) liquidated damages is acceptable criteria against students and their family members who violate the school’s education criteria, 5) students and/or family members cannot assist 3 <sup>rd</sup> parties, including government investigators or attorneys investigating the school, and 6) schools can require cover up of retaliation, extortion, crimes, and child molestations by school administrators.
<b>Response(s)</b>	<b>Producible Records.</b> An example of records(s) come of ATS itself.

<b>Request(s)</b>	28. Any NWCCU record stating directly or indirectly that <u>valid education criteria can include one or more of the following</u> : 1) students and/or family members cannot file complaints about schools to the government or accreditor; 2) students and/or family members cannot say or produce anything the school doesn’t want to be said or made public; 3) arbitration is acceptable (to bypass the courts, state and government authorities); 4) liquidated damages is acceptable criteria against students and their family members who violate the school’s education criteria, 5) students and/or family members cannot assist 3 <sup>rd</sup> parties, including government investigators or attorneys investigating the school, and 6) schools can require cover up of retaliation, extortion, crimes, and child molestations by school administrators.
<b>Response(s)</b>	<b>Producible Records.</b> An example of records(s) come of NWCCU itself.

<b>Request(s)</b>	29. Any record stating directly or indirectly Western Seminary has the authority to commit Title IV fraud (promissory fraud).
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	30. Any record stating directly or indirectly Western Seminary has the authority to retaliate against a person that files a complaint and/or assists in filing a complaint for a federal investigation of Section 504 violations.
<b>Response(s)</b>	<b>Producible Records.</b> ATS has implied this since July 21, 2008, while NWCCU has implied this since August 6, 2008. Nancy C. Regan has implied this since August 29, 2008 to both ATS and NWCCU and September 29, 2008 to John Hannon.
<b>Request(s)</b>	31. Any record stating directly or indirectly Western Seminary had authority to offer the substantively changed criteria for two theological master degree programs found in the Settlement Agreement dated March 14, 2006 involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary.
<b>Response(s)</b>	<b>Producible Records.</b> ATS has implied this since July 21, 2008, while NWCCU has implied this since August 6, 2008. Nancy C. Regan has implied this since August 29, 2008 to both ATS and NWCCU and September 29, 2008 to John Hannon.
<b>Request(s)</b>	32. Any record stating directly or indirectly the Settlement Agreement dated March 14, 2006 involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary complies with the ATS General Institutional Standards and/or Degree Program Standards as of March 14, 2006.  33. Any Department of Education record stating directly or indirectly the ATS unpublished "individual exception" policy supersedes and/or cancels out any ATS published and regulated policies, standards, and procedures.
<b>Response(s)</b>	<b>Producible Records.</b> ATS has stated this since July 21, 2008 and Nancy C. Regan used this letter as a basis for her claims to John Hannon. Thus, the Department accepts ATS unpublished "individual exception" policy supersedes and/or cancels out any ATS published and regulated policies, standards, and procedures.
<b>Request(s)</b>	34. Any Department of Education record stating directly or indirectly Accreditors can disregard 34 CFR § 602.17(a) involving an individual student.  35. Any Department of Education record stating directly or indirectly Accreditors can disregard 34 CFR § 602.18(b) involving an individual student.
<b>Response(s)</b>	<b>No records.</b> After the events of Dec 2006 involving the ABA, the Department considers and has defended that schools can rely upon unwritten and unpublished policies of accreditors, in spite of the chaos this has created.
<b>Request(s)</b>	36. Any record stating directly or indirectly Western Seminary's accreditation has been or was suspended by ATS.  37. Any record stating directly or indirectly Western Seminary's accreditation has been or was suspended by NWCCU.
<b>Response(s)</b>	<b>No records.</b> Western Seminary remains accredited. As far as ATS and NWCCU are concerned, Western Seminary has done nothing illegal.
<b>Request(s)</b>	38. Any record stating directly or indirectly Western Seminary failed to carry out its educational programs and/or institutional activities according to the Standards of Accreditation and <i>Policies and Procedures</i> ("Standards and Procedures") established by the ATS Commission and its Board of Commissioners.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	39. Any record stating directly or indirectly that Western Seminary was determined by ATS to have failed to "communicate honestly and forthrightly" with ATS.

	40. Any record stating directly or indirectly that Western Seminary was determined by NWCCU to have failed to “communicate honestly and forthrightly” with NWCCU.
<b>Response(s)</b>	<b>No records.</b> Neither ATS nor NWCCU considers any communication from Western as being dishonest.
<b>Request(s)</b>	41. Any record created by ATS stating directly or indirectly Western Seminary is not compliant with ATS Standard 2.1.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	42. Any record created by ATS stating directly or indirectly Western Seminary is not compliant with ATS Standard 2.2.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	43. Any record created by ATS stating directly or indirectly Western Seminary is not compliant with ATS Standard 2.3.
<b>Response(s)</b>	<b>No record.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	44. Any record created by ATS stating directly or indirectly Western Seminary is not compliant with ATS Standard 2.4.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	45. Any record created by ATS stating directly or indirectly Western Seminary is not compliant with ATS Standard 2.7.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	46. Any record created by ATS stating directly or indirectly the Master of Divinity degree program criteria referenced in the Settlement Agreement dated March 14, 2006, involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary, is not compliant with one or more of the ATS General Institutional Standards and/or Degree Program Standards.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	47. Any record created by ATS stating directly or indirectly the Master of Theology degree program criteria referenced in the Settlement Agreement dated March 14, 2006, involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary, is not compliant with one or more of the ATS General Institutional Standards and/or Degree Program Standards.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS has stated since July 21, 2008 that Western Seminary is in compliance with ATS standards and policies.
<b>Request(s)</b>	48. Any record created by ATS stating directly or indirectly that cover up of child molestations is not a reasonable "exception" or a reasonable "individual exception" to the ATS General Institutional Standards and/or Degree Program Standards.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS considers reasonable criteria for theological master degree program education/instruction can include the cover up of sexual assault and molestation of children.
<b>Request(s)</b>	49. Any record created by ATS stating directly or indirectly that cover up of fraud against the government is not a reasonable "exception" or a reasonable "individual exception" to the ATS

	General Institutional Standards and/or Degree Program Standards.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because ATS considers reasonable criteria for theological master degree program education/instruction can include the cover up of fraud against the government.
<b>Request(s)</b>	50. Any record created by NWCCU stating directly or indirectly that cover up of child molestations is not a reasonable "exception" to NWCCU standards, policies, and procedures.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because NWCCU considers reasonable criteria for theological master degree program education/instruction can include the cover up of sexual assault and molestation of children.
<b>Request(s)</b>	51. Any record created by NWCCU stating directly or indirectly that cover up of fraud against the government is not a reasonable "exception" to NWCCU standards, policies, and procedures.
<b>Response(s)</b>	<b>No records.</b> There will be no record, because NWCCU considers reasonable criteria for theological master degree program education/instruction can include the cover up of fraud against the government.
<b>Request(s)</b>	52. Any record created by ATS stating directly or indirectly that cover up of child molestations is not a reasonable criteria for theological master degree program education/instruction.
<b>Response(s)</b>	<b>No records.</b> For ATS, reasonable criteria for theological master degree program education/instruction can include the cover up of sexual assault and molestation of children.
<b>Request(s)</b>	53. Any record created by ATS stating directly or indirectly that cover up of fraud against the government is not a reasonable theological master degree program criteria for education/instruction.
<b>Response(s)</b>	<b>No records.</b> For ATS, reasonable criteria for theological master degree program education/instruction can include the cover up of fraud against the government.
<b>Request(s)</b>	54. Any record created by NWCCU stating directly or indirectly that cover up of child molestations is not a reasonable criteria for theological master degree program education/instruction.
<b>Response(s)</b>	<b>No records.</b> For NWCCU, reasonable criteria for theological master degree program education/instruction can include the cover up of sexual assault and molestation of children.
<b>Request(s)</b>	55. Any record created by NWCCU stating directly or indirectly that cover up of fraud against the government is not a reasonable criteria for theological master degree program education/instruction.
<b>Response(s)</b>	<b>No records.</b> For NWCCU, reasonable criteria for theological master degree program education/instruction can include the cover up of fraud against the government.
<b>Request(s)</b>	56. A record created by NWCCU stating directly or indirectly Western Seminary is not compliant with Standard 2.A.22. 57. A record created by NWCCU stating directly or indirectly Western Seminary is not compliant with Standard 2.A.23. 58. A record created by NWCCU stating directly or indirectly Western Seminary is not compliant with Standard 2.A.26 as it relates to hiring attorneys to threaten Randy Chapel and/or Carol Nye-Wilson. 59. A record created by NWCCU stating directly or indirectly Western Seminary is not compliant with Standard 2.C.1 as it relates to the Master of Divinity degree program and/or the Master of Theology degree program referenced in the March 14, 2006 settlement agreement involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary. 60. A record created by NWCCU stating directly or indirectly Western Seminary is not compliant with Standard 2.C.3 as it relates to the Master of Divinity degree program and/or the Master of Theology degree program referenced in the March 14, 2006 settlement agreement involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western

	Seminary. 61. A record created by NWCCU stating directly or indirectly Western Seminary is not compliant with Standard 2.C.12 related to the Master of Divinity degree and/or the Master of Theology degree programs for instruction referenced in the March 14, 2006 settlement agreement involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary.
<b>Response(s)</b>	<b>No records.</b> Discussed above.

<b>Request(s)</b>	62. A record created by NWCCU stating directly or indirectly Western Seminary violated NWCCU's Conflict of Interest policy regarding complaints to NWCCU by Randy Chapel and/or Carol Nye-Wilson
<b>Response(s)</b>	<b>No Records.</b> NWCCU doesn't consider it a violation of policy, if NWCCU and a member school team up together against two civil cases and a federal investigation.

<b>Request(s)</b>	63. A record created by NWCCU stating directly or indirectly Western Seminary violated NWCCU's Substantive Change policy in use on March 14, 2006.
<b>Response(s)</b>	<b>No Records.</b> In fact and in truth, NWCCU modified their Substantive Change policy in order to not hold Western accountable.

<b>Request(s)</b>	64. A record created by NWCCU stating directly or indirectly the March 14, 2006 settlement agreement involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary is not compliant with the NWCCU Accreditation Standards, policies, and procedures for approved theological master degree instruction.
<b>Response(s)</b>	<b>No Records.</b>

<b>Request(s)</b>	65. The record canceling or suspending the 2003 Program Participation Agreement (20 U.S. Code § 1094) between the U.S. Department of Education and Western Seminary.  66. The record canceling or suspending the 2007 Program Participation Agreement (20 U.S. Code § 1094) between the U.S. Department of Education and Western Seminary.  67. The record canceling or suspending the 2013 Program Participation Agreement (20 U.S. Code § 1094) between the U.S. Department of Education and Western Seminary.  68. The record canceling or suspending any Program Participation Agreement (20 U.S. Code § 1094) between the U.S. Department of Education and Western Seminary for non-compliance.  69. The record canceling or suspending Western Seminary's eligibility to participate in any of the following Title IV, HEA programs: a. Federal Family Education Loan Program, 20 U.S.C. §§ 1071 et seq.; 34 C.F.R. Part 682. b. Federal Direct Student Loan Program, 20 U.S.C. §§ 1087a et seq.; 34 C.F.R. Part 685 c. Federal Perkins Loan Program, 20 U.S.C. §§ 1087aa et seq.; 34 C.F.R. Part 674. d. Federal Work-Study Program, 42 U.S.C. §§ 2751 et seq.; 34 C.F.R. Part 675.
<b>Response(s)</b>	<b>No Records.</b>

<b>Request(s)</b>	70. Any record of determination by the Department of Education, or ATS, or NWCCU made since August 2008 stating directly or indirectly Western Seminary is not in compliance with Federal laws.  71. The record of communication to Randy Chapel or Carol Nye-Wilson regarding any determination by the Department of Education, ATS, or NWCCU made since August 2008 stating directly or indirectly that Western Seminary's March 14, 2006 settlement agreement does not comply with Federal laws.  72. Any record of determination by the Department of Education made since August 2008 stating
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	<p>directly or indirectly Western Seminary is not in compliance with any part of 20 U.S. Code §§ 1094 et seq.</p> <p>73. Any record of determination by the Department of Education made since August 2008 stating directly or indirectly Western Seminary is not in compliance with any part of 34 CFR 668.14.</p> <p>74. Any record of determination by the Department of Education made since August 2008 stating directly or indirectly Western Seminary is not in compliance with any part of 20 U.S.C. § 1232g; 34 CFR Part 99.</p> <p>75. Any record of determination by the Department of Education made since August 2008 stating directly or indirectly Western Seminary is not in compliance with any part of 34 C.F.R. Part 104.</p> <p>76. Any record of determination by the Department of Education made since 2005 through the present stating directly or indirectly Western Seminary is not in compliance with Section 504 of the Rehabilitation Act of 1973 as it relates to the March 14, 2006 settlement agreement involving Randy Chapel, Carol Nye-Wilson, Steve Korch, Gary Tuck, Lynn Ruark and Western Seminary.</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	77. The communication record dated January 2, 2009, from Randy Chapel addressed to Sandra Elman and NWCCU, and copied to Arne Duncan, Margaret Spellings, Chuck Mula, Carol Griffiths, and Nancy C. Regan.
<b>Response(s)</b>	<b>Producible Records.</b>

<b>Request(s)</b>	<p>78. The U.S. Department of Education record stating directly or indirectly that schools can rely upon accreditation agencies using unrecognized and unpublished policies over and against recognized and published accreditation agency policies.</p> <p>79. The U.S. Department of Education record stating directly or indirectly that unpublished and unrecognized standards, policies, and procedures of accreditation agencies supersede published and recognized accreditation agency standards, policies, and procedures.</p>
<b>Response(s)</b>	<b>Producible Records.</b> An example is the July 21, 2008 letter from Daniel Aleshire to John Hannon. Additional records would be the August 29, 2008 Nancy C. Regan letter to Sandra Elman, the August 29, 2008 Nancy C. Regan letter to Daniel Aleshire, the September 29, 2008 Nancy C. Regan letter to John Hannon and the October 24, 2008 letter from Cheryl Oldham to Mazie Hirono.

<b>Request(s)</b>	<p>80. The U.S. Department of Education record correcting the false and misleading statements found in the August 6, 2008 letter from Sandra Elman for NWCCU addressed to John Hannon.</p> <p>81. The U.S. Department of Education record correcting the false and misleading statements found in the letter dated July 21, 2008, from Daniel Aleshire to John Hannon.</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	<p>82. Any record of determination by the Department of Education made after October 2008, stating directly or indirectly that Western Seminary is not in compliance with the ATS published and recognized accrediting standards, policies, and/or procedures in effect on March 14, 2006.</p> <p>83. Any record of determination by the Department of Education made after October 2008, stating directly or indirectly that Western Seminary is not in compliance with the NWCCU published</p>
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	<p>and recognized accrediting standards, policies and/or procedures in effect on March 14, 2006.</p> <p>84. The record of communication by the Department of Education to Randy Chapel or Carol Nye-Wilson regarding any determination made after October 2008, stating directly or indirectly that Western Seminary is not in compliance with the ATS published and recognized accrediting standards, policies and/or procedures.</p> <p>85. The record of communication by the Department of Education to Randy Chapel or Carol Nye-Wilson regarding any determination made after October 2008 stating directly or indirectly that Western Seminary is not in compliance with the NWCCU published and recognized accrediting standards, policies, and/or procedures.</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.
<b>Request(s)</b>	86. Any record since June 2016, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members due to accreditation fraud, and/or Section 504 fraud, and/or Title IV fraud, and/or conflicts of interest, and and/or fraud against the government.
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.
<b>Request(s)</b>	87. Any record since January 2011, demonstrating the U.S. Department of Education took enforcement action against Western Seminary, NWCCU, and ATS due to accreditation fraud, and/or Section 504 fraud, and/or Title IV fraud, and/or conflicts of interest, and/or fraud against the government.
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.
<b>Request(s)</b>	<p>88. Any record since January 2011, demonstrating NWCCU took enforcement action against Western Seminary due to accreditation fraud, and/or Section 504 fraud, and/or Title IV fraud, and/or conflicts of interest, and/or fraud against the government.</p> <p>89. Any record since January 2011, demonstrating ATS took enforcement action against Western Seminary due to accreditation fraud, and/or Section 504 fraud, and/or Title IV fraud, and/or conflicts of interest, and/ or fraud against the government.</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.
<b>Request(s)</b>	90. Any record made by a Department of Education employee speaking up against, calling into question, and noting their refusal as a whistle blower to follow the "memo" authored by the Department of Education General Counsel directing Department employees to not talk to or reply to Randy Chapel, Carol Nye-Wilson, or John Hannon.
<b>Response(s)</b>	<b>Likely no records.</b>
<b>Request(s)</b>	91. Any record granting power to the U.S. Department of Education administrators and/or legal counsel to override the U.S. Constitution and Amendments.
<b>Response(s)</b>	<b>No records.</b>
<b>Request(s)</b>	92. Any record of a determination by the Department of Education made since April 2007, concluding ATS is not in compliance with any part of 34 CFR 602.15(a)(6) related to Western

	Seminary. 93. Any record of a determination by the Department of Education made since April 2007, concluding NWCCU is not in compliance with any part of 34 CFR 602.15(a)(6) related to Western Seminary.
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	94. The ATS policy for 34 CFR 602.15(a)(6) (conflict of interest) as of September 15, 2006. 95. The ATS policy for 34 CFR 602.15(a)(6) (conflict of interest) as of August 15, 2008. 96. The ATS policy for 34 CFR 602.15(a)(6) (conflict of interest) as of June 7, 2013.
<b>Response(s)</b>	<b>Producible Records.</b> Purportedly ATS is compliant with 34 CFR 602.15(a)(6). There is no record of ATS having lost recognition by the Department.

<b>Request(s)</b>	97. The NWCCU policy for 34 CFR 602.15(a)(6) (conflict of interest) as of September 15, 2006. 98. The NWCCU policy for 34 CFR 602.15(a)(6) (conflict of interest) as of August 15, 2008.
<b>Response(s)</b>	<b>Producible Records.</b> Purportedly NWCCU is compliant with 34 CFR 602.15(a)(6). There is no record of NWCCU having lost recognition by the Department.

<b>Request(s)</b>	99. The record <b>from</b> Daniel Aleshire, or Jeremiah McCarthy, or ATS <b>to</b> Western Seminary, or Bert Downs, or Randal Roberts stating due to the ATS 34 CFR 602.15(a)(6) policy (conflict of interest), he/it cannot get involved in a conflict of interest relationship with Western Seminary regarding complaints to the Department of Education by Randy Chapel and/or Carol Nye-Wilson. 100. The record <b>from</b> Sandra Elman or the NWCCU <b>to</b> Western Seminary or Bert Downs or Randal Roberts that due to the NWCCU 34 CFR 602.15(a)(6) policy (conflict of interest), she/it cannot get involved in a conflict of interest relationship with Western Seminary about complaints to the Department of Education by Randy Chapel and/or Carol Nye-Wilson.
<b>Response(s)</b>	<b>No records.</b> History would have greatly different, had the accreditors not joined with the member school against two civil cases and the feds.

<b>Request(s)</b>	101. Any Department of Education record of <u>reprimand or citation against</u> ATS, or Daniel Aleshire, or Jeremiah McCarthy for making materially false, fictitious or fraudulent statements or representations to a government agent related to the Department's federal investigation of the complaints by Randy Chapel and/or Carol Nye-Wilson. 102. Any Department of Education record of <u>reprimand or citation against</u> ATS, or Daniel Aleshire, or Jeremiah McCarthy for falsifying, concealing, or covering up by trick or any material facts to a government agent related to the Department's federal investigation of the complaints by Randy Chapel and/or Carol Nye-Wilson. 103. Any Department of Education record of <u>reprimand or citation against</u> ATS, or Daniel Aleshire, or Jeremiah McCarthy for producing or using any false writing or document containing any materially false, fictitious or fraudulent statement or entry to a government agent related to the Department's federal investigation of the complaints by Randy Chapel and/or Carol Nye-Wilson. 104. Any Department of Education record of <u>reprimand or citation against</u> NWCCU or Sandra Elman, for making materially false, fictitious or fraudulent statements or representations to a government agent related to the Department's federal investigation of the complaints by Randy
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	<p>Chapel and/or Carol Nye-Wilson.</p> <p>105. Any Department of Education record of <u>reprimand or citation against</u> NWCCU or Sandra Elman for falsifying, concealing, or covering up by trick or scheme a material fact to a government agent related to the Department's federal investigation of the complaints by Randy Chapel and/or Carol Nye-Wilson.</p> <p>106. Any Department of Education record or <u>reprimand or citation against</u> NWCCU or Sandra Elman for producing or using any false writing or document containing any materially false, fictitious or fraudulent statement or entry to a government agent related to the Department's federal investigation of the complaints by Randy Chapel and/or Carol Nye-Wilson.</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	107. The Department of Education email threads dated July 23, 2008 - July 29, 2008 between Chuck Mula of the AAEU and Sandra Elman of NWCCU regarding Mr. Mula's counsel to NWCCU about Randy Chapel and Randy's complaints about the content of his degree program from Western Seminary, and Ms. Elman's promise of a <i>penultimate draft</i> of her review letter to Mr. Mula.
<b>Response(s)</b>	<b>Producible Records.</b>

<b>Request(s)</b>	<p>108. Any record of <u>reprimand against</u> Western Seminary, or Steve Korch, or Lynn Ruark, or Gary Tuck, or Bert Downs, or Randal Roberts, or Rob Wiggins for making materially false, fictitious or fraudulent statements or representations to one or more government agents during federal investigations of complaints by Randy Chapel and/or Carol Nye-Wilson.</p> <p>109. Any record of <u>reprimand against</u> Western Seminary, or Steve Korch, or Lynn Ruark, or Gary Tuck, or Bert Downs, or Randal Roberts, or Rob Wiggins for falsifying, concealing, or covering up by trick or scheme a material fact to one or more government agents during federal investigations of complaints by Randy Chapel and/or Carol Nye-Wilson.</p> <p>110. Any record of <u>reprimand against</u> Western Seminary, or Steve Korch, or Lynn Ruark, or Gary Tuck, or Bert Downs, or Randal Roberts, or Rob Wiggins for producing or using any false writing or document containing any materially false, fictitious or fraudulent statement or entry to one or more government agents during federal investigations of complaints by Randy Chapel and/or Carol Nye-Wilson.</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	<p>111. In light of <b>Executive Order 12549</b>, a record <u>debaring or suspending</u> one or more of the following people or entities noted below (a-l) from programs and activities involving Federal financial and non-financial assistance and benefits.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">a. Steve Korch</td> <td style="width: 33%;">e. Rob Wiggins</td> <td style="width: 33%;">i. Jeremiah McCarthy</td> </tr> <tr> <td>b. Lynn Ruark</td> <td>f. Bert Downs</td> <td>j. Daniel Aleshire</td> </tr> <tr> <td>c. Gary Tuck</td> <td>g. Western Seminar</td> <td>k. NWCCU</td> </tr> <tr> <td>d. Randal Roberts</td> <td>h. ATS</td> <td>l. Sandra Elman</td> </tr> </table> <p>112. In light of <b>Executive Order 12549</b>, a record <u>debaring or suspending</u> one or more of the following people or entities noted below (a-l) from programs and activities involving Federal financial and non-financial assistance and benefits.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">a. Steve Korch</td> <td style="width: 33%;">e. Rob Wiggins</td> <td style="width: 33%;">i. Jeremiah McCarthy</td> </tr> <tr> <td>b. Lynn Ruark</td> <td>f. Bert Downs</td> <td>j. Daniel Aleshire</td> </tr> <tr> <td>c. Gary Tuck</td> <td>g. Western Seminar</td> <td>k. NWCCU</td> </tr> </table>	a. Steve Korch	e. Rob Wiggins	i. Jeremiah McCarthy	b. Lynn Ruark	f. Bert Downs	j. Daniel Aleshire	c. Gary Tuck	g. Western Seminar	k. NWCCU	d. Randal Roberts	h. ATS	l. Sandra Elman	a. Steve Korch	e. Rob Wiggins	i. Jeremiah McCarthy	b. Lynn Ruark	f. Bert Downs	j. Daniel Aleshire	c. Gary Tuck	g. Western Seminar	k. NWCCU
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	<p>d. Randal Roberts                      h. ATS                      l. Sandra Elman</p> <p>113. Any record dated since April 2006 concerning any civil settlement agreement or a deferred prosecution agreement or a non-prosecution agreement involving any one or more of the following people or entities noted below (a-l):</p> <p>a. Steve Korch                      e. Rob Wiggins                      i. Jeremiah McCarthy  b. Lynn Ruark                      f. Bert Downs                      j. Daniel Aleshire  c. Gary Tuck                      g. Western Seminar                      k. NWCCU  d. Randal Roberts                      h. ATS                      l. Sandra Elman</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	<p>114. Any U.S. Department of Education record showing administrative actions to reconsider the Department of Education's actions taken in 2005, and 2007-2008 related to Western Seminary, ATS, and/or NWCCU regarding complaints by Randy Chapel and/or Carol Nye-Wilson.</p> <p>115. Any record of U.S. Department of Education administrative action to withdraw its actions taken in 2005 and 2007-2008 related to Western Seminary, ATS, and/or NWCCU regarding complaints by Randy Chapel and/or Carol Nye-Wilson.</p> <p>116. Any record by the U.S. Department of Education notifying Randy Chapel or Carol Nye-Wilson regarding administrative action to reconsider its previous conclusions in 2005 and 2007-2008 related to Western Seminary, ATS, and/or NWCCU regarding complaints by Randy Chapel and/or Carol Nye-Wilson.</p> <p>117. Any record by the U.S. Department of Education notifying Randy Chapel or Carol Nye-Wilson regarding administrative action to withdraw its previous conclusions in 2005 and 2007-2008 related to Western Seminary, ATS, and/or NWCCU regarding complaints by Randy Chapel and/or Carol Nye-Wilson.</p> <p>118. Any record of determination by the U.S. Department of Education that Western Seminary is involved in fraud against the government.</p> <p>119. Any record of determination by the U.S. Department of Education that ATS is involved in fraud against the government.</p> <p>120. Any record of determination by the U.S. Department of Education that NWCCU is involved in fraud against the government.</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	<p>121. Any record since January 1, 2009 expressing directly or indirectly that the U.S. Department of Education has instituted administrative actions against any of the following people or entities noted below (a-l):</p> <p>a. Steve Korch                      e. Rob Wiggins                      i. Jeremiah McCarthy  b. Lynn Ruark                      f. Bert Downs                      j. Daniel Aleshire  c. Gary Tuck                      g. Western Seminar                      k. NWCCU  d. Randal Roberts                      h. ATS                      l. Sandra Elman</p>
<b>Response(s)</b>	<b>No records.</b> The Department is highly connected with the corruption and thus, has a vested interest in the cover up. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

<b>Request(s)</b>	122. Any record that Nancy C. Regan is in charge of setting policy for the U.S. Department of
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	<p>Education.</p> <p>123. Any record that Nancy C. Regan’s position at the Department of Education allows her to modify any part of the Higher Education Act of 1965 or 20 US Code § 1099b (as amended).</p> <p>124. Any record that Chuck Mula is in charge of setting policy for the U.S. Department of Education.</p> <p>125. Any record that Chuck Mula’s position at the Department of Education allows him to modify any part of Higher Education Act of 1965 or 20 US Code § 1099b (as amended).</p>
<b>Response(s)</b>	<b>No records.</b> The question is actually who is in charge? Low-level employees or Senate confirmed employees? If Spellings, Talbert, Jones, and Oldham, then they made this political in 2008, while the Department has spent the better part of 9 years covering up their mess.

<b>Request(s)</b>	126. The record of the January 12, 2011 communication from Randy Chapel to Kay Gilcher, and cc’ed to Arne Duncan and Charles Rose.
<b>Response(s)</b>	<b>Producible Records.</b>

<b>Request(s)</b>	<p>127. Any record that the Inspector General or the Office of the Inspector General took enforcement action against ATS, or NWCCU, or Western Seminary since 2005.</p> <p>128. Any record that the Inspector General or the Office of the Inspector General investigated any part of the issues of Title IV fraud regarding ATS, or NWCCU, or Western Seminary since 2005.</p>
<b>Response(s)</b>	<b>No records.</b> It is believed there is no evidence that the Inspector General took enforcement action against or investigated ATS, NWCCU or Western, in spite of the fact that Kathleen Tighe has known about this case for years.

<b>Request(s)</b>	<p>129. Any record that the Inspector General or the Office of the Inspector General considers fraud against the government is acceptable.</p> <p>130. Any record that the Inspector General or the Office of the Inspector General considers fraud against the government acceptable criteria for theological master degree program education/ instruction.</p>
<b>Response(s)</b>	<b>No records.</b> The Inspector General is concerned with fraud, waste and the integrity of the Department’s programs. However, at the heart of this case is a scheme involving fraud against the government involving Title IV funds.

<b>Request(s)</b>	<p>131. Any record of request by the U.S. Department of Education (or any Department of Education personnel) to the U.S. Department of Justice or the FBI to investigate attorneys or law offices associated with Western Seminary, ATS, or NWCCU regarding conduct violating the California Rules of Professional Conduct. Possible attorneys includes and is not limited to:</p> <table border="0"> <tr> <td>a. Andrew Adler</td> <td>e. Thomas Hadley</td> <td>i. Anthony Zand</td> </tr> <tr> <td>b. Ellen Hung</td> <td>f. Anthony Lauria</td> <td>j. Sam Phillips</td> </tr> <tr> <td>c. Linda McPharlin</td> <td>g. David Trent</td> <td>k. Tom Johnson</td> </tr> <tr> <td>d. Jonathan Radmacher</td> <td>h. Mark Shem</td> <td>l. Michael Madden</td> </tr> </table>	a. Andrew Adler	e. Thomas Hadley	i. Anthony Zand	b. Ellen Hung	f. Anthony Lauria	j. Sam Phillips	c. Linda McPharlin	g. David Trent	k. Tom Johnson	d. Jonathan Radmacher	h. Mark Shem	l. Michael Madden
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d. Jonathan Radmacher	h. Mark Shem	l. Michael Madden											
<b>Response(s)</b>	<p><b>Likely no records.</b> The government doesn’t care if schools and accreditors used attorneys as weapons against students and families.</p> <p>Unlike other states, CA adopted a set of professional conduct rules that extend beyond the ABA professional rules. These rules are overseen by the CA Supreme Court. Several of these rules are important to this case:</p> <ul style="list-style-type: none"> <li>• 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.”</li> </ul>												

	<ul style="list-style-type: none"> <li>• 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></li> <li>• 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.” In the case of Rule 3-210, it 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 <i>People v. Meredith</i> (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 <i>People v. Pic'l</i> (1982) 31 Cal.3d 731 [183 Cal.Rptr. 685].)</li> </ul> <p><b>Rule 5-100 prohibits “A member shall not threaten to present criminal, administrative, or disciplinary charges to obtain an advantage in a civil dispute.”</b></p> <p>In this case, Western, ATS and NWCCU used attorneys to conduct their fraudulent operations not only against two civil cases, but also the government. Western Seminary used the services of Andrew Adler, Ellen Hung and Linda McPharlin in California to create the March 14, 2006 settlement agreement. Subsequently, Western used Linda McPharlin, Thomas Hadley, Anthony Lauria, David Trent, Mark Shem, Anthony Zand and Sam Phillips to defend it. ATS used Tom Johnson, while NWCCU used Michael Madden. Western used at all times Jonathan Radmacher.</p> <p>In 2005, Andrew Alder threaten Randy Chapel at a deposition, that if he return to the school, that he would be treated as criminal trespassing. This is because Randy Chapel exposed that Rob Wiggins lied under oath and produced records that were known at the time to not exist. Such action is against the law and is a felony (CA Penal Code 132).</p> <p>In all cases, attorneys were used to help the various parties to suppress evidence harmful to their clients, while promoting known fraud.</p> <p>Finally, the various parties acted to injury Randy and his family to a point of irreparable damage by using attorneys as weapons.</p>
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<b>Request(s)</b>	<p>132. Any record that the U.S. Department of Education has requested the U.S. Department of Justice to perform a pattern or practice investigation concerning Western Seminary.</p> <p>133. Any record that the U.S. Department of Education has requested any materials from Ken Ford, Dale Wilson, M. James Sawyer, Ken Ford, Carol Ford, Randy Chapel, or Carol Nye-Wilson since 2009.</p> <p>134. Any record that the U.S. Department of Education has a copy of, in which the U.S. Department of Justice requested, any materials from Ken Ford, Dale Wilson, M. James Sawyer, Ken Ford, Carol Ford, Randy Chapel, or Carol Nye-Wilson since 2009 regarding any investigations.</p>
<b>Response(s)</b>	<b>No records.</b> We are unaware of any communication, including communications requesting materials, and through our various sources. Never the less, there might be, but highly unlikely.

<b>Request(s)</b>	135. Any record since October 2005, demonstrating the U.S. Department of Education took enforcement action against Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
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136. Any record since January 2006, demonstrating the U.S. Department of Education took enforcement action against Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
137. Any record since January 2007, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
138. Any record since January 2008, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
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142. Any record since January 2012, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
143. Any record since January 2013, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
144. Any record since January 2014, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
145. Any record since September 2015, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
146. Any record since October 2015, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family members.
147. Any record since November 2015, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye-Wilson and their family member.
148. Any record since February 2016, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye Wilson and their family members.
149. Any record since February 2017, demonstrating the U.S. Department of Education took enforcement action against ATS, NWCCU, and/or Western Seminary to limit real or perceived damage to Randy Chapel and/or Carol Nye Wilson and their family members.

<b>Response(s)</b>	<b>No records.</b> If a record(s) exist, which is unlikely, then the history of the case would have been altered than the current situation at present.
<b>Request(s)</b>	<p>150. Any record referencing Susan Allister or Susan Chapel created by an employee of the U.S. Department of Education</p> <p>151. Any record referencing Susan Allister or Susan Chapel created by an employee of the U.S. Department of Education in an attempt to explain the nature of the case.</p> <p>152. Any record referencing Susan Allister or Susan Chapel created by an employee of the U.S. Department of Education in an attempt to limit further real or perceived damage.</p> <p>153. Any record not requested that the U.S. Department of Education wants to provide.</p> <p>154. Any record not requested that the U.S. Department of Education wants to provide in an attempt to limit further real or perceived damage.</p> <p>155. Any record not requested that the U.S. Department of Education wants to provide in defuse the situation.</p>
<b>Response(s)</b>	<b>Possible records.</b> There may be records that fall into these categories and there might not be. With regard to Susan Allister or Susan Chapel (same person), the Department was in the unique position to provide Susan with information; she may or may not have known, which may or may not have altered than the current situation at present. The Department considers Randy, Susan, Joel, Dale and myself as acceptable collateral damage.

Sincerely,

Carol Nye-Wilson

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